

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION



ANNUAL REPORT 2015

BOARD MEMBERS - COMMISSIONERS

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Mayoral Appointee



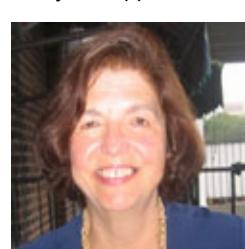
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Executive Director



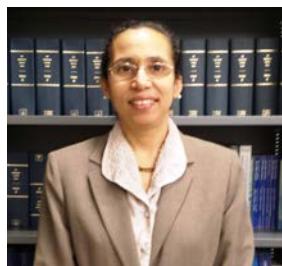
Executive Director
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The year 2015 was marked by unprecedented development. The EEPC conducted employment practices audits and augmented its compliance-monitoring procedures for agencies with issue indicators such as underutilization or adverse impact. With the possibility of completing our quadrennial audit mandate with six remaining agencies, other crucial mandates were addressed.

The newly established research unit examined recruiting, hiring, and promoting practices by analyzing pertinent corrective actions issued since the EEPC's inception. In addition, opinion polls were administered to ascertain the experiences and professional insight of agencies' Principal EEO and HR Professionals. The EEPC also planned and hosted its first Conference/Hearing in 8 years, entitled, *Commitment to Achieving Diversity in Today's Public Sector*, which was attended by the City's EEO and HR Professionals. The results of the aforementioned initiatives culminated with a comprehensive report, which is included herein.

On behalf of the members of this Commission, I thank the EEPC staff for their hard work which made these accomplishments possible, and the city agencies that continue to extend their cooperation and participation to this Commission.

Other Executive Staff



Judith Garcia Quiñonez, Esq.
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Marie E. Giraud, Esq.
Director of Compliance / Agency Attorney

Executive Summary

The Equal Employment Practices Commission (EEPC) achieved unprecedented accomplishments in 2015. This included analysis of agencies' employment/EEO compliance risks; longitudinal research on historical audits for recurrence and frequency of findings; polling the City's EEO and Human Resource Professionals; holding a Conference/Hearing for Citywide EEO and HR Professionals; completing the implementation of audit management software and automation of relevant supporting processes; and a full transition from paper to electronic filing systems. Through these efforts the EEPC has developed a robust, progressive, and sustainable foundation to fulfill its Charter-mandated responsibilities.

Research Initiatives

The newly established Research Unit endeavored to fulfill the EEPC's Charter mandate to conduct studies and/or investigations; preside at hearings; and establish appropriate advisory committees for the purpose of ascertaining facts or determining whether agencies comply with equal employment opportunity laws, policies and regulations.

The Research Unit conducted a longitudinal examination of the EEPC's audit determinations from 1997 to 2015 to discern trends. Specifically, the frequency of corrective actions prescribed to agencies in the areas of recruiting, hiring, and promoting was evaluated. In furtherance of this evaluation, the Research Unit established a communication and outreach initiative which included circulating electronic opinion polls to 78 Principal Equal Employment Opportunity (EEO) Professionals and 76 Principal Human Resources (HR) Professionals Citywide. The purpose of the poll was to glean professional insight and expound upon the limitations, if any, in implementing EEO practices, policies and procedures in the City. These projects provided a foundation for a Conference/Hearing to explore proactive measures for achieving diversity in the public sector.

Conference/Hearing: *Commitment to Achieving Diversity in the Public Sector*

In May 2015, the Commission held its first Conference/Hearing in eight (8) years entitled, *Commitment to Achieving Diversity in the Public Sector*, which provided municipal EEO and HR professionals with a compendium on the opportunities and challenges affecting recruitment, hiring and promotion in City government. The Conference featured presentations from legal, academic and municipal government professionals and included discussions on the *Annual Costs of Employment Litigation against the City of New York*, *Identifying and Eliminating Potential Equal Employment Opportunity Barriers*, and *Improving Diversity in the City's Workforce*.

Pursuant to the Commission's mandate to monitor the coordination and implementation of any City affirmative employment program, the EEPC requested testimony from the New York City Civil Service Commission (NYCCSC) and the Department of Citywide Administrative Services (DCAS). NYCSC did not attend, but provided a written response, which was read and entered into the official record. Deputy Commissioner/Citywide Chief Diversity and EEO Officer R. Fenimore Fisher and Deputy Commissioner of Human Capital Dawn Pinnock presented testimony regarding DCAS' current efforts, initiatives and priorities to advance diversity in recruiting, hiring, training and promoting municipal employees. *Commitment to Achieving Diversity in Today's Public Sector* -- appended to this 2015 Annual Report -- is a comprehensive report on the aforementioned poll results, the Conference/Hearing, the longitudinal study of audit determinations in fulfillment of the EEPC's mandate to report on the effectiveness of each city agency's affirmative employment efforts and the efforts by the DCAS to ensure equal employment opportunities in municipal government.

Legal

Pursuant to the City Charter, the Commission assigns a monitoring period of up to six-months to ensure implementation of prescribed corrective actions. The EEPC continued to expand its Legal Unit, by filling the position of *Director of Compliance Monitoring/Agency Attorney*, to ensure that uniform audit and evaluation

standards/protocols for evaluating agencies remain legally sound and predicated on current regulations and policies designed to increase equal opportunity for municipal employees and applicants. This role builds upon the Commission's mandate to advise and assist city agencies on prominent EEO issues and maintain employment policies, practices and programs founded on city, state and federal laws, regulations and policies. Agencies are provided, and are required to submit, a monthly compliance-monitoring report which provides a legal outline for implementation of any corrective action prescribed.

Automating Audit Processes and Procedures

At the conclusion of 2015, the full implementation of TeamMate – an Audit Management Software intended to automate the administrative portions of the audit processes such as scheduling, and tracking resources and progress across multiple audit projects – was completed. A portion of the year was used to adapt the software to protocols; facilitate audit management by transitioning manual administrative procedures to electronic formats; and develop instructional user manuals to educate EEO Program Analysts and external agency liaisons to utilize the software throughout the audit and compliance-monitoring processes. The program will enable the Commission to evaluate agencies in a single comprehensive framework, streamline evaluations and reports for the Commission's Analysts and facilitate data collection from agencies during the compliance-monitoring period.

Success in Achieving Quadrennial Audit Mandate

Although the EEPC was positioned to achieve its quadrennial mandate by auditing only six remaining agencies, the EEPC initiated the review, evaluation and monitoring of the employment practices of thirty-eight (38) City agencies in total. The Employment Practices Audit (EPA) provides agencies with strategic direction on how to strengthen and comply with EEO laws involving recruitment, hire and promotion. This audit was enhanced to examine whether each agency:

- reviews and evaluates statistical workforce data and identifies job titles within job groups experiencing underutilization;
- conducts assessments of overall selection procedures to determine whether job qualifications/criteria are job-related and required by business necessity;
- ensures all personnel involved in hiring are provided structured interview training ; and
- develops and implements recruitment and/or selection plans to increase equal employment opportunities.

Adherence to the established standards enables agencies to determine whether their recruitment efforts or selection criteria impose barriers which may result in adverse impact. Twelve (12) *Preliminary Determinations*; and fourteen (14) *Final Determinations* were issued toward this end.

An enhancement of the former compliance-monitoring procedures requires that agencies develop prospective recruitment plans/policies for titles currently closed for recruitment, but experiencing underutilization. If an agency is not hiring during the monitoring period, an action plan that adheres to the EPA standards must be submitted to achieve a determination of compliance. The plan must be communicated to personnel involved in hiring and provide direction to enable management to coordinate recruitment, selection and promotion efforts when hiring resumes. Twenty (20) agencies participated in the new and intricate compliance-monitoring process – where they were monitored for up to six (6) months to ensure implementation of the corrective actions prescribed; nine (9) *Determinations of Compliance* were issued by December 2015. One agency avoided a compliance-monitoring period by immediately implementing the assigned corrective actions.

Section 831(d)(5) of the Charter, empowers the EEPC to audit and evaluate city agencies' employment practices, programs, policies and efforts to ensure fair and effective equal employment opportunities at least once every four years. As of 2015, the EEPC has met and exceeded the quadrennial audit mandate delineated in the Charter, while enhancing the quality and reliability of our audits. The EEPC achieved this success through a consistent plan to maximize resources, increase the headcount of employees and streamline the audit and compliance-monitoring process.

Mission Statement

The Equal Employment Practices Commission (EEPC or Commission) audits, evaluates, and monitors the City of New York's employment programs, practices, policies and procedures to ensure that individual agencies and the City as an employer maintain a firm and effective affirmative employment program of equal opportunity for minority group members and women employed by, or seeking employment with, City government. The EEPC advises and assists City agencies in their efforts to establish affirmative plans, measures, and programs to provide, and educate employees about, equal employment opportunities; implement and maintain effective employment practices which are non-discriminatory; and utilize discrimination complaint investigation procedures that conform to federal, state and local laws, regulations, policies and procedures.

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About the EEPC

Created by the 1989 amendment to the New York City Charter, the Equal Employment Practices Commission (EEPC or Commission) is the independent monitor of the City of New York's employment practices. The Commission audits, evaluates, and monitors the employment programs, practices, and procedures of city agencies to ensure that they maintain effective equal employment opportunity (EEO) programs for all who are employed by or seek employment with New York City government. City agencies which meet the following criteria are subject to the Commission's audit, evaluation and monitoring:

- ✚ the majority of the board members are appointed by the Mayor;
- ✚ the majority of the board members serve by virtue of being city officers; or
- ✚ the agency is funded, in whole or in part, by the City treasury.

New York City Charter Chapter 36 authorizes the EEPC to ensure compliance with its standards, the City's Human Rights Law, state and federal anti-discrimination laws, and affirmative employment programs established by the City in order to promote effective equal employment opportunity in City employment.

The EEPC has a duty to:

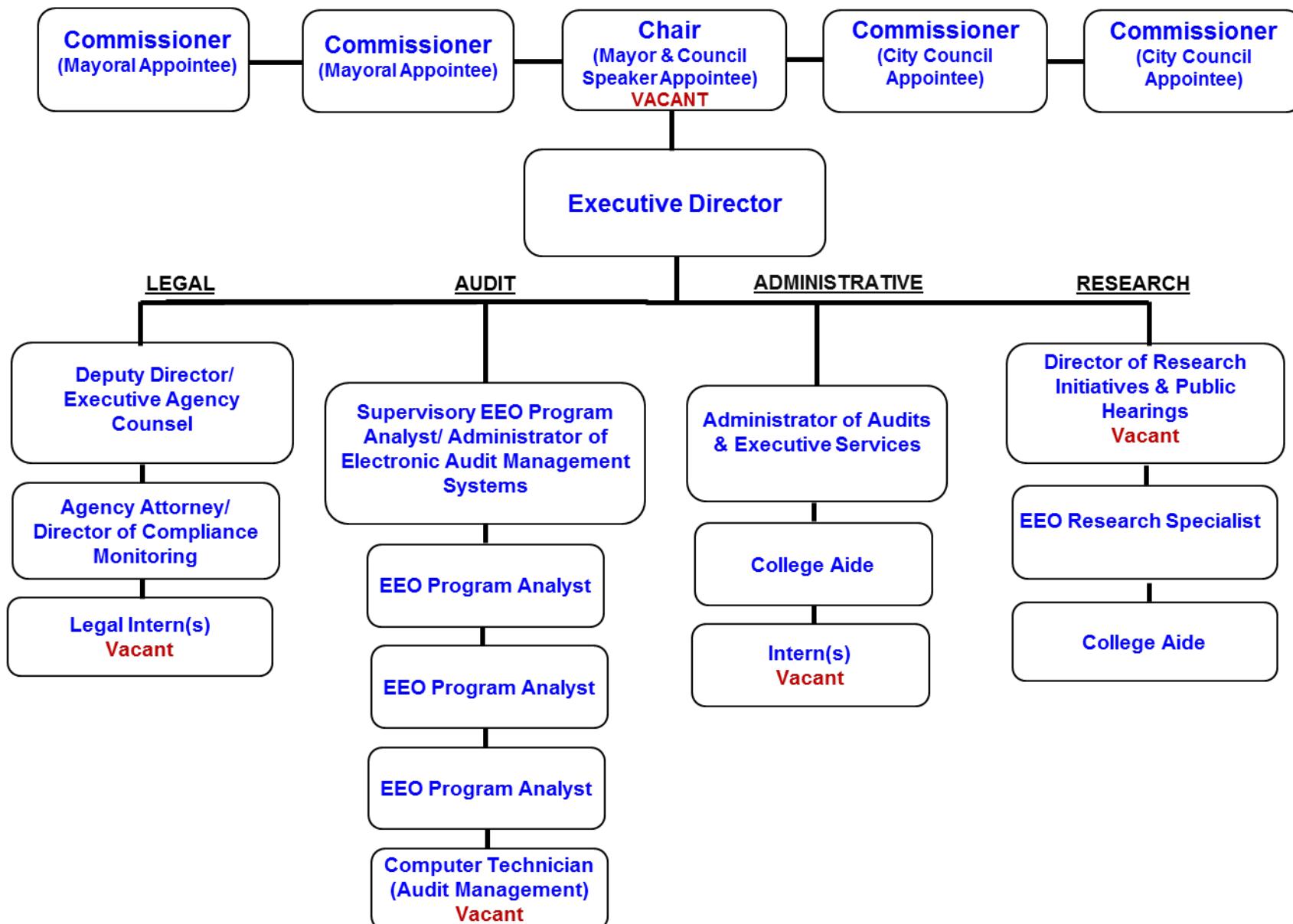
- ✚ review the standards, procedures, and programs established by the Department of Citywide Administrative Services to ensure a fair and effective affirmative employment plan of equal employment opportunity for city agencies;
- ✚ review the affirmative employment plan of each city agency and provide appropriate comments and suggestions;
- ✚ advise city agencies in their efforts to increase employment of minority group members and women who seek employment with city agencies;
- ✚ audit and evaluate the employment practices and procedures of each City

agency at least once every four years and whenever requested by the Civil Service Commission or City Human Rights Commission, and recommend procedures, standards, and programs to be utilized to ensure fair and effective programs of equal employment opportunity;

- ✚ establish a compliance procedure to monitor the implementation of all corrective actions;
- ✚ hold public and private hearings, compel the attendance of witnesses, and administer oaths for the purpose of ascertaining whether agencies are in compliance with equal employment opportunity requirements;
- ✚ establish advisory committees;
- ✚ serve as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by city agencies;
- ✚ publish a report to the Mayor and City Council on the effectiveness of each city agency's affirmative employment efforts and the efforts by the Department of Citywide Administrative Services to ensure equal employment opportunity; and
- ✚ make policy, legislative and budgetary recommendations to the Mayor, City Council, and Department of Citywide Administrative Services necessary to ensure equal employment opportunity for minority group members.

Although the EEPC is not authorized to investigate individual complaints of employment discrimination, this Commission believes that without properly structured, efficiently administered Equal Employment Opportunity Programs that comply with federal, state, and city equal employment opportunity requirements, the potential cost to the City for illegal employment discrimination will continue to be exorbitant. This Commission's audit and evaluation processes provide a mechanism to prevent errors in judgment or procedure from potentially becoming lawsuits.

EEPC Organizational Chart



EEPC Structure

The Commission

The Commission consists of 5 per diem members. The Mayor and the New York City Council appoint two members each. The fifth member – Chairperson of the Commission – is appointed jointly by the Mayor and the Speaker of the Council.

The Commission performs the following duties and responsibilities essential to the mandate:

- ✚ review and approve the annual audit plan;
- ✚ review the auditing standards used to ensure agencies' compliance with the City Charter, New York City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✚ review, approve, and adopt Resolutions pursuant to EEO Program Analysts' findings and issue Determination letters;
- ✚ review and approve agencies' implementation of corrective actions, adopt *Determinations of Compliance* or *Non-Compliance* at the end of the City Charter-mandated compliance-monitoring period, and issue relevant Resolutions;
- ✚ deliberate on issues and trends of employment practices pursuant to the audit and evaluation of agencies;
- ✚ publish an annual report to the Mayor and City Council on the activities of the Commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the Department of Citywide Administrative Services to ensure equal employment opportunity for employees and applicants for employment with city agencies;
- ✚ make budgetary, legislative and policy recommendations to improve the City's equal employment opportunity program;

- ✚ conduct public hearings on major EEO topics relevant to the City of New York; and

- ✚ when appropriate, compel the testimony of witnesses, and establish advisory committees.

Executive Director

The Executive Director performs the following duties and responsibilities essential to the mandate:

- ✚ develop the commission's annual audit plans;
- ✚ develop the Commission's audit, evaluation and monitoring standards to ensure agencies' compliance with the City Charter, New York City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✚ formulate audit, evaluation and monitoring protocols according to the Commission's decisions and in conformance with the aforementioned laws and policies;
- ✚ manage the audit and evaluation processes for agencies under the Commission's jurisdiction;
- ✚ advise the Commission in its deliberations, reports issues, and present audit Determinations/Resolutions;
- ✚ present audit findings to agency heads;
- ✚ develop public hearings on topics of interest to the Commission; and
- ✚ testify at relevant New York City Council hearings.

Legal Unit

The Legal Unit performs the following duties and responsibilities essential to the mandate:

- ✚ interpret legal issues relative to the administration of the responsibilities, duties and authority of the Commission;
- ✚ provide guidance to ensure audit and evaluation protocols are legally sound;

- conduct legal research and investigations relative to compliance within the legal framework of current federal, state and local EEO laws, regulations and judicial decisions;
- manage the City Charter-mandated compliance monitoring process by evaluating agencies' implementation of corrective actions; and
- inform the Commission whether agencies have taken appropriate and effective corrective actions to remedy non-compliance, and if not, whether further action is warranted under the City Charter.

Research Unit

The Research Unit performs the following duties and responsibilities essential to the mandate:

- conduct longitudinal research projects to develop policy recommendations to the Mayor, City Council, and Department of Citywide Administrative Services for ensuring equal employment opportunities;
- conduct trend analysis on audit data/information and research employment/EEO compliance risks within and among city agencies;
- analyze recruitment and selection systems, availability, adverse impact and underutilization;
- establish advisory committees on pertinent employment/EEO issues for the purpose of ascertaining facts or determining whether agencies comply;
- collaborate with organizations, institutions and governmental agencies to promote research initiatives and recruit interns;
- develop relevant data collection tools and databases for the EEPC's use; and
- propose prominent topics for public hearings.

Audit Unit

The Audit Unit performs the following duties and responsibilities essential to the mandate:

- conduct comprehensive and issue-specific analyses, audits, and evaluations of agencies' employment and EEO programs at least once every 4 years;
- administer surveys, and conduct interviews with EEO personnel and others involved in employment and EEO program administration;
- analyze information and prepare audit Determinations – which include findings and prescribe corrective action – to bring agencies into compliance with city, state, and federal EEO laws, regulations, procedures and policies; and
- serve as a resource to the Executive Director and Commission for audit findings and conclusions.

Commission Meetings

The New York City Charter requires that the Commission meet at least once every eight weeks. Consequently, the Commission meets eight to ten times a year. Pursuant to the State Open Meetings Law, meetings are open to the public. Three Commissioners constitute a quorum for a meeting. Notices of the Commission's meetings are published in the City Record at least five days prior. Pursuant to Local Law 103 of 2013, Commission meetings are recorded and made available to the public online.

During meetings, the Commission adopts and approves audit-related Resolutions, which delineate corrective actions, and compliance-related Resolutions, which confirm agencies' implementation of such actions.

The Commission deliberates on whether issues and trends revealed through agency audits are appropriate for further investigation, for public hearings or -- consistent with its role as monitor of the City's employment practices -- for recommendation to improve the City's equal employment opportunity policy or program.

Authority

The EEPC audits, evaluates and monitors the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment.

Chapter 36, Section 831(a) of the City Charter defines city agency as any “city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury.”

These include, but are not limited to, the offices of elected officials such as the Mayor, New York City Council, Borough Presidents, Comptroller, District Attorneys, Public Advocate; non-pedagogical employees of the Department of Education and the community colleges of the City University of New York; the Financial Services Corporation; the New York City Housing Authority; and the Retirement Systems.

For a comprehensive understanding of our mandate, Chapter 36 of the City Charter is provided in its entirety as an Appendix.

New York City Corporation Counsel's Opinion 11-90

The New York City Corporation Counsel issued Opinion No. 11-90 concerning whether provisions of the 1989 amendment to the City Charter – regarding conflicts of interest, administrative rule-making procedures, procurement, the budget process, equal employment and economic opportunity requirements, and audit by the Comptroller – may be applied to entities established by or pursuant to State law to perform a local

governmental function or serve a governmental purpose in New York City.

The parameters of this Commission's jurisdiction are clarified by Opinion No. 11-90, which states that the EEO provisions of Chapter 36 are a central component of the City's personnel administration. The Opinion further cites the record of the 1989 Charter Revision Commission which expressed its intention to incorporate as broad a definition of “agency” as legally possible in order “to widen the effect of the City's anti-discrimination policies [...]” (1990 NYC Corp. Counsel LEXIS 11, December 20, 1990).

Opinion 11-90 discusses the EEPC's jurisdiction with respect to the following entities:

New York City Housing Authority (NYCHA)

The New York City Housing Authority is a public benefit corporation established pursuant to New York State Public Housing Law. NYCHA is required by law to conform to the personnel standards of the City of New York with regard to employment classifications, salaries, hours of work, and terms and conditions of employment. In fact, NYCHA hires employees from the same civil service lists as are used by City agencies. Based on these requirements, Opinion 11-90 concluded that the provisions of Chapter 36, apply to NYCHA.

Department of Education (DOE): Non-Pedagogues and Pedagogues

Opinion 11-90 recognized the clear distinction between non-pedagogical and pedagogical personnel in function and in employment as established in New York State Education Law. The hiring and promotion of the DOE's non-pedagogues is subject to City Charter Chapter 36 because the DOE is an entity funded in part from the City treasury, and because non-pedagogical employees are in the classified service within the jurisdiction of the City Civil Service Commission.

The Department of Education's pedagogical employees are hired and promoted pursuant to standards and tests prepared and

administered by the Chancellor and State Board Examiners. Therefore, employment practices regarding teachers and teaching supervisors are not subject to local authority, such as compliance with Chapter 36 of the City Charter.

Housing Development Corporation (HDC)

The New York City Housing Development Corporation is a public benefit corporation that is headed by two mayoral and two gubernatorial appointees. HDC is not paid from the City treasury and its employees are not city employees. However, Opinion 11-90 concluded that because HDC follows many of the same personnel standards as city agencies, Chapter 36 could be applied consistently. In recognition of the importance of promoting equal employment opportunity practices, the HDC consents to the EEPC's audit and evaluation of its EEO Program and consistently adopts and implements prescribed corrective actions, if any.

New York City Economic Development Corporation (EDC)

The New York City Economic Development Corporation is a public benefit corporation similar to the HDC, leading to the same conclusion. In recognition of the importance of promoting equal employment opportunity practices, the EDC also consents to the EEPC's audit and evaluation of its EEO Program and consistently adopts and implements prescribed corrective actions, if any.

New York City Health and Hospitals Corporation

The New York City Health and Hospitals Corporation (HHC) is a public benefit corporation that operates the citywide health and medical services system. The City Charter states the HHC is within the EEPC's jurisdiction; however, because the HHC has autonomy in its personnel administration, its employment practices are not subject to operational review by the EEPC.

Board of Elections (BOE)

Opinion 11-90 determined that although the Board of Elections is paid entirely by the City and its employees are City employees, because the New York State Constitution requires that all local boards of elections have equal representation of both major political parties, its employment practices are not subject to the EEPC's review.

School Construction Authority (SCA)

The School Construction Authority was created and is governed by the New York State Public Authorities Law (PAL). The PAL specifically grants the SCA autonomy in personnel matters, including the autonomy to establish its own job titles and civil service lists. With respect to equal employment practices, the PAL states explicitly "no other agency shall have jurisdiction over the compliance by the Authority with the requirements of any [EEO] program."

New York City Water Board (WB) and Water Finance Authority (WFA)

The New York City Water Board (WB) and Water Finance Authority (WFA) were established by the PAL for financing expansion of the City's water supply and sewage systems. The seven members of the WB are appointed by the Mayor. All of WB's employees are employees of the New York City Department of Environmental Protection (DEP), with rights and responsibilities under its EEO Program; therefore, the EEPC does not conduct a separate audit and evaluation of the WB's employment practices.

A majority of the WFA's members are City officers or Mayoral appointees. The statute governing the WFA provides that WFA employees are neither city nor state employees during their employment, and that the qualifications, duties and compensation of the WFA employees are subject to the state civil service law and the rules of the Civil Service Commission. Therefore, WFA's employment practices are not subject to the EEPC's audit and evaluation.

EEO-Related Responsibilities Assigned by the City Charter

The New York City Charter ascribes EEO-related responsibilities to the head of each City agency. In addition, the Department of Citywide Administrative Services has specific responsibilities that play a role in the EEPC's audits.

Chapter 35 §812(a) states that the personnel policies and practices of the city government, in furtherance of the City Charter, the civil service law and rules and other applicable law, shall: (1) preserve and promote merit and fitness in city employment, (2) ensure that appointments and promotions in city service are made, and that wages are set, without regard to political affiliation, and without unlawful discrimination based on sex, race, color, religion, religious observance, national origin, disability, age, marital status, citizenship status or sexual orientation; and promote and support the efficient and effective delivery of services to the public.

City Charter Chapter 35 §814 assigns the following responsibilities to the Commissioner of the Department of Citywide Administrative Services (DCAS):

- establish and enforce uniform procedures and standards to be utilized by city agencies, such as the Citywide EEO Policy, for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies;
- set the procedures for each agency to develop its Annual EEO plan; and
- review and provide comments and suggestions on each agency's draft EEO plan.

The DCAS Commissioner also has an annual responsibility to submit a report to the EEPC on:

- DCAS' activities to ensure equal employment opportunity for City

employees and those who seek employment with city agencies;

- an analysis of the city government workforce and applicants for such employment by agency;
- an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices; and
- legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities.

In addition, the DCAS Commissioner has a quarterly responsibility to submit a report to the Mayor, New York City Council, Civil Service Commission and EEPC on the:

- number of provisional employees specified by agency and by title;
- length of time such employees have served in their provisional positions; and
- actions taken by the city to reduce the number of employees serving in provisional positions.

City Chapter 35 §815 assigns the following powers and duties concerning personnel management to Agency Heads:

- ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- provide assistance to minority group members and women employed, or interested in being employed, by city agencies;
- ensure that minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs; and
- ensure that their agencies do not discriminate against employees or applicants for employment as prohibited by federal, state and local law.

Toward those goals, Chapter 35 §815(h) requires the head of each city agency to:

- establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency;
- adopt and implement an annual plan in accordance with the uniform procedures and standards established by DCAS;
- present a draft Annual EEO Plan for review by DCAS and the EEPC;
- file copies of the Annual EEO Plan with the Mayor, New York City Council, Civil Service Commission, DCAS and the EEPC; and
- submit quarterly reports on their agencies' efforts during the previous quarter to implement the Annual EEO Plan to the Mayor, New York City Council, DCAS, and the EEPC.

The EEPC meticulously considers the responsibilities the City Charter assigns to city agencies, the heads of agencies and the DCAS Commissioner, when developing its audit, evaluation and monitoring protocols. The aforementioned duties also play a vital role in any policy, legislative and budgetary recommendation the EEPC may make to the Mayor, City Council, and Department of Citywide Administrative Services regarding equal employment opportunities for women and minority group members.

Jurisdiction

- Actuary, Office of the
- Administrative Tax Appeals, Office of
- Administrative Trials & Hearings, Office of
- Aging, Dept. for the
- Borough President's Office, Bronx
- Borough President's Office, Brooklyn
- Borough President's Office, Manhattan
- Borough President's Office, Queens
- Borough President's Office, Staten Island
- Buildings, Dept. of
- Business Integrity Commission
- Campaign Finance Board
- Children's Services, Administration for
- City Clerk/Clerk of the Council
- City Commission on Human Rights
- City Comptroller, Office of
- City Council, New York
- City Planning, Dept. of
- Citywide Administrative Services, Dept. of
- Civil Service Commission
- Civilian Complaint Review Board
- Collective Bargaining, Office of
- Community Boards - Bronx (Nos. 1-12)
- Community Boards - Brooklyn (Nos. 1-18)
- Community Boards - Manhattan (Nos. 1-12)
- Community Boards - Queens (Nos. 1-14)
- Community Boards - Staten Island (Nos. 1-3)
- Community College, Borough of Manhattan
- Community College, Bronx
- Community College, Eugenio Maria De Hostos
- Community College, Fiorello H. LaGuardia
- Community College, Kingsborough
- Community College, Queensborough
- Conflicts of Interest Board
- Consumer Affairs, Dept. of
- Correction, Board of
- Correction, Dept. of
- Cultural Affairs, Dept. of
- Design & Construction, Dept. of
- District Attorney - Bronx County Office
- District Attorney - Kings County Office
- District Attorney - New York County Office
- District Attorney - Queens County Office
- District Attorney - Richmond County Office
- Economic Development Corporation, New York City (by consent)
- Education, Dept. of
- Education Retirement System, Board of
- Emergency Management, Office of
- Employees' Retirement System, New York City
- Environmental Protection, Dept. of
- Finance, Dept. of
- Financial Information Services Agency
- Fire Department, New York
- Health & Mental Hygiene, Dept. of
- Homeless Services, Dept. of
- Housing Authority, New York City
- Housing Development Corporation (by consent)
- Housing Preservation & Development, Dept. of
- Human Resources Administration
- Independent Budget Office
- Information Technology & Telecomm., Dept. of
- Investigation, Dept. of
- Labor Relations, Office of
- Landmarks Preservation Commission
- Law Department, New York
- Management & Budget, Office of
- Mayor, Office of the
- Parks & Recreation, Dept. of
- Payroll Administration, Office of
- Police Department, New York
- Police Pension Fund, New York City
- Probation, Dept. of
- Public Administrator - Bronx County Office
- Public Administrator - Kings County Office
- Public Administrator - New York County Office
- Public Administrator - Queens County Office
- Public Administrator - Richmond County Office
- Public Advocate, Office of the
- Records & Information Services, Dept. of
- Sanitation, Dept. of
- Small Business Services, Dept. of
- Special Narcotics Prosecutor, Office of
- Standards & Appeals, Board of
- Taxi & Limousine Commission
- Teachers' Retirement System
- Transportation, Dept. of
- Youth & Community Development, Dept. of

Audits

The purpose of an EEPC audit is to analyze and evaluate an agency's employment practices and EEO Program to ensure that they fulfill the EEO-related responsibilities assigned by the New York City Charter. The EEPC is not authorized to investigate individual complaints of employment discrimination and does not issue findings of discrimination pursuant to the New York City Human Rights Law. Rather the EEPC examines an agency's efforts to establish and maintain:

- ✚ affirmative plans, measures, and programs to provide equal opportunities for minority group members and women,
- ✚ a firm policy against discriminatory employment practices,
- ✚ a meaningful and responsive procedure for investigating discrimination complaints, and
- ✚ a program to educate employees about unlawful discriminatory practices.

This Commission has established uniform standards to audit, evaluate, and monitor agencies' EEO programs and policies for compliance with local, state and federal laws, regulations, policies and procedures which are designed to increase equal opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law, §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective

actions are consistent with the aforementioned parameters.

Subject Areas

A typical EEPC audit examines the following aspects of an agency's EEO program: Discrimination Complaint and Legal Activities; Issuance, Distribution and Posting of EEO Policies; EEO Training; Discrimination and Sexual Harassment Complaint and Investigation Procedures; Selection and Recruitment Systems (including Career Counseling, if applicable); EEO and Reasonable Accommodations Procedures for Employees and Applicants for Employment with Disabilities; Responsibility for EEO Plan Implementation (EEO Professionals, Supervisors, and Managers); and EEO-related Reporting Standards for Agency Heads.

Methodology

This Commission's audit and evaluation methodology includes the collection and analysis of documents, records and data that an agency provides in response to the EEPC Document and Information Request Form (which identifies the audit period); review of Annual EEO Plans and Quarterly EEO Reports; analysis of utilization data from the Citywide Equal Employment Database System (CEEDS); review of responses to interview questionnaires for EEO personnel and others involved in EEO program administration; and analysis of responses to the EEPC Employee Survey and the EEPC Supervisor/Manager Survey.

Employee and Supervisor/Manager Surveys

To encourage a robust response, the EEPC requests that the head of an agency send emails -- which contain links to our surveys -- to employees and to supervisors/managers. Both groups are given a 2- to 3-week window to complete their surveys. A minimum response rate of 20% is desired. Survey results are used to support audit findings and are attached to each audit as an appendix.

Interview Questionnaires

Personnel, including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, Section 55-a Program Coordinators, and others involved in employment and EEO program administration such as the Agency Counsel and Human Resources/Personnel Directors, are given two weeks to complete individual interview questionnaires regarding their role in their agency's employment practices and programs. EEO Program Analysts also conduct follow-up discussions or interviews with EEO personnel, when appropriate.

Citywide Equal Employment Database System (CEEDS) Reports

The Commission's EEO Program Analysts review data from the Citywide Equal Employment Database System (CEEDS) to understand the concentrations of race/gender groups within an agency's workforce, and imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that these agencies submit similar statistics and analyses.) Personnel transactions are also reviewed in order to ascertain an agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

Discrimination Complaints

The Commission's EEO Program Analysts review the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established effective and responsive procedures for investigating discrimination complaints. Analysts examine the number and types of complaints the agency has received; the

availability of personnel for complaint intake and investigation; the complaint tracking and monitoring system; documentation of investigations conducted; communications between the agency and parties to a complaint; and the roles and responsibilities of the EEO personnel, Agency Counsel and agency head in the complaint investigation process.

After a review and analysis of documents, records and data, the Commission issues its Preliminary and Final Determination Letters which delineate audit findings and corrective actions an agency should take to achieve compliance with city, state, federal EEO laws, regulations, policies and procedures.

Preliminary / Final Determination

If the EEPC makes a preliminary Determination that an agency (or DCAS) has adopted or utilized a plan, program, procedure, approach, measure or standard that does not provide equal employment opportunity; and/or an agency has not provided equal employment opportunity, the Commission notifies the agency in writing of its findings, prescribes appropriate corrective action, and provides an opportunity for the agency to respond.

The Commission then considers the agency's response and consults with the agency. If corrective actions taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary Determination, the Commission issues a Final Determination on any remaining corrective action, to which the agency must respond within 30 days.

Merging of Audit, Evaluation and Compliance-Monitoring Procedures

Last year, the Commission implemented a new compliance-driven procedure, which immediately eliminates findings of non-compliance if an agency demonstrates it has taken corrective activity during the audit. The EEPC issues a preliminary Determination after

its initial EEO program audit and evaluation; the agency may issue an optional response; if the agency submits a response with attached documentation of corrective activity since the initial analysis, the EEPC revises or eliminates any corresponding corrective action. The Commission votes on a Resolution to issue a Final Determination with contemporaneous findings/corrective action, if any, and assigns a 6-month period for monitoring. The agency is then monitored for a written reply and implementation of the remaining corrective action(s).

Agencies that demonstrate implementation of all corrective actions prior to the issuance of or in response to a Final Determination are exempt from a period of monitoring for compliance.

Compliance -Monitoring Procedure

After receiving the agency's written reply, the Commission commences monitoring agency efforts to achieve compliance for up to 6-months. During this period, the agency submits *Monthly Compliance Monitoring Reports* on its progress implementing any remaining corrective action. Each agency receives an assigned period of up to 6 months for compliance monitoring; however, implementing corrective actions immediately is encouraged.

Determination of Compliance

Upon the agency's final compliance report, or at the end of the monitoring period, the Commission makes a *Determination of Compliance* (or *Non-Compliance*). In order for the Commission to determine that an agency has satisfactorily completed the compliance monitoring phase, the Commission requires that the head of the agency inform employees of the corrective actions that the agency received and implemented as a result of this Commission's audit.

Because the Charter mandates this Commission to recommend actions agencies should consider including in their Annual EEO Plans, the Commission also requires that an

agency incorporate the corrective actions into prospective EEO Plans and its EEO Program.

Non-Compliance

After six months, if the Commission determines that an agency has not taken appropriate and effective corrective action, the agency will receive a *Determination of Agency Non-Compliance*, and is subject to another audit and evaluation in less than 4 years. Thereafter, the Commission will take appropriate steps as outlined in Charter, Chapter 36, Section §832(c) which includes notifying the agency in writing, and publishing a report of its findings and prescribed corrective action.

For mayoral agencies: In addition to the aforementioned, the Commission may recommend to the Mayor whatever appropriate corrective action it deems necessary to ensure that the agency's EEO Program provides equal employment opportunity to employees and applicants for employment.

Availability of Audit Determinations

Pursuant to Chapter 49, §1133(a) of the City Charter, the Commission forwards at least four copies of each agency's audit Determinations, responses, Resolutions (which includes the corrective actions the agency has implemented) and the agency head's memorandum to staff to the Department of Records and Information Services. Pursuant to Local Law 11, these documents are also transmitted electronically.

EEO Policies and Laws

[City of New York's EEO Policy](#)

The *Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies*, or Citywide EEOP, was established by the Department of Citywide Administrative Services (DCAS) to assist mayoral agencies in developing annual EEO plans, and other measures and programs to ensure consistency with the Mayor's directives for equal employment opportunity. It includes the city's anti-discrimination policies; and training, accountability, and reporting requirements for agency heads, managers, and supervisors.

City, state, and federal laws and regulations provide job applicants and employees equal opportunities to the various terms, conditions and privileges of employment. The EEPC evaluates agencies' compliance with EEO laws and regulations to ensure equal employment practices and policies for employees and applicants for employment in City agencies throughout the City of New York.

The city, state, and federal EEO laws that play a role in the EEPC's audits include, but are not limited to:

New York City's EEO Laws

[New York City Human Rights Law](#)

The New York City Human Rights Law (NYCHRL), prohibits an employer from discharging, refusing to hire/employ, or discriminating in compensation or in terms, conditions or privileges of employment based on: actual or perceived race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, partnership status, pregnancy, unemployment status and status as a victim of domestic violence, stalking, and sex offenses; or to deny employment due to arrest or conviction record. Discrimination based on a person's association with a member of a protected class; retaliation (for filing a

complaint or otherwise opposing discrimination); and bias-related harassment are also prohibited.

Under the NYCHRL, the City Commission on Human Rights (CCHR) is charged with receiving, investigating and making Determinations regarding complaints of discrimination and investigating group tensions, bias, or discrimination against persons or groups of persons. The CCHR has the authority to work with other government agencies, groups and organizations in an effort to reduce or eliminate prejudice and discrimination.

New York State's EEO Laws

[New York State Human Rights Law](#)

Under the New York State Human Rights Law (NYSHRL) it is an unlawful discriminatory practice for an employer to refuse to hire/employ, bar or discharge from employment, or discriminate against an individual in compensation or in terms, conditions or privileges of employment "because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence; or to deny employment due to arrest or conviction record.

The NYSHRL charges the State Division of Human Rights with the authority to investigate and resolve complaints of discrimination; promote human rights through affirmative measures; develop, articulate, and advocate human rights policy and legislation; and act as a resource to assist public and private entities in preventing or eliminating discrimination.

Federal EEO Laws

Federal laws require that state and local governments, educational institutions, labor organizations and private employers with fifteen or more employees provide equal opportunities to employees and applicants for employment.

To this end, discrimination is prohibited in recruitment, selection, promotion, layoffs, benefits, compensation, and other aspects of employment based on:

Race, Color, Religion, Sex, National Origin: Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

Individuals With Disabilities: Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability. Section 503 also requires that government agencies that work on or under federal contracts take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Disabled, Recently Separated, Other Protected, and Armed Forces Service Medal Veterans: The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or

release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

Age: The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

Sex: In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

Genetics: Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

Retaliation: Federal EEO laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

Resources for Filing Complaints

The local, state, and federal agencies listed below investigate, and enforce laws against, individual claims of discrimination. The statutory time periods for filing of charges are also listed (starting from the date the alleged discriminatory action occurred):

New York City Commission on Human Rights

100 Gold Street
New York, NY 10038
(212) 306-7450
Statutory time period: One year (NYC Administrative Code, Title 8, Chapter 1).

New York State Division of Human Rights

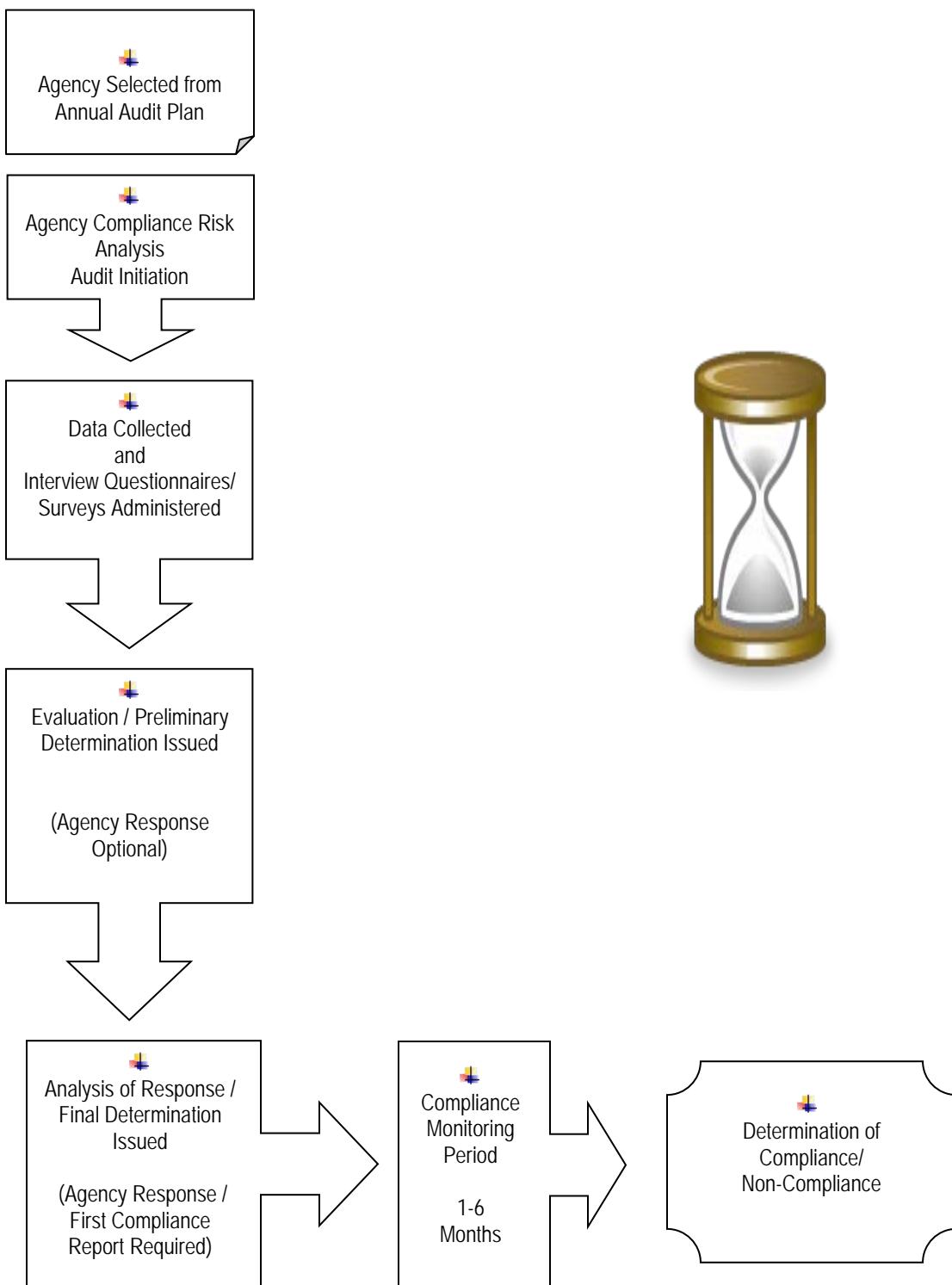
One Fordham Plaza, 4th Floor
Bronx, NY, 10458
Phone: (888) 392-3644
TDD: 1-718-741-8300
Statutory time period: One year (New York Executive Law, Article 15 §297(5); see also §297(9)).

United States Equal Employment Opportunity Commission

New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
Phone: 1-800-669-4000
Fax: 212-336-3790
TTY: 1-800-669-6820
Statutory time period: 180 days, unless a proceeding involving the same act is instituted first before the SDHR or CCHR. In that case, filing with the EEOC must occur within 300 days (42 U.S.C. 2000e-5(e)).

City employees have the right to file a complaint of employment discrimination with their agency's EEO Personnel prior to contacting any of the federal, state, and local agencies.

Audit, Evaluation, and Monitoring Procedure



Audit Types

An audit is a methodical review and analysis for the purpose of evaluating the condition of an agency's employment practices (including EEO Program). It concludes upon the implementation of corrective action, if any. The EEPC has developed and uses various audit types as described below.

General Employment and EEO Program Audit

A general Employment and EEO Program audit is comprehensive in scope and assesses an agency's employment and EEO program, policies and/or practices for compliance with this Commission's standards and local, state and federal rules, regulations, laws and policies designed to increase equal opportunity for employees and job applicants.

[Agencies with 150 or more employees](#)

For agencies with 150 or more employees, the EEPC uses broad protocols that examine employment practices and EEO program including, but not limited to personnel, discrimination complaint and legal activities; issuance, distribution and posting of EEO policies and procedures; EEO training; discrimination and sexual harassment complaint and investigation procedures; recruitment and selection systems; career counseling; accessibility of facilities (if applicable); reasonable accommodations for employees/applicants for employment with disabilities; responsibility for EEO plan implementation (EEO professionals and supervisors/managers); and reporting standards for agency heads.

[Agencies with fewer than 150 employees](#)

Specific protocols are used for a general employment and EEO Program audit of city agencies with fewer than 150 employees. These smaller agencies are evaluated to ensure that they: issue, distribute, and post EEO policies and EEO Policy Statement;

promote EEO in internal/external job advertisements; provide EEO training to employees; appoint trained and appropriate EEO personnel for complaint intake/investigation (or secure such personnel through a memorandum of agreement with another agency); establish a procedure whereby employees may request and receive consideration for reasonable accommodations; and ensure that facilities are accessible to employees and applicants for employment with physical disabilities.

[Community Boards \(5 or fewer employees\)](#)

The Community Boards are comprised of members appointed by the respective Borough Presidents. Under the Commission's protocol for audits of Community Boards, the expectation is that each Community Board adopts and distributes the respective Borough President's EEO policies. (A Community Board may, however, adopt the Citywide EEO Policy.)

A typical audit and evaluation of a Community Board evaluates: the issuance distribution and posting of EEO Policies; consultation with the Borough President's EEO Officer on EEO issues; dissemination of EEO information/EEO training for employees; discrimination complaint system; posting of job vacancies; use of EEO tagline in advertising; and assessment of facilities for accessibility to applicants/employees with disabilities.

After reviewing a Community Board's responses to the requested information in the *EEPC Interview Questionnaire for Community Board* and having follow-up discussions with appropriate personnel, the EEPC issues a Determination with findings and prescribed corrective action, if necessary, for improving the Community Board's EEO program and/or employment procedures. EEO Program Analysts then verify the Community Board has implemented all corrective actions prescribed.

Issue-Specific Audits

The EEPC has also developed the following issue-specific audit and evaluation protocols:

Employment Practices Audit (EPA)

The EPA (former Selection and Recruitment Audit) analyzes and evaluates an agency's workforce data and employment practices (i.e. recruitment, selection, and retention), policies, programs, and procedures to identify whether the agency affords equal opportunities in the terms and conditions of employment by establishing and utilizing tools that eliminate potential barriers.

The EEPC audits, evaluates and monitors whether the agency has conducted an assessment of its recruitment or selection procedures to determine if there is adverse impact upon any particular racial, ethnic, disability, or gender group; and the agency's development of plans to correct deficiencies (e.g. underutilization) within the agency's selection, recruitment, and retention systems. If underutilization or adverse impact is identified in titles where an agency has discretion in hiring, the EEPC examines the agency's efforts toward remedial measures.

Typical remedial measures would include identifying titles within particular job groups which experience underutilization; targeting recruitment strategies; training personnel involved in the recruitment and selection processes to effectively recruit and identify the most capable candidates; and establishing and utilizing tools that afford equal opportunity (e.g. annual performance evaluation programs that assess employee and managerial performance and substantiate employment decisions made with regard to probation, promotion, assignments, incentives and training).

The EEPC also examines the agency's EEO obligations as a result of government grants and/or contracts and what, if any, corrective actions are required under court decrees and/or governmental audits.

Discrimination Complaint and Investigation Procedure Audit (DCIPA)

The DCIPA audits, evaluates and monitors the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established a meaningful and responsive procedure for investigating discrimination complaints. EEO Program Analysts examine the number and types of complaints the agency has received; the agency's complaint intake process, complaint investigation procedures, and complaint files; the timeliness with which complaints are investigated; the availability and training of personnel for complaint intake and investigation; and the roles and responsibilities of EEO Professionals, related personnel, Agency Counsel and agency head in the agency's complaint investigation process.

Although the EEPC may conduct a DCIPA in cases where an agency has received either excessive discrimination complaints or a saturation of a particular complaint type, these conditions are not prerequisites to this type of audit.

Disability, Accessibility & Reasonable Accommodation Audit (DARAA)

The DARAA examines the accessibility of facilities, reviews reasonable accommodation procedures and evaluates compliance with federal, state, and local laws, as well as City and agency policies pertaining to employees, and applicants for employment, with physical disabilities.

The DARAA reviews an agency's assessment of barriers within its facilities and the efforts the agency has taken, or will take, to remove barriers pursuant to the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

For suggestions on additional audit types, send an email to mramsukh@eepc.nyc.gov.

YEAR 2015

Determinations

During 2015, a total of 20 agencies received a *Determination of Compliance* positioning this Commission to meet the quadrennial audit mandate specified in the City Charter.

Audit Determinations were issued for the following 20 agencies:

- + Borough President's Office, Manhattan: Received 5 corrective actions.
- + Correction, Board of: Received 10 corrective actions.
- + Campaign Finance Board: Received 10 corrective actions.
- + Children's Services, Administration for: Received 5 corrective actions.
- + City Planning, Dept. of: Received 13 corrective actions.
- + Civil Service Commission: Received 10 corrective actions.
- + Consumer Affairs, Dept. of: Received 12 corrective action.
- + Cultural Affairs, Dept. of: Received 1 corrective action.
- + Economic Development Corporation: Received 1 corrective action.
- + Emergency Management, Office of: Received 9 corrective actions.
- + Fire Department, New York City: Received 9 corrective action.
- + Housing Preservation and Development, Dept. of: Received 10 corrective action.
- + Landmarks Preservation Commission: Received 11 corrective actions.
- + Management and Budget, Office of: Received 10 corrective actions.
- + Payroll Administration, Office of: Received 4 corrective action.
- + Probation, Dept. of: Received 2 corrective actions.
- + Records & Information Services, Dept. of: Received 14 corrective action.

- + Teacher's Retirement System: Received 14 corrective actions.

The following agencies were audited and received NO corrective actions:

- All the agencies audited in 2015 received corrective actions.

Audits Initiated at the end of 2015*

- + Actuary, Office of the
- + Business Integrity Commission
- + City Commission on Human Rights
- + Civilian Complaint Review Board
- + Community College - Borough of Manhattan
- + Community College - Bronx
- + Community College - Hostos
- + Community College - Kingsborough
- + Community College - LaGuardia
- + Community College - Queensborough
- + Conflicts of Interest Board
- + Correction, Dept. of
- + Design and Construction, Dept. of
- + District Attorney - Bronx County Office
- + District Attorney - Kings County Office
- + District Attorney - Queens County Office
- + District Attorney - New York County Office
- + District Attorney - Richmond County Office
- + Housing Development Corporation
- + Parks & Recreation, Dept. of
- + Public Administrator - Bronx County Office
- + Public Administrator - Kings County Office
- + Public Administrator - New York County Office
- + Public Administrator - Queens County Office
- + Public Administrator - Richmond County Office

* Initiated ahead of the 2016 Plan to accommodate enhanced compliance-monitoring procedures.

For specific information on the audit findings and corrective actions, please see Appendix II for Agency Resolutions or visit the EEPIC's website at www.nyc.gov/eepc and click on the agency's link.¹

¹ Each agency's audit documents are made available upon the issuance of a Determination of Compliance/Non-Compliance.

Compliance-Monitoring

The City Charter requires that this Commission monitor agencies for a period of up to 6 months to ensure implementation of prescribed corrective action.

The following 20 agencies were monitored for implementation of prescribed corrective actions:**

Agencies that Achieved Compliance with Monitoring in 2015:

- ✚ Children's Services, Administration for: Received/Implemented 5 corrective actions.
- ✚ Civil Service Commission: Received/Implemented 10 corrective actions.
- ✚ Consumer Affairs, Dept. of: Received/Implemented 12 corrective actions.
- ✚ Cultural Affairs, Dept. of: Received/Implemented 1 corrective actions.
- ✚ Emergency Management, Office of: Received/Implemented 9 corrective actions.
- ✚ Finance, Dept. of: Received/Implemented 2 corrective actions.
- ✚ Human Resources Administration: Received/Implemented 8 corrective actions.
- ✚ Probation, Dept. of: Received/Implemented 2 corrective actions.

Agencies Undergoing Monitoring at the End of 2015:

- ✚ Campaign Finance Board: Received 10 /Implemented 9 corrective actions.
- ✚ City Council, New York: Received/Implemented 15 corrective actions; /Implemented 12
- ✚ City Planning, Dept. of: Received 12 /Implemented 3 corrective actions.
- ✚ Correction, Board of: Received 10 /Implemented 7 corrective actions.
- ✚ Economic Development Corporation: Received 6 /Implemented 4 corrective actions

- ✚ Fire Department, New York City: Received 9 /Implemented 1 corrective actions.
- ✚ Housing Preservation & Development, Dept. of: Received 10 /Implemented 8 corrective actions.
- ✚ Landmarks Preservation Commission: Received 11 /Implemented 5 corrective actions.
- ✚ Management and Budget, Office of: Received 10 /Implemented 7 corrective actions.
- ✚ Payroll Administration, Office of: Received 4 /Implemented 2 corrective actions.
- ✚ Records Information Services, Dept. of: Received 14 /Implemented 7 corrective actions.
- ✚ Teachers' Retirement System: Received 14 /Implemented 2 corrective actions.

For specific information on the monitoring period, and the corrective actions implemented, see Appendix III or visit the EEPC's website at www.nyc.gov/eepc and click on the agency's link.

Compliance without Monitoring

Final Determinations for the following agencies demonstrate that full compliance has been accomplished. These agencies implemented prescribed corrective actions upon receiving the Preliminary Determination and a *Determination of Compliance* was promptly issued.

The following agencies were exempt* from a compliance monitoring period:

- **Borough President's Office, Manhattan:** Implemented its 5 corrective actions.

*In accordance with new procedure, agencies are immediately exempt from the monitoring period if all corrective actions are accomplished during and/or after the audit period.

Partial Non-Compliance

At the end of the Monitoring Period, a *Determination of Partial Non-Compliance* is issued if the Commission determines that compliance with the prescribed corrective actions has not been accomplished.

- **In 2015, no agency received a Determination of Partial / Non-Compliance.**

**Corrective action prescribed, but not implemented results in a Determination of Partial or Full Non-Compliance.

Meeting Calendar: 2015

The Commission convened at 8 meetings in 2015. The dates are as follows:

Thursday, February 21st, 2015
 Thursday, April 3rd, 2015
 Thursday, May 22nd, 2015
 Thursday, June 20, 2015
 Thursday, August 14th, 2015
 Thursday, September 18th, 2015
 Thursday, October 30th, 2015
 Thursday, December 18th, 2015

Meetings typically commenced between 9:15 and 9:30 am and adjourned by 11:00am. As required by Local Law 103 of 2013, beginning April 3rd, 2015, the Commission's meetings were recorded and made available to the public online at:
<https://www.youtube.com/channel/UCdgAeD4p-esdjymDTdGScfA>

Public notices of the Commission's meetings are published in the City Record for five successive days prior to the date of the meeting.

2016 and Beyond

The EEPC audits are scheduled on a 4-year cycle. To meet our Charter mandate, Annual Audit Plans are developed to ensure agencies not audited within the previous 4 years receive priority.

Upcoming Audits:

Actuary, Office of the
 Business Integrity Commission
 City Commission on Human Rights
 Civilian Complaint Review Board
 Community College - Borough of Manhattan
 Community College - Bronx
 Community College - Eugenio Maria De Hostos
 Community College - Fiorello H. LaGuardia
 Community College - Kingsborough
 Community College - Queensborough
 Conflicts of Interest Board
 Correction, Dept. of
 Design & Construction, Dept. of
 District Attorney - Bronx
 District Attorney - Kings County
 District Attorney - New York County
 District Attorney - Queens
 District Attorney - Richmond County
 Housing Development Corporation
 Parks & Recreation, Dept. of
 Public Administrator - Bronx
 Public Administrator - Kings County
 Public Administrator - New York
 Public Administrator - Queens
 Public Administrator - Richmond County

In addition, the EEPC participates in Basic Training for EEO Personnel administered by the Department of Citywide Administrative Services' Citywide Diversity and EEO. Contact DCAS-CDEEO for the next training session.

Meeting Calendar: 2016

8 meetings are scheduled for the following dates:

Thursday, February 4th @ 9:00 AM
 Thursday, March 24th @ 9:00 AM
 Thursday, May 5th @ 9:00 AM
 Thursday, June 16th @ 9:00 AM
 Thursday, July 21st @ 9:00 AM
 Thursday, September 8th @ 9:00 AM
 Thursday, November 3rd @ 9:00 AM
 Thursday, December 15th @ 9:00 AM

This schedule is subject to change. Public notices of the Commission's meetings are published in the City Record for five successive days prior to the date of the meeting.

Learn more about this Commission and its audits by visiting our website at: www.nyc.gov/eepc.

Conference/Hearing

The Commission held its first conference/hearing in 8 years, entitled *Commitment to Achieving Diversity in Today's Public Sector*. The event was more than a Conference/Hearing. Academic, legal and research professionals gave presentations about development of research, historical findings, identification of barriers, experience and commitment regarding workplace diversity and increase of opportunities in their respective fields. The event also presented prevalent practices and issues in recruiting, hiring, and promoting practices among City agencies, as gleaned from the EEPC's opinion polls of 78 Principal Equal Employment Opportunity (EEO) Professionals and 76 Principal Human Resources (HR) Professionals Citywide. Approximately 113 guests: 80 EEO and 33 HR representatives attended.

To suggest a topic for an EEPC Conference/Hearing, or to volunteer for an Advisory Committee, send an email to mramsukh@eepc.nyc.gov.

APPENDICES

Appendix I

**Chapter 36 §830 of the New York City Charter
[Equal Employment Practices Commission]***

- a. There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs of any city agency and the department of citywide administrative services to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.*
- b. The commission shall consist of five members who, shall be compensated on a per diem basis. The mayor and the council shall each appoint two members. In addition, the mayor and the speaker of the council shall appoint a fifth member to serve as the chair of the commission for a term of four years.*
- c. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.*
- d. Members shall be appointed for four-year terms except that of the members first appointed, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June, nineteen hundred ninety-two, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June nineteen hundred ninety-five; and the chair shall serve for a term expiring on the thirtieth day of June, nineteen hundred ninety-four.*
- e. The commission may, within the appropriations available therefor, appoint an executive director and such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein.*
- f. The commission may meet as necessary to implement the provisions of this chapter provided that the commission shall meet at least once every eight weeks.*

§ 831 Duties and powers of the New York City equal employment practices commission.

- a. The commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of citywide administrative services, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred fifteen to establish agency programs*

- b. The commission may request and shall receive from any city agency such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client*

communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.

c. The commission shall communicate to the commission on human rights any information regarding suspected or alleged violations of chapter one of title eight of the administrative code.

d. The commission shall have the following powers and duties:

1. to review the uniform standards, procedures, and programs of the department of citywide administrative services pursuant to paragraphs twelve and fourteen of subdivision a of section eight hundred, fourteen, and to review the plans adopted by city agencies in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency or the department of citywide administrative services with such comments and suggestions as the commission deems necessary and appropriate;

2. to recommend to the department of citywide administrative services, all city agencies, or any one or more particular agencies, procedures, approaches, measures, standards and programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies;

3. to recommend to any city agency actions which such agency should consider including in its next annual plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;

4. to advise and, if requested, assist city agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with city agencies;

5. to audit and evaluate the employment practices and procedures of each city agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by this commission;

6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of citywide administrative services or any city agency as the commission deems necessary to ensure equal employment opportunity for minority group members and women;

7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the department of citywide administrative services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies;

8. to establish appropriate advisory committees;

9. to serve with such other agencies or officials as shall be designated by the mayor as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by city agencies; and

10. to take such other actions as are appropriate to effectuate the provisions and purposes of this chapter.

§ 832 Compliance Procedures.

- a. *The commission shall conduct such study or investigations and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.*
- b. *For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter, the commission shall have power to compel the attendance of witnesses, to administer oaths and to examine such persons as they may deem necessary. The commission or any agent or employee thereof duly designated in writing by them for such purposes may administer oaths or affirmations, examine witnesses in public or private hearing, receive evidence and preside at or conduct any such study or investigation.*
- c. *If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any city agency or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.*

Appendix II: Audit Resolutions

The following pages contain the Commission's 2015 Resolutions pursuant to the audit and evaluation of agencies' employment and EEO programs. The Commission reviews, approves, and adopts Resolutions of EEO Program Analysts' findings for each agency. An audit-related Resolution specifies the audit period, delineates the corrective action prescribed to an agency as a result of the EEPC's audit and evaluation, and authorizes the mailing of a Final Determination. The agencies are listed below in alphabetical order. Fourteen agencies implemented prescribed corrective actions upon receiving a Preliminary Determination and a Determination of Compliance was promptly issued. These agencies appear in Appendix III. Resolutions also are placed on the EEPC's website at:

http://www.nyc.gov/html/eepc/html/about/eepc_jurisdiction.shtml.

- Borough President's Office, Manhattan – Resolution # 2015/010
- Cultural Affairs, Dept. of – Resolution # 2015/126
- Campaign Finance Board – Resolution # 2015/004
- Management & Budget, Office of – Resolution # 2015/019
- City Planning, Dept. of – Resolution # 2015/30
- Payroll Administration, Office of – Resolution # 2015/131
- Landmark and Preservation Commission – Resolution # 2015/136
- Teachers' Retirement System – Resolution # 2015/041
- Economics Development Corporation, New York City (by consent) – Resolution # 2015/998
- Housing Preservation and Development, Dept. of – Resolution # 2015/806
- Civil Service Commission – Resolution # 2015/134
- Correction, Board of – Resolution # 2015/073
- Fire Department, New York City – Resolution # 2015/057
- Records & Information Services, Dept. of – Resolution # 2015/860

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/010: Final Determination pursuant to the Audit and Analysis of the Manhattan Borough President's Office's Discrimination Complaint and Investigation Procedures from January 1, 2012 to December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the Manhattan Borough President's (MBPO) Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated December 4, 2014, setting forth findings and the following required corrective actions:

1. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
2. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
3. Ensure the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
4. Ensure that the complaint procedure requires, in addition to the notification to the complainant, written communication informing the respondent of the conclusion and outcome of a complaint investigation.
5. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart and EEO Policy.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on December 18, 2014 with documentation of its actions to rectify required corrective actions No. 4 and 5 ; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 1, 2, and 3 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq. to forward its Final Determination to Manhattan Borough President Gale Brewer.

Approved unanimously on February 5, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/126: Final Determination pursuant to the Audit and Analysis of the Department of Cultural Affairs' Discrimination Complaint and Investigation Procedures from January 1, 2012 to December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Cultural Affairs' (DCLA) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated November 26, 2014 setting forth findings and the following required corrective action:

1. In addition to the current EEO staff, appoint at least one male EEO Professional to receive/investigate discrimination complaints.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on December 18, 2014 with a commitment to implement the required corrective action; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015 which indicated that corrective action No. 1 required compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

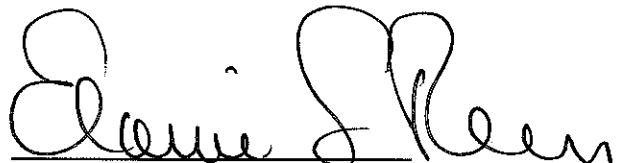
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward its Final Determination to Commissioner Tom Finkelpearl of the Department of Cultural Affairs.

Approved unanimously on February 5, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/004: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Campaign Finance Board's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Campaign Finance Board's EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 12, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs

or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
6. Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 10, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 18, 2015, which indicated that corrective actions Nos. 1 – 10 require compliance monitoring; and

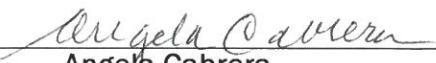
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

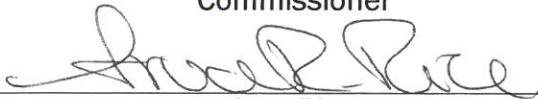
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission adopts this Final Determination regarding the Campaign Finance Board.

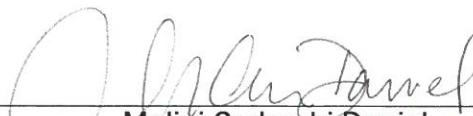
Approved unanimously on September 21, 2015.



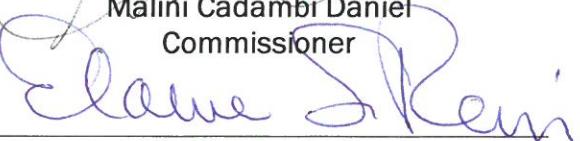
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/019: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Management & Budget's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of Management & Budget's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Implement the EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

4. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or another resource for guidance.
5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015 with documentation of its actions to rectify required corrective actions Nos. 1 and 10; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 18, 2015, which agreed and accepted documentation for implementation of the corrective action No. 1, and indicated that corrective actions Nos. 2 - 10; require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,
that the Commission adopts this Final Determination regarding the Office of Management & Budget.

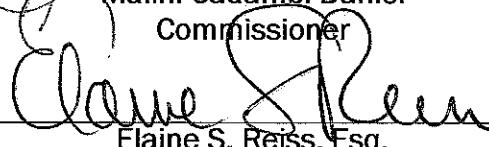
Approved unanimously on September 21, 2015.



Angela Cabrera
Commissioner


Arva Rice
Commissioner



Malini Cadambi-Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/30: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of City Planning's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Department of City Planning's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 29, 2015, setting forth findings and the following required corrective actions:

1. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes in addition to the above, disability or veteran status, interview date, interviewers' names, reason selected/not selected (or disposition) of each applicant, and recruitment source.
8. Re-distribute the identity of the Career Counselor to remind employees of the identity and type of career guidance available.
9. Ensure and maintain documentation that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
12. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 13, 2015, with documentation of its actions to rectify required corrective actions Nos. 7, 11 and 13; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 9, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, and 12 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,
that the Commission adopts this Final Determination regarding the Department of City Planning.

Approved unanimously on September 21, 2015.


Angela Cabrera
Commissioner

Arva Rice
Commissioner


Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/131: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Payroll Administration's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of Payroll Administration's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 18, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 1, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 9, 2015, and indicated that corrective action(s) Nos. 1, 2, 3, and 4 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

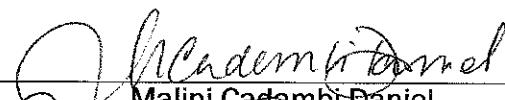
Be It Resolved,
that the Commission adopts this Final Determination regarding the Office of Payroll Administration.

Approved unanimously on September 21, 2015.



Angela Cabrera
Commissioner


Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/136: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Landmarks Preservation Commission's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Landmarks Preservation Commission's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 19, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 2, 2015, with documentation of its actions to rectify required corrective action No. 8; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective

action, and indicated that corrective actions Nos., 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 require compliance monitoring; and

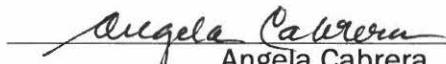
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 1, 2015 through March 31, 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

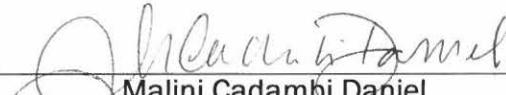
Be It Resolved, that the Commission adopts this Final Determination regarding the Landmarks Preservation Commission.

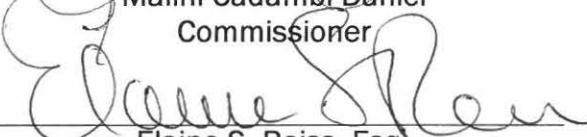
Approved unanimously on September 21, 2015.



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/041-#: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Teachers' Retirement System's EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 28, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
5. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.
6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
9. Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
10. Designate a professional (may be referred to as the Career Counselor) with

appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 21, 2015 which indicated that corrective actions Nos. 1 through 14 require compliance monitoring; and

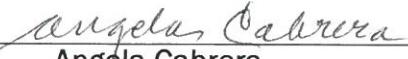
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission adopts this Final Determination regarding the Teachers' Retirement System.

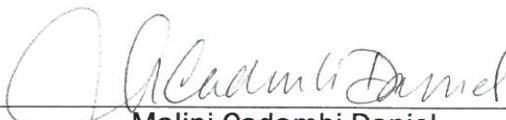
Approved unanimously on September 21, 2015.



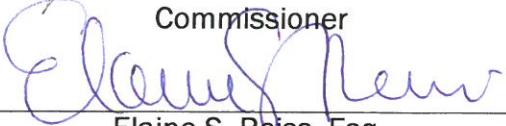
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/998: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Economic Development Corporation's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Economic Development Corporation's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

1. Identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
2. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the applicants'/candidates' disability or veteran status, and interviewers' names. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
4. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
5. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal

EEO Professional regarding decisions that impact the administration and operation of the EEO program.

6. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 15, 2015, and indicated that corrective actions Nos. 1, 2, 3, 4, 5, and 6 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,
that the Commission adopts this Final Determination regarding the Economic Development Corporation.

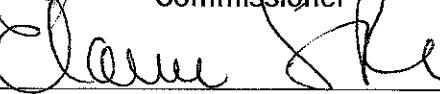
Approved unanimously on September 21, 2015.



Angela Cabrera
Commissioner


Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/ 998: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Housing Preservation & Development's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Department of Housing Preservation & Development's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
5. Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.
6. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request.
7. Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
8. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015, with documentation of its actions to rectify required corrective actions nos. 8 and 9; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 18, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) Nos. 1 -7, and 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

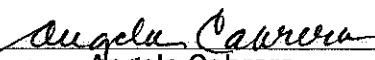
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Commission adopts this Final Determination regarding the Department of Housing Preservation & Development.

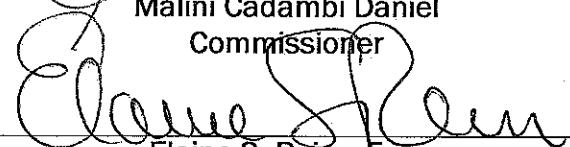
Approved unanimously on September 21, 2015



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION # 2015/134: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Civil Service Commission's *Employment Practices and Procedures* from July 1, 2012 through June 30, 2015.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Civil Service Commission's (CSC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 28, 2015, setting forth findings and the following required corrective actions:

1. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
4. Inform employees of the identity/type of guidance available from the Career Counselor at least once each year. Ensure Career Counselor(s) have appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees.

5. Ensure that all employees have access to information regarding performance evaluation standards, examinations, training opportunities and job postings.
 6. Ensure that the principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
 7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
 8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
 9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity as well as quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on October 14, 2015, which indicated that corrective actions nos. 1 through 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November, 2015 through April, 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

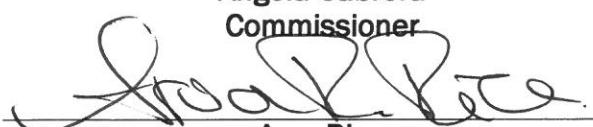
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal

government; Now Therefore,

Be It Resolved, that the Commission will forward this Final Determination to Chair Chaffetz
of the Civil Service Commission.

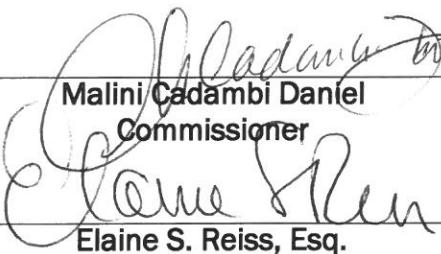
Approved unanimously on November 5, 2015.

Angela Cabrera

Angela Cabrera
Commissioner


Arva Rice
Commissioner

Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION # 2015/057: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York City Fire Department's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the New York City Fire Department's (FDNY) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated November 10, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts for all titles to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate

in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on November 25, 2015 which indicated that corrective action(s) nos., 1 - 9 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from December 2015 through May 2016, to determine whether it implemented the required corrective actions; and

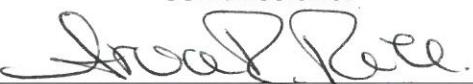
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the

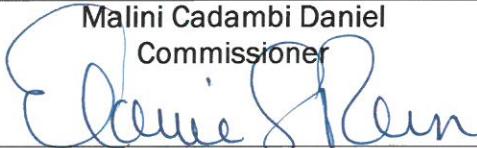
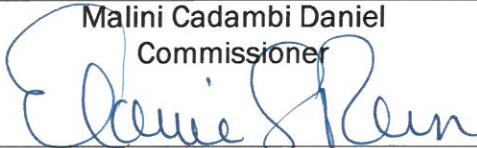
Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission will forward this Final Determination to New York City Fire Commissioner.

Approved unanimously on December 17, 2015.


Angela Cabrera
Commissioner

Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/860: Final Determination pursuant to the Audit and Analysis of the Department of Records and Information Services' Employment Practices and Procedures from January 1, 2012 through December 31, 2014

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Records and Information Services' Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 10, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which indicated that corrective actions Nos., 1 through 14 require compliance monitoring; and

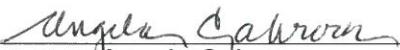
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission will forward this Final Determination to the Department of Records and Information Services.

Approved unanimously on December 17, 2015.

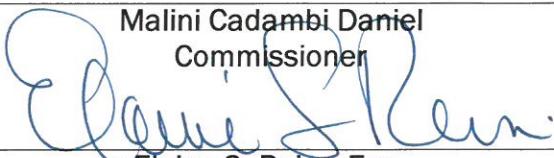


Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

Appendix III: Compliance Resolutions

Pursuant to the City Charter-mandated compliance procedure, the Commission considers, in consultation with the agency, whether programs, or procedures utilized by an agency are in compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter; and reviews, approves, and adopts a Determination of Compliance or Non-Compliance at the end of an assigned monitoring period. The following pages contain the Commission's 2015 Compliance Resolutions, which specify whether the agency required corrective action, whether the agency required monitoring, the compliance-monitoring period, the corrective actions implemented by the agency and the agency's status at the end of the period. Adoption of a Compliance Resolution authorizes the mailing of a Determination and Certificate of Determination of Compliance, if applicable, to the agency head. The agencies are listed below in alphabetical order. In addition, Resolutions are placed on the EEPC's website at: http://www.nyc.gov/html/eepc/html/about/eepc_jurisdiction.shtml.

- Human Resources Administration –
Resolution # 2015/C-01
- Borough President's Office, Manhattan –
Resolution # 2015/0101C-02
- Finance, Dept. of –
Resolution # 2015/836C-03
- Probation, Dept. of –
Resolution # 2015/781C-04
- Consumer Affairs, Dept. of –
Resolution # 2015/886C-05
- Emergency Management, Office of –
Resolution # 2015/017C-06
- Children's Services, Administration of –
Resolution # 2015/067C-07
- Cultural Affairs, Dept. of –
Resolution # 2015/126C-08
- Civil Service Commission –
Resolution # 2015/134C-09

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/069C-01: Determination of Compliance (Monitoring Period Required) by the Human Resources Administration with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Human Resources Administration's (HRA) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 10, 2014, setting forth findings and the following required corrective actions:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
3. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
4. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.

5. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
6. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location (unit or department where the allegations arose), and other information necessary to analyze complaint activity to identify trends.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Establish a procedure in which the General Counsel tracks disposition of external complaints and reports trends, issues and problems to agency leadership for appropriate action.

Whereas, the Human Resources Administration submitted its response to the EEPC's preliminary determination letter, on October 24, 2014 with documentation of its actions to rectify required corrective actions no. 6; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2014, which agreed and accepted documentation for implementation of the aforementioned corrective action, with corrective actions nos. 1, 2, 3, 4, 5, 7, and 8, remaining; and

Whereas, the Human Resources Administration submitted its response to the EEPC's Final Determination letter with documentation of its actions to rectify required corrective actions nos. 2, 4, 5, 6 and 7, on November 21, 2014; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions nos. 1, 3, and 8 from November 2014 to December 2014; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Human Resources Administration submitted a copy of the agency head's memorandum to staff dated December 12, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal

government; Now Therefore,

Be It Resolved,

that the Human Resources Administration has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Steven Banks, Commissioner of the Human Resources Administration.

Approved unanimously on February 5, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/010C-2: Determination of Compliance (Monitoring Period Not Required) by the Manhattan Borough President's Office with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and evaluation of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 30, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Manhattan Borough President's Office's (MBPO) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 4, 2015, setting forth findings and the following required corrective actions:

1. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
2. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
3. Ensure the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
4. Ensure that the complaint procedure requires, in addition to the notification to the complainant, written communication informing the respondent of the conclusion and outcome of a complaint investigation.
5. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart and EEO Policy.

Whereas, the MBPO submitted its response to the EEPC's preliminary determination letter, on December 18, 2014, with documentation of its actions to rectify the required corrective actions #4 and #5; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015, which agreed and accepted documentation for the aforementioned corrective actions, with corrective actions #1, #2, and #3 remaining; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, the MBPO submitted its response to the EEPC's final determination on March 6, 2015 with documentation of its actions to rectify the remaining required corrective actions #1, #2 and #3; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the MBPO submitted a copy of the agency head's memorandum to staff dated March 6, 2015, which outlined the corrective action implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

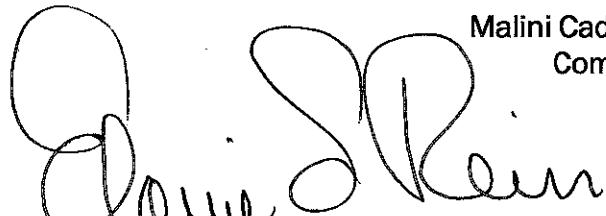
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Manhattan Borough President's Office has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Manhattan Borough President Gale Brewer.

Approved unanimously on March 12, 2015.

Arva R. Rice
Commissioner


Elaine S. Reiss, Esq.
Commissioner

Malini Cadambi Daniel
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/836C-03: Determination of Compliance (Monitoring Period Required) by the Department of Finance with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Finance's (DOF) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 4, 2014, setting forth findings and the following required corrective actions:

1. Establish a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the EEO complaint process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
2. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.

Whereas, the DOF did not respond to the EEPC's preliminary determination and, consistent with the Commission's audit protocols, the EEPC's preliminary determination became its Final Determination, issued September 18, 2014; and

Whereas, the Department of Finance submitted its response to the EEPC's Final Determination letter, on October 2, 2014; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from

October 2014 to March 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOF submitted a copy of the agency head's memorandum to staff dated February 26, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Department of Finance has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Dr. Jacques Jiha, Commissioner of the Department of Finance.

Approved unanimously on March 12, 2015.

Arva R. Rice
Commissioner

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/781C-04: Determination of Compliance (Monitoring Period Required) by the Department of Probation with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Probation's (DOP) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 10, 2014, setting forth findings and the following required corrective actions:

1. Include in the agency's complaint investigation procedure a requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
2. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location (i.e. department/ unit) where the allegation arose, and other information necessary to analyze complaint activity to identify trends.

Whereas, the Department of Probation submitted its response to the EEPC's preliminary determination letter, on October 23, 2014, with documentation of its actions to rectify required corrective action no. 1; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2014, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective action no. 2 remaining; and

Whereas, the Department of Probation submitted its response to the EEPC's final determination letter, on December 3, 2014; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from November 2014 through March 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOP submitted a copy of the agency head's memorandum to staff dated March 2, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas; all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Department of Probation has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Ana Bermúdez, Commissioner of the Department of Probation.

Approved unanimously on March 12, 2015.

Arva R. Rice
Commissioner

A handwritten signature in black ink, appearing to read "Arva R. Rice".

Arva R. Rice

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/866C-05: Determination of Compliance (Monitoring Period Required) by the Department of Consumer Affairs with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Consumer Affairs' (DCA) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated November 25, 2014, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination complaints in the distribution/posting of the policies.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.
4. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall commence immediately.
5. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.

6. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
7. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
8. Ensure that the complaint procedure requires written communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation.
9. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s), where applicable.
10. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location of the complaint and other information to analyze the complaint activity to identify trends.
11. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.
12. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

Whereas, the agency did not submit an optional response to the EEPC's Preliminary Determination letter; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on December 18, 2014, that corrective action(s) nos. 1 - 12 require compliance monitoring; and,

Whereas, the Department of Consumer Affairs submitted its response to the EEPC's final determination letter, on January 21, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from January 2015 to April 2015 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Department of Consumer Affairs submitted a copy of the agency head's memorandum to staff dated April 2, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Department of Consumer Affairs has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes Commissioner Arva R. Rice, to forward this Determination to Commissioner Julie Menin of the Department of Consumer Affairs.

Approved unanimously on May 18, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Arva R. Rice
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/017C-6: Determination of Compliance (Monitoring Period Required) by the Office of Emergency Management with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of Emergency Management's (OEM) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 19, 2014, setting forth findings and the following required corrective actions:

1. Update the agency head's EEO Policy statement or memo to advise employees of the names and contact information of agency EEO professionals. Re-issue the agency head's updated statement/memo.
2. Include in the complaint file a Discrimination Complaint Form or a complaint that captures the facts (include pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.
5. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion,

Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.

6. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
7. Issue written communication informing the respondent of the conclusion and outcome of a complaint investigation.
8. Maintain EEO-related files in a secure area to ensure confidentiality.
9. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

Whereas, the Office of Emergency Management submitted its response to the EEPC's preliminary determination letter, on September 12, 2014 without documentation of its actions to rectify required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on September 18, 2014, with all corrective actions remaining; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from October 2014 to March 2015; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Office of Emergency Management submitted a copy of the agency head's memorandum to staff dated April 20, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Office of Emergency Management has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes Commissioner Arva R. Rice, to forward this Determination to Joseph Esposito, Commissioner of the Office of Emergency Management.

Approved unanimously on May 18, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Arva R. Rice
Commissioner

A handwritten signature of Arva R. Rice is written over a horizontal line. Below the signature, the name "Arva R. Rice" and the title "Commissioner" are printed in a standard font.

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/ 067-07: Determination of **Compliance** (Monitoring Period Required) by the Administration for Children's Services with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits and Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Administration for Children's Services Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 24, 2014, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the agency's policies: uniform and responsive procedures for investigating discrimination complaints and current contact information for the agency's EEO professionals.
2. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
3. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
4. Ensure that the complaint procedure requires written communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation.

5. Notify the complainant and respondent in writing when the investigation has been transferred from the EEO Professional because of the filing of an external complaint.

Whereas, the Administration for Children's Services submitted its response to the EEPC's Preliminary Determination letter, on November 7, 2014 with documentation of its actions to rectify required corrective actions nos. 3, 4 and 5; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on December 18, 2014, which agreed and accepted documentation for implementation of the aforementioned corrective action, with corrective actions nos. 1 and 2, remaining; and

Whereas, the Administration for Children's Services submitted its response to the EEPC's Final Determination letter agreed to implement required corrective actions nos. 1 and 2, on January 16, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions nos. 1 and 2 from January 2015 through June 2015; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Administration for Children's Services submitted a copy of the agency head's memorandum to staff dated July 8, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Administration for Children's Services has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

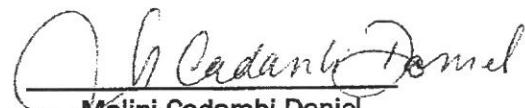
that the Commission authorizes Malini Cadambi Daniel, Commissioner, to forward this Determination to Commissioner Gladys Carrión, Esq., of the Administration for Children's Services.

Approved unanimously on July 30, 2015.

Angela Cabrera
Commissioner

Arva R. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Malini Cadambi Daniel
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/126C-08: Determination of **Compliance** (Monitoring Period Required) by the Department of Cultural Affairs with the Equal Employment Practices Commission's required corrective action pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Cultural Affairs' (DCLA) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated November 26, 2014, setting forth findings and the following required corrective action:

1. In addition to the current EEO staff, appoint at least one male EEO Professional to receive/ investigate discrimination complaints.

Whereas, the DCLA submitted its response to the EEPC's preliminary determination letter, on December 18, 2014, with acknowledgement of the outstanding corrective action; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2014, and;

Whereas, the DCLA submitted its response to the EEPC's final determination letter, on March 20, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective action from March 2015 to July 2015 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DCLA submitted a copy of the agency head's memorandum to staff dated July 22, 2015, which outlined the corrective action implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, the EEPC's corrective action is required by, or is consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Department of Cultural Affairs has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission authorizes Malini Cadambi Daniel to forward this Determination to Tom Finkelpearl, Commissioner of the Department of Cultural Affairs.

Approved unanimously on July 30, 2015.



Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Malini Cadambi Daniel.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/134C-09: Determination of Compliance (Monitoring Period Required) by the New York Civil Service Commission with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Employment Practices and Procedures from July 1, 2012 through June 30, 2015

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to ensure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the New York Civil Service Commission's (CSC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 28, 2015, setting forth findings and the following required corrective actions:

1. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
4. Inform employees of the identity/type of guidance available from the Career Counselor at least once each year. Ensure Career Counselor(s) have appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling

- to employees.
5. Ensure that all employees have access to information regarding performance evaluation standards, examinations, training opportunities and job postings.
 6. Ensure that the principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
 7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
 8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
 9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
 10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity as well as quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on October 14, 2015, which indicated that corrective actions nos. 1 through 10 require compliance monitoring; and

Whereas, the NYC Civil Service Commission submitted its response to the EEPC's Final Determination letter with documentation of its actions to rectify required corrective actions nos. 1, 2, 3, 6, 7 and 10 on November 9, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions nos. 4, 5, 8 and 9 from November 2015 to December 2015; and

Whereas, in accordance with Chapter 36, Section 832(c), the NYC Civil Service Commission submitted documentation of its action to rectify the remaining corrective actions nos. 4, 5, 8 and 9.

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City

Charter, the NYC Civil Service Commission submitted a copy of the agency head's memorandum to staff dated December 1, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

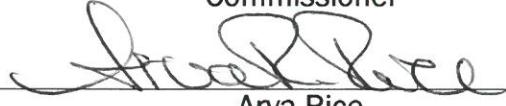
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

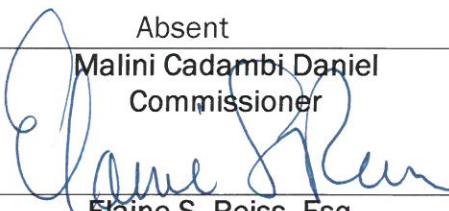
Be It Resolved, that the NYC Civil Service Commission has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission will forward this Final Determination to the NYC Civil Service Commission.

Approved unanimously on December 17, 2015.



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Absent
Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Appendix IV: Report - Commitment to Achieving Diversity in Today's Public Sector

Commitment to Achieving Diversity in Today's Public Sector

REPORT



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I. INTRODUCTION

The Equal Employment Practices Commission (EEPC) is the independent monitor of the City of New York's employment practices. It was established to assist agencies under its jurisdiction in building a diverse workforce by reviewing and evaluating employment practices and prescribing action that assists in achieving compliance with equal employment opportunity (EEO) laws and policies. *Commitment to Achieving Diversity in Today's Public Sector* examines obstacles and successes toward achieving diversity in the City of New York's municipal workforce. It explores the most effective practices used to implement positive recruitment, hire, and promotion outcomes for municipal applicants and employees.¹

II. ABOUT THE EEPC

Chapter 36, Sections 830-832 of the New York City Charter ("Charter") authorizes the EEPC to audit (review, evaluate, and monitor) the employment practices and programs of approximately 140 entities² (hereinafter referred to in this report as "agencies") either routinely, or upon the request of the Civil Service Commission or City Commission on Human Rights. As delineated in the Charter, the EEPC designates recurring quadrennial cycles to ensure routine audits of these agencies. During the audit process, the EEPC prescribes procedures, measures or approaches that agencies should use to provide fair and effective programs of equal opportunity for minority group members and women. The EEPC also has a duty to make policy, legislative and budgetary recommendations to the Mayor, New York City Council, and Department of Citywide Administrative Services (DCAS) to ensure equal employment opportunities and may hold public or private hearings; compel the attendance of witnesses; administer oaths; and establish advisory committees toward this end.³ The following study was conducted in accordance with the authority granted by the Charter.

III. BACKGROUND

The Charter obligates city agency to maintain effective and affirmative EEO programs for employees or applicants who seek employment with the City of New York. DCAS has a duty to establish uniform procedures and standards to assist City agencies in establishing annual plans, measures and programs to ensure equal employment opportunity.⁴ As part of its obligation under the Charter, DCAS developed the City's EEO Policy as well as the standards and procedures contained therein to implement the city's diversity and inclusion strategies.⁵

This report discusses city agencies, the city's human resources and equal employment opportunity professionals, and the relationship and responsibilities of DCAS⁶ in the context of an already established framework toward identifying obstacles and successes to opportunities for municipal employment and advancement.

IV. METHODOLOGY

The EEPC examines and advises agencies on the most effective employment practices observed through years of auditing employment procedures in the areas of recruitment, hiring, and promotion. Using longitudinal data, the EEPC developed this report to provide feedback on its observations of the municipal workforce over time. An initial examination involved the analysis of the EEPC's audit data and indicators contained in the city's workforce statistics.⁷ Subsequently, a mixed-method research approach was used to ascertain the roles and responsibilities of relevant agency personnel, and to analyze limitations, if any, at the agency level that could be addressed through citywide policy measures. In sum, this report emanates from an analysis of the following data:

- ❖ Historical Audit-Related Corrective Actions Prescribed by the EEPC;
- ❖ Indicators Contained in the City's Workforce Statistics;
- ❖ Results of the EEPC's Opinion Poll for Principal EEO Professionals (PEEOP);
- ❖ Results of the EEPC's Opinion Poll for Principal Human Resources Professionals (PHRP);
- ❖ Testimony of DCAS Representatives and Presenters at the EEPC's Conference/Hearing: Commitment to Achieving Diversity in the Public Sector; and
- ❖ DCAS' Responses to Follow-Up Questions.⁸

IV.1. Historical Audit Related Corrective Actions

The EEPC has found, through years of reviewing, evaluating, and monitoring the employment practices of city agencies, that those with optimal recruiting, hiring, and promoting processes, at minimum, apply a cycle consisting of 12 policies -- which are consistent with the City's EEO Policy, and federal, state and local laws, regulations and procedures. City agencies that implement these policies are poised to remove barriers and attract, hire, and retain desired candidates. Thus, the EEPC's uniform standards⁹ for auditing agencies' employment practices are predicated on these policies. During an audit, if an agency does not meet an established standard, the EEPC issues the standard as a corrective action and monitors the agency for up to 6 months to ensure its implementation. The EEPC's standards/corrective actions collectively delineate the 12-step cyclic approach agencies may take toward identifying and eliminating barriers in their employment practices. ([See Illustration 1.](#))

To ascertain the corrective actions historically prescribed, audits conducted from the EEPC's inception to the present were analyzed. Of 228 agency audits, 188 (83%) occurred between 2003 and 2015 – which represents the 3 latest quadrennial audit cycles. A sample of 75 agencies was reviewed. ([Appendix A](#)) Although receiving a corrective action was not a prerequisite, every agency in the historical sample received corrective actions in the subject areas of recruiting, hiring, and/or promoting.¹⁰

The EEPC's analysis illustrated that all 12 standards were regularly issued as corrective actions. For instance, 46 (61%) agencies were reissued identical corrective actions in a subsequent audit. In total, 479 corrective actions were issued: 236 pertained to recruiting; 179 pertained to hiring; and 88 pertained to promoting (24 instances were counted as applying to both hiring and promoting). ([Appendix B](#)) The frequency of recurring corrective actions provided a glimpse into the most prevalent issues among agencies. However, further research ensued to ascertain whether the recurrences could be explained by a lapse in implementation between audit cycles, or possible limitations at the agency level.

Illustration 1.



In the above cyclic approach to implementing legally mandated employment procedures, each step serves to prepare for, or improve, the next step in the cycle.

IV.2. Indicators Contained in the City's Workforce Statistics

Pursuant to the Charter, the EEPC requests and receives citywide workforce statistics from DCAS on a quarterly basis.¹¹ A utilization analysis is an impetus to probe incongruities in hiring, promotion and other selection rates. The utilization analyses contained in the citywide workforce statistics are primarily reviewed for indicators of underutilization – which the EEPC considers a measure of potential workforce deficiency and/or adverse impact. Underutilization occurs when there are fewer female or minority incumbents in a particular job group than would reasonably be expected given their availability in the labor market. The EEPC monitors underutilization by using an impact ratio-4/5ths rule or 80% rule-as a practical means of assessing indicators of future risk.¹² The EEPC then audits, evaluates and monitors agencies' plans and efforts to achieve parity with the relevant labor market.

According to workforce data from the fiscal year ending June 2015¹³, the City's total workforce consisted of 173,389 employees distributed in 29 EEO job groups described in [Appendix C](#) of this report. A utilization analysis was indicated for 69 (92%) agencies in the EEPC's sample. The EEPC observed underutilization for women and minorities in 60 (87%) of these agencies. The underutilization was concentrated in 27 EEO job groups as follows:¹⁴¹⁵

- Females were underutilized in 24 (89%) job groups;
- Hispanics were underutilized in 24 (89%) job groups;
- Blacks were underutilized in 21 (78%) job groups;
- Asians/Pacific Islanders were underutilized in 18 (67%) job groups.

An examination of both the *Historical Audit-Related Corrective Actions* and *Indicators Contained in the City's Workforce Statistics* resulted in further efforts to ascertain whether the relevant corrective actions the EEPC historically issued in these subject areas (recruiting, hiring, and promoting) may have had limited impact due to possible limitations at the agency level. If so, the EEPC would seek to ascertain whether *limitations could be remedied via uniform citywide policies or procedures*.

IV.3. Ascertaining Agency Level Limitation(s) for Possible Citywide Policy

DCAS establishes uniform procedures and standards such as the *Equal Employment Opportunity Policy: Standards and Procedures to be Utilized by City Agencies* (or Citywide EEOP), to assist City agencies in instituting annual EEO plans, programs, and other measures to ensure equal employment opportunity.¹⁶ The Citywide EEOP requires agencies to commit to, and use, general measures such as holding EEO/HR professionals, managers and supervisors accountable for ensuring non-discrimination in employment; assessing recruitment and selection approaches to determine adverse impact; making career counseling for civil service jobs available; establishing a diversity/EEO training plan; and retaining and reviewing information about employment and personnel transactions as required by applicable laws.¹⁷

Illustration 2 includes standards and procedures established for utilization by City agencies via the Citywide EEOP. These measures, which are parallel to the EEPC's standards, are recommended to ensure equal opportunities in employment. The illustration also indicates the number of times agencies did not follow the measures indicated, and were prescribed a corresponding corrective action in an EEPC audit. It exhibits that, although DCAS has outlined and circulated guidelines, agencies have sustained recurrent corrective actions in identical areas. A review of these factors was helpful in associating recurring issues at the agency level which may already be addressed by current citywide programs or policies.

Illustration 2.

EEOP: Measures Recommended To Ensure Equal Opportunities In Employment Practices ¹⁸	# Times EEPC Issued as Corrective Action
Recruiting	
<ul style="list-style-type: none"> [Commit] to assess recruitment efforts to determine whether such efforts adversely impact any particular group and what recruitment sources yield a diverse pool of qualified candidates [include] the agency's strategy to implement the best diversity and inclusion recruitment practices to ensure equal employment opportunity. Minimally, agencies should identify relevant professional and community organizations serving women and minorities throughout the City, review and update listings of recruitment outreach sources, and contact such organizations when positions not filled through civil service lists become available or where agencies may otherwise use discretion in hiring. [Commit] to assess agency job postings to ensure appropriate diversity inclusion and equal employment opportunity employer messaging. 	82
<ul style="list-style-type: none"> [Send] job vacancy notices to professional and community organizations serving diverse and inclusive populations. [Advertise] job vacancy notices in periodicals and websites with a diverse and inclusive readership. Identify relevant professional and community organizations serving women and minorities, review update recruitment listings. 	24
<ul style="list-style-type: none"> Each agency head, or at his/her discretion, the agency EEO Officer or APR, should review agency statistical information, EEO complaints, and the agency's employment practices, policies, and program. The agency head should work with the EEO Officer, General Counsel, and APO to identify: 1) barriers to equal opportunity within the agency, 2) the agency's obligations as a result of government grants and /or contracts, and 3) what, if any, corrective actions are required under court decrees and/or governmental audits. 	21
<ul style="list-style-type: none"> [Work] with appropriate DCAS personnel to review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related, and required by business necessity. 	18
Hiring	
<ul style="list-style-type: none"> [Commit] to establish a diversity, inclusion, and EEO training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning diversity, inclusion, and EEO-related rights and responsibilities in a manner consistent with the minimum standards for diversity, inclusion and EEO training established by DCAS. [Ensure] that human resources personnel, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in interviewing, selection, hiring skills, and EEO, to enable such individuals to correctly identify the most capable candidates. 	69
<ul style="list-style-type: none"> [Commit] to assess the manner in which candidates are selected for employment to determine there is adverse impact upon any particular racial, ethnic, disability or gender group. To the extent that adverse impact is discovered, the agency head will determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method. 	52
<ul style="list-style-type: none"> [Commit] to review on a regular basis and retain information about personnel actions, discretionary hiring, applicants, promotions, demotions, transfers, rates of pay, terms of compensation, and selection for training or apprenticeship as required by federal, state, and local law, and/or the City's official records retention schedule. 	34
Promoting	
<ul style="list-style-type: none"> [Commit] to make career counseling about civil service jobs available for employees. Employees should be reminded of the identity of the agency's Career Counselor and the type of guidance which is available from the Career Counselor, at least once each fiscal year. Each agency should promptly notify agency employees and DCAS of any change in the identity of the agency Career Counselor. [Conduct or encourage] the use of training and development programs to improve skills, performance, and career opportunities of all employees. [Promote] employees' awareness of opportunities for promotion and transfer within the agency, [publicize] promotions and changes in the managerial ranks, and [ensure] that the agencies engage in succession planning for top managerial positions. [Consider own] employees for such opportunities by having programs that identify ready now and high potential talents. 	59

IV.3.A. EEPC Opinion Polls: Role of EEO and HR Professionals

The City's EEO Policy assigns EEO professionals the responsibility to assist and provide guidance in the implementation of EEO policies, standards and procedures at their respective agencies.¹⁹ In addition to implementing the city's personnel policies, HR professionals must also cooperate with EEO professionals to ensure procedures provide equal employment opportunity for applicants and employees.²⁰ An integral part of succeeding in their respective roles includes forming a partnership to regularly review employment practices and statistical information (i.e. workforce, underutilization data, hires, promotions, and separations by race/ethnicity and gender) to identify potential barriers to employment opportunities.

Because both professionals have the responsibility to ensure equal access to employment practices such as recruitment, hiring, and promotion, the EEPC anonymously polled the principal Equal Employment Opportunity Professional (PEEOP) and the principal Human Resources Professional (PHRP) of the 75 municipal agencies previously examined in our sample. In total, opinion polls were distributed to 78 PEEOPs and 76 PHRPs for completion within a 3-week period.²¹ ([Appendix D](#)) The professionals were polled regarding their level of involvement and responsibilities in implementing their agencies' employment practices.

Forty-seven PEEOPs (60.3%) and 40 PHRPs (52.6%) responded. ([Appendix D](#)) Both polls contained comparable inquiries and answer options. Since HR Professionals are directly involved in their agencies' recruiting, hiring, and promoting practices, they were asked to "indicate" or "select" appropriate options. Since EEO Professionals may be indirectly involved in these practices, they were asked to indicate their "experiences or observations" on a 5-point rating scale of strongly agree, agree, neither agree nor disagree, disagree, strongly disagree. For comparison purposes, strongly agree/agree were aggregated to indicate overall affirmation; as well, disagree/strongly disagree were aggregated to indicate denial. All questions provided an opportunity for comment or explanation.

The opinion poll results are based solely on the answers of the respondents who possess knowledge, experience, or observation of a particular practice.²² Each individual question in the PEEOP's Poll received a response rate of 87.5% or greater. Similarly, each individual question in the PHRP's Poll received a response rate of 89.5% or greater. The opinions of the PEEOPs and PHRPs were crucial in examining whether there were limitations at the agency level that may affect the execution of citywide policies.

IV.3.B. EEPC Conference/Hearing

Pursuant to the EEPC's authority to conduct studies, investigations and hold hearings to determine whether agencies are in compliance with equal employment opportunity requirements,²³ in May 2015, the EEPC held a conference/hearing for the City's PEEOPs and PHRPs entitled, *Commitment to Achieving Diversity in the Public Sector*. The event featured presentations from legal, academic and municipal government professionals with extensive experience in identifying barriers in the workplace, developing research, and increasing employment opportunities in their respective fields. ([Appendix F](#)). Academic experts presented various hypotheses on variables that could create barriers to equal employment opportunities and potentially skew an agency's workforce. In addition, the EEPC sought testimony from DCAS, as an entity with acumen in the area of establishing uniform and comprehensive policies that influence employment practices within City government.²⁴

In response to the EEPC's inquiry on DCAS' role in identifying barriers, increasing employment opportunities, and impacting diversity in the City's workforce,²⁵ R. Fenimore Fisher, DCAS Deputy Commissioner and Citywide Chief Diversity and EEO Officer, and Dawn Pinnock, Deputy Commissioner of Human Capital presented testimony regarding DCAS' current efforts, initiatives and priorities. Ms. Pinnock presented testimony emphasizing DCAS' commitment to ensure City employees take advantage of career opportunities. She identified two focus areas to advance Diversity and EEO city-wide: Citywide Recruitment and Strategic Planning. Citywide recruitment includes internal efforts focused on increasing knowledge about potential career opportunities, promotional pathways, and external focus, which involves broadening the scope of citywide recruitment areas and feeder groups to include all NYC communities. Strategic planning focuses on workforce data, increasing diversity in senior

leadership, and fair testing and examinations -- for which, Ms. Pinnock discussed plans to hire an external consultant to assist in avoiding adverse impact.²⁶

Mr. Fisher highlighted the abovementioned high priority areas and provided a brief account of existing policy and strategies in use by DCAS – identifying four areas of progress: the appointment of Chief Diversity Officers in four city agencies (Fire Department of New York, Department of Design and Construction, Department of Health and Mental Hygiene and Department of Information Technology & Telecommunication); the establishment of an Office of City-Wide Recruitment (OCR) and Center for Creative Conflict Resolution; the introduction of an interactive format for workforce data; and greater accountability for implementing and tracking best practices.

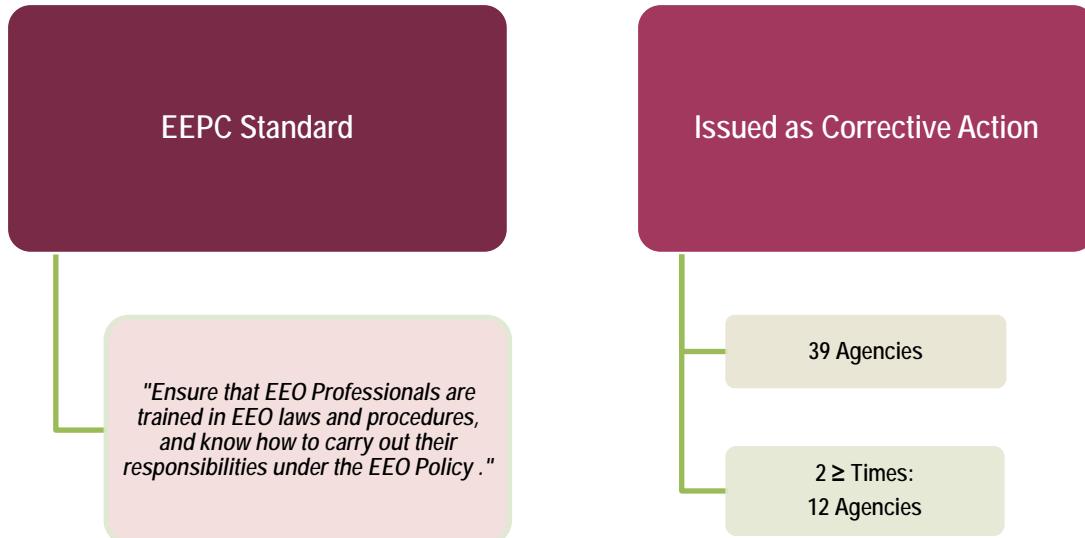
V. RESULTS OF ANALYSIS

In conducting this analysis, the EEPC analyzed the 12 auditing standards that currently pertain to recruiting, hiring, and promoting; cross referenced results from the *EEPC's Opinion Polls for PEEOPs and PHRPs*; and reviewed testimony presented by DCAS' officials during *Commitment to Achieving Diversity in the Public Sector* for the purpose of comparing Agencies' efforts, City-wide efforts and Collective (or combined) efforts. Using steps from the cyclic approach previously outlined in [Illustration 1](#), four prominent themes are discussed:

- Enhancing Recruitment Efforts;
- Strategies for Hiring (Discretionary/Civil Service Titles);
- Strategies for Accountability in Hiring; and
- Facilitating Opportunity for Promotion.

The *Collective Measures* discusses the impact of City-wide policies and procedures on individual agencies. Improvement is illustrated by a decrease in the number of agencies that received a corrective action 2 or more times. For further clarification, a diagram of each prominent theme depicts the number of agencies audited that received a corrective action once, then 2 or more times. Additional information, such as the results of the EEPC's opinion polls and other applicable standards in the 12-step cycle, is included to provide insight as to why issues recurred.

V.1. Enhancing Recruitment Efforts



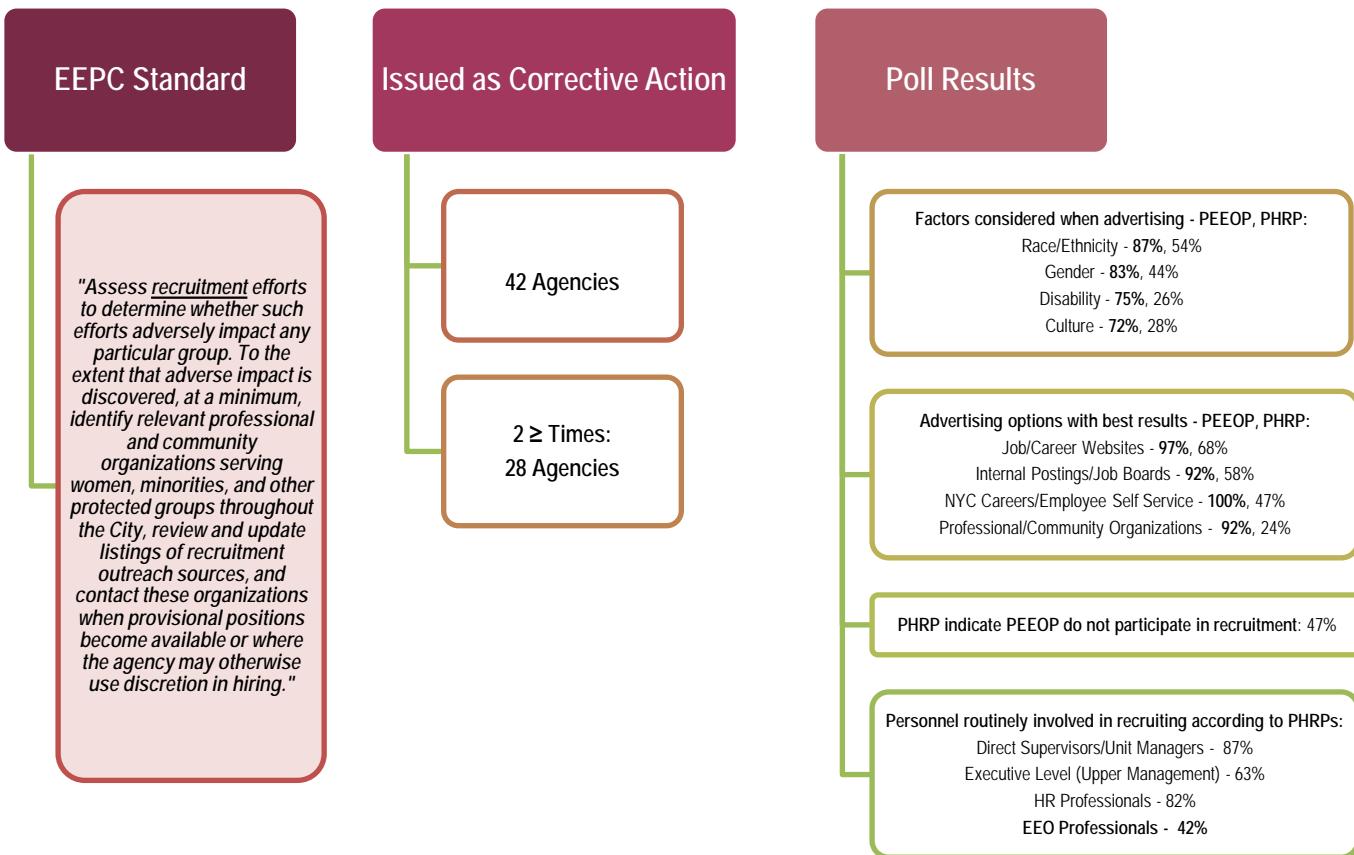
Agencies:

A longitudinal review of the EEPC's audits revealed that 39 (52%) of the agencies in our sample were prescribed the corrective action to ensure that *EEO Professionals are trained in EEO laws and procedures, and know how to carry out their responsibilities under the EEO Policy*; 12 (31%) of these agencies were issued this corrective action 2 or more times.

Appointing well-trained professionals to lead agency diversity programs reduces bias and yields dividends in increasing the number of racial minorities and women in positions of authority and power.²⁷ Any reliable strategy for identifying and removing barriers in an agency begins with ensuring that a professional has the necessary acumen in this area. The City's EEO Policy assigns each agency the responsibility to appoint a PEEOP who is trained and knowledgeable regarding city, federal and state EEO laws and agency procedures.²⁸ The PEEOP is tasked with working closely and cooperatively with agency managers, supervisors and human resource professionals to address issues related to equal employment opportunity. Similarly, federal models²⁹ require agencies to provide sufficient staffing and resources, and ensure EEO officials are involved in critical workplace decisions, have regular access to senior staff, and participate in meetings where critical personnel make decisions regarding management and the deployment of human resources.

Citywide:

To assist agencies in addressing the responsibility of hiring a trained professional to administer the EEO program, DCAS' Office of Citywide Diversity and Equal Employment Opportunity (DCAS-CDEEO) conducts a 5-day EEO training session entitled, Diversity and Equal Employment Opportunity Basic Training for EEO Professionals, which is offered semi-annually. The 5-day Basic Training program is comprehensive and covers city, state and federal EEO Laws; the role of the EEO Officer in creating and managing a diverse and inclusive work environment; the prevention of unlawful discrimination; and complaint handling and investigation procedures. An overview of New York City's statistical workforce reports (requirements and benefits), Civil Service Law and Uniform Guidelines on Employee Selection Procedures is also provided, along with a component on structured interviewing training, avoiding illegal questions and behavior based questions. The training also includes proactive steps for recruiting individuals with disabilities, ensuring fairness for disabled persons, reasonable accommodation guidelines, and procedures for undue hardship. In addition, gender equality, sexual orientation, transgender equality and gender identification are discussed in light of evolution of the law and social assumptions, as well as policies against sexual harassment and fraternization. Lastly, EEO Professionals are given an overview of agencies' obligations under the NYC Charter and the New York City EEO Policy, with respect to the roles and responsibilities of the agency head, EEO and personnel officers, general counsels, managers and supervisors.



Agencies:

When an agency endeavors to attract and hire in titles that are less diverse, the EEO Professional's involvement from the onset of the recruitment process has the potential to influence the prospective applicant pool. Audit data revealed that 42 (56%) agencies, were prescribed the corrective action to *assess recruitment efforts in order to determine whether they adversely impact any particular group*³⁰; 28 (67%) of these agencies received this corrective action 2 or more times.

The EEPC's auditing standards and the City's EEO Policy both require that each agency identify and use advertisements that are geared toward underutilized groups, if any. In accordance with the City's EEO Policy, the EEPC requires the PEEOP to review the agency-specific statistical information, identify underutilization in the incumbent workforce and develop strategies that will eliminate barriers and facilitate desired outcomes for deficient groups. Deputy Commissioner R. Fenimore Fisher confirmed that DCAS-CDEEO provides agencies with quarterly statistical workforce reports that assist in "recruitment efforts and succession planning for occupations that are less diverse."³¹ The succession-planning period is an optimal time for the PEEOP and PHRP to work with department managers to identify potential vacancies and build a recruitment strategy that recognizes the need for targeted outreach efforts in deficient areas. During the EEPC Conference/Hearing in 2015, Deputy Commissioner of Human Capital Dawn Pinnock testified that DCAS also established the Office of Citywide Recruitment (OCR) to address issues in recruitment and broaden its outreach efforts.³²

Due to the nature of their roles and responsibilities, PEEOPs are inclined to consider impact factors (i.e. race/ethnicity, gender, culture, disability) in their recruiting and advertising strategies. The results of the EEPC's opinion polls indicated that both PEEOPs and PHRPs identified race/ethnicity (PEEOP-87%, PHRP-54%) and gender (PEEOP-83%, PHRP-44%) as factors considered most when advertising vacancies/promotions. PEEOPs also considered culture (72%) and disability (75%) as additional major factors. Although the PEEOPs showed strong consideration for diversity-based criteria, PHRPs indicated the PEEOPs level of routine involvement in

recruiting processes at 42%. Moreover, 47% of the PHRPs polled indicated the PEEOPs do not participate in recruitment at all.

Within the period reviewed, 21 (28%) of agencies in our sample were prescribed the corrective action to *advertise in minority-or-female oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates if these groups are underrepresented in titles where there is discretion in hiring*; 3 (14%) of these agencies received this corrective action 2 or more times. (See [Illustration 3](#).)

PEEOPs and PHRPs identified job/career websites (PEEOP-97%, PHRP-68%), internal postings/job boards (PEEOP-92%, PHRP-58%), and NYC Careers/Employee Self Service (PEEOP-100%, PHRP-47%) as advertising options that produced successful results; however their response percentages varied drastically, with gaps from 29 to 53 points. In addition, although PEEOPs considered professional/community organizations an effective recruiting tool (92%), PHRPs did not (24%). The differences between response rates indicate dissonance as to which recruiting options are considered most effective at the agency level. This affects collaborative efforts during recruitment and ultimately, the prospective applicant pool. Strategic advertising employs the use of resources that have been proven to yield desired results.

As reflected in the City's EEO Policy,³³ there is no individual action that an agency can implement to diversify its applicant pool. The process is often a combination of collaborative efforts and broad measures as indicated in below.

[Illustration 3](#)



According to the testimony of Dawn Pinnock, Deputy Commissioner of Human Capital at DCAS, the goal is to educate not only prospective applicants, but the City's current incumbents on the particulars of the civil service process. Lack of familiarity with the city's employment website is a primary concern, therefore OCR is committed to providing "clear and factual information about civil service, the way in which individuals can apply for open

competitive and promotional civil service examinations, and the many benefits offered through City employment.”³⁴ With 100% of the PEEOPs polled by the EEPC identifying NYC Careers/Employee Self Service (ESS) as a successful advertising option, efforts to ensure a comprehensive understanding of the system would not be misplaced.

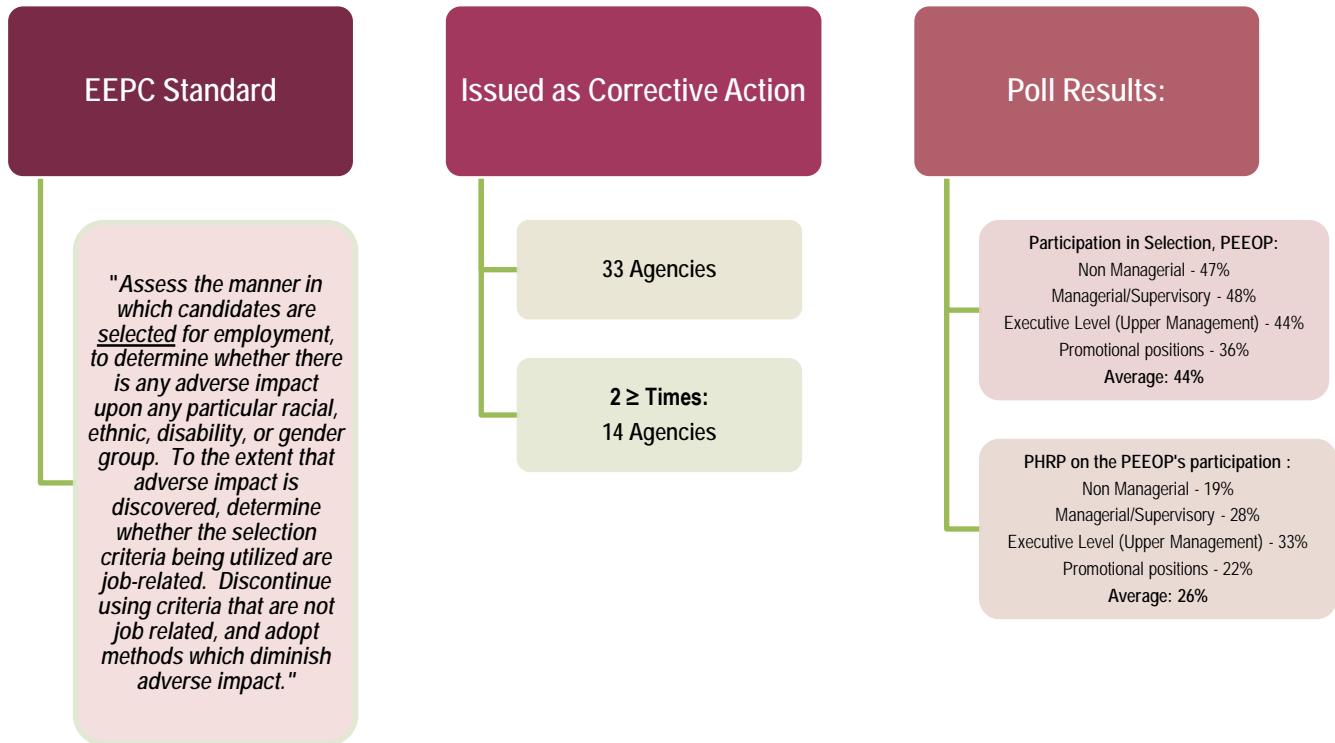
Ms. Pinnock indicated that the Office of Citywide Recruitment (OCR) has assessed the city’s recruitment efforts and will focus on three key areas; communication, access and partnership. With regard to communication, DCAS is educating the city’s “current incumbent and prospective applicants on the inner workings of civil service,” – collaborating and openly communicating with agency personnel officers and conducting surveys on recommendations for useful types of training (e.g. the civil service process).³⁵ With regard to access, Ms. Pinnock testified that historically, DCAS’s “recruitment efforts have been limited to job fairs, presentations and periodic e-mail campaigns.” However, with the creation of the OCR, DCAS can take a more proactive approach to recruiting, which includes conducting “site visits, hosting targeted recruitment events, and creating internships opportunities to foster a public service pipeline.”³⁶ Lastly, with regard to partnership, Ms. Pinnock stated that DCAS anticipates building and establishing “new partnerships with labor, elected officials, high schools, colleges, universities and trade schools to engage and educate individuals on the multitude of career opportunities offered by the city.” Additionally, DCAS “will participate in job fairs, career expos, workshops and community based events, including town hall meetings, to build relationships and raise awareness about the employment opportunities and civil service examinations.”³⁷

At the point of the EEPC’s Conference/Hearing, “the recruitment office had participated in a host of job fairs across the city to reach prospective employees across demographic groups.” In January 2016, DCAS republished the *NYC Guide to Recruiting for City Agencies*, which includes and explains the following recruitment steps to assist agencies with a uniform strategic approach toward recruitment: *Determine Your Recruitment Goals; Identify the Job Opening and Short-Term/Long-Term Needs; Review the Job Description; Determine How to Fill the Job; Identify the Target Population; and Prepare Job Posting and Notify the Target Population*. It also contains methods to evaluate the results of recruiting efforts and a list of professional/community organizations that agencies may use when advertising vacancies to broaden the pools for both competitive and discretionary applicants.

Collective Measures on Enhancing Recruitment:

- The reduction of the number of corrective actions to ensure EEO professionals are trained during subsequent audits suggests that agencies are appointing trained individuals with the acumen to handle EEO-related issues.
- A reduction in the number of agencies that received corrective actions to assess recruitment efforts for adverse impact and to advertise in minority-or-female oriented channels to attract candidates from underrepresented groups, if any, shows progress at the agency level. DCAS has made notable contributions by establishing the above-mentioned strategic plans and assisting agencies with a uniform approach toward recruitment by publishing the *NYC Guide to Recruiting for City Agencies*. In response to a follow-up inquiry regarding *criteria that determines which organizations are listed in the NYC Guide to Recruiting for City Agencies*: According to DCAS-CDEEO, this publication includes an updated list of the recruitment sources which were gathered from mayoral agencies in a 2004 publication entitled, *Making the Most of the New York City’s Recruitment Resources*. Using and comparing inclusive recruitment sources additional sources were identified and added, particularly for groups like the disabled, LGBT, Veterans, and Native Americans.
- In addition to the aforementioned efforts, strategies to increase diversity and equal employment opportunities must mandate the involvement of the PEEOP. Trained PEEOPs utilize their acumen to assess the impact of current practices on their agency’s workforce, examine opportunities, and assist in creating a strategic recruitment plan which recognizes and diminishes impact to applicants and incumbents. Additional measures to mandate a collaborative process which involves the PEEOP would ensure that DCAS’ efforts are achieved at the agency level.

V.2. Strategies for Hiring (Discretionary/Civil Service)



Agencies:

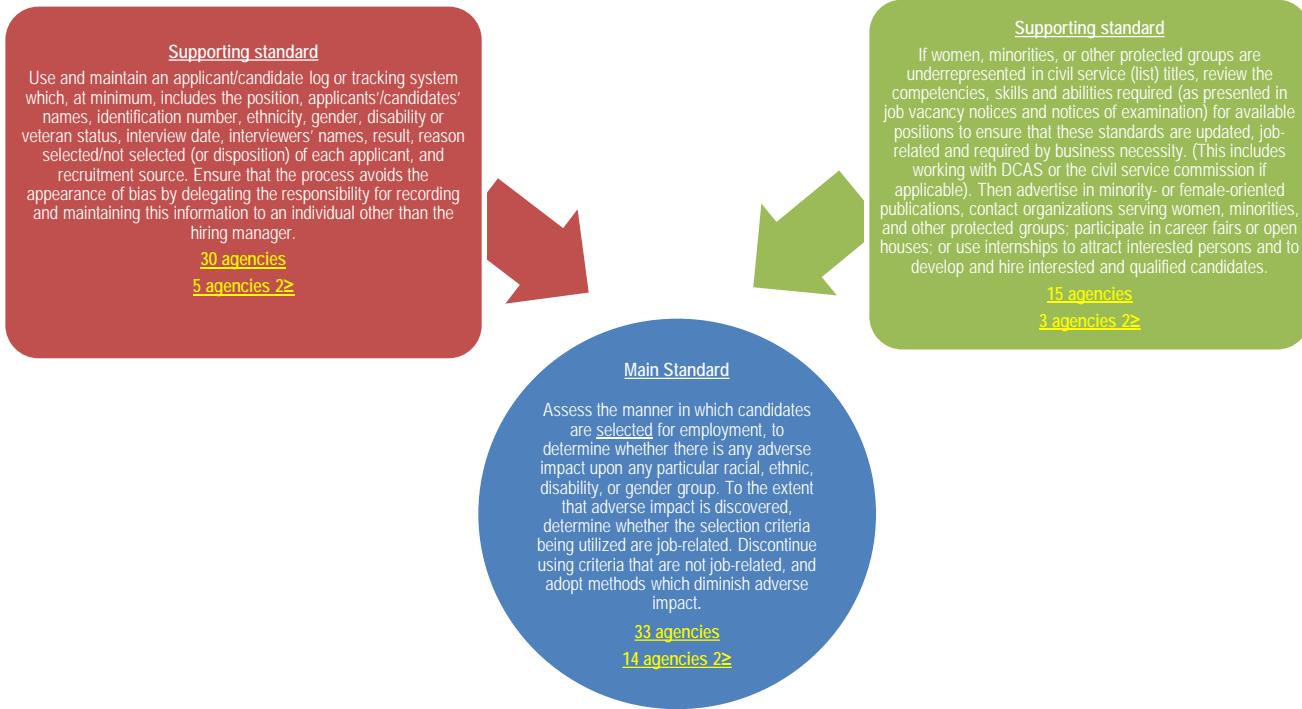
An analysis of audits revealed that 33 (44%) agencies were required to assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related the EEPC recommends that they discontinue using criteria that are not job related, and adopt methods which diminish adverse impact. Fourteen (42%) of these agencies received this corrective action 2 or more times.

The aforementioned results could indicate limitations at the agency level, or a lapse in implementation of the EEPC's standard between audits. The use of any selection procedure which has an adverse impact on the hiring, promotion, or other employment opportunities for members of any race, sex, or ethnic group is considered to be discriminatory, unless the procedure has been validated as having a business necessity or serving the user's legitimate interest.³⁸ In order to effectively facilitate equal opportunities, applicants should be measured by uniform and consistently applied qualification and selection standards.³⁹ To analyze applicants, discretionary hires, and promotions an agency's PEEOP/PHRP must conduct an assessment on at least an annual basis to monitor progress, identify areas where barriers may exclude certain groups, and develop strategic remedial plans.⁴⁰ When queried, PEEOPs indicated participation in the selection process for various position types at an average rate of 44%. Moreover, PHRPs – who routinely participate in both recruitment and selection processes – indicated the PEEOPs participation rate at an average of 26%.

For discretionary titles, the PEEOP should play a role in tracking applicant/candidate demographic data and reviewing the criteria for job vacancy notices/notices of examination – which are diagnostic tools for assessing barriers creating curative selection procedures with evidence of less adverse impact. Applicant tracking is a method that may be used to assess the disparate impact of a selection procedure. It allows an agency to examine whether a desired group which initially appeared in the applicant pool has been screened out via the agency's selection procedure.⁴¹ Applicant flow analysis is the examination of the relative pass rates, or acceptance rates, of applicants on the basis of race, gender, and national origin. This method can be used to examine the effect of each separate employment requirement on a particular position, or to examine the effect of all the requirements taken together.

In the case of civil service titles, the NYC EEO Policy recommends that agencies work with entities such as DCAS or the Civil Service Commission to review the competencies, skills and abilities required in job vacancy notices and notices of examination to ensure standards are updated, job-related and required by business necessity.⁴² Agencies are required to ensure sufficient staff and resources to enable accurate collection and analysis of data and other employment factors, including applicant information, to periodically examine workforce profiles and identify other barriers.

Illustration 4



Consistent annual reviews of the agency's statistical information by a trained PEEOP, as well as the examination of competencies, skills, abilities, and posting requirements allow the agency to build fair and effective strategies that consider the prospective job market. A mixed-method assessment, as indicated in [Illustration 4](#), is especially important, since a shift in demographics may impact the availability of skills in the labor market.

City-wide:

According to the testimony presented on behalf of DCAS, progress is being made with regard to the issues of adverse impact and validity in testing. With regard to civil service/list positions, Deputy Commissioner Pinnock testified, “[t]he Exams Bureau has retained the services of a consultant who is an expert in the field of testing and adverse impact.⁴³ It is the goal of the Exams Bureau to reduce the ‘adverse impact’ of our exams, so that our exams are valid for all test takers and our exams represent the opportunity for candidates to participate on an even playing field.”⁴⁴ DCAS has also instituted sensitivity panels as part of its exam development process. According to Ms. Pinnock, exams are “reviewed by a panel for cultural sensitivity in an effort to further reduce adverse impact.”⁴⁵

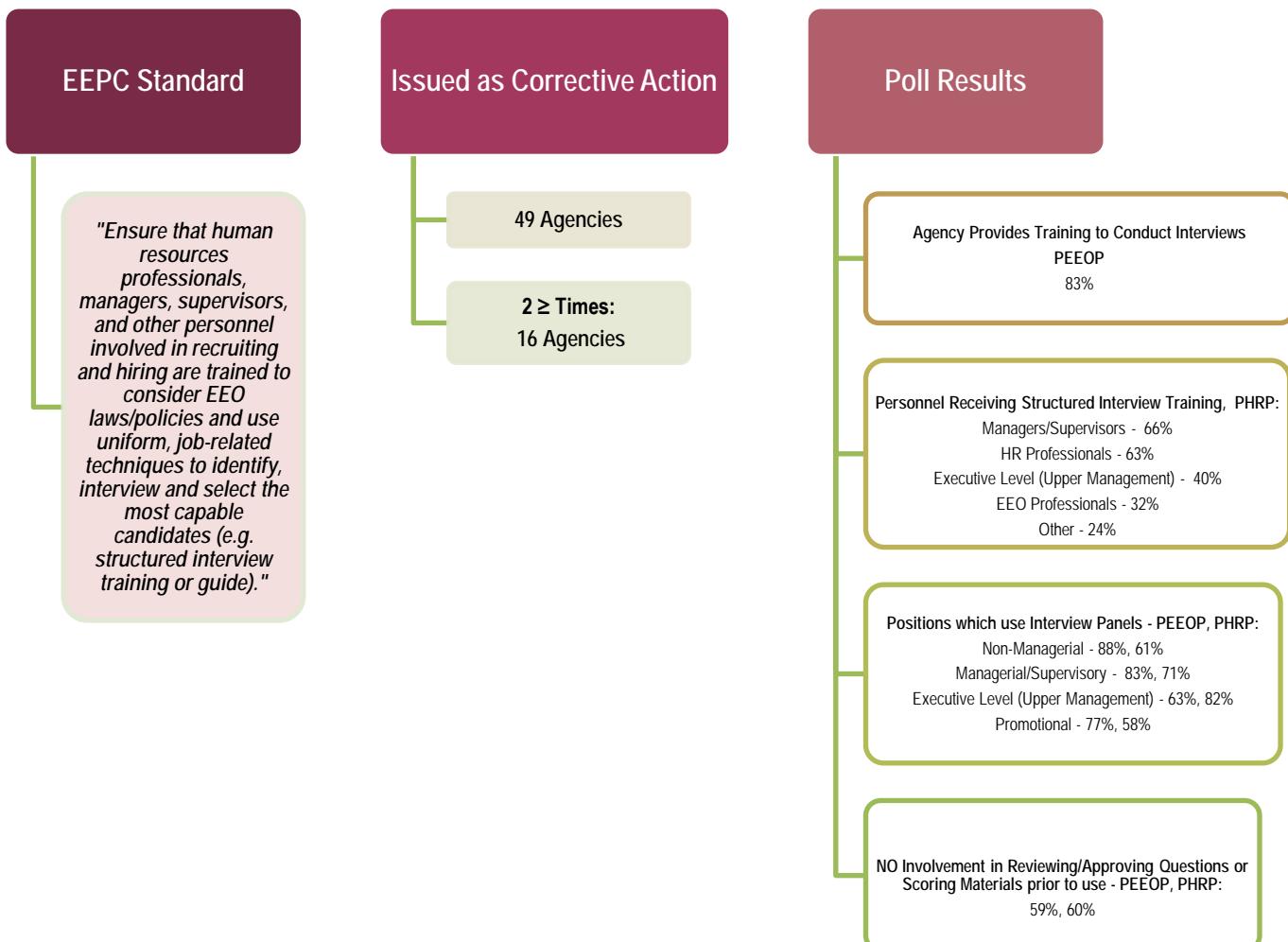
In response to the follow-up inquiry, *Has DCAS retained the services of a consultant who is an expert in the field of testing and adverse impact?* According to DCAS-Human Capital, DCAS procured the services of a consulting firm to assess current practices and provide best practices training to its Exam Testing & Measurement Unit. This training/assessment covered court approved statistical models to determine adverse impact during post examination review.

As an additional enhancement, DCAS-CDEEO provides a framework for city agencies which require assistance implementing training for structured interviewing and/or a uniform procedure for approving interview materials. In response to the follow-up inquiry, *Is it practical for DCAS to require a uniform procedure (which includes EEO/HR involvement) toward this end:* According to DCAS-CDEEO, DCAS is reviewing avenues to provide more formal guidelines. DCAS provides training in the area of structured interviewing, which references duties for EEO and HR involvement. In addition, guidance on the joint work between EEO and HR is reinforced via DCAS' annual agency EEO plan template.

Collective Measures on Strategies for Hiring (Discretionary/Civil Service):

- Essentially, corrective measures require a continual effort which includes the PEEOP's participation in determining and assessing selection procedures, and ensuring that measures to eliminate barriers are integrated into relevant processes. DCAS-CDEEO provides a framework for implementing structured interview training and/or a uniform procedure for approving interview materials; because agencies use it intermittently, implementation should be mandatory.

V.3. Strategies for Accountability in Hiring



Agencies:

The majority, 49 (65%), of the agencies in our sample were prescribed the corrective action to ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide); 16 (33%) of these agencies received this corrective action 2 or more times.

Agencies with well-trained staff are able to consider laws/policies and use uniform, job-related techniques to identify, interview, and select the most capable candidates. Training programs establish a defense to not only avoid liability for the agency, but to provide beneficial information that is crucial for supervisors, managers, human resources professionals, and other personnel involved in recruiting and hiring regarding their responsibility to ensure compliance with EEO laws while teaching how to recognize and curb behaviors that may lead to discrimination (e.g., implicit bias).⁴⁶

Across the board both PEEOPs (78%) and PHRPs (68%) agreed that their agency utilizes an interview panel (small group or committee) for non-managerial, managerial/supervisory, executive level (upper management), and promotional positions. Employees who review and approve interview questions and scoring materials, should not only be trained in structured interviewing, but also evaluated on their responsibilities to eliminate possible barriers to equal opportunities. According to poll results, 83% of PEEOPs agreed that their agency provides training to individuals who conduct job interviews in order to ensure a standardized questioning and scoring process for job candidates. When asked which personnel typically receive training in structured interviewing, 66% of PHRPs identified managers/supervisors as the personnel most likely to receive such training, followed closely by human resources professionals (63%). PEEOPs, however, were likely to receive training at half the rate (32%) of the aforementioned groups.

In addition, although PHRPs are involved in the recruiting, hiring, and promoting of potential and incumbent employees, more than half of PEEOPs (59%) and PHRPs (60%) indicated they had no involvement in approving interview questions and/or scoring materials prior to interviews. This reinforces our previous conclusions that the professionals' most equipped to assess barriers miss an opportunity to assess them at a crucial point in the selection process. The portion of agencies which did not utilize the knowledge and acumen of these professionals at a crucial juncture increased their susceptibility to potential barriers such as unconscious bias or lack of knowledge regarding pertinent EEO requirements.

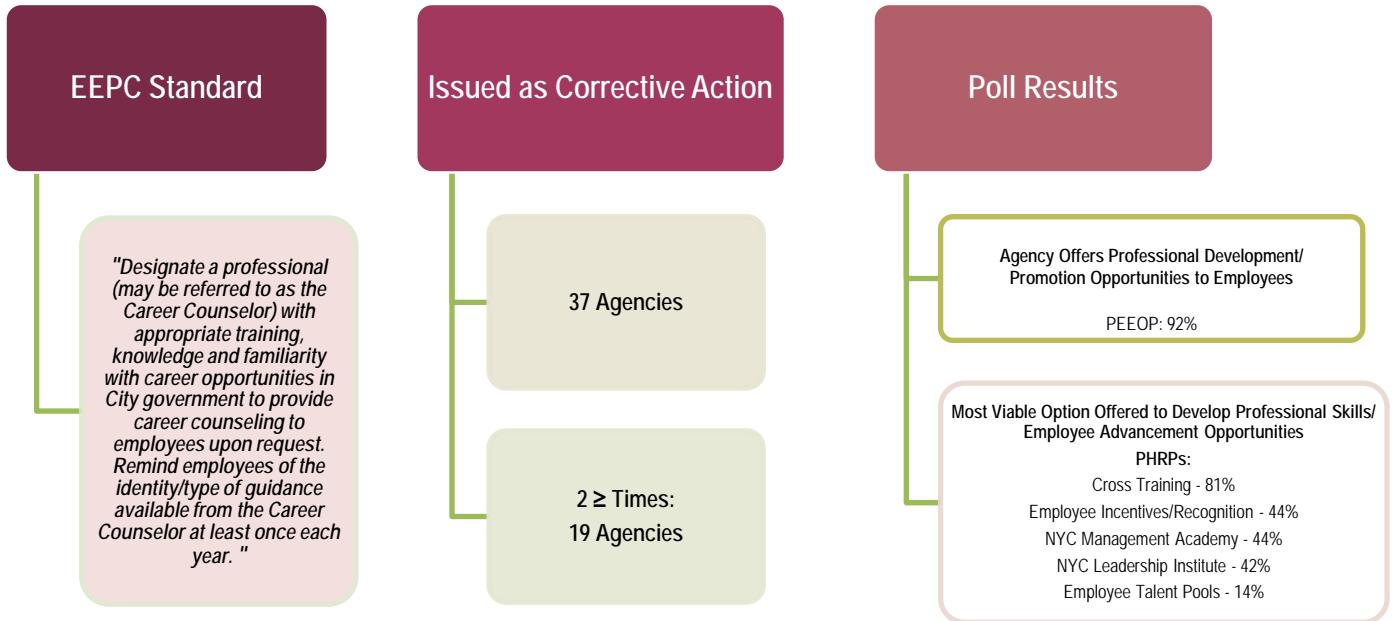
City-wide:

DCAS-CDEEO offers an intensive one-day training program for managers and supervisors who interview candidates for positions in their agency to help them plan and conduct an effective interview process. It includes analyzing specifications, developing legal, behavioral-based questions and practicing interview techniques. With regard to EEO Professionals, DCAS-CDEEO offers Equal Employment Opportunity Basic Training for EEO Professionals which, includes among other topics, an overview of statistical workforce reports, civil service law, and adverse impact/treatment. It also contains a segment on structured interviewing which focuses on frequent sources of error, behavior-based questions and avoiding illegal questions.

Collective Measures on Strategies for Accountability in Hiring:

- Not only does DCAS provide intensive program for managers, supervisors and EEO personnel, but the majority of PEEOPs agreed that their agency provides training to individuals who conduct job interviews in order to ensure a standardized questioning and scoring process for job candidates. A decrease in the number of agencies, to which the corrective action was re-issued, indicates marked improvement among agencies and city-wide.

V.4. Facilitating Opportunities for Promotion



Agencies:

Of the agencies in our sample, 37 (49%) were prescribed the corrective action to designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request and remind employees of the identity/type of guidance available at least once each year; 19 (51%) of these agencies received this corrective action 2 or more times.

Ninety-two (92%) of PEEOPs agreed that their agency offers professional development and promotional opportunities to employees. The most viable option offered to develop professional skills and employee advancement opportunities as identified by PHRPs was cross training (81%). Employee incentives/recognition (44%), the NYC Management Academy (44%), and the NYC Leadership Academy (42%) were virtually tied as additional options.

According to the National Career Development Association the benefits of having a career counselor on staff include:⁴⁷

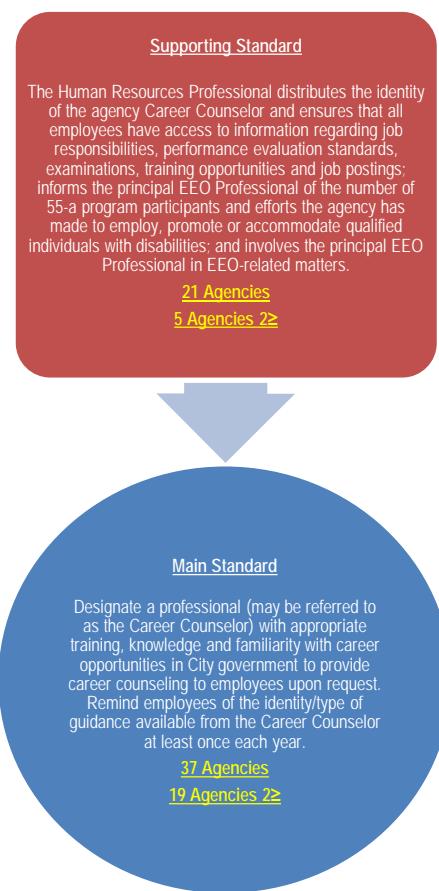
- increased employee productivity and performance;
- increased retention of valued employees;
- improved employee morale; and
- a resource for training and staff development.

Because Career Counselors have a primary role in the retention of employees, their identities must be publicized throughout the agency to ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities, and job postings. Succession planning is an optimal point for the PEEOP and PHRP to work with department managers to identify potential vacancies and build a recruitment strategy that recognizes the need for targeted outreach efforts in deficient areas. Agencies should consider sending reminders to its employees of the Career Counselors' role and responsibilities as part of this process.

City-wide:

Typically, the PHRP is responsible for ensuring that all employees have tools and information regarding job responsibilities and expectations, training opportunities, standards for performance, civil service examinations and job postings. Although there is no mention of the use of Career Counselors in DCAS' May 2015 testimony, Ms. Pinnock stated that there are "misconceptions about the potential career opportunities and promotional pathways offered within the City of New York."

Illustration 5



Collective Measures on Facilitating Opportunities for Promotion:

- The Career Counselor is required to apply knowledge and familiarity with career opportunities in City government and provide counseling to employees upon request, which aids in the retention and ascension of experienced employees. Illustration 5 shows the relationship of the PHRP, PEEOP, and Career Counselor in the retention and advancement of employees. Since the majority of PEEOPs agreed that their agency offers professional development and promotional opportunities to employees, DCAS Human Capital and CDEEO should consider a citywide policy that assigns the Career Counselor a defined role in clarifying promotional pathways within an agency, and even citywide, to address misconceptions about the potential career opportunities and promotional pathways offered within the City of New York.

In response to the follow-up inquiry, *Has CDEEO considered a citywide policy that assigns the Career Counselor a defined role in clarifying promotional pathways?* According to DCAS-CDEEO, the utilization of Career Counselors and the requirement that each Agency Personnel Officer ensure the identification of the agency's Career Counselor is directly referenced in the City's EEO Policy. Furthermore, despite each agency having the discretion to assign specific duties to its own employees, DCAS stated that is actively reviewing avenues to provide more formal guidance concerning appropriate duties for career counselors.

VI. CONCLUSION

The City has established a vigorous framework for identifying obstacles and successes to opportunities for municipal employment and advancement. With regard to our initial question of *whether agency-level limitations in the areas of recruiting, hiring, and promoting could be remedied via uniform citywide policies or procedures*, the short answer is: Certainly. Our findings indicate that adequate accountability and oversight mechanisms at the agency level are paramount to ensuring established citywide policies produce the desired impact.

At the citywide level, DCAS is taking proactive approaches toward acknowledging limited methods of recruitment; identifying and addressing challenges (e.g. clarifying the civil service system and promoting awareness of the city's employment website); and collaborating with agency personnel officers/PHRPs to provide agencies with the requisite resources and support for securing diverse candidates. The addition of the Office of Citywide Recruitment, created to extend both internal and external recruitment and promotion opportunities, represents solid progress and enhances an already established system.

DCAS-CDEEO has continued to provide guidelines and expand training opportunities for City agencies. In 2016, the *NYC Guide to Recruiting for City Agencies* was published and distributed to afford agencies a means to ensure uniform and consistent search processes and broader applicant pools. DCAS-CDEEO has also expanded training opportunities by offering new courses which cover issues such as unconscious bias, LBGT inclusion, structured interviewing and disability etiquette. Currently, DCAS-CDEEO is developing a computer-based training module to educate managers on how to identify and mitigate personal beliefs and perceptions, which could lead to stereotyping or implicit biases in decision-making. Additionally, in response to a request to *indicate developments such as training, policies, etc. regarding the City's employment practices since the EEPIC's Conference/Hearing in May 2015*, DCAS-CDEEO indicated its plans to address the following (via applicable web-based updates, an addendum to the Citywide EEO Policy, and monitoring of citywide agency efforts): ADA website compliance; language translation of information posted in the City's websites; protected status afforded to caregivers; and enforcement of the right of transgender employees and members of the public to use single sex facilities consistent with their gender identity and/or expression.

While it is clear that DCAS-CDEEO has a comprehensive strategy to serve as a strong resource for integrating and increasing workplace diversity, implementation at the agency level is uneven and may be limited in agencies where the PEEOP is omitted from robust participation in planning, executing and monitoring recruitment, hiring, or advancement strategies. Inconsistency in the role and involvement of the agency PEEOP and career counselor may obstruct full implementation of crucial portions of the recruitment and hiring processes, as well as opportunities for advancement. Adequate accountability and oversight from EEO professionals ensure opportunities for a vast range of candidates.

Regarding specific uniform citywide policies that could remedy agency-level limitations: To complement the aforementioned approaches, a roadmap or guidebook – similar to the “*NYC Guide to Recruiting...*” is recommended in these other subject areas:

- Integrating the Principal EEO Professional in Employment Practices, Policies and Strategies;
- Conducting Impact Assessments to Identify Potential Barriers to Workforce Diversity;
- EEO Management/Oversight in Interviewing, Scoring and Selection Processes; and/or
- Uniform Duties/Responsibilities for Career Counselors in Managing Opportunities for Internal Advancement.

Tactical approaches to recruitment, hiring, professional development and advancement require the collaboration, review and approval of the principal EEO and HR Professionals in tandem. With continuous and mandatory involvement from both professionals, efforts to improve the administration and implementation of any citywide policy will have greater impact at the agency level.

APPENDICES

Appendix A

New York City Agencies Polled by the Equal Employment Practices Commission March 2015

1. Actuary, Office of the
2. Administrative Tax Appeals, Office of
3. Administrative Trials & Hearings, Office of
4. Aging, Dept. for the
5. Borough President's Office, Bronx
6. Borough President's Office, Brooklyn
7. Borough President's Office, Manhattan
8. Borough President's Office, Queens
9. Borough President's Office, Staten Island
10. Buildings, Dept. of
11. Business Integrity Commission
12. Campaign Finance Board
13. Children's Services, Administration for
14. City Clerk/Clerk of the Council
15. City Commission on Human Rights
16. City Comptroller, Office of
17. City Council, New York
18. City Planning, Dept. of
19. Citywide Administrative Services, Dept. of
20. Civil Service Commission
21. Civilian Complaint Review Board
22. Collective Bargaining, Office of
23. Conflicts of Interest Board
24. Consumer Affairs, Dept. of
25. Correction, Board of
26. Correction, Dept. of
27. Cultural Affairs, Dept. of
28. Design & Construction, Dept. of
29. District Attorney - Bronx County Office
30. District Attorney - Kings County Office
31. District Attorney - New York County Office
32. District Attorney - Queens County Office
33. District Attorney - Richmond County Office
34. Economic Development Corporation, New York City (by consent)
35. Education, Dept. of
36. Education Retirement System, Board of
37. Emergency Management, Office of
38. Employees Retirement System, New York City
39. Environmental Protection, Dept. of
40. Finance, Dept. of
41. Financial Information Services Agency
42. Fire Department, New York
43. Health & Mental Hygiene, Dept. of
44. Homeless Services, Dept. of
45. Housing Authority, New York City
46. Housing Preservation & Development, Dept. of
47. Human Resources Administration
48. Independent Budget Office
49. Information Technology & Telecomm., Dept. of
50. Investigation, Dept. of
51. Labor Relations, Office of
52. Landmarks Preservation Commission
53. Law Department, New York
54. Management & Budget, Office of
55. Mayor, Office of the
56. Parks & Recreation, Dept. of
57. Payroll Administration, Office of
58. Police Department, New York
59. Police Pension Fund, New York City
60. Probation, Dept. of
61. Public Administrator - Bronx County Office
62. Public Administrator - Kings County Office
63. Public Administrator - New York County Office
64. Public Administrator - Queens County Office
65. Public Administrator - Richmond County Office
66. Public Advocate, Office of the
67. Records & Information Services, Dept. of
68. Sanitation, Dept. of
69. Small Business Services, Dept. of
70. Special Narcotics Prosecutor, Office of
71. Standards & Appeals, Board of
72. Taxi & Limousine Commission
73. Teachers' Retirement System
74. Transportation, Dept. of
75. Youth & Community Development, Dept. of

Appendix B Audit Standards/Corrective Action: Recruiting, Hiring, Promoting <small>*Did Not Recur Two or More Times</small>	Times Issued⁴⁸
Recruiting - Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.	82
Hiring - Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).	69
Promoting - Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.	59
Recruiting - Ensure that EEO professionals are trained in EEO laws and procedures, and know how to carry out their responsibilities under the EEO Policy.	53
Hiring - Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.	52
Recruiting - At minimum, indicate the agency is an equal opportunity employer in recruitment literature.	38
Hiring - Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.	34
Hiring/Promoting - The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; and involves the principal EEO Professional in EEO-related matters.	24
Recruiting - If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.	24
Recruiting - The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.	21
Recruiting - If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job- related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.	18
*Promoting - Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.	5

Appendix C
Job Group Categories - Indicators in Workforce Statistics

EEO Job Groups	Race ⁴⁹				Gender
	B	H	API	F	
*No Underutilization Indicated in Report					
Administrators: Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.		✓	✓	✓	
Managers: Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.	✓	✓	✓	✓	
Management Specialists: Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.	✓	✓	✓	✓	
Science Professionals: Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.	✓	✓	✓	✓	
Health Professionals: Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.	✓	✓	✓	✓	
Social Scientists: Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.	✓	✓		✓	
Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: Caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.	✓				✓
Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: Attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.	✓	✓	✓		
Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: Technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.	✓	✓			✓

EEO Job Groups continued	Race				Gender
	B	H	A/PI	F	
Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.	✓	✓	✓	✓	
Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: Chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.	✓	✓	✓	✓	
Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: Cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.	✓	✓	✓	✓	
Police Supervisors: Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.	✓	✓		✓	
* Fire Supervisors ⁵⁰ : Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.					
* Firefighters ⁵¹ : Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.					
Police and Detectives: Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.	✓	✓		✓	
Guards: Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.	✓	✓		✓	
Food Preparation: Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.		✓	✓		
Building Services: Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.		✓	✓	✓	
Personal Services: Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.			✓	✓	

EEO Job Groups continued	Race				Gender
	B	H	A/PI	F	
Farming: Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.	✓				✓
Craft: Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision hardworking occupations and kindred workers.	✓	✓	✓	✓	
Operators: Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers and kindred workers.		✓	✓	✓	
Transportation: Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the- job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.	✓	✓			✓
Laborers: Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.	✓	✓	✓	✓	
Sanitation Workers: Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.		✓	✓		
Teachers: Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/ vocational counselors, education analysts, education officers, institutional instructors and kindred workers.	✓	✓	✓	✓	
Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: Administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.	✓	✓	✓	✓	

Appendix D

[Click on Image for EEPC Opinion Poll Presentation:](#)



Opinion Poll Results Principal EEO and Human Resources Professionals

Appendix E

DCAS Testimony

**TESTIMONY OF THE CHIEF CITYWIDE DIVERSITY AND EEO OFFICER
DCAS DEPUTY COMMISSIONER R. FENIMORE FISHER
BEFORE THE EQUAL EMPLOYMENT PRACTICES COMMISSION REGARDING
“CONTINUING COMMITMENT TO ACHIEVING DIVERSITY IN TODAY’S PUBLIC SECTOR”
And**

**THE ROLE OF THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES IN IDENTIFYING BARRIERS,
INCREASING EMPLOYMENT OPPORTUNITIES, AND IMPACTING DIVERSITY IN THE CITY’S WORKFORCE.**

MAY 28, 2015

R Fenimore Fisher – DCAS Deputy Commissioner, Citywide Chief Diversity & EEO Officer

I. Introduction

Good morning Commissioners. My name is Fenimore Fisher and I serve as Deputy Commissioner, Citywide Chief Diversity & EEO Officer at the Department of Citywide Administrative Services (DCAS). I have responsibility for the execution of our citywide diversity and inclusion strategy, the administration of our citywide EEO policy and the 55-a hiring program. The office of Citywide Diversity & EEO (CDEEO) has compliance responsibility for 40 Mayoral agencies which in addition to providing their annual diversity and EEO plans, also submit quarterly reports concerning their implementation of diversity and inclusion best practices as well as EEO workplace compliance efforts. Additionally, I’d like to introduce you to my colleague Dawn Pinnock. Dawn serves as Deputy Commissioner for the Human Capital line of service at DCAS.

On behalf of Commissioner Stacey Cumberbatch, I’d like to thank the Equal Employment Practices Commission, its executive director and staff for hosting today’s hearing entitled, “Continuing Commitment to Achieving Diversity in Today’s Public Sector.” As requested, we will review DCAS’ role in identifying barriers, increasing employment opportunities, and impacting diversity in the City’s workforce.

II. Removing Barriers by Establishing Accountability and Governance

Mayor de Blasio’s equity agenda has served as firm guidance for the administration of our EEO policy and diversity and inclusion strategy. Six months into his administration Mayor de Blasio, issued a memorandum to all Deputy Mayors, Commissioners, Agency General Counsels, Personnel Officers and EEO Officers, that emphasized the administration’s commitment to the recruitment and hiring of a diverse and inclusive workforce, and to maintaining a workplace atmosphere that accepts and embraces that diversity. The Mayor’s memorandum was distributed together with a revised Citywide EEO Policy and the booklet: *About EEO: What You May Not Know*. The policy revision articulated the expectation that Commissioners will promote a workplace that values all employees and hold accountable managers and supervisors for ensuring that their agency will not discriminate against employees or applicants. Additionally, all employees are required to support the diversity and inclusion initiatives at the agency through mandated training.

Further, the policy states: “This commitment should be reflected in the agency strategic plan, mission, vision, and performance metrics.” Mayor de Blasio’s memorandum and revised policy were issued in June of 2014, followed by a memorandum from Commissioner Cumberbatch to agency heads in August requesting the submission of their annual diversity and EEO plans. Commissioner Cumberbatch wrote, “*Working in concert with you, we will ensure that recruitment efforts target all of the City’s communities, testing and selection processes are equitable, and resources are made available to help the City’s current employees reach their full potential.*”

Additionally, she and members of her leadership team conducted onboarding sessions with each of the newly appointed Commissioners detailing all of the services available by DCAS, inclusive of the Commissioners' duties under the EEO policy.

The EEO Policy and *About EEO* booklet are posted on the DCAS website. In addition to English, they are available in Haitian Creole, Italian, Korean, Russian, Simplified Chinese, and Spanish, as well as a read-out-loud version for the visually impaired.

III. Impacting Diversity in the Workforce through Transparency

Under the leadership of Commissioner Cumberbatch, DCAS published the 2013 Workforce Profile Report, a review of ten years of employment data across multiple agencies, as well as the City's 2013 EEO-4 report. Additionally, key performance indicators measuring the composition and dynamics of the municipal workforce, have been established and are reported quarterly; new hire data are included in the Mayor's Performance Management Report.

IV. CDEEO Programmatic Initiatives

A. Strategy

Citywide Diversity and EEO established three strategic plans for diversity and inclusion through a campaign focused on workforce, workplace and community. Definitions for diversity and inclusion were provided to City agencies, as well as business case language, sample templates and an online database of best practices materials. However, agencies establish their own strategies through the charter mandated diversity and EEO plans which are submitted to EEPC annually.

B. Managing Diversity Leadership Initiative

In keeping with today's theme of achieving diversity, I'd like to introduce one of our leading initiatives. In May of 2013 CDEEO launched the Managing Diversity Leadership Initiative (MDLI), to promote measures to broaden, develop, engage and retain our employees. A pilot initiative was started in ten city agencies (NYPD, FDNY, HRA, DOC, Dept. of Sanitation, ACS, DEP, DOT, HPD, and DDC). The initiative tracks fifteen diversity and inclusion best practices and measures the number and progress of agency initiatives to implement these practices.

Those best practices are as follows:

- i) Top leadership diversity and inclusion commitment statement;
- ii) Diversity is part of the agency's strategic plan, mission, vision and metrics;
- iii) Succession planning for top managerial positions;
- iv) Employee resource groups;
- v) Engagement surveys;
- vi) Diversity and inclusion training for all staff;
- vii) Standardized evaluations for management;
- viii) Utilization of diversity councils;
- ix) Identification of ready now & high potential talent;
- x) Mentoring /cross training/stretch assignments;
- xi) Identification of best recruitment sources for diverse candidates;
- xii) Structured Interviews conducted for discretionary and civil service list hires;
- xiii) Utilization of career counselors;
- xiv) Panel Interviews for discretionary and civil service appointments; and,
- xv) Quarterly reviews of placements in discretionary positions by demographics.

CDEEO measures each agency's progress in implementing MDLI best practices through the quarterly reports submitted by the mayoral agencies regarding the execution of their Diversity and EEO plans. The latest information as of the second quarter of FY 2015 (December 2014) shows that 28 of the 40 mayoral agencies have implemented ten or more of the fifteen best diversity practices that comprise the MDLI Initiative. The citywide average is 10.05, an increase from 9.23 in the previous year. The NYPD is the top city agency, having implemented all 15 of MDLI best practices; among the top agencies four (Law, Sanitation, Business Integrity Commission, and Parks) have or are in the process of implementing 13 MDLI practices.

C. Best Practices to Drive Competition and Collaboration

The above work is not done by DCAS alone. The efforts to ensure equitable employment practices, recruit, develop and promote diverse talent and create an inclusive work environment that values diversity, is also done by the agencies as mandated by the City Charter. Deputy Commissioner of Human Capital Dawn Pinnock and I have sought to role model a joint approach with EEO Officers working with Agency Personnel Officers (APOs) to launch best practices with regard to employee selection, retention and development. Agencies such as the Department of Health and Mental Hygiene, FDNY, DoITT, and DDC have appointed Chief Diversity Officers.

CDEEO established a Diversity and EEO Best Practices Group, composed of EEO Officers and professionals from mayoral and non-mayoral agencies, to promote comprehensive and consistent EEO policies and diversity and inclusion best practices across City government. The Best Practices Group is open to nearly 80 city agencies, offices of elected officials, boards and commissions.

Lastly, DCAS also worked with the Office of Administrative Trials and Hearings (OATH) which established this month the New York City Center for Creative Conflict Resolution. The Center is leading an initiative to encourage change in the way workplace conflicts are addressed in City government. The Center serves as an independent conflict resource Center for the City of New York, providing employees with a voluntary option for addressing EEO matters and interpersonal conflicts.

D. Training

Our signature diversity and inclusion training ***Everybody Matters***, is designed for both managers and line staff. This educational experience assists each participant in becoming an effective leader and influencer whether they are a manager or an individual contributor. The course focuses on skills that will create an environment where all employees feel valued, included, and engaged. Coinciding with the Mayor's commitment memo, an online training module was launched. To date, over 9,324 employees from 33 agencies have completed this training online and nearly 1,000 have been educated through live class room trainings.

In 2009 Citywide Diversity and EEO developed an EEO Computer Based Training (CBT). The CBT was initially rolled out to managers and supervisors at 35 agencies. The CBT ensures that employees are aware of their rights and responsibilities under the City's EEO Policy and EEO laws using scenarios of actual cases while testing retention of content through interwoven quizzes. A version of the CBT for all employees was rolled out in January 2011. Over 50,000 employees have completed this training, including 24,214 in FY 2013 alone. Last year CDEEO undertook a thorough revision of this training, to reflect changes in the law as well as to create a stronger educational experience. The revised module of CBT (2015) will be launched before the end of the summer and will include applicable changes in local, state and federal employment law.

E. Analytic and Reporting Tools

i. Workforce Data and Reports

CDEEO has been reviewing and revising its quarterly workforce report formats with agencies. We will be introducing an interactive format of these reports that will provide visualization of data and Key Performance

Indicators (KPIs) focused on new hires, promotions, separations, and total representation. More importantly, the reports will provide agencies with the ability to engage in inclusive workforce planning. Currently, workforce data are only provided in table format. In addition, the 2012 EEO tabulation by the Census Bureau was used to update availability estimates in our quarterly workforce reports. These reports assist agencies in recruitment efforts and succession planning for occupations that are less diverse. We provide these reports to agencies as well as the EEPC.

ii. Complaint Data and Tracking

CDEEO, in cooperation with DCAS IT, enhanced and expanded its citywide EEO complaint tracking system, which aids CDEEO in tracking compliance, planning specialized training, and in formulating policy recommendations. Since August 2013, 26 mayoral agencies have begun to use the system to enter complaint data into the centralized database. Our next phase of development will seek to create a more robust case management system that also tracks reasonable accommodation requests, non-EEO inquiries and provides business intelligence dashboards to agencies. We provide these reports to agencies as well as the EEPC.

V. CONCLUSION

Again, thank you for the opportunity to address the commission. In summary we have enhanced our compliance efforts through the release of a revised Citywide EEO policy, driven accountability through messaging directly from the Mayor and the enhancement of diversity and EEO plans, reached thousands of employees through trainings and leveraged technology to enhance our overall work. In April Mayor de Blasio updated *OneNYC, the Plan for a Strong and Just City*, to include for the first time a specific section promoting the goals of diversity and inclusion. CDEEO and Human Capital remain firmly committed to building a government workforce reflective of the diversity and inclusion of all New York City communities. Deputy Commissioner Pinnock will now provide you with an overview of the work being done in the area of human capital.

Dawn Pinnock - Deputy Commissioner of Human Capital**TESTIMONY OF DCAS DEPUTY COMMISSIONER OF HUMAN CAPITAL DAWN PINNOCK,
BEFORE THE EQUAL EMPLOYMENT PRACTICES COMMISSION REGARDING
“CONTINUING COMMITMENT TO ACHIEVING DIVERSITY IN TODAY’S PUBLIC SECTOR”****And****THE ROLE OF THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES IN IDENTIFYING BARRIERS,
INCREASING EMPLOYMENT OPPORTUNITIES, AND IMPACTING DIVERSITY IN THE CITY’S WORKFORCE.****MAY 28, 2015**

Good morning members of the Equal Employment Practices Commission. Thank you for this opportunity to discuss the City’s commitment to preserve and promote merit and fitness in the City’s civil service system. I am Dawn Pinnock, Deputy Commissioner for the Human Capital Line of Service at the Department of Citywide Administrative Service (DCAS). As you know, DCAS serves the agencies of the City of New York by ensuring that they have the critical resources and support needed to provide the best possible services to the public. Under the new Administration, we are collaborating with agencies, labor unions, and the City Council, as we move forward with an aggressive agenda to strengthen the civil service system. Our core belief is that we can provide world class services to our constituents in an atmosphere of equity, inclusion, and increased opportunity for professional growth.

Human Capital is responsible for maintaining the municipal civil service system and providing personnel-related services for City agencies. It oversees: Learning & Development, which manages a training portfolio of over 1,300 courses and on an annual basis provides training and professional development opportunities to 17,000 members of the City’s workforce; the Civil Service Administration, which manages civil service lists, investigates candidates for City employment, calculates seniority on promotional exams, processes reinstatements to City service and restorations to civil service lists, and maintains the official personnel histories of City employees; Examinations which administers over 100 exams, tests 100,000 candidates annually and manages all aspects of title reclassification and civil service examinations development and validation; and two newly created Bureaus: the Office of Citywide Recruitment and the Bureau of Strategic Planning.

The Office of Citywide Recruitment was established to bring the vast talent that is available in the city of New York into its government. Historically, DCAS’s recruitment efforts have been limited to job fairs, presentations and periodic email campaigns. Through the creation of this new Office, DCAS for the very first time is taking a proactive approach to strengthen today’s workforce, and to build the workforce of tomorrow.

In the short time that the Office of Citywide Recruitment has been operating, we have identified some recruitment challenges, such as:

- Limited or no understanding of the civil service system;
- Misconception about the potential career opportunities available in the City of New York; and
- Lack of familiarity with the City’s employment website (nyc.jobs).

As a result of our assessment the Office will focus on three key areas:

- Communication
- Access
- Partnership

Communication

Through our communication efforts we are educating the City’s current incumbents and prospective applicants on the inner workings of civil service. In our presentations, smaller workshops and daily interactions with our customers, we have, and will continue to provide clear and factual information about civil service, the ways to apply for civil service examinations and City employment, and the many benefits offered through public service.

Access

To create greater access to the classified service, and to foster increased diversity across all job categories, the Office of Citywide Recruitment will use workforce data to identify and reach historically underserved and underrepresented communities. The Office of Citywide Recruitment is committed to casting a wide net to educate, attract and retain talent for the City. To date, the Recruitment Office has participated in a host of job fairs across the City to reach prospective employees across demographic groups. Where feasible, the Office will also conduct site visits, host targeted recruitment events, and create internship opportunities to foster a public service pipeline.

Partnership

The Office of Citywide Recruitment will build upon and establish new partnerships with labor, elected officials, high schools, colleges, universities, and trade schools to engage and educate individuals on the multitude of career opportunities in City government. The Office will participate in job fairs, career expos, workshops and community based activities (including town hall meetings) to build relationships and raise awareness about employment opportunities and civil service exams.

We would also like to highlight one of the innovative ways that DCAS is using data to look at workforce planning. The newly created Bureau of Strategic Planning concentrates its efforts on using workforce data to drive our focus in areas such as recruitment; this represents a major strategy shift for us. This summer, we will reach a key milestone when the 2014 Workforce Profile Report is published by the Bureau of Strategic Planning. This document highlights the risks the City faces as more and more of its talent pool, full of invaluable institutional knowledge, becomes retirement eligible. Now more than ever, succession planning is a key focus for the City to build a sustainable workforce, and the work needs to begin now. In addition to looking at workforce trends, the report also provides demographics and other critical data points for agencies. The report allows comparisons to be made to an agency's cohorts, as well as on a citywide basis, so that the data provided can be measured in a meaningful way.

While overall diversity is important, a key measure of any Administration's commitment is the diversity of its leadership. Last year we added a "Senior Staff" field into the New York City Automated Personnel Systems (NYCAPS), our citywide personnel system. Regular reports on the composition and make up of an agency's senior management are now provided to the Mayor's Office in collaboration with the Office of Citywide Diversity and Equal Employment Opportunity (CDEEO).

These recruitment and workforce analysis efforts are complemented by our work in the Examinations area. Last February, DCAS partnered with the Department of Sanitation (DSNY) to develop new recruitment strategies for the Sanitation Worker exam. As a result of these efforts, the number of women test takers increased from 2,402 in 2007 to almost 7,000 this year.

The Exams Bureau has retained the services of a consultant who is an expert in the field of testing and Adverse Impact. It is the goal of the Exams Bureau to reduce the "adverse impact" of our exams, so that our exams are valid for all test takers and our exams represent the opportunity for candidates to participate on an even playing field. If certain groups of people are adversely affected by the content of an exam, this could impact their score, and thus affect their ranking on the eligible list. By reducing adverse impact, all candidates have an equal opportunity to score well on an exam and ultimately to be selected from the eligible list and begin employment. Finally, the Exams Bureau has also instituted sensitivity panels as part of the exam development process. Exams are now reviewed by a panel for cultural sensitivity in an effort to further reduce adverse impact.

Taken together, and alongside our colleagues in OCDEEO, Human Capital remains firmly committed to OneNYC's goal of building a government workforce reflective of the diversity and inclusion of all New York City communities.

Appendix F

Equal Employment Practices Commission Conference/Hearing Presenters

The insights of the following professionals were valuable in identifying limitations at agencies that could be remedied through uniform policies:

Dr. Nancy DiTomaso, Professor of Management and Global Business at Rutgers Business School, lectured on issues in diversity, culture, inequality, and the management of knowledge-based organizations, with the message that workplace inequality will continue to be apparent unless individuals change the way they recognize and perceive inequality. She discussed non-traditional ways to examine the concept of opportunity and modify outcomes regarding inequality.

Eric Eichenholtz, Esq., Chief of the Labor and Employment Law Division of the New York City Law Department discussed the cost of employment discrimination and advised attendees to adhere to good employment practices, which will reduce the cost of settlements.

R. Fenimore Fisher presented testimony regarding DCAS' current efforts, initiatives and priorities to advance diversity in recruiting, hiring, training and promoting. He highlighted high priority areas and provided a brief account of existing policy and strategies in use by DCAS -- identifying four areas of progress: the appointment of Chief Diversity Officers in four city agencies (Fire Department of New York, Department of Design and Construction, Department of Health and Mental Hygiene and Department of Information Technology & Telecommunication); the establishment of an Office of Citywide Recruitment (OCR) and Center for Creative Conflict Resolution; the introduction of an interactive format for workforce data; and greater accountability for implementing and tracking best practices.

Dawn Pinnock, Deputy Commissioner of Human Capital presented testimony regarding DCAS' current efforts, initiatives and priorities to advance diversity in recruiting, hiring, training and promoting -- emphasizing DCAS' commitment to ensure City employees take advantage of career opportunities. She identified two focus areas to advance Diversity and EEO city-wide: Citywide Recruitment and Strategic Planning. Citywide recruitment includes internal efforts focused on increasing knowledge about potential career opportunities, promotional pathways, and external focus, which involves broadening the scope of citywide recruitment areas and feeder groups to include all NYC communities. Strategic planning focuses on workforce data, increasing diversity in senior leadership, and fair testing and examinations -- for which, Ms. Pinnock discussed plans to hire an external consultant to assist in avoiding adverse impact.⁵²

Dr. Ryan A. Smith, Associate Professor at Baruch College's School of Public Affairs and Lillie and Nathan Ackerman Chair of Social Justice,⁵³ informed attendees that diversity programs-led by well-trained professionals - will reduce bias and yield dividends in increasing the number of racial minorities and women in positions of authority and power. Positive change results through law, strategies and programs and assigning appropriate responsibilities and resources to EEO and HR professionals.

Kenneth G. Standard, Esq., General Counsel Emeritus of Epstein Becker Green and Of Counsel in its Labor and Employment practice, discussed the evolution of equal employment opportunity practices geared towards women and minorities from 1712 to the present, and advised attendees to examine the existence of implicit bias in recruitment, hire, and promotion practices.

¹ Equal Employment Opportunity Policy, Standards and Procedures To Be Utilized BY City Agencies, City of New York, 2014 (NYC EEO Policy) prohibits discrimination against employees and applicants for employment based on actual or perceived race, color, sex, sexual orientation, gender (including gender identity and sexual harassment), religion or creed, age, national or ethnic origin, citizenship, immigration status, disability, pregnancy, genetic information or predisposing genetic characteristic, marital status, partnership status, military status, prior record of arrest or conviction, status as a victim of domestic violence, a sex offense or stalking, unemployment status, or credit history. See also N.Y.C. Admin. Code, §8-107(1)(a).

² Any city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor, or where the majority of the board members serve by virtue of being city officers, or where the expenses are paid in whole, or in part, from the city treasury. New York City Charter, Chapter 36, § 831. Agencies that fall within the EEPC's jurisdiction consist of the Office of the Mayor and mayoral agencies, the City Council, City Comptroller, Public Advocate, the offices of the district attorneys and borough presidents, and the City University of New York's community colleges and 59 community boards.

³ New York City Charter, Chapter 36, § 831(d) et seq.

⁴ DCAS has the duty to "establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair...equal employment opportunity plan for minority group members and women who are employed by or seek employment with city agencies..." New York City Charter, Chapter 35 § 814(a)(12).

⁵ N.Y.C. EEO Policy, p. 1.

⁶ New York City Charter, Chapter 35, § 814 et seq. (Duties of DCAS outlined in the City Charter).

⁷ The Citywide Equal Employment Database System (CEEDS), workforce composition report.

⁸ In March 2016, a draft of this Report and follow up questions were sent to DCAS-CDEEO.

⁹ Founded upon: Title VII, Civil Rights Act of 1964 (42 U.S.C. §§ 2000e et seq.); Americans with Disabilities Act/Accessibility Guidelines (42 U.S.C. §§ 12111-12117); Uniform Guidelines on Employee Selection Procedures (29 C.F.R. § 1607); New York State Civil Service Law, § 55-a; New York City Human Rights Law (N.Y.C. Admin. Code §§ 8-107(1)(a) and (d), 8-107.13, and 8-107.1); N.Y.C. EEO Policy; and EEO requirements of the N.Y. C. Charter.

¹⁰ Of the 75 agencies polled, 48 (64%) were mayoral and 27 (36%) were non-mayoral. Micro and nuanced entities such as the community boards and community colleges, respectively, were not polled.

¹¹ N.Y.C. Charter, Chapter 35 § 814 (15)(b)(8).

¹² 29 C.F.R. § 1607 stating [a] selection rate for any race, sex, or ethnic group which is less than four-fifths ($\frac{4}{5}$) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact..."

¹³ The fiscal year spans July 1 to June 30.

¹⁴ Percentages for underutilized job groups (x) were calculated by dividing the number of job groups experiencing underutilization in each protected class (A) by the total number of job groups experiencing underutilization (B). $x\% = A/B * 100$

¹⁵ Unknown ethnicity (19% in 5 job groups); unknown gender (11% in 3 job groups); Native Americans were not considered underutilized (lack of an available workforce).

¹⁶ See N.Y.C. EEO Policy, p. 1; supra n.1.

¹⁷ See generally N.Y.C. EEO Policy.

¹⁸ N.Y.C. EEO Policy, p.15-18.

¹⁹ N.Y.C. EEO Policy, p. 22.

²⁰ N.Y.C. EEO Policy, p. 23.

²¹ A sample of 75 agencies was used. Agencies' use of co-EEO or HR personnel increased the number of individuals to whom the polls were sent.

²² Percentages were calculated to exclude indications of N/A and neither agree nor disagree.

²³ N.Y.C. Charter, Chapter 36 § 832 (b).

²⁴ See N.Y.C. Charter, Chapter 35 § 814(a)(1); See also NYC EEO Policy, p. 1 stating DCAS developed the NYC EEO Policy and the standards and procedures to implement the City's diversity and inclusion strategy; N.Y.C. Charter, Chapter 36 §§ 831(d)(1) and (2). The EEPC has the power and duty to review and make recommendations to DCAS regarding the "uniform standards, procedures and programs" implemented by DCAS to ensure equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies.

²⁵ See Conference/Hearing Transcript, 142:3-167:22.

²⁶ Adverse Impact is defined as: "[a] selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (eighty percent) of the rate for the group with the highest rate" 29 C.F.R. 1607.4d.

²⁷ See Conference/Hearing Transcript, R. Smith, 89:17-123:18.

²⁸ EEO Professionals play a pivotal role within an employer's Title VII enforcement system, as they are specialized employees who administer EEO policies and grievance procedures. The EEO legally mandated duties include but are not limited to (1) effectively communicating a firm policy against discrimination to incumbent employees N.Y.C. Admin. Code § 8-10713(d)(1); (2) establishing and adhering to an effective grievance system to prevent potential liability, (3) training employees on the contents of the EEO Policy, *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998), *Burlington Indus. v. Ellerth*, 524 U.S. 742 (1998); and (4) reviewing workforce statistics and facially neutral employment policies for adverse impact, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

²⁹ E.E.O.C., Equal Employment Opportunity, Management Directive 715 (E.E.O.C. Instructions to Federal Agencies).

³⁰ Title VII is violated by the use of homogenous recruitment sources, which result in a significant racial impact. Moreover, utilizing effective recruiting procedures for underutilized groups "may be necessary to bring an employer into compliance with Federal Law" because issues of discrimination in recruitment and hiring are inextricably intertwined. See 29 C.F.R. § 1707.2C, Uniform Guidelines on Employee Selection Procedures (UGESP).

³¹ Conference/Hearing Transcript, R. Fisher, 156:4-9.

³² Conference/Hearing Transcript, D. Pinnock, 160:8-14.

³³ N.Y.C. EEO Policy, p. 15-19.

³⁴ Conference/Hearing Transcript, D. Pinnock, 161:22-162:7.

³⁵ Conference/Hearing Transcript, D. Pinnock, 161:18-162:25.

³⁶ Conference Hearing Transcript, D. Pinnock, 163:1-19.

³⁷ Conference/Hearing Transcript, D. Pinnock, 163:20-167:20.

³⁸ 29 C.F.R. § 1607.3A, UGES, stating that the use of any selection procedure which has an adverse impact on hiring, promotion on a protected group will be considered discriminatory unless the procedure has been validated.

³⁹ E.E.O.C. Enforcement Guidance, *Race and Color Discrimination*, April 19, 2006 available at <http://www.eeoc.gov/policy/docs/race-color.html>.

⁴⁰ E.E.O.C., Equal Employment Opportunity, Management Directive 715, Element Four: Proactive Prevention, necessitates an annual self-assessment. *Compare with Hazelwood School Dist. v. U.S.*, 433 U.S. 299, 307 (1977) stating "statistics can be an important source of proof in employment discrimination case, 'since absent explanation, it is ordinarily to be expected that non-discriminatory hiring practices will in time result in a workforce...representative of the racial and ethnic population in the community..." See also *McDonnell Douglass v. Green*, 411 U.S. 792 (1973) statistics as it relates to employment policy and practice may be helpful to a determination of allegations of a general pattern of discrimination.

⁴¹ 29 C.F.R. § 1607.4 (UGESP) requiring employers to "maintain and have available for inspections, records or other information which will disclose the impact... [that the] selection procedure has upon employment opportunities of persons identifiable by race, sex or ethnic group..." See also *Supra* text accompanying note 25.

⁴² N.Y.C. EEO Policy, p. 16. 18. See also NYC Guide to Recruiting for City Agencies, p. 8.

⁴³ DCAS procured the services of the Biddle Consulting Group to provide best practices training to their Exam Testing and Measurement Unit as well as an assessment of their current practices. The training/assessment covered court approved statistical models to determine adverse impact during post examination review.

⁴⁴ Conference/Hearing Transcript, D. Pinnock, 166:16-167:15.

⁴⁵ *Ibid.*

⁴⁶ Implementing objective and consistent standards decrease potential legal challenges as subjective and ad-hoc employment practices bolster a claim of discrimination. See E.E.O.C., Eradicating Racism & Colorism from Employment, *Best Practices for Employers and Human Resources/EEO Professionals* available at <http://www.eeoc.gov/eeoc/initiatives/e-race/bestpractices-employers.cfm>.

⁴⁷ *Career Counseling is a Valuable Benefit for Employees*, Linda Ginac, May 1, 2004 at http://www.ncda.org/aws/NCDA/pt/sd/news_article/4859/blank/blank/true.

⁴⁸ Pertains to a sample of 75 agencies that were audited over 3 quadrennial cycles.

⁴⁹ Source: Citywide Equal Employment Database System (CEEDS), Workforce composition for fiscal year ending June 2015. Table illustrates state of underutilization. B=Black; H=Hispanic; A/PI=Asian/Pacific Islander; NA=Native American; F=Female.

⁵⁰ See *infra* n. 31.

⁵¹ According to CDEEO, the qualified available pool for firefighter was drawn exclusively from the civil service pool – which resulted in an indication of no underutilization. This result is currently being monitored.

⁵² Adverse Impact is defined as: "[a] selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (eighty percent) of the rate for the group with the highest rate" 29 C.F.R. 1607.4D.

⁵³ Lillie and Nathan Ackerman Chair of Social Justice focuses on workplace stratification, racial attitudes in America and the effects of workplace diversity on the distribution of organizational rewards.

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

