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
Commissioner

Malini Cadambi Daniel
Commissioner

Arva Rice
Commissioner

Elaine S. Reiss, Esq.
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
Angela Cabrera
Commissioner

Absent
Malini Cadambi Daniel
Commissioner

Arva Rice
Arva Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner

NYC Civil Service Commission

Memo

TO: CSC Staff

FROM: Nancy Chaffetz
Commission Chair

RE: EEO Changes Implemented Pursuant to the EEPC's Audit/Analysis

DATE: December 3, 2015

The Equal Employment Opportunities Commission ("EEPC") completed an audit/analysis of the Commission's employment practices and procedures for the period July 2012 to June 30, 2015 on October 14, 2015. As a result of this evaluation, the EEPC recommended that the Commission implements ten corrective actions. The Commission would like to thank the EEPC staff who worked in close collaboration with the Commission to successfully implement all the following corrective actions.

Corrective Action # 1:
The Commission has established and implemented an EEO training plan for new and existing employees to ensure all individuals working within our this agency receive training on unlawful discriminatory practices under local, state and federal EEO laws. The Commission has requested EEO Computer based training for all CSC employees and was placed on the waiting list. DCAS' EEO office will notify the Commission as soon as this training is made available to agencies.

Corrective Action # 2:
The Commission is now on DCAS' EEO mailing list to receive two quarterly reports containing statistical information on the agency's employment practices and policies. The reports will be used to identify whether there are barriers to equal opportunity within this agency and determine what, if any, corrective actions are required in order to correct deficiencies. A memo outlining the outcomes of the evaluation of the reports and any further actions to be taken as a result of the outcomes will be submitted to me for review every six months.

Corrective Action # 3
In an effort to promote employees' awareness of opportunities for promotion and transfers inside and outside the agency, Commission employees will be reminded periodically to visit the NYC jobs site where they may find jobs they may be interested in. Also, job postings within the CSC

and those sent to the CSC from other agencies are being forwarded electronically to all employees for their consideration.

Corrective Action # 4

On November 6, 2015, Joan Richards was designated Career Counselor for the Commission. Ms. Richards earned her Bachelor of Business Administration at The Bernard M. Baruch College of the City University of New York where she majored in Human Resources Administration and Minored in Industrial Psychology. For this newly assigned role, Ms. Richards will require training to enhance her performance of the new tasks. As such, Joan is on a waiting list at DCAS' Citywide Training Center to complete courses that will equip her to serve you in this new role.

She will be available to provide you with information and guidance on navigating New York City's civil service systems and provide counseling regarding available training, civil service exams and career opportunities in City government.

Corrective Action # 5

The Commission is committed to ensuring that employees have access to information regarding performance evaluation standards, examinations, and training opportunities. To that end, as of December 03, 2015, all current CSC employees received a task and standards report along with the forms to be used for their annual performance evaluation. New Hires will receive a task and standards report shortly after their hire date and probationary employees will be evaluated at least one month prior the end of their probation period.

Along with periodic issuance of memos informing employees of exam schedules, access to the Citywide Training Center's quarterly catalog and links to DCAS website for additional information regarding training and promotion opportunities, we will continue the practice of forwarding civil service examination schedules to staff as soon as they are made available.

Corrective Action # 6

Employees are encouraged to communicate to Joan Richards, our Principal EEO professional any questions or concerns they may have about their rights under the Citywide EEO policy. I will be meeting with Joan periodically to address any requests, questions or concerns that have been bought to her attention in her capacity as our EEO officer.

Corrective Action # 7

The Commission has implemented an EEO plan which demonstrates the measures and programs the agency will employ to provide equal employment opportunity for all agency employees. I will monitor the efforts made to implement the plan and a report of our progress will be submitted to me quarterly.

Corrective Action #s 8 & 9:

Performance evaluation forms were issued to CSC staff and supervisors in preparation for annual performance evaluations. The evaluations for CSC supervisors include a section in which Equal Employment Opportunity responsibilities are evaluated. Supervisors are evaluated during the month of December and all other employees are evaluated during the month of June.

Corrective Action # 10

I would like to reiterate that The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender, and all other protected categories. The City Charter provides that each agency head must ensure that his or her agency does not discriminate against employees or applicants for employment in any manner prohibited by federal, state, and local law. As agency head of the City Civil Service Commission, I am committed to full compliance with this mandate as outlined in the revised Citywide Equal Employment Opportunity Policy (2014).

C: Joan Richards
EEO Professional