



**ANNUAL REPORT
2011 / 2012**

Message from the Chair



Cesar A. Perez, Esq.

Cesar A. Perez, Esq.

I am pleased to present the Equal Employment Practices Commission's Annual Report for 2011/2012. In the past year, this Commission saw the retirement of the former Executive Director, who served in that capacity since its inception in 1992.

After a thorough search, the Commission appointed Charise Hendricks as its new Executive Director. Ms. Hendricks previously served as the EEPCC's Deputy Director and has a tremendous amount of knowledge and expertise in the field of equal employment opportunity. Join me and my fellow Commissioners in welcoming Ms. Hendricks.

In 2012, the EEPCC surpassed the number of annual audits mandated by the New York City Charter for the first time. This accomplishment reflects the hard work and dedication of our staff.

We intend to work harder and in partnership with the agencies we audit to help them meet their goals, promote equal employment opportunity and embrace diversity.

Commissioners

Angela Cabrera
Mayoral Appointee



Malini Cadambi-Daniel
City Council Appointee



Arva Rice
City Council Appointee



Elaine Reiss, Esq.
Mayoral Appointee



Message from the Executive Director



Charise L. Hendricks
Charise L. Hendricks, PHR

In 2012, I was tasked with managing the agency's transition in leadership and vision. As Executive Director, I am responsible for the administration and implementation of the EEPC's mandate. To this end, I manage internal operations, plan and host public meetings, and report to the Commission on progress towards fulfilling our mandate to review, evaluate and monitor the affirmative employment programs of equal employment opportunity for 141 agencies.

On behalf of the members of this Commission, I thank the city agencies that have extended cooperation to the Commission's auditors during the course of our audits. Your cooperation and feedback, has fostered a better understanding of the issues that city agencies encounter. As a result, we have streamlined and enhanced audit procedures to simplify information gathering, improved agency participation and increased productivity. These enhancements have redirected former efforts from data collection to data analysis -- resulting in robust findings and reliable recommendations.

I look forward to nurturing partnerships that will promote equal employment opportunity and embrace diversity.

Other Executive Staff



Judith Garcia Quiñonez, Esq.
Executive Agency Counsel & Records Access Officer

Executive Summary

According to the New York City Charter, the EEPC must audit the affirmative employment programs of City agencies under its jurisdiction at least once every 4 years.

Enhanced Auditing Standards/Protocols

In 2010, the Commission began enhancing its auditing standards and protocols. Previously, separate audit guidelines were used for mayoral and non-mayoral agencies: mayoral agencies were audited for compliance with the Citywide EEOP and non-mayoral agencies were audited for compliance with their own EEO policies and procedures. The Commission used additional city, state, and federal laws, regulations and procedures as resources for further assessment of EEO-related issues that may not have been covered by agencies' policies; and took "positions" on these issues. The EEPC developed uniform standards to bridge the gap among these resources.

Auditors use these guidelines to apply identical protocols to the city, county and borough offices, mayoral and non-mayoral agencies, commissions, community colleges, administrations, departments, divisions, boards, bureaus, corporations, authorities, and other agencies of government under the Commission's jurisdiction.

Automation of Audit Procedures

To increase audit productivity, the EEPC streamlined audit procedures. Previously, logistical impediments (i.e. printing, distributing, and tallying paper surveys; conducting in-person interviews of EEO personnel; and scheduling interviews for a representative sample of supervisors and managers) caused extreme delays in the audit process and decreased in-office productivity.

Consequently, the EEPC created electronic versions of its Document and Information and Request Form and interview questionnaires for EEO-related personnel, and online versions of the EEPC Employee Survey and EEPC Supervisor/Manager Survey. Responses to the online version of the Employee Survey have tripled that of the earlier paper version – significantly raising the level of employee participation during an audit. In addition, agencies have the option of requesting meetings via teleconference.

These changes have improved agencies' participation and increased overall productivity. Auditors now devote less time to logistics and more time to data analysis and problem-solving.

As a result, the EEPC completed Audit Determinations for 27 agencies in 2011 and 39 agencies in 2012. This was accomplished while simultaneously monitoring agencies previously audited to ensure implementation of our recommended corrective actions.

In addition to these achievements, the Commission endeavors to fulfill its other crucial Charter-mandated responsibilities and will continue to explore additional enhancements to ensure efficiency.

Mission Statement

Established to promote equal opportunity in City employment, the Equal Employment Practices Commission (EEPC or Commission) monitors and evaluates the employment programs, practices, policies and procedures of city agencies to ensure that individual agencies and the City as an employer maintain an effective affirmative employment program of equal employment opportunity for those employed by, or seeking employment with, New York City government. The EEPC makes recommendations to assist in implementing and maintaining effective anti-discriminatory employment practices; procedures for investigating discrimination complaints; and programs to educate employees about unlawful discriminatory practices.

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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 monitors and evaluates 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 evaluation:

- ✦ 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 the City's Human Rights Law, state and federal anti-discrimination laws, and affirmative employment programs adopted by the City in order to promote effective equal employment opportunity in City employment.

The EEPC has a duty to:

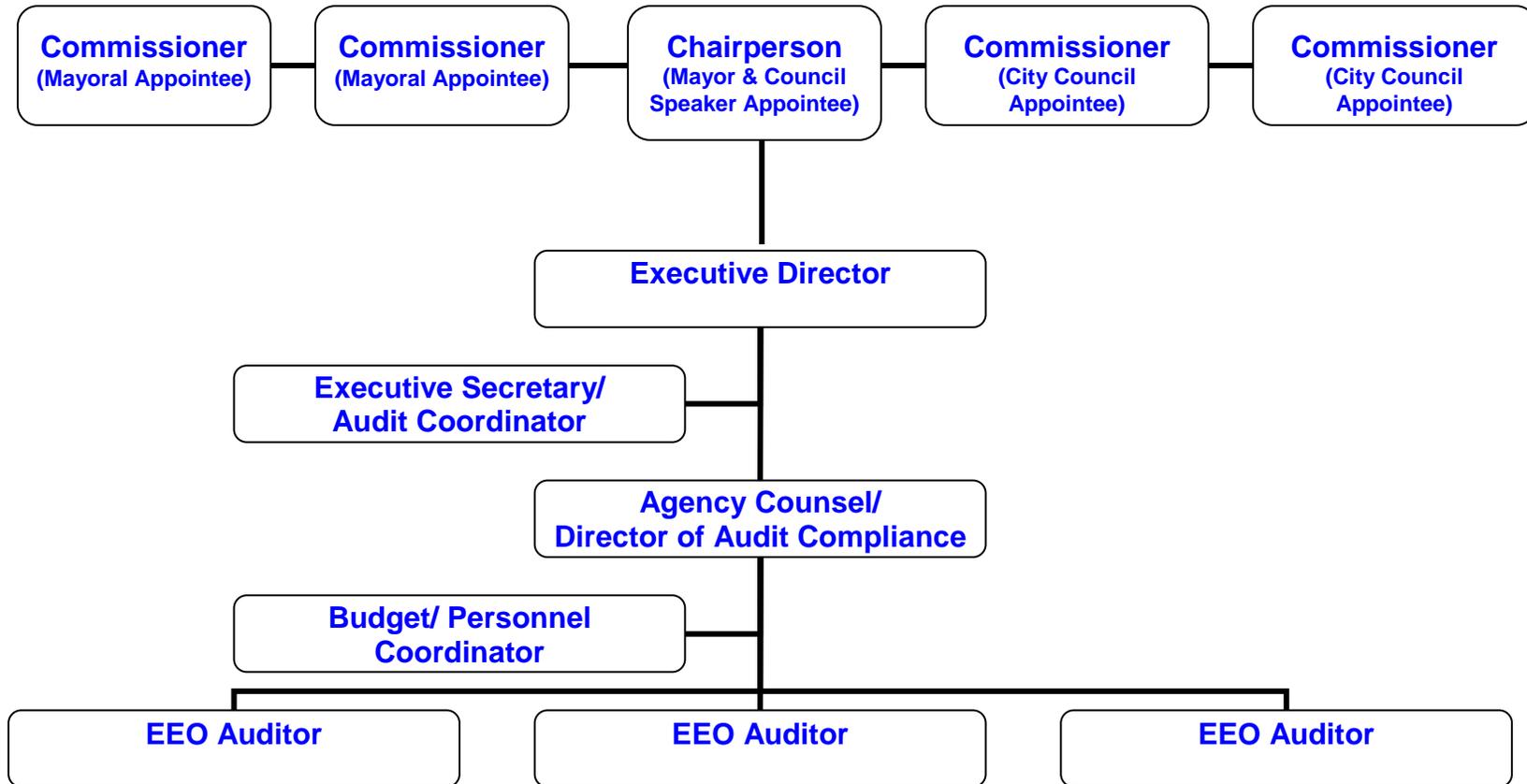
- ✦ review the standards, procedures, and programs established by the Department of Citywide Administrative Services to ensure a fair and effective affirmative employment plan of equal employment opportunity for city agencies;
- ✦ review the affirmative employment plan of each city agency and provide 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 audit recommendations;
- ✦ 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 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 are in compliance 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 audits provide a mechanism to prevent errors in judgment or procedure from potentially becoming lawsuits.

EETC 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, approve, and adopt resolutions pursuant to auditors' findings and issue Determination letters;
- ✦ review, approve, and adopt resolutions of agencies' satisfactory compliance with audit recommendations pursuant to the City Charter-mandated compliance procedure and issue relevant correspondence;
- ✦ deliberate on issues and trends of equal employment practices pursuant to agency audits;
- ✦ 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;
- ✦ sponsor up to two public hearings annually; 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:

- ✦ develops the commission's annual audit plans;
- ✦ develops the Commission's auditing standards and recommendations 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;
- ✦ formulates audit protocols according to the Commission's decisions and in conformance with the aforementioned laws and policies;
- ✦ manages audits of the EEO programs of the agencies under the Commission's jurisdiction;
- ✦ reports issues, presents audit determinations/resolutions, and advises the Commission in its deliberations;
- ✦ presents audit findings to agency heads;
- ✦ develops and plans public hearings to discuss major EEO topics within the City of New York; and
- ✦ testifies at relevant New York City Council hearings.

Agency Counsel / Director of Compliance

The Agency Counsel, who is also the Director of Compliance Monitoring, performs the following duties and responsibilities essential to the mandate:

- ✦ interprets legal issues relative to the administration of the responsibilities, duties and authority of the Commission;
- ✦ provides guidance to ensure audit protocols are legally sound;
- ✦ conducts legal research and investigations relative to compliance within the legal framework of current federal, state and

local EEO laws, regulations and judicial decisions;

- ✦ manages the City Charter-mandated compliance monitoring process by evaluating agencies' implementation of audit recommendations to correct non-compliance; and
- ✦ informs 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.

EEO Auditors (or EEO Program Analysts)

EEO Auditors perform the following duties and responsibilities essential to the mandate:

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

During meetings, the Commission adopts and approves resolutions on audit findings, and on agencies' implementation of the corrective actions that were recommended in audit determination letters.

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 program.

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.

Authority

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

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, 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 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 [...]”

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 pedagogical and non-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 audits of its EEO Program and consistently adopts and implements the EEPC's recommendations.

New York City Economic Development Corporation (EDC)

The New York City Economic Development Corporation is a public benefit corporation similar to the HDC. In recognition of the importance of promoting equal employment opportunity practices, the EDC also consents to the EEPC's audits of its EEO Program and consistently adopts and implements the EEPC's recommendations.

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 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 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. Since the WFA employees are neither city nor state employees during their employment, the EEPC does not conduct an audit of the WFA's employment practices.

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 Agency-Specific 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 Agency-Specific EEO Plan for review by DCAS and the EEPC;
- ✦ file copies of the Agency-Specific EEO Plans 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 Agency-Specific EEO Plan to the Mayor, New York City Council, DCAS, and the EEPC.

The EEPC considers the responsibilities that the City Charter has assigned to city agencies, the heads of agencies and the DCAS Commissioner, when developing its audit and evaluation protocols. This information also plays a role in any policy, legislative and budgetary recommendation the EEPC may make to the Mayor, City Council, and Department of Citywide Administrative Services necessary to ensure equal employment opportunity for minority group members.

Jurisdiction

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

- ✦ 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 assess 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 8-107.13(d)); the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; and the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7). Recommendations for 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; Agency EEO Training; Discrimination/Sexual Harassment Complaint and Investigation Procedures; Selection and Recruitment System; Career Counseling (if applicable); EEO and Reasonable Accommodations for Employees/Applicants for Employment with Disabilities; Responsibility for EEO Plan Implementation (EEO Professionals, Supervisors, and Managers); and Reporting Standards for Agency Heads.

Methodology

This Commission's audit 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 Agency-Specific 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

EEO 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 EEO program administration such as the Agency Counsel and Human Resources/Personnel Directors, are given two weeks to complete and return their individual interview questionnaires. Auditors also conduct follow-up discussions or interviews with EEO personnel, when appropriate.

Citywide Equal Employment Database System (CEEDS) Reports

The Commission's auditors review data from the Citywide Equal Employment Database System (CEEDS) to understand the concentrations of race/gender groups within the agency's workforce. Auditors examine 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. Personnel transactions are also reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, auditors assess whether the agency has undertaken reasonable measures to address it.

Discrimination Complaints

The Commission's auditors 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. Auditors 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 and appropriate corrective actions, 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.

Compliance Monitoring Procedure

After issuing a Final Determination and receiving the agency's response, the Commission designates a 6-month compliance-monitoring period during which the agency submits *Monthly Compliance Monitoring Reports* on its progress in implementing the remaining corrective actions outlined in the Final Determination.

Determination of Agency Compliance

At the end of the monitoring period, the Commission makes a *Determination of Agency Compliance*. Each agency receives an assigned 6-month period for compliance monitoring; however, implementing corrective actions prior to six months is encouraged.

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 the Commission's audit.

Because this Commission is empowered to recommend actions agencies should consider including in their Agency-Specific 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 this 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 in less than 4 years. Thereafter, this 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 recommendations.

For mayoral agencies: In addition to the aforementioned, this 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, and *Summary Compliance Report* (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 developed by the Department of Citywide Administrative Services (DCAS) to assist mayoral agencies in establishing 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; complaint and investigation procedures; and training, accountability, and reporting requirements for agency heads, managers, and supervisors.

City, state, and federal laws and regulations afford job applicants and employees equal opportunities to the various terms, conditions and privileges of employment. The EEPC monitors agencies' compliance with all three sets of 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, arrest or conviction record, and status as a victim of domestic violence, stalking, and sex offenses. 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 is charged with receiving, investigating and making determinations regarding complaints of discrimination and investigating group tensions, bias, or discrimination against persons or group 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.

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 (Wages): 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.

The federal, state, and local 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

40 Rector Street
New York, NY 10006
(212) 306-7450

Statutory time period: One year (NYC Administrative Code, Title 8, Chapter 1).

New York State Division of Human Rights

Bronx (Headquarters)
One Fordham Plaza, 4th Floor
Bronx, NY, 10458
Phone: (718) 741-8400

TDD: 1-718-741-8300

Statutory time period: One year (New York Executive Law, Article 15 §297(5); see also §297(9)).

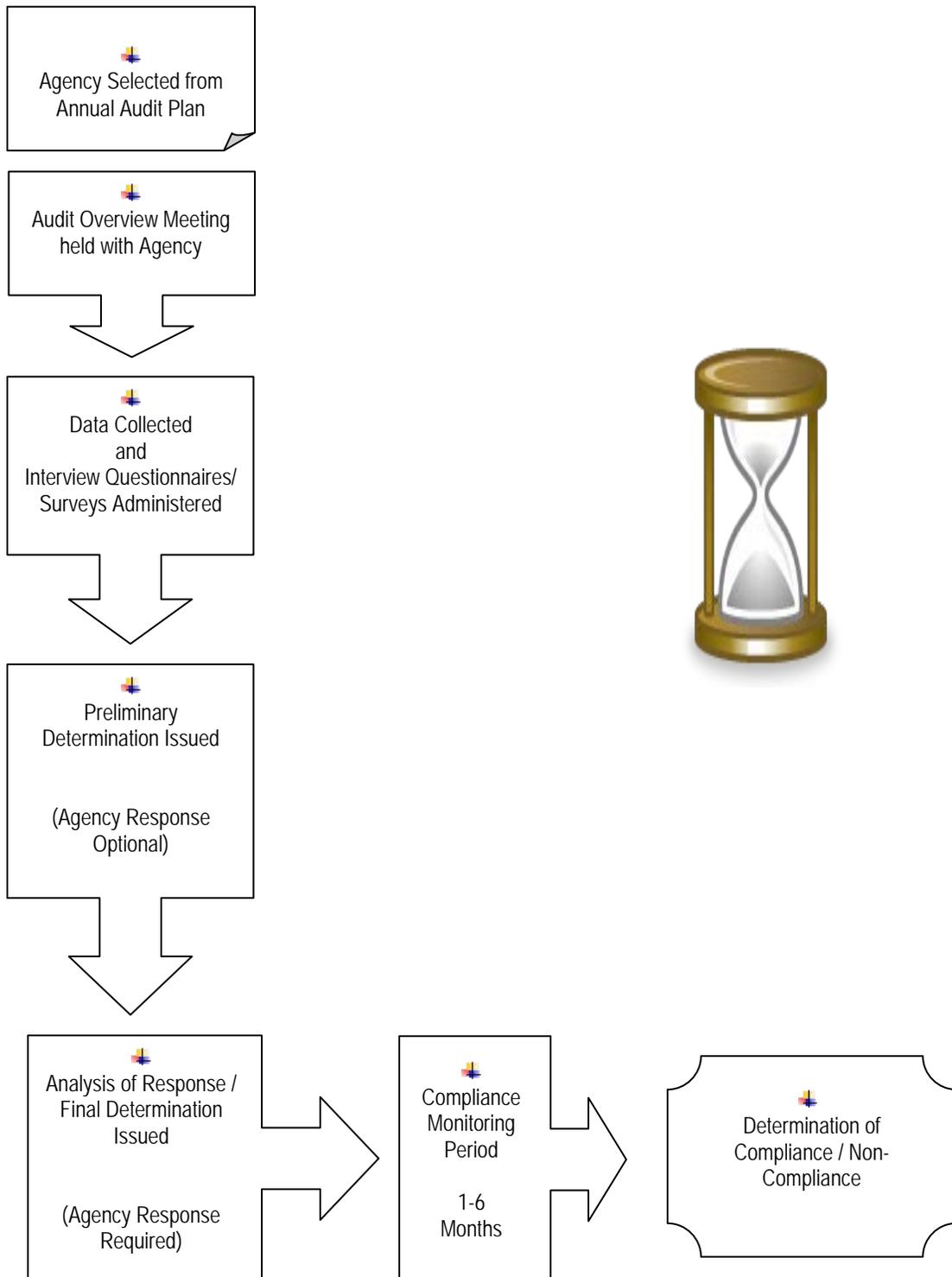
United States Equal Employment Opportunity Commission

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 and applicants for city employment have a right to file a complaint of employment discrimination with their agency's EEO Officer prior to contacting any of the federal, state, and local agencies.

Audit Procedure



Audit Types

An audit is a methodical examination or review of the condition of an agency's EEO Program. The EEPC has developed and uses various audit types as described below.

General EEO Program Audits

A general EEO Program audit is comprehensive in scope and assesses an agency's EEO program and/or policies for compliance with local, state and federal rules, regulations and laws 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 all aspects of the 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; selection and recruitment system; career counseling (if applicable); accessibility of facilities; 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 150 or fewer employees

Specific protocols are used for a general 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 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 letter of Determination with findings and recommendations, if necessary, for improving the Community Board's EEO program and/or procedures. Auditors then verify the Community Board has taken corrective action to address the EEPC's recommendations.

Issue-Specific Audits

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

Selection and Recruitment Audit (SRA)

The SRA reviews an agency's workforce data and employment practices (i.e. workforce, hires, promotions, and separations by race/ethnicity, gender and job group), policies and programs to identify which particular job groups experience underutilization and

whether there are barriers to equal opportunity within the agency.

The EEPC examines 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 and recruitment system. 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 targeted recruitment and training personnel involved in the recruitment and selection processes to effectively recruit and identify the most capable candidates.

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 reviews 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, as required by the City Human Rights Law. Auditors 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 of personnel for complaint intake and investigation; and the roles and responsibilities of the EEO 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 and Local Law 58.

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

YEAR 2011

In 2011, the EEPc conducted audits of agencies' EEO Programs, codified uniform standards and guidelines for its audit and compliance-monitoring functions, developed various issue-focused audit protocols and condensed protocols for Smaller City Agencies with 150 or fewer employees.

Audits

27 Audit Determinations (following in chronological order) were completed and issued:

- ✦ District Attorney - Richmond County Office: Received 3 recommended corrective actions.
- ✦ Management & Budget, Office of: Received 7 recommended corrective actions.
- ✦ Teachers' Retirement System: Received 10 recommended corrective actions.
- ✦ Borough President's Office, Manhattan: Received 3 recommended corrective actions.
- ✦ Payroll Administration, Office of: Received 8 recommended corrective actions.
- ✦ Design & Construction, Dept. of: Received 7 recommended corrective actions.
- ✦ Housing Development Corporation (by consent): Received 4 recommended corrective actions.
- ✦ Public Administrator - New York County Office: Received 2 recommended corrective actions.
- ✦ Campaign Finance Board: Received 1 recommended corrective action.
- ✦ Public Administrator - Richmond County Office: Received 2 recommended corrective actions.
- ✦ Economic Development Corp New York City (by consent): Received 5 recommended corrective actions.
- ✦ District Attorney - Bronx County Office: Received 5 recommended corrective actions.
- ✦ Board of Correction: Received 2 recommended corrective actions.
- ✦ Actuary, Office of: Received 1 recommended corrective action.
- ✦ Public Administrator - Queens County Office: Received 4 recommended corrective actions.
- ✦ District Attorney - Queens County Office: Received 6 recommended corrective actions.
- ✦ Community College, Queensborough: Received 6 recommended corrective actions.
- ✦ Community College, Fiorello H. LaGuardia: Received 4 recommended corrective actions.
- ✦ Public Administrator - Kings County Office: Received 6 recommended corrective actions.
- ✦ Public Administrator - Bronx County Office: Received 2 recommended corrective actions.
- ✦ District Attorney - New York County Office: Received 4 recommended corrective actions.
- ✦ District Attorney - Kings County Office: Received 6 recommended corrective actions.
- ✦ Hostos Community College: Received 5 recommended corrective actions.
- ✦ Community College, Borough of Manhattan: Received 5 recommended corrective actions.

For specific information on the audit findings and corrective actions recommended, please visit the EEPc's website at www.nyc.gov/eeepc and click on the agency's link.

The following agencies were audited and received NO recommended corrective action:

- City Clerk / Clerk of the Council
 - Emergency Management, Office of
 - Standards & Appeals, Board of
-

Compliance Monitoring

The City Charter requires that this Commission monitors agencies for up to 6 months to ensure implementation of our recommended corrective actions.

12 agencies (in chronological order) were monitored for implementation of our recommended corrective actions:

- ✦ Records & Information Services, Department of: Implemented all 14 recommended corrective actions.
- ✦ Buildings, Department of: Implemented all 6 recommended corrective actions.
- ✦ Housing Preservation and Development: Implemented all 5 recommended corrective actions.
- ✦ Sanitation, Department of: Implemented all 15 recommended corrective actions.
- ✦ Collective Bargaining, Office of: Implemented all 7 recommended corrective actions.
- ✦ Taxi and Limousine Commission: Implemented all 9 recommended corrective actions.
- ✦ Youth and Community Development, Department of: Implemented all 3 recommended corrective actions.
- ✦ Probation, Department of: Implemented all 8 recommended corrective actions.
- ✦ Environmental Protection, Department of: Implemented all 11 recommended corrective actions.
- ✦ District Attorney - Richmond County Office: Implemented all 3 recommended corrective actions.
- ✦ Human Resource Administration: Implemented all 7 recommended corrective actions.

- ✦ Borough President's Office, Manhattan: Implemented all 3 recommended corrective actions.

At the end of 2011, this Commission formally adopted uniform standards to assess agencies' EEO programs and policies for compliance with local, state and federal rules, regulations and laws designed to increase equal opportunity for municipal government employees and job applicants.

For specific information on the length of time and manner in which an agency implemented the EEPC's recommended corrective actions during its compliance monitoring period, please visit the EEPC's website at www.nyc.gov/eeepc and click on the agency's link.

Meeting Calendar: 2011

9 meetings were held in 2011 on these dates:

Thursday, March 3, 2011
 Thursday, April 14, 2011
 Thursday, May 26, 2011
 Thursday, June 30, 2011
 Thursday, July 28, 2011
 Friday, September 9, 2011
 Thursday, October 6, 2011
 Thursday, November 10, 2011
 Thursday, December 15, 2011

Meetings typically commenced between 9:15 and 10:15 am and adjourned by 12:00pm.

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

YEAR 2012

The EEPIC increased productivity in 2012. The benefits of streamlining and enhancing audit procedures became evident when, for the first time, the Commission exceeded its annual mandate – the result of automated information gathering that increased efficiency and agencies’ participation in the audit process.

Audits

39 Audit Determinations (following in chronological order) were completed and issued:

- ✦ Community College, Bronx: Received 5 recommended corrective actions.
- ✦ Community College, Kingsborough: Received 3 recommended corrective actions.
- ✦ Community Board – Queens # 3: Received/implemented 1 recommended corrective action.
- ✦ Community Board – Queens # 6: Received/implemented 2 recommended corrective actions.
- ✦ Community Board – Queens # 7: Received/implemented 1 recommended corrective action.
- ✦ Community Board – Queens # 8: Received/implemented 2 recommended corrective actions.
- ✦ Community Board – Queens # 11: Received/implemented 1 recommended corrective action.
- ✦ Community Board – Queens # 13: Received 1 recommended corrective action.
- ✦ Special Narcotics Prosecutor, Office of: Received 4 recommended corrective actions.
- ✦ Business Integrity Commission: Received 1 recommended corrective action.
- ✦ Information Technology & Telecommunications, Department of: Received 8 recommended corrective actions.
- ✦ Police Pension Fund: Received 2 recommended corrective actions.
- ✦ Conflicts of Interest Board: Received 2 recommended corrective actions.
- ✦ Civilian Complaint Review Board: Received 2 recommended corrective actions.
- ✦ Law Department, New York: Received 4 recommended corrective actions.
- ✦ Board of Education Retirement System: Received 7 recommended corrective actions.
- ✦ Independent Budget Office: Received 2 recommended corrective actions.
- ✦ Administrative Tax Appeals, Office of: Received 1 recommended corrective action.
- ✦ Housing Authority, New York City: Received 5 recommended corrective actions.
- ✦ Correction, Department of: Received 5 recommended corrective actions.
- ✦ Police Department, New York: Received 5 recommended corrective actions.
- ✦ Transportation, Department of: Received 4 recommended corrective actions.
- ✦ Aging, Department for the: Received 7 recommended corrective actions.
- ✦ Borough President's Office, Brooklyn: Received 2 recommended corrective actions.
- ✦ Public Advocate, Office of the: Received 2 recommended corrective actions.
- ✦ Education, Department of: Received 3 recommended corrective actions.
- ✦ Citywide Administrative Services, Department of: Received 2 recommended corrective actions.

- ✦ Borough President's Office - Staten Island:
Received 4 recommended corrective actions.
- ✦ Employees' Retirement System, New York City:
Received 5 recommended corrective actions.
- ✦ City Comptroller, Office of:
Received 11 recommended corrective actions.

The following agencies were audited and received NO recommended corrective actions:

- Community Board – Queens # 1
- Community Board – Queens # 2
- Community Board – Queens # 4
- Community Board – Queens # 5
- Community Board – Queens # 9
- Community Board – Queens # 10
- Community Board – Queens # 12
- Community Board – Queens # 14
- Borough President's Office, Queens

For specific information on the audit findings and corrective actions recommended, please visit the EEPC's website at www.nyc.gov/eeec and click on the agency's link.

During 2012, the Commission exceeded its mandate despite a transition in leadership caused by the retirement of its Executive Director in May. Since that time, the former Deputy Director – who previously conducted larger and more complex audits and supervised auditors – assumed the role of Interim Executive Director and was critical in the EEPC meeting its Charter mandate for the first time.

Compliance Monitoring

The City Charter requires that this Commission monitor agencies for up to 6 months to ensure implementation of our recommended corrective actions.

35 agencies* (in chronological order) were monitored for implementation of our recommended corrective actions:

- ✦ Health and Mental Hygiene, Department of:
Completed all 11 recommended corrective actions.
- ✦ Small Business Services, Department of:
Completed all 9 recommended corrective actions.
- ✦ Consumer Affairs, Department of: Completed all 6 recommended corrective actions.
- ✦ Campaign Finance Board: Completed all 2 recommended corrective actions.
- ✦ Economic Development Corporation, New York City (by consent): Completed all 6 recommended corrective actions.
- ✦ Payroll Administration, Office of: Completed all 9 recommended corrective actions.
- ✦ Public Administrator - New York County Office: Completed all 3 recommended corrective actions.
- ✦ Public Administrator - Queens County Office: Completed all 5 recommended corrective actions.
- ✦ Board of Correction: Completed all 3 recommended corrective actions.
- ✦ Teachers' Retirement System: Completed all 11 recommended corrective actions.
- ✦ Management & Budget, Office of: Completed all 8 recommended corrective actions.
- ✦ Design & Construction, Department of: Completed all 8 recommended corrective actions.
- ✦ Community College, Queensborough: Completed all 8 recommended corrective actions.
- ✦ Community College, Fiorello H. LaGuardia: Completed all 5 recommended corrective actions.

- ✦ City Commission on Human Rights: Completed all 11 recommended corrective actions.
- ✦ District Attorney - Bronx County Office: Completed all 6 recommended corrective actions.
- ✦ Public Administrator - Bronx County Office: Completed all 3 recommended corrective actions.
- ✦ District Attorney - Kings County Office: Completed all 7 recommended corrective actions.
- ✦ Conflicts of Interest Board: Completed all 2 recommended corrective actions.
- ✦ Business Integrity Commission: Completed 1 recommended corrective action.
- ✦ Parks and Recreation, Department of: Completed all 11 recommended corrective actions.
- ✦ Actuary, Office of the: Completed all 2 recommended corrective actions.
- ✦ Civilian Complaint Review Board: Completed all 2 recommended corrective actions.
- ✦ Community College - Bronx: Completed all 6 recommended corrective actions.
- ✦ Community College - Hostos: Completed all 6 recommended corrective actions.
- ✦ Public Administrator - Richmond County Office: Completed all 3 recommended corrective actions.
- ✦ Police Pension Fund, New York City: Completed all 2 recommended corrective actions.
- ✦ District Attorney - Queens County Office: Completed all 7 recommended corrective actions.
- ✦ Borough President's Office, Brooklyn: Completed all 2 recommended corrective actions.

* In addition to the agencies listed, 6 Community Boards implemented recommended actions, but did not require formal compliance monitoring.

For specific information on the length of time and manner in which an agency implemented the EEPC's recommended corrective actions during its compliance monitoring period, please visit the EEPC's website at www.nyc.gov/eeepc and click on the agency's link.

Meeting Calendar: 2012

8 meetings were held in 2012 on these dates:

Friday, February 24, 2012
 Thursday, April 12, 2012
 Thursday, May 24, 2012
 Thursday, June 28, 2012
 Thursday, July 26, 2012
 Thursday, September 13, 2012
 Thursday, October 18, 2012
 Thursday, December 13, 2012

Meetings typically commenced between 9:15 and 10:15 am and adjourned by 12:00pm.

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

2013 and Beyond

The EEPCC schedules audits based 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:

- ✚ Community Boards - Bronx (Nos. 1 - 12)
- ✚ Community Boards - Staten Island Nos. (1 - 3)
- ✚ Community Boards - Manhattan Nos. (1 - 12)
- ✚ Civil Service Commission
- ✚ Landmarks Preservation Commission
- ✚ Borough President's Office, Bronx
- ✚ Labor Relations, Office of
- ✚ Investigation, Department of
- ✚ Administrative Trials & Hearings, Office of
- ✚ City Planning, Department of
- ✚ Financial Information Services Agency
- ✚ City Council, New York
- ✚ Mayor, Office of the
- ✚ Buildings, Department of
- ✚ Finance, Department of
- ✚ Homeless Services, Department of
- ✚ Environmental Protection, Department of
- ✚ Children's Services, Administration for
- ✚ Sanitation, Department of
- ✚ Fire Department, New York

Learn more about this Commission and its audits by visiting our website at:

www.nyc.gov/eecc.

In addition, the EEPCC 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: 2013

9 meetings are scheduled for the following dates:

Thursday, January 24th @ 9:15AM
 Thursday, March 14th @ 9:15AM
 Thursday, May 9th @ 9:15AM
 Thursday, June 20th @ 9:15AM
 Thursday, July 25th @ 9:15AM
 Thursday, September 5th @ 9:15 AM
 Thursday, October 10th @ 9:15AM
 Thursday, November 14th @ 9:15AM
 Thursday, December 19th @ 9:15AM

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

Public Hearings

When appropriate, the EEPCC plans public hearings to discuss major EEO topics within the City of New York. The Commission may sponsor up to two public hearings annually.

For suggestions on topics for the next EEPCC public hearing, send an email to mramsukh@eecc.nyc.gov.

Appendix

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.



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ANNUAL REPORT**

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