



**ANNUAL REPORT
2018**

BOARD MEMBERS - COMMISSIONERS

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Message from the Board of Commissioners:

The Board of Commissioners of the Equal Employment Practices Commission view as sacrosanct our duty to aid agencies in implementing equal employment opportunities for employees of and applicants to the City of New York. Toward this end, in 2018, the EEPC launched the Sexual Harassment Prevention and Response Practices Audit (SHPPRA), a new issue-specific audit, which emphasizes implementation of the city, state and federal laws, regulations and policies that directly impact sexual harassment prevention and response practices. The EEPC also initiated follow-up audits of municipal entities that had received Determinations of Partial Non-compliance during the Employment Practices Audit that was conducted in previous years.

We want to thank the employees of this Commission, and in particular the Executive Director, without whose leadership these accomplishments could not occur. We also thank the city agencies and municipal entities that continue to extend their cooperation and participation. We look forward to the continued rewards of implementing equal employment opportunities within the City of New York.

Executive Director



Charise L. Terry, PHR
Executive Director

Other Executive Staff



Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Director of Learning and Development



Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

Executive Summary

In 2018, the Equal Employment Practices Commission (EEPC) built upon a secure foundation of continued successful fulfillment of the New York City Charter (Charter) mandates to audit, evaluate, and monitor the equal employment programs, practices and procedures of every city agency and other municipal entities (collectively municipal entities) at least once every four (4) years; to conduct studies; and to report on the employment practices used by municipal entities in the City of New York (City). The year was one of continued efficiency, growth, and development for audit and monitoring, research initiatives, and internal operations.

Audit: Review, Evaluation and Monitoring

The EEPC continued to increase efficacy in the review, evaluation, and monitoring processes for audited entities and the EEO Program Analysts who conduct the audits. Among the audit enhancements implemented by the EEPC was the distribution of an Audit Overview Flow Chart to municipal entities at the initiation of each audit. The Audit Overview Flow Chart provides agencies with a snapshot of the EEPC Interview Questionnaire topics with the estimated response time required for each, and suggests documents for reference and upload. This has reduced the number of requests for extension from municipal entities during the data collection phase of an audit.

In 2018, the EEPC launched the *Sexual Harassment Prevention and Response Practices Audit* (SHPPRA). In preparation for this issue-specific audit, the EEPC developed exclusive audit standards and data collection tools for auditing this topic. To execute the SHPPRA, the EEPC's uniform standards for auditing municipal entities were tailored to emphasize implementation of city, state and federal laws, regulations and policies that directly impact the prevention of, and response to, sexual harassment. Then, exclusive data collection instruments were designed. For each standard within the SHPPRA, questions were formulated to extrapolate data regarding municipal entities' strategies, policies, and programs, and ascertain the extent to which they effectively prevent and/or respond to sexual harassment. These questions were organized by topic and collated into surveys entitled, Preliminary Interview Questionnaires (PIQs). The PIQs provided the audited municipal entities with a platform through which they were able to simultaneously respond to questions and upload documents in direct support of their responses, thereby making the audit process more efficient and intuitive.

At the conclusion of 2018, twenty-nine (29) municipal entities had received the SHPPRA. Seven (7) of these entities received Audit Determinations with no corrective action. Twelve (12) entities successfully implemented all of the prescribed corrective actions during an assigned monitoring period. Thus, a total of nineteen (19) municipal entities attained a Determination of Compliance for the SHPPRA. The most frequently issued and implemented corrective actions in 2018 as a result of the SHPPRA are included in Appendix IV.

In addition to conducting the SHPPRA, the EEPC also initiated follow-up audits of three (3) municipal entities that had received Determinations of Partial Non-compliance as a result of an Employment Practices Audit (EPA) in 2017. These follow-up audits were commenced to determine compliance with previously non-compliant subject areas. In 2018, twelve (12) additional municipal entities were also monitored for implementation of corrective action as a result of the EPA, all of which successfully implemented the corrective actions prescribed and received Determinations of Compliance. In total, thirty-one (31) municipal entities attained a Determination of Compliance in 2018.

Research Initiatives

In 2018, the EEPC Research Unit completed research and analysis on the topic of occupational segregation in the context of the City's workforce, and produced a report entitled *Exploring Occupational Segregation: Exploring Trends in the Allocation of Labor within the New York City Government Workforce* (Appendix V). Utilizing various data sources from the Department of Citywide Administrative Services (DCAS), including Citywide Equal Employment Database Systems (CEEDS) reports, Workforce Profile Reports, the American Community Surveys, and title specifications, the EEPC's Research Unit was tasked with an in-depth analysis

and exploration of the occupational segregation phenomenon. The objectives of the research were to examine occupational segregation using the City's workforce statistics, and identify potential risks against fair and equitable employment practices. A series of research questions were postulated and the City's workforce was examined in aggregate, and via a number of distinct subsections such as racial groups, gender groups, job groups, job titles (uniformed, civilian, and physically taxing), and civil service status, with the intent of developing a better understanding of the underlying relationship between occupational segregation and workforce characteristics. This Report is attached as Appendix V.

EEPC Conference: *Commitment to Achieving Equality: Exploring Occupational Segregation*

On September 28, 2018, the EEPC hosted a conference entitled *Commitment to Achieving Equality: Exploring Occupational Segregation*, and invited 262 of the City's Human Resources and EEO Professionals; representatives of DCAS Human Capital and Office of Citywide Equity and Inclusion (formerly the Office of Citywide Diversity and EEO (CDEEO)); members of the New York City Council Committees on Civil and Human Rights, Civil Service and Labor, and Women; and representatives of twenty (20) labor unions. Occupational segregation is an issue that impacts equal employment opportunity. The concentration of primarily race- or gender-based groups into particular occupations can have a harmful effect not only on employees' income and stability, but also on agencies' outcomes, as individuals who could perform well in certain occupations are impeded from them.

Four (4) experts in the fields of Social Sciences, Women's Research, Gender Inequality, and the New York City Government Workforce offered their insights into how occupational segregation is measured, as well as its overall impact. The featured presentations centered on *Segregation and Employment Equity*, *Occupational Segregation and the Gender Wage Gap in New York State*, *Can Employment Practices Reduce Gender Segregation?*, and *Exploring Occupational Segregation in the New York City Government Workforce*. These topics served to stimulate discussions about recruitment and promotion practices, succession planning, and risk management. These presentations may be viewed via the EEPC's website under Reports. The presentation entitled *Exploring Occupational Segregation in the New York City Government Workforce* by the EEPC's Director of Research Initiatives and Public Hearings is attached as Appendix VI.

Testimony before New York City Council

During 2018, EEPC representatives were invited to present testimony before the New York City Council Committees on Civil Service and Labor, Civil and Human Rights, and Women.

On February 28, 2018, a member of the Board of Commissioners, the Executive Director, the Director of Research Initiatives and Public Hearings, and the Manager of EEO Analysis and Audit provided brief testimony to the Committees on Women and Civil and Human Rights on the topic: Oversight Sexual Harassment Best Practices and Policies in New York City. The hearing resulted in the passage of a series of legislation collectively referred to as the *Stop Sexual Harassment in the Workplace Act*, which includes, but is not limited to, agency requirements for anti-sexual harassment training; agency assessments of risk factors for harassment and development of responsive strategies; and annual reporting of complaints of workplace sexual harassment. The EEPC's testimony on this topic is included as Appendix VII.

Subsequently, on April 23, 2018, the EEPC Executive Director and a member of the Board of Commissioners participated in a hearing held by the Committees on Civil Service and Labor and Civil and Human Rights regarding Introduction Nos. 752, 755-A, and 756 of 2018 in tandem with the Department of Citywide Administrative Services. Introduction No. 752 would create an office of diversity and inclusion within the Department of Citywide Administrative Services; Introduction No. 755-A, would require the EEPC to analyze and report annually on citywide racial and ethnic classification, underutilization, and adverse impact; and Introduction No. 756 would require the Department of Citywide Administrative Services to review and report annually on the City's efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates.

In light of the EEPC's mission, experience and demonstrated acumen, the City Council passed Introduction No. 755-A of 2018 into legislation, which vests the EEPC with the duty "to analyze and report annually on whether agencies are meeting their racial and ethnic affirmative employment goals and, when not, identify the underutilized or adversely impacted groups and provide recommendations on corrective action. The EEPC [will] also be required to review the city's racial and ethnic classification categories, and provide recommendations on whether such categories accurately capture the racial and ethnic composition of the city's government workforce. The EEPC [will] be required to provide recommendations to strengthen agency affirmative employment plans, and improve diversity in recruitment, selection, retention and promotion of City government employees." This legislation was signed as Local Law 13 of 2019. The EEPC's testimony before the New York City Council and Local Law 13 of 2019 are included as Appendix VIII.

Proposals to the New York City Charter Revision Commissions

In 2018, Mayor Bill De Blasio appointed a Charter Revision Commission charged with examining the New York City Charter, and invited agencies to recommend specific changes to advance the fulfillment of their individual missions and mandates. The New York City Council also established a Charter Revision Commission, and sought recommendations for changes with respect to powers and duties. Based on experiences during the course of the EEPC's years of auditing and monitoring municipal entities for compliant equal employment practices, the EEPC proposed language to both Charter Revision Commissions to clarify the EEPC's independence, establish a secure and autonomous budget, delineate the entities under the EEPC's jurisdiction, and provide additional enforcement measures. The proposed Charter language and correspondence between the Board of Commissioners and the Charter Revision Commissions are included as Appendix IX.

Advancements in Administration and Operations

To support the EEPC's growth, the EEPC expanded its administrative and operational structure in 2018 through the hire of legal, human resources and IT personnel. The EEPC strengthened the Legal Unit by the hiring of an Executive Agency Counsel with experience in labor and employment law and public entity representation, to serve as the Director of Compliance. The Legal Unit serves as resource for the EEPC to determine and set precedent; interpret and reinforce the EEPC's authority with respect to its Charter-mandated responsibilities, and support and enhance the foundation of the EEPC and its audits to ensure municipal entities, and the City as an employer, maintain legal compliance with laws and policies. The Executive Agency Counsels contribute to external and internal advancement of the EEPC. In addition, the ongoing utilization and integrity of audit management software also resulted in the hire of an experienced, dedicated information technology (IT) professional to expedite the detection, analysis, resolution and documentation of software/network risks and deficiencies; provide IT assistance to the entire EEPC staff, including staff members external to the audit process; enable the EEPC to generate evaluations/reports; track progress; and continue to fulfill its Charter mandate and vision. Also critical for the EEPC's continued growth and efficiency was the hire of a dedicated Human Resources Manager, with knowledge of New York City Personnel Rules and Regulations and civil service procedures, for the administration of human resources, budgetary, personnel and payroll responsibilities. As a small agency, the aforementioned hires have contributed tremendously to the EEPC's growth and efficiency.

Mission Statement

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

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About the EEPC

The New York City Equal Employment Practices Commission (EEPC) was established, by vote in favor of amendments to the New York City Charter (Charter), to ensure that New York City agencies and other municipal entities (collectively municipal entities) maintain an effective employment program of equal employment opportunity (EEO) for all who are employed by, or seek employment with, New York City (City) governmental entities.

The EEPC is an independent non-mayoral body empowered by Chapter 36 of the Charter to audit, review, evaluate, and monitor municipal entities once every four (4) years for compliance with the Charter, the City's Human Rights Law, state and federal anti-discrimination laws and regulations, and policies and procedures to increase equal opportunity within municipal employment. Toward that end, the EEPC reviews, evaluates and monitors their employment practices, procedures, and programs, and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants, and recommends practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts.

Municipal entities meeting the following criteria are governed by the EEPC's purview:

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

Charter Chapter 36 also authorizes the EEPC to monitor coordination of affirmative employment programs established by the City; and propose policy, legislative and budgetary recommendations to the Mayor, New York City Council (Council), and Department of Citywide Administrative Services (DCAS).

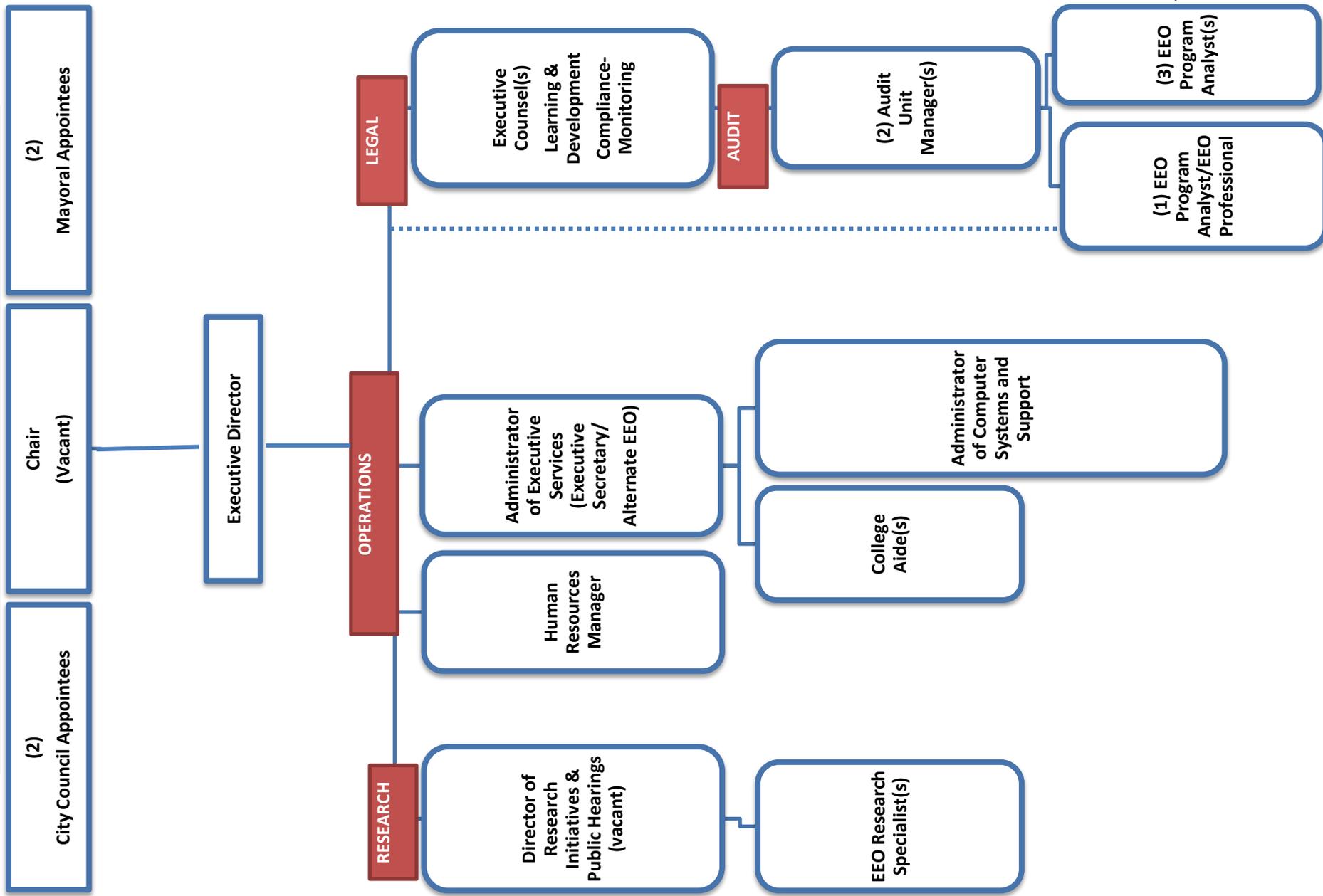
The EEPC has a duty to:

- ✚ review the standards, procedures, and programs established by DCAS to ensure a fair and effective affirmative employment plan of equal employment opportunity for municipal entities;
- ✚ review the annual affirmative employment plans of municipal entities and provide appropriate comment and suggestions;
- ✚ advise municipal entities in their efforts to increase employment of minority group members and women who seek employment with City entities;
- ✚ audit and evaluate the employment practices and procedures of each City entity at least once every four (4) years and whenever requested by the City Civil Service Commission or City Human Rights Commission, and recommend procedures, standards, and programs to be utilized to ensure fair and effective programs of equal employment opportunity;
- ✚ establish a compliance procedure to monitor the implementation of all corrective actions;
- ✚ hold public and private hearings, compel the attendance of witnesses, and administer oaths for the purpose of ascertaining whether municipal entities 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 employees and applicants;
- ✚ publish a report to the Mayor and Council on the effectiveness of each City entity's affirmative employment efforts and the efforts by DCAS to ensure equal employment opportunity; and

- ✚ make policy, legislative and budgetary recommendations to the Mayor, Council, and DCAS that the EEPC deems necessary to ensure equal employment opportunity for minority group members.

While the EEPC is not authorized to investigate individual complaints of employment discrimination, the EEPC's audit, evaluation and monitoring processes provide a mechanism to ensure each municipal entity institutes and maintains properly structured, efficiently administered employment opportunity practices that comply with federal, state, and city equal employment opportunity laws, requirements, policies and practices calculated to avert errors in judgment or procedure from potentially becoming allegations of employment discrimination.

EEPC Organizational Chart



EEPC Structure

The Board of Commissioners

To fulfill the aforementioned powers and duties, the Charter assigns a Board of five (5) per diem Commissioners. The Board is comprised of two (2) appointees each from the Mayor and Council, and a Chair jointly appointed by the Mayor and Speaker of the Council. This arrangement ensures balance and insulation from political influence, and facilitates exercise of jurisdiction over the employment practices of mayoral and non-mayoral agencies, as well as the offices of elected officials and political appointees.

The Board of Commissioners performs the following duties and responsibilities essential to the EEPC's Charter mandates:

- ✦ review and approve the annual audit plan;
- ✦ review the auditing standards used to ensure entities' compliance with the Charter, City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✦ review, approve, and adopt Resolutions pursuant to EEO Program Analysts' findings and issue Final Determinations;
- ✦ review and approve entities' implementation of corrective actions, adopt *Determinations of Compliance* or *Non-Compliance* at the end of the Charter-mandated compliance-monitoring period, and adopt relevant Resolutions;
- ✦ deliberate on issues and trends of employment practices pursuant to the audit and evaluation of City entities;
- ✦ publish an annual report to the Mayor and Council on the activities of the EEPC and the effectiveness of each City entity's affirmative employment efforts and the efforts by DCAS to ensure equal employment opportunity for employees and applicants for employment with City government;
- ✦ make budgetary, legislative and policy recommendations to the Mayor, Council, DCAS or any municipal entity as the EEPC deems necessary to improve the City's equal employment opportunity program;
- ✦ conduct public hearings on major EEO topics relevant to the City; and
- ✦ when appropriate, compel the testimony of witnesses, and establish advisory committees.

Executive Director

The Board of Commissioners appoints the Executive Director to effectuate the powers and duties delegated to the EEPC in the Charter including, but not limited to:

- ✦ advise and assist the Board of Commissioners in the development and implementation of strategic plans and initiatives;
- ✦ establish the organizational structure, plans and methods for the execution of mandated Charter duties;
- ✦ develop the EEPC's annual audit plans;
- ✦ develop the EEPC's audit, evaluation and monitoring standards to ensure municipal entities' compliance with the Charter, City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✦ formulate audit, evaluation and monitoring protocols according to the EEPC's decisions and in conformance with the aforementioned laws and policies;
- ✦ manage the audit and evaluation processes for municipal entities under the EEPC's jurisdiction;
- ✦ advise the Board of Commissioners in its deliberations, report issues, and present audit Determinations and Resolutions;
- ✦ present audit findings to agency heads;
- ✦ develop public hearings on topics of interest or concern to the EEPC; and
- ✦ testify at relevant Council hearings.

Legal Unit

The Legal Unit serves to interpret and reinforce the EEPC's authority; support and enhance the foundation of the EEPC; ensure the legal application of the EEPC's uniform standards to audits of municipal entities, and the City as an employer; and maintain legal compliance with laws and policies.

The Legal Unit is comprised of two (2) Executive Agency Counsels: the Director of Compliance and the Director of Learning and Development. The Legal Unit serves as a resource for the EEPC by performing the following duties and responsibilities essential to the Charter mandates:

- ✦ identify municipal entities that are under the EEPC's jurisdiction based on Chapter 36 of the Charter and New York City Law Department decisions and opinions;
- ✦ interpret legal issues relative to the administration of the responsibilities, duties and authority of the EEPC;
- ✦ propose policy, legislative and/or regulatory recommendations to the Mayor, Council, DCAS, and other agencies as delineated in the Charter;
- ✦ provide guidance to ensure audit and evaluation protocols are verified, sound and devoid of legal misinterpretation;
- ✦ conduct legal research and investigations relative to compliance within the legal framework of current federal, state and local EEO laws, regulations and judicial decisions;
- ✦ approve legal documents for presentation to the Executive Director and Board of Commissioners;
- ✦ manage the Charter-mandated compliance monitoring process to ensure that municipal entities implement corrective actions appropriately and effectively;
- ✦ inform the Board of Commissioners whether municipal entities have taken appropriate and effective corrective

actions to remedy non-compliance, and if not, whether further action is warranted under the Charter; and

- ✦ research and provide opportunities for training and development of EEPC staff.

Audit Unit

The Audit Unit is comprised of a Manager of EEO Analysis and Audit, a Manager of Labor Relations Analysis and Audit, and four (4) EEO Program Analysts. The Audit Unit reports to the EEPC's Legal Unit, to ensure comprehension of the legal foundation and interpretation of EEO laws and policies, ensure the implementation of Audit Unit protocols and sustain efficiency in the management of audits, which is essential to the Charter mandates. The Audit Unit performs the following duties and responsibilities:

- ✦ conduct comprehensive and issue-specific analyses, audits, and evaluations of municipal entities' employment and EEO programs at least once every four (4) years;
- ✦ administer surveys and interview questionnaires, and conduct follow-up interviews with EEO personnel and others involved in employment and EEO program administration;
- ✦ analyze information and prepare audit Determinations, which include findings and prescribed corrective action, to bring municipal entities into compliance with city, state, and federal EEO laws, regulations, procedures and policies; and
- ✦ serve as a resource to the Executive Director and Board of Commissioners for audit findings and conclusions.

Research Unit

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

- ✦ conduct longitudinal research projects to develop policy recommendations to the

Mayor, Council, and DCAS for ensuring equal employment opportunities;

- ✦ conduct trend analysis on audit data and information, and research employment and EEO compliance risks within and among municipal entities;
- ✦ analyze recruitment and selection systems, availability, adverse impact and underutilization;
- ✦ develop advisory committees on pertinent employment and EEO issues for the purpose of ascertaining facts or determining whether municipal entities comply with city, state, and federal EEO laws, regulations, procedures and policies;
- ✦ collaborate with organizations, institutions and governmental agencies to promote research initiatives and recruit interns;
- ✦ develop audit risk assessment indicators and audit impact measurement systems;
- ✦ develop relevant data collection tools and databases for the EEPC's use; and
- ✦ propose prominent topics for public hearings.

The Board of Commissioners deliberate on whether issues and trends revealed through municipal entity 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 the Mayor, Council, and DCAS to improve the City's equal employment opportunity policy or programs.

Commission Meetings

The Charter requires that the Board of Commissioners meet at least once every eight (8) weeks, which results in eight (8) to ten (10) meetings per year. Pursuant to the State Open Meetings Law, meetings are open to the public. Three (3) Commissioners constitute a quorum for a meeting. Notices of the Board of Commissioners' meetings are published in the City Record at least five (5) days prior. Pursuant to Local Law 103 of 2013, Board of Commissioner meetings are recorded and made available to the public online.

During meetings, the Board of Commissioners adopt and approve audit-related Resolutions, which delineate corrective actions, and compliance-related Resolutions, which confirm entities' implementation of such actions.

Authority

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the Charter authorize the EEPC to audit, evaluate and monitor the employment practices, procedures, and programs of City agencies and other municipal entities, and their efforts to ensure fair and effective equal employment opportunity, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination.

For a comprehensive understanding of the EEPC's mandate, Chapter 36 of the Charter is provided in its entirety as Appendix I.

Jurisdiction

Chapter 36, Section 831(a) of the Charter accords EEPC this authority for 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 municipal entities include, but are not limited to, the offices of elected officials such as the Mayor, New York City Council, Borough Presidents, City Comptroller, District Attorneys, and Public Advocate; non-pedagogical employees of the Department of Education and the community colleges of the City University of New York; the New York City Housing Authority; and the Pension and Retirement Systems.

New York City Corporation Counsel's Opinion 11-90

The New York City Corporation Counsel (Corporation Counsel) issued Opinion No. 11-90 (Opinion 11-90) to address whether provisions of the 1989 amendment to the Charter, regarding conflicts of interest, administrative rule-making procedures, procurement, the budget process, equal employment and economic opportunity requirements, and audit by the Comptroller, applied to entities established by or pursuant to State law to perform a local governmental function or serve a governmental purpose in New York City. The inquiry sought to determine whether application of the 1989 Charter requirements would frustrate, curtail, impair or conflict with the provisions of State law that established each entity.

The parameters of the EEPC's jurisdiction are clarified by Opinion No. 11-90, and subsequent Corporation Counsel Opinions. Opinion 11-90 cited the record of the 1989 Charter Revision Commission, which expressed its intention to incorporate as broad a definition of “agency” as legally possible “to widen the effect of the City's anti-discrimination policies [...]” (NYC Corp. Op. 11-90 1990 WL 709125 (WestLaw), December 20, 1990). Thus, the Corporation Counsel concluded that “the equal employment opportunity provisions of Chapter 36 [...] are a central component of the City's personnel administration [...]”

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

New York City Housing Authority

The New York City Housing Authority (NYCHA) is a public benefit corporation established pursuant to New York State Public Housing Law. NYCHA is required by that 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. NYCHA hires employees from the same civil service lists, which are established by DCAS, that are used by other City agencies. Based on these requirements, Opinion 11-90 concluded that

the equal employment opportunity provisions of Chapter 36 apply to NYCHA.

Department of Education: Non-Pedagogical Employees

The Department of Education (DOE) is funded in part from the City treasury, and is headed by the Chancellor, who is appointed by the Mayor. The DOE is subject to EEPC's audit, evaluation and monitoring of its employment practices with regard to its non-teaching (non-pedagogical) employees only. The non-pedagogical employees are within the classified service and are governed by the City Personnel Rules and Regulations. New York State Education Law requires that pedagogical employees, teachers and teaching supervisors, are hired and promoted pursuant to standards and tests prepared and administered by the Chancellor and State Board of Examiners. For this reason, Corporation Counsel concluded the DOE's employment practices regarding pedagogical employees are not subject to local authority, such as the EEPC audit, evaluation and monitoring pursuant to Chapter 36 of the Charter.

New York City Housing Development Corporation

The New York City Housing Development Corporation (HDC) is a public benefit corporation, created under the New York State Private Housing Finance Law and the New York City Housing Development Corporation Act. It is headed by two (2) mayoral and two (2) gubernatorial appointees; its expenses are not funded by the City treasury; and its employees are not City employees. HDC is not subject to the 1988 and 1989 City Charter amendments. Nevertheless, Opinion 11-90 concluded that because HDC follows the provisions of the civil service law and the rules of the City Civil Service Commission, application of Chapter 36 would not be inconsistent with the law governing HDC. On January 30, 1991, HDC issued its subsequent opinion regarding Opinion 11-90, stating that even though HDC is not obliged to adhere to its requirements by law, as a matter of policy HDC agreed to comply with the substance of Chapter 36 of the Charter. Since 1991, HDC has consented to the EEPC's audit and

evaluation of its employment practices, and consistently adopts and implements prescribed corrective actions, if any.

New York City Economic Development Corporation

The New York City Economic Development Corporation (NYCEDC) is a public benefit corporation, which is not funded by the City treasury and its employees are not City employees. Although Opinion 11-90 concluded the predecessor entity to NYCEDC was not subject to the requirements of Chapter 36, it opined the equal employment opportunity provisions could be applied to its employment practices without conflict or contradiction with its legal foundation. NYCEDC has voluntarily consented to the EEPC's audit, evaluation and monitoring of its EEO program; and consistently adopts and implements the EEPC's prescribed corrective actions, if any.

New York City Health + Hospitals

The New York City Health and Hospitals Corporation (HHC) (currently New York City Health + Hospitals) was established by State law (New York City Health and Hospitals Corporation Act) to operate the citywide health and medical services system separate from the City administration. HHC's autonomy includes the authority to establish its own job titles and specifications. Opinion 11-90 determined that although Charter Section 831(a) includes HHC among entities within the EEPC's jurisdiction, because HHC has autonomy in its personnel administration, its employment practices are not subject to operational review by the EEPC.

Board of Elections

Opinion 11-90 determined that although the Board of Elections (BOE) 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

The School Construction Authority (SCA) 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 and Water Finance Authority

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 (7) members of the WB are appointed by the Mayor. All of WB's employees are employees of the New York City Department of Environmental Protection (DEP), with rights and responsibilities under its EEO Program; therefore, the EEPC does not conduct a separate audit and evaluation of the WB's employment practices.

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

New York City Corporation Counsel's Subsequent Opinions

On occasion, in response to the EEPC's request for additional guidance on its jurisdiction, the Office of the Corporation Counsel has issued formal as well as informal opinions.

New York City Council

In response to the New York City Council's (Council) assertion that it does not conform to the criteria delineated in Section 831(a) of the Charter – which establishes the EEPC's jurisdiction and authority over any agency of government where: 1) *the majority of the*

board members of such agency serve by virtue of being city officers, and 2) the expenses are paid in whole or in part from the city treasury – in 2015, the EEPC requested the Corporation Counsel's opinion regarding whether the Council was subject to audit, evaluation, and monitoring by the EEPC.

The Council's expenses are paid from the City treasury. In addition, the Council's 51 independently elected officials and their employees have City employment status, receive salaries from the City of New York, participate in the New York City Employees' Retirement System, are represented by the Corporation Counsel, are indemnified as City employees under the General Municipal Law, and are subject to the same duties and benefits of City government employment as other City employees. As a result, the Council falls under the EEPC's jurisdiction.

Corporation Counsel concluded that the Council falls within the EEPC's jurisdiction delineated in Section 831(a) of the Charter. The Charter authorizes the EEPC to audit, evaluate and monitor the New York City Council's employment procedures, practices and programs. The EEPC's audits do not interfere with the Council's performance of its legislative duties powers and functions.

Offices of the District Attorneys

In 2003, the Office of the Corporation Counsel responded to the EEPC's inquiry regarding whether the Offices of the District Attorneys within New York City were subject to the jurisdiction of the EEPC. Although the District Attorneys are established by State law, they are elected within each county in New York City and the City has jurisdiction over personnel management of county offices. Thus, Corporation Counsel concluded that the District Attorneys are county officers, subject to personnel management by the City of New York, and the EEPC has jurisdiction over the employment practices of Offices of the District Attorneys.

EEO-Related Responsibilities Assigned by the City Charter

Charter Chapter 35 ascribes EEO-related responsibilities to the DCAS Commissioner and the heads of each City agency. In addition, Charter Chapters 35 and 36 vest the EEPC with specific powers and duties concerning their respective equal employment opportunity related responsibilities.

Charter Chapter 35, Section 812(a) states that the personnel policies and practices of the City government, in furtherance of the 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 (3) promote and support the efficient and effective delivery of services to the public.

Among the EEPC's powers and duties is "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[.]" (Chapter 36 §831(d)(1)).

Charter Chapter 35, Section 814 assigns the following responsibilities concerning equal employment opportunity to the DCAS Commissioner:

- ✦ establish and enforce uniform procedures and standards to be utilized by City agencies in establishing measures, programs and plans to ensure 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 plan for equal employment opportunity (Annual EEO Plan);

- ✦ review and provide comments and suggestions on each agency's draft Annual EEO plan; and
- ✦ provide assistance to minority group members and women employed by, or interested in being employed by, City agencies to ensure that they benefit, to the maximum extent possible, from City employment and educational assistance programs.

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

- ✦ DCAS's 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, Council, City Civil Service Commission and the 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.

Charter Chapter 35, Section 815 assigns the following powers and duties concerning equal employment opportunity in personnel management to Agency Heads:

- ✦ ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- ✦ establish measures and programs to ensure fair and effective equal employment opportunity;
- ✦ adopt and implement an annual plan of such measures, standards and procedures to accomplish this objective;
- ✦ 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, Charter Chapter 35, Section 815(h) requires the head of each City agency to:

- ✦ establish measures and programs to ensure 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 of such measures, standards and procedures to accomplish this objective;
- ✦ present a draft Annual EEO Plan for review by DCAS and the EEPC;
- ✦ file copies of the Annual EEO Plan with the Mayor, Council, City Civil Service Commission, DCAS and the EEPC; and
- ✦ submit quarterly reports on their agencies' efforts during the previous quarter to implement the Annual EEO Plan to the Mayor, City Council, DCAS, and the EEPC.

evaluation and monitoring protocols. The aforementioned duties also play a vital role in any policy, legislative and budgetary recommendation the EEPC may make to the Mayor, Council, and DCAS regarding equal employment opportunities for women, minority group members and other employees and job applicants identified for protection from discrimination.

The EEPC meticulously considers the responsibilities the Charter assigns to City agencies, the heads of agencies and the DCAS Commissioner, in developing its audit,

EEO Policies, Laws and Enforcement

City of New York's EEO Policy

The New York City *Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy), was established by DCAS in fulfillment of its Charter mandated duty “[t]o establish ... uniform procedures and standards to be utilized by city agencies ... to ensure a fair and effective ... equal employment opportunity plan for ... minority group members and women who are employed by, or who seek employment with, city agencies.” (Charter Chapter 35 §814(a)(12)). The Citywide EEO Policy also includes the City's EEO training, accountability, and reporting requirements for supervisors, managers, and agency heads.

The EEPC evaluates agencies and municipal entities for compliance with the following city, state, and federal laws and regulations to provide job applicants and employees equal opportunities to the various terms, conditions and privileges of employment in City agencies and municipal entities.

New York City's EEO Laws

New York City Human Rights Law

New York City Human Rights Law (NYCHRL) (Administrative Code of the City of New York, Title 8) prohibits an employer with four (4) or more employees from refusing to hire or employ, barring or discharging a person from employment; representing that any employment or position is not available when in fact it is available; or discriminating against a person in compensation or in terms, conditions or privileges of employment based on: actual or perceived age, race, creed, color, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), disability (including pregnancy-related conditions), marital status, partnership status, caregiver status, sexual orientation, uniformed service, status as a victim of domestic violence, stalking, and sex offenses, consumer credit history, salary history or unemployment status; or to deny employment

due to arrest or criminal conviction record. Discrimination based on a person's association with a member of a protected class; retaliation for filing a complaint or otherwise opposing discrimination; and bias-related harassment are also prohibited.

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

New York State's EEO Laws

New York State Human Rights Law

Under the New York Executive Law, Article 15, Human Rights Law (NYSHRL), it is an unlawful discriminatory practice for an employer with four (4) or more employees to refuse to hire or 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, familial status, marital status, or domestic violence victim status.

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.

New York State Civil Service Law Section 55-a

New York State Civil Service Law Section 55-a (Section 55-a) was enacted to encourage municipal employers to hire and employ

qualified persons with disabilities in positions that would be reserved for the competitive class. Municipal employers may designate a number of competitive positions for persons with physical or mental disabilities. The municipal employer is required to treat employees appointed pursuant to Section 55-a as if they were employees in the competitive class with regard to abolishment, reduction in rank or salary grade, suspension or demotion of positions.

New York State Labor Law

In 2018, New York State promulgated laws to combat sexual harassment in the workplace, including requiring all public and private employers in New York State, regardless of the size or nature of the business, to establish a sexual harassment prevention policy and sexual harassment prevention training that equals or exceeds the minimum standards developed by the New York State Department of Labor in consultation with the New York State Division of Human Rights. The New York State Public Officers Law also requires officers and employees of the state or of any public entity to reimburse the entity for any state or public payment made upon a money judgement of intentional wrongdoing related to a claim of sexual harassment.

The New York State Department of Labor Division of Labor Standards enforces EEO related Labor Laws such as paid family leave and provisions for nursing mothers to receive break time to express breast milk at work.

Federal EEO Laws

Federal laws prohibit workplace discrimination and require that federal, state and local governments, educational institutions, labor organizations and private employers with fifteen (15) or more employees provide equal opportunities to employees and applicants for employment.

Under federal law, 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 of the Americans with Disabilities Act (ADA) of 1990, as amended, and ADA Amendments Act of 2008, prohibits discrimination "against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." This includes using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity. Employment discrimination on the basis of disability includes not making reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. The law also protects from discrimination for assertion of one's rights and discrimination based on having a relationship with a person with a disability.

Section 503 of the Rehabilitation Act of 1973, as amended, requires that government agencies that work on or under federal contracts refrain from discriminating in employment against individuals with disabilities, and requires these employers to take affirmative action to recruit, hire, promote, and retain 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 veterans who are disabled or recently separated (within three (3) years of discharge or release from active duty); 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 forty (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: The Lilly Ledbetter Fair Pay Act of 2009 strengthened the protections against sex discrimination under Title VII of the Civil Rights Act, and the Equal Pay Act of 1963, which prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions. Under the Lilly Ledbetter Fair Pay Act of 2009, the statutory time period to file a claim for discrimination in compensation is measured not only from the time a discriminatory compensation decision or practice is adopted, but also when the employee or applicant is affected by application of the discriminatory compensation decision or practice, including each time wages, benefits, or other compensation is paid, as a result of such a decision or practice.

Genetics: Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job

training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

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

Resources for Filing Complaints

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

New York City Commission on Human Rights
22 Reade Street – First Floor
New York, NY 10007
(212) 306-7450

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

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY, 10458
Phone: (888) 392-3644
TDD: 1-718-741-8300

Statutory time period: One (1) year (New York Executive Law, Article 15 §297(5); see also §297(9)).

United States Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004

Phone: 1-800-669-4000
Fax: 212-336-3790
TTY: 1-800-669-6820

Statutory time period: 180 days, unless a proceeding involving the same act is instituted first before the SDHR or CCHR. In that case, filing with the EEOC must occur within 300 days (42 U.S.C. 2000e-5(e)).

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

Jurisdiction

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

Audit: Evaluation and Monitoring Procedure

Review and Evaluation

The purpose of an EEPC audit is to analyze and evaluate a municipal entity's employment practices and EEO Program to ensure that it fulfills the EEO-related responsibilities assigned by the New York City Charter.

The EEPC audit examines a municipal entity's efforts to establish and maintain:

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

The EEPC adopted uniform standards to review, evaluate, and monitor municipal entities' employment and EEO-related practices, procedures, approaches, measures, standards, and programs, EEO programs, and policies for compliance with local, state and federal laws, regulations, policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. These standards are founded upon, and consistent with, federal, state and local laws, regulations, procedures and policies including but not limited to, the New York City *Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the employment provisions of the New York City Human Rights Law (NYC Administrative Code, Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law, §55-a; the Uniform

Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines, as amended; and the equal employment opportunity requirements of the New York City Charter. The EEPC's prescribed corrective actions are consistent with the aforementioned parameters.

The EEPC's audit, evaluation and monitoring processes provide a mechanism to ensure each municipal entity institutes and maintains properly structured, efficiently administered employment opportunity practices that comply with federal, state, and city equal employment opportunity laws, requirements, policies and practices calculated to avert errors in judgment or procedure from potentially becoming allegations of employment discrimination.

Subject Areas

Typical EEPC audits examine the following aspects of a municipal entity's EEO program: Issuance, Distribution and Posting of EEO Policies; EEO Training; Discrimination and Sexual Harassment Complaint and Investigation Procedures; Review and Analysis of Employment Practices; Discrimination Complaints and Legal Activities; Selection and Recruitment Systems (including Career Counseling, if applicable); EEO and Reasonable Accommodations Procedures for Employees and Applicants for Employment with Disabilities; Responsibility for EEO Plan Implementation (EEO Professionals, Supervisors, and Managers); and EEO-related Reporting Standards for Agency Heads.

Methodology

The EEPC's audit, review and evaluation commences with distribution of an Audit Overview Chart at the initiation of each audit. This document introduces the EEPC Interview Questionnaire Topics, Documents Suggested for Reference/Upload, and the estimated time needed to complete each questionnaire. The audit proceeds with the collection and analysis of documents, records and data that an entity provides in response to the EEPC Preliminary Interview Questionnaires (PIQs);

review of the entity's Annual EEO Plans and Quarterly EEO Reports; analysis of utilization data from the Citywide Equal Employment Database System (CEEDS); and review of responses to interview questionnaires for EEO professionals and others involved in EEO program administration.

Preliminary Interview Questionnaires

The EEPC utilizes Preliminary Interview Questionnaires (PIQs), which are online interview questionnaires, to gather the necessary information and data from the relevant municipal entity's 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 employment and EEO program administration such as the Agency Counsel, Human Resources Professionals, and Personnel Directors. These personnel are typically given three (3) weeks to complete the individual interview questionnaires regarding their specific role in their entity's employment practices and programs pertaining to complaint investigation; disability rights coordination; recruitment and selection; sexual harassment prevention; training; and EEO program administration.

In 2018, the PIQs were upgraded to include the additional functionality that allowed files (and other relevant documents) to be uploaded simultaneously while responding to the questions. The PIQs enable the EEPC to collect relevant information in the most effective and concise manner for the municipal entity. When necessary, the EEPC's EEO Program Analysts conduct follow-up discussions or interviews with the entity's EEO personnel.

Citywide Equal Employment Database System (CEEDS) Reports

The EEPC's EEO Program Analysts review data from the Citywide Equal Employment Database System (CEEDS) Reports generated by DCAS to better understand the municipal

entity's workforce. The *CEEDS Workforce Composition Summary Report* provides a snapshot of the municipal entity's workforce by EEO job group category, job title, ethnicity and gender. This report provides necessary baseline information on the municipal entity's workforce for a specific period. The *CEEDS Ethnic/Gender Summary by Agency, Type, Job Group and Title Report* provides the municipal entity's hires, promotions, and separations by EEO job group, job title, ethnicity and gender. Such personnel actions are reviewed in order to ascertain a municipal entity's employment practices. The *Work Force Compared With Internal & External Pools Report* provides underutilization information by EEO job group, ethnicity and gender. This report examines the concentrations of race/ethnicity and gender groups within a municipal entity's workforce, and imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Where underutilization is revealed within a municipal entity's workforce, the EEPC's EEO Program Analysts assess whether the municipal entity has undertaken reasonable measures to address it. When CEEDS are unavailable for certain non-mayoral agencies, the EEPC requests that these municipal entities submit similar statistics and analyses. These reports provide the EEPC with tangible data, which in combination with the responses given by the municipal entity personnel, assists in producing findings that are thorough, detailed and holistic in nature.

Discrimination Complaints

The EEPC's EEO Program Analysts review the complaint and investigation component of a municipal entity's EEO Program to ascertain whether it has established effective and responsive procedures for investigating discrimination complaints. EEO Program Analysts examine the number and types of complaints the municipal entity has received; the availability of personnel for complaint intake and investigation; the complaint tracking and monitoring system; documentation of investigations conducted; communications between the municipal entity

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 EEPC issues Preliminary and Final Determinations, which delineate audit findings and corrective actions, if any, a municipal entity should take to achieve compliance with city, state, federal EEO laws, regulations, policies and procedures.

Merging of Audit, Evaluation and Compliance-Monitoring Procedures

Preliminary / Final Determination

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

The EEPC then considers the response and consults with the entity. If corrective actions taken or planned by the municipal entity are not sufficient to correct the non-compliance identified in the Preliminary Determination, the EEPC issues a Final Determination, which includes any remaining corrective action, to which the municipal entity must respond within thirty (30) days. If the entity opts to forego responding to the Preliminary Determination, that Determination becomes the Final Determination to which the entity is required to respond.

The EEPC's compliance-driven procedures eliminate findings of non-compliance when a municipal entity demonstrates it has taken corrective activity during the audit. The EEPC issues a Preliminary Determination after its initial EEO program audit and evaluation, to which the municipal entity may issue an optional response. If the municipal entity submits a response with attached documentation of corrective activity since the

initial analysis, the EEPC revises or eliminates any corresponding corrective action. The Board of Commissioners votes on a Resolution to issue a Final Determination with contemporaneous findings/corrective action, if any, and assign a period for monitoring of up to six (6) months. The municipal entity is then monitored for a written reply to the Final Determination and implementation of the remaining corrective action(s) during the prescribed period.

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

Compliance-Monitoring Procedure

After receiving the municipal entity's written reply to the Final Determination, the EEPC commences the monitoring of the entity's efforts to achieve compliance for up to six (6) months. During this period, the municipal entity is required to submit *Monthly Compliance Monitoring Updates* on its progress toward implementing any remaining corrective action. Each municipal entity receives an assigned period of up to six (6) months for compliance monitoring; however, implementing corrective actions immediately is encouraged.

Determination of Compliance

Upon the municipal entity's final compliance update, or at the end of the monitoring period, the EEPC makes a *Determination of Compliance (or Non-Compliance)*. To determine that the municipal entity has satisfactorily corrected non-compliance, the EEPC requires that the head of the agency inform its employees of the corrective actions that the municipal entity received and implemented as a result of the EEPC's audit.

Because the Charter authorizes the EEPC to recommend actions municipal entities should consider including in their annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, the EEPC also requires that the municipal

entity incorporate the corrective actions into prospective Annual EEO Plans and EEO Programs.

Non-Compliance

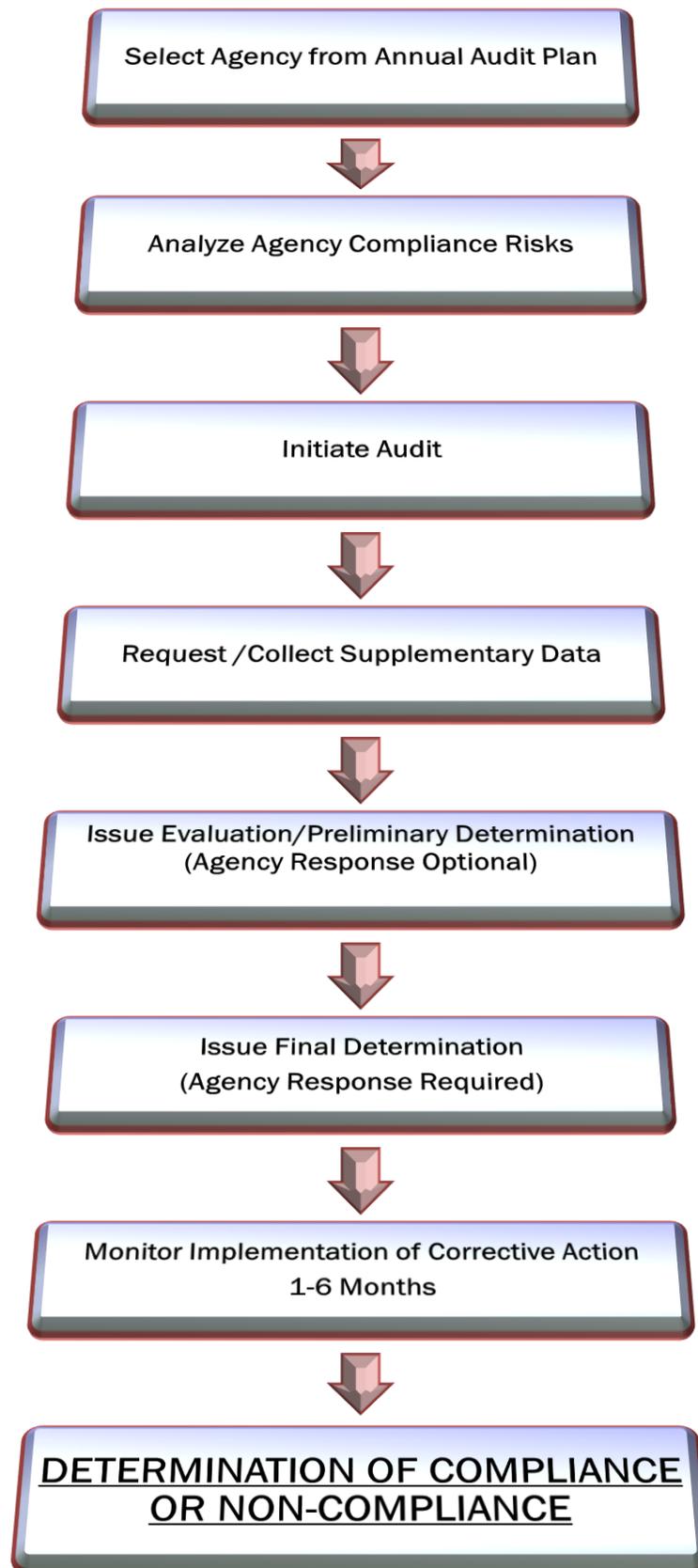
If, after six (6) months of compliance monitoring, the EEPC determines that a municipal entity has not taken appropriate and effective action to correct areas of non-compliance, the EEPC will take appropriate steps as outlined in Charter Chapter 36, Section 832(c), which includes notifying the municipal entity in writing. Thereafter, the municipal entity will receive a *Determination of Non-Compliance*, and is subject to another audit and evaluation in less than four (4) years. Section 832(c) also authorizes the EEPC to publish a report of the EEPC's findings and prescribed corrective action.

For mayoral agencies: In addition to the aforementioned, the EEPC 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

At the conclusion of an audit, pursuant to Charter Chapter 49, Section 1133(a), the EEPC provides at least four (4) copies of each municipal entity's audit Determinations, responses, *Resolutions* (which include the corrective actions the municipal entity 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.

Audit Process: Compliance or Non-Compliance?



Audit Types

An audit is a methodical review and analysis for evaluating the condition of a City agency or other municipal entity's practices, procedures, and programs, and its efforts to ensure fair and effective equal employment opportunity for women, minority group members and other employees and job applicants identified for protection from discrimination. It concludes upon the implementation of corrective action, if any. The EEPC has developed and uses various audit types as described below.

General Employment and EEO Program Audit

A general employment and EEO program audit is comprehensive in scope and assesses a municipal entity's employment and EEO program, policies and/or practices for compliance with the EEPC's standards and local, state and federal rules, regulations, laws and policies designed to increase equal opportunity for employees and job applicants.

Municipal Entities with 150 or more employees

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

Municipal Entities with fewer than 150 employees

Specific protocols are used for a general employment and EEO program audit of agencies and municipal entities with fewer than 150 employees. These smaller entities are evaluated to ensure: that they issue, distribute, and post EEO and sexual harassment prevention policies and an EEO and sexual harassment prevention Policy Statement; promote EEO in internal and external job advertisements; provide EEO and sexual harassment prevention training to employees; appoint trained and appropriate EEO personnel for complaint intake and investigation (or secure such personnel through a memorandum of agreement with another agency); establish a procedure whereby employees may request and receive consideration of reasonable accommodation requests; ensure that facilities are accessible for employees and applicants for employment with physical disabilities; and maintain reporting standards for agency heads.

Community Boards (5 or fewer employees)

New York City's Community Boards are comprised of unsalaried members appointed by the respective Borough Presidents, a full-time, salaried District Manager and between one (1) and five (5) salaried support staff to administer its District Office. Under the EEPC's protocol for audits of Community Boards, the expectation is that each Community Board adopts and distributes the respective Borough President's EEO policies. (A Community Board may, however, adopt the Citywide EEO Policy.)

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

After analysis and evaluation of a Community Board's responses to the requested information in the *EEPC Preliminary Interview Questionnaire for Community Boards* and supporting documentation, and follow-up discussions with appropriate personnel, the EEPC issues a Preliminary Determination that indicates whether the Community Board's District Office has complied, in whole or in part, with the EEPC's Minimum Equal Employment Opportunity Standards for Community Boards. Corrective actions will be prescribed if necessary for improving the Community Board's EEO program and/or employment procedures. The Community Board is requested to respond indicating, with documentation, the steps it has taken or planned to correct non-compliance. The EEPC issues the Final Determination to inform the Community Board in writing of its compliance status or assigned compliance monitoring period. For action(s) not implemented, the Community Board will be monitored until all corrective actions have been implemented. Upon completion of the final corrective action, the EEPC will issue a *Determination of Compliance*.

Issue-Specific Audits

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

Employment Practices Audit

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

The EEPC audits, evaluates and monitors whether the entity has conducted an assessment of its recruitment and selection procedures to identify and remove barriers to equal opportunity; reviewed effectiveness of

its recruitment strategies and outreach efforts; conducted job analysis to ensure skills, attributes, experience, and education required are job related and eliminated selection criteria that are not; and endeavored to ensure selection procedures do not adversely impact any racial, ethnic or gender groups. The entity's development of plans to correct deficiencies (e.g. adverse impact or underutilization) within its recruitment, selection, and retention systems are evaluated and monitored.

Adverse impact refers to practices in recruitment, hiring, promotion or other employment decisions, which disadvantage members of a particular racial, ethnic or gender group. Underutilization exists when the percentage of employees in a specific group is lower than what would be expected, given their availability in the relevant labor market. Underutilization is an indicator of adverse impact and potential discrimination. If there is adverse impact upon any particular racial, ethnic, disability, or gender group in titles where an entity has discretion in hiring, the EEPC examines its efforts toward remedial measures.

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

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

Discrimination Complaint and Investigation Procedures Audit

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

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

Sexual Harassment Prevention and Response Practices Audit

Under the Sexual Harassment Prevention and Response Practices Audit (SHPRA) framework, the EEPC examines and evaluates components of a municipal entity's workforce and workplace structure. The SHPRA entails review of policies instituted to prevent sexual harassment; procedures for receiving and investigating sexual harassment complaints; review of documentation of complaints investigated, determinations made and remedial action taken; the roles and responsibilities of EEO professionals, Agency Counsel and the agency head in sexual harassment complaint intake, investigation and response procedures; and the entity's sexual harassment prevention awareness and training program.

The corrective actions most frequently issued and implemented in the 2018 SHPRA are included in Appendix IV.

Disability, Accessibility & Reasonable Accommodation Audit

The Disability, Accessibility & Reasonable Accommodation Audit (DARAA) examines the policies, practices, procedures and efforts a municipal entity has made to employ, promote and/or accommodate qualified individuals with disabilities. This includes availability of trained personnel dedicated to implementation of the reasonable accommodation procedures, and review of reasonable accommodation procedures for compliance with federal, state, and local laws, and City and agency policies pertaining to employees, and applicants for employment, with disabilities.

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

To suggest a topic for future EEPC audits, email mramasukh@eepc.nyc.gov.

YEAR 2018

Audits Initiated

A total of 32 audits, were occurring or were initiated during the calendar year.

1. Borough President's Office, Brooklyn
2. Borough President's Office, Bronx
3. Borough President's Office, Manhattan
4. Borough President's Office, Staten Island
5. Buildings, Dept. of
6. City Clerk/Clerk of the Council
7. City Comptroller, Office of
8. Collective Bargaining, Office of
9. District Attorney-Queens County Office
10. Emergency Management, Office of
11. Financial Information Services Agency
12. Health and Mental Hygiene, Dept. of
13. Mayor, Office of the
14. Payroll Administration, Office of
15. Public Administrator-Bronx County Office
16. Public Administrator-Richmond County Office
17. Social Services, Dept. of (Human Resources Admin./Homeless Services)

Community Boards:

- 18-29. Community Boards - Bronx
Nos. 1-12
- 30-32. Community Boards - Staten Island
Nos. 1-3

Audit Determinations

Total Number of Final Determinations Issued pertaining to the Review and Evaluation of Agencies' Sexual Harassment Prevention and Response Practices: 19

Agencies that received Determinations with corrective action(s): 19

1. Borough President's Office, Brooklyn
2. Borough President's Office, Bronx
3. Borough President's Office, Manhattan
4. Borough President's Office, Staten Island
5. Buildings, Dept. of
6. City Clerk/Clerk of the Council
7. City Comptroller, Office of
8. Collective Bargaining, Office of
9. Community Board - Bronx No. 3
10. Community Board - Bronx No. 4
11. Community Board - Bronx No. 5
12. Community Board - Bronx No. 8
13. Community Board - Bronx No. 10
14. Emergency Management, Office of
15. Financial Information Services Agency
16. Health and Mental Hygiene, Dept. of
17. Mayor, Office of the
18. Payroll Administration, Office
19. Social Services, Dept. of (Human Resources Admin./Homeless Services)

As a result of the corrective actions received, the abovementioned agencies were assigned a compliance monitoring period of up to six (6) months.

Compliance Determinations

Total Determinations of Compliance Issued in 2018, including 7 without monitoring and 12 issued prior to the SHPRA: 31

Compliance without Monitoring

If an entity is in compliance with the prescribed audit standards or has implemented the corrective actions before issuance of the Final Determination, a *Determination of Compliance* is issued and the agency is deemed to be in “Compliance Without Monitoring.”

Entities issued Determinations indicating **NO** corrective action or monitoring required: 7

1. Community Board - Bronx No. 2
 2. Community Board - Bronx No. 6
 3. Community Board - Bronx No. 9
 4. Community Board - Bronx No. 11
 5. Community Board - Staten Island No. 1
 6. Community Board - Staten Island No. 2
 7. Community Board - Staten Island No. 3
-

Compliance-Monitoring

Charter Chapter 36, Section 832(c) authorizes the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard utilized by any municipal entity does not provide equal employment opportunity; require appropriate corrective action; and assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any. The entity is required to respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

At the end of the Monitoring Period, a *Determination of Compliance* is issued if the EEPC determines that the entity eliminated areas of non-compliance and satisfied the equal employment standards set by the EEPC

pursuant to its authority under Charter Chapters 35 and 36.

Agencies that Implemented Corrective Action to Achieve Compliance in 2018: 24

1. **Buildings, Dept. of:**
Issued/Implemented 10 corrective actions
2. **Borough President’s Office-Staten Island**
Issued /Implemented 4 corrective actions
3. **City Clerk/ Clerk of the Council:**
Issued/Implemented 2 corrective actions
4. **City Comptroller, Office the**
Issued/Implemented 3 corrective actions
5. **Citywide Administrative Services, Dept. of:**
Issued/Implemented 7 corrective actions
6. **Collective Bargaining, Office of**
Issued/Implemented 2 corrective actions
7. **Community Board - Manhattan No. 6**
Issued/Implemented 1 corrective action
8. **Community Board – Bronx No. 3**
Issued/Implemented 6 corrective actions
9. **Community Board – Bronx No. 5**
Issued/Implemented 5 corrective actions
10. **Community Board – Bronx No. 8**
Issued/Implemented 3 corrective actions
11. **Community Board – Bronx No. 10**
Issued/Implemented 4 corrective actions
12. **Education Retirement System, Board of**
Issued/Implemented 20 corrective actions
13. **Education, Dept. of.**
Issued/Implemented 13 corrective actions
14. **Employees’ Retirement System, New York City**
Issued/Implemented 14 corrective actions
15. **Environmental Protection, Dept.:**
Issued/Implemented 6 corrective actions
16. **Financial Information Services Agency**
Issued/Implemented 2 corrective actions
17. **Health and Mental Hygiene, Dept. of**
Issued /Implemented 4 corrective action

18. **Housing Authority, New York City:**
Issued/Implemented **9** corrective actions
19. **Independent Budget Office**
Issued/Implemented **11** corrective actions
20. **Labor Relations, Office of**
Issued/Implemented **8** corrective actions
21. **Payroll Administration, Office of**
Issued/Implemented **1** corrective action
22. **Police Department, New York**
Issued/Implemented **8** corrective actions
23. **Queens Borough President, Office of the**
Issued/Implemented **13** corrective actions
24. **Transportation, Dept. of**
Issued/Implemented **7** corrective actions

Agencies Undergoing Compliance-Monitoring at the Conclusion of 2018: **9**

1. **Borough President's Office-Bronx**
Issued **6**/Implemented **6** corrective actions
2. **Borough President's Office-Brooklyn**
Issued **6**/Implemented **2** corrective actions
3. **Borough President's Office-Manhattan**
Issued **8**/Implemented **6** corrective actions
4. **Community Board – Bronx No. 1**
Issued **4**/Implemented **0** corrective actions
5. **Community Board – Bronx No. 7**
Issued **2**/Implemented **0** corrective actions
6. **Community Board – Bronx No. 12**
Issued **4**/Implemented **0** corrective actions
7. **Emergency Management, Office of**
Issued **9**/Implemented **8** corrective actions
8. **Mayor, Office of the**
Issued **10**/Implemented **2** corrective actions
9. **Social Services, Dept. of**
(Human Resources Admin./Homeless Services)

Issued **9**/Implemented **8** corrective actions

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

For a summary of corrective actions issued, the monitoring period, and the corrective actions implemented, as well as the EEPC's determinations of compliance or non-compliance, review the Agency Resolutions in Appendix II and Appendix III, or visit the EEPC's website at www.nyc.gov/eeepc and click on the agency's link.

The EEPC makes other audit-related documents (i.e., the EEPC Preliminary Determination and Optional Response, and the EEPC Final Determination and Response) available to the New York City Department of Records and Information Services. Audit-related documents are also made available via Freedom of Information Law (FOIL) request. Documents pertaining to an agency's audit are available upon the EEPC's issuance of a determination of compliance or non-compliance, which is the concluding step in an audit.

Non-Compliance

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

In 2018, no agency or municipal entity received a Determination of Partial / Non-Compliance.**

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

EEPC Conference: Commitment to Achieving Equality: Exploring Occupational Segregation

In 2018, having completed research on the topic of occupational segregation in the context of the City's municipal workforce, the EEPC held a conference for the City's Equal Employment Opportunity, Diversity, and Human Resources professionals entitled, *Commitment to Achieving Equality: Exploring Occupational Segregation*. The EEPC invited experts in the fields of Social Sciences, Women's Research, and Gender Inequality to share their research and resulting perspectives on gender and racial equity.

Occupational segregation is an issue impacting equal employment opportunity. The concentration of race, ethnicity or gender-based groups into particular occupations impacts municipal entities' outcomes by reducing not only demographic diversity but also diversity of skills, knowledge and abilities, when people who could perform well in certain occupations are impeded from them.

The EEPC Director of Research Initiatives and Public Hearings shared findings from the Research Unit's research and analysis of City workforce statistics in the report *Exploring Occupational Segregation: Discovering Trends in the Allocation of Labor within the New York City Government Workforce*. The City's workforce was examined utilizing data including, but not limited to, Citywide Equal Employment Database Systems reports, DCAS Workforce Profile Reports and the American Community Surveys.

Subsequent to the conference, the EEPC contacted all municipal entities and individuals who were invited to share the materials presented along with an opinion questionnaire about occupational segregation and the conference. Respondents who attended the conference provided valuable insights. Over 80% of the respondents who attended the

conference acknowledged that they observed a concentration of one demographic group (e.g. gender, race or ethnicity) in a specific title or profession, but there was no consensus on whether this impacted the functioning of their municipal entities. Respondents were most interested in how occupational segregation was calculated and actual statistics on occupational segregation in the City's workforce. Most respondents also expressed a desire to learn more about the topics of Equal Employment Barriers, Wage Gap and Underutilization/Overutilization.

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

Meeting Calendar: 2018

The Board of Commissioners held ten (10) meetings in 2018. The dates are as follows:

Thursday, January 25th @ 9:00 AM

Thursday, February 22nd @ 9:00 AM

Thursday, April 10th @ 9:00 AM

Thursday, May 10th @ 9:00 AM

Thursday, June 4th @ 9:00 AM

Thursday, August 30th @ 9:00 AM

Thursday, September 21st @ 9:00 AM

Thursday, October 25th @ 9:00 AM

Thursday, November 29th @ 9:00 AM

Thursday, December 17th @ 9:00 AM

Meetings typically commenced between 9:15 and 9:30 am and adjourned by 11:00am.

As required by Local Law 103 of 2013, since April 3, 2015, the Board of Commissioners' meetings are recorded and made available to the public online at:

<https://www.youtube.com/channel/UCdGAE4p-esdjymDTdGScfA>

Public notices of the Board of Commissioners' meetings are published in the City Record for five (5) successive days prior to the meeting.

2019 and Beyond

The EEPC audits each agency and municipal entity once every four (4) years at a minimum. To meet the Charter mandate, annual audit plans are developed to ensure entities not audited within the previous four (4) years receive priority. In 2019, the EEPC will conduct the Sexual Harassment Prevention and Responsive Practices Audit of forty-eight (48) agencies and municipal entities.

Upcoming Audits:

Business Integrity Commission
 Campaign Finance Board
 Children's Services, Administration for
 City Council, New York
 City Planning, Dept. of
 Community Board - Brooklyn Nos. 1-18
 Community College, Borough of Manhattan
 Community College, Queensborough
 Conflicts of Interest Board
 Consumer Affairs, Dept. of
 Correction, Board of
 Cultural Affairs, Dept. of
 Design & Construction, Dept. of
 District Attorney-New York County Office
 Economic Development Corporation, NYC
 Employees Retirement System, NYC
 Finance, Dept. of
 Housing Development Corporation, NYC
 Housing Preservation & Development
 Landmarks Preservation Commission
 Management and Budget, Office of
 Parks & Recreation, Dept. of
 Probation, Dept. of
 Public Administrator-Queens County Office

Records & Information Services, Dept. of
 Sanitation, Dept. of
 Small Business Services, Dept. of
 Standards & Appeals, Board of
 Taxi & Limousine Commission
 Teachers' Retirement System
 Youth & Community Development, Dept. of

Meeting Calendar: 2019

Ten (10) Board of Commissioners' meetings are scheduled for the following dates in 2019:

Thursday, February 7th @ 9:15 AM
 Thursday, March 14th @ 9:15 AM
 Thursday, April 18th @ 9:15 AM
 Thursday, May 30th @ 9:15 AM
 Thursday, June 27th @ 9:15 AM
 Thursday, August 1st @ 9:15 AM
 Thursday, September 5th @ 9:15 AM
 Thursday, October 31st @ 9:15 AM
 Thursday, November 21st @ 9:15 AM
 Thursday, December 19th @ 9:15 AM

This schedule is subject to revision. Public notices of the Board of Commissioners' meetings are published in the City Record for five (5) successive days prior to the date of the meeting.

Learn more about the EEPC and its audits by visiting the website at: www.nyc.gov/eeec.

Appendix I: New York City Charter, Chapter 36

Chapter 36 of the New York City Charter

§830 [Equal Employment Practices Commission]

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

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

- a. The commission: (i) shall monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of citywide administrative services, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred fifteen to establish agency programs
- b. The commission may request and shall receive from any city agency such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.

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

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

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

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

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

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

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

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

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

8. to establish appropriate advisory committees;

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

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

§ 832 Compliance Procedures.

a. The commission shall conduct such study or investigations and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.

b. For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter, the commission shall have power to compel the attendance of witnesses, to administer oaths and to examine such persons as they may deem necessary. The commission or any agent or employee thereof duly designated in writing by them for such purposes may administer oaths or affirmations, examine witnesses in public or private hearing, receive evidence and preside at or conduct any such study or investigation.

c. If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any city agency or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.

Appendix II: Audit and Evaluation Resolutions

The following pages contain the Board of Commissioners' 2018 Resolutions pursuant to the audit and evaluation of municipal entities' employment practices. The Board of Commissioners reviews, approves, and adopts Resolutions of EEPC EEO Program Analysts' findings for each municipal entity. An audit-related Resolution specifies the audit period, delineates the corrective action prescribed to an entity as a result of the EEPC's audit and evaluation, and authorizes the mailing of a Final Determination. The municipal entities are listed below in alphabetical order. In addition, Resolutions can be found on the EEPC's website at:

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

1. Brooklyn Borough President, Office of the, RESOLUTION #2018AP/223-012-(2018)
2. Bronx Borough President, Office of the, RESOLUTION #2018AP/224-011-(2018)
3. Buildings, Dept. of, RESOLUTION #2018AP/223-810-(2018)
4. City Clerk, RESOLUTION #2018AP/223-103-(2018)
5. City Comptroller, Office of the, RESOLUTION #2018AP/224-015-(2018)
6. Collective Bargaining, Office of, RESOLUTION #2018AP/224-313-(2018)
7. Community Board – Bronx No. 3, RESOLUTION #2018AP/227-383-(2018)
8. Community Board – Bronx No. 4, RESOLUTION #2018AP/227-384-(2019)
9. Community Board – Bronx No. 5, RESOLUTION #2018AP/227-385-(2018)
10. Community Board – Bronx No. 8, RESOLUTION #2018AP/227-388-(2018)
11. Community Board – Bronx No. 10, RESOLUTION #2018AP/227-390-(2018)
12. Emergency Management, New York City, RESOLUTION #2018AP/225-017-(2018)
13. Financial Information Services Agency, RESOLUTION #2018AP/224-127-(2018)
14. Health and Mental Hygiene, Dept. of, RESOLUTION # 2018AP/222-816-(2018)
15. Manhattan Borough President, Office of the, RESOLUTION #2018AP/224-010-(2018)
16. Mayor, Office of the, RESOLUTION #2018AP/224-002-(2018)
17. Payroll Administration, Office of, RESOLUTION #2018AP/224-131-(2018)
18. Social Services, Department of, (Human Resources Admin./Homeless Services), RESOLUTION #2018AP/225-069-071--(2018)
19. Staten Island Borough President, Office of the, RESOLUTION #2018AP/224-014-(2018)

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

RESOLUTION #2018AP/224-011-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Bronx Borough President's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Bronx Borough President's (BxBPO) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 27, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

5. Ensure 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).
6. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 10, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 16, 2018, which agreed and indicated that corrective action(s) nos. 1 through 6 require compliance monitoring; and

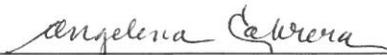
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2018 through April 2019, to determine whether it implemented the remaining required corrective actions; and

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 its 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 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,

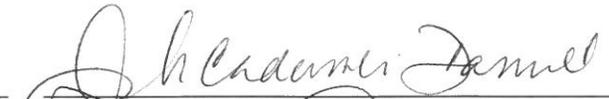
Be It Resolved, that the Commission approves issuance of this Final Determination to Bronx Borough President Ruben Diaz, Jr.

Approved unanimously on October 25, 2018.



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/223-012-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Brooklyn Borough President's Sexual Harassment Prevention and Response Practices from January 1, 2016 to December 31, 2017.

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

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

Whereas, pursuant to its audit of the Office of the Brooklyn Borough President's (BBPO) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 4, 2018, setting forth findings and the following required corrective actions:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing continuing education and professional development.
4. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
5. Ensure 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).

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

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on September 21, 2018 which indicated that corrective action(s) nos. 1 through 6 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2018 through March 2019, to determine whether it implemented the 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 its 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 approves issuance of this Final Determination to Borough President Eric Adams of the Office of the Brooklyn Borough President.

Approved unanimously on September 21, 2018.



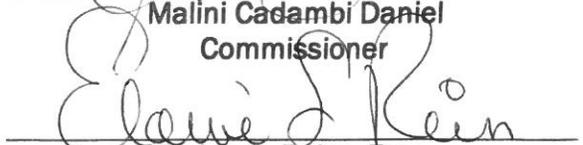
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-010-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Manhattan Borough President's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Manhattan Borough President's (MBPO) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
4. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on

the respondent.

5. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
6. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
7. Ensure 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).
8. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter on September 14, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on September 26, 2018, which agreed and indicated that corrective action(s) nos. 1 through 8 require compliance monitoring; and

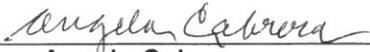
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPD is required to monitor the agency for a period not to exceed six months, from October 2018 through March 2019, to determine whether it implemented the remaining required corrective actions; and

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 its implementation of such corrective actions; and

Whereas, all of the EEPD's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures 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 approves issuance of this Final Determination to Manhattan Borough President Gale A. Brewer.

Approved unanimously on October 25, 2018.



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-014-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Staten Island Borough President's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Staten Island Borough President's (SIBPO) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 4, 2018, setting forth findings and the following required corrective actions:

1. Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
2. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
3. Ensure 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).
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on September 18, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 3; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC considered the agency's response and issued a Final Determination on October 12, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 2 and 4 require compliance monitoring; and

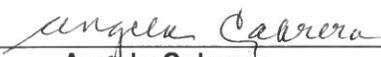
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2018 through April 2019, to determine whether it implemented remaining required corrective actions; and

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 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 approves issuance of this Final Determination to Staten Island Borough President James S. Oddo.

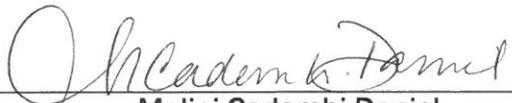
Approved unanimously on October 25, 2018.



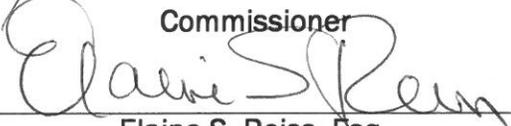
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/223-810-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Buildings' Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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

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

Whereas, pursuant to its audit of the Department of Buildings (DOB) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 24, 2018, setting forth findings and the following required corrective actions:

1. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the

procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

7. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
8. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
9. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
10. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on September 7, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 3; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 20, 2018, which agreed and indicated that corrective action(s) nos. 2, 4, 5, 6, 7, 8, 9 and 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2018 through March 2019, to determine whether it implemented the 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 its implementation of such corrective actions; and

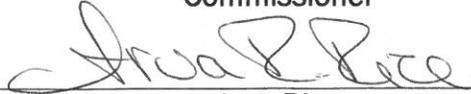
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission approves issuance of this Final Determination to Commissioner Rick D. Chandler, P.E. of the Department of Buildings.

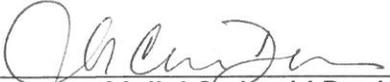
Approved unanimously on September 21, 2018.



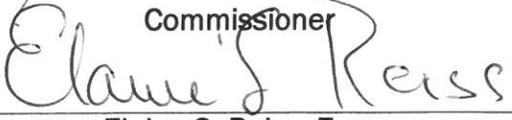
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/223-103-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the City Clerk's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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

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

Whereas, pursuant to its audit of the Office of the City Clerk (OCC) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 30, 2018, setting forth findings and the following required corrective actions:

1. Ensure 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).
2. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 13, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 20, 2018 which indicated that corrective actions nos. 1 and 2 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October, 2018 through March, 2019, to determine whether it implemented the remaining required corrective actions; and

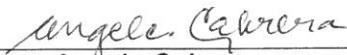
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the

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 approves issuance of this Final Determination to Michael McSweeney, City Clerk, Clerk of the Council of the Office of the City Clerk.

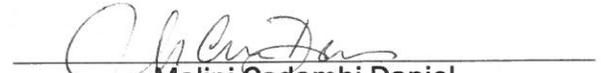
Approved unanimously on September 21, 2018.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-015-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the New York City Comptroller's (NYC Comptroller) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 18, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.
3. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 2, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC considered the agency's response and issued a Final Determination on October 4, 2018, which agreed and indicated that corrective action(s) no. 3 requires 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 2018 through April 2019, to determine whether it implemented the 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 its 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 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,

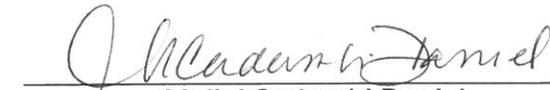
Be It Resolved, that the Commission approves issuance of this Final Determination to New York City Comptroller Scott M. Stringer.

Approved unanimously on October 25, 2018.

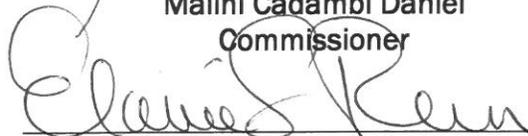


Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-313-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Collective Bargaining's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of Collective Bargaining's (OCB) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 30, 2018, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
2. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on September 19, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 12, 2018, which indicated that corrective action(s) nos. 1 and 2 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 2018 through April 2019, to determine whether it implemented the remaining required corrective actions; and

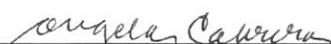
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the

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 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 approves issuance of this Final Determination to Susan Panepento, Chair of the Office of Collective Bargaining.

Approved unanimously on October 25, 2018.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/225-017-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York City Emergency Management's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 EEPCC 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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the New York City Emergency Management's (NYCEM) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 16, 2018, setting forth findings and the following required corrective actions:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Ensure that the General Counsel works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.
5. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility of ensuring that employees/managers received sexual harassment prevention training and that the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations.

7. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
8. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 31, 2018, with documentation of its actions to rectify required corrective action no. 3; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 15, 2018, which agreed and indicated that corrective action(s) nos. 1 - 2 and 4 - 9 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2018 through April 2019, to determine whether it implemented the 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 its 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 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 approves issuance of this Final Determination to New York City Emergency Management Commissioner Joseph J. Esposito.

Approved unanimously on November 29, 2018.

absent

Angela Cabrera
Commissioner

Arva Rice

Arva Rice
Commissioner

Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-127-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Financial Information Services Agency's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 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 Financial Information Services Agency's (FISA) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 5, 2018, setting forth findings and the following required corrective actions:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 16, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 17, 2018, which agreed and indicated that corrective action(s) nos. 1 through 2 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 2018 through April 2019, to determine whether it implemented the remaining required corrective actions; and

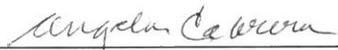
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the

agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of its 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 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 approves issuance of this Final Determination to Acting Executive Director Maureen Murphy of the Financial Information Services Agency.

Approved unanimously on October 25, 2018.



Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/222-816-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Health and Mental Hygiene's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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

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

Whereas, pursuant to its audit of the Department of Health and Mental Hygiene (DOHMH) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 19, 2018, setting forth findings and the following required corrective actions:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
3. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
4. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 3, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC considered the agency's response and issued a Final Determination on July 18, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos. 3 and 4 require compliance monitoring; and

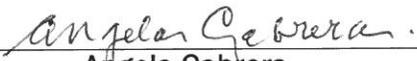
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2018 through January 2019, to determine whether it implemented remaining required corrective actions; and

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 approves issuance of this Final Determination to Mary T. Bassett, MD, MPH, Commissioner of the Department of Health and Mental Hygiene.

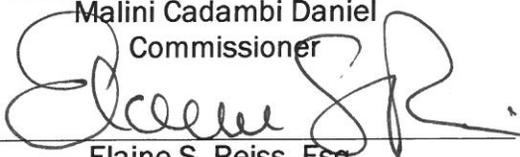
Approved unanimously on August 30, 2018.



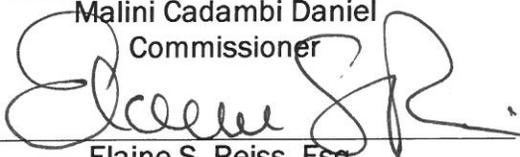
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/222-816-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Health and Mental Hygiene's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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

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

Whereas, pursuant to its audit of the Department of Health and Mental Hygiene (DOHMH) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 19, 2018, setting forth findings and the following required corrective actions:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
3. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
4. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 3, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC considered the agency's response and issued a Final Determination on July 18, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos. 3 and 4 require compliance monitoring; and

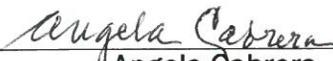
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2018 through January 2019, to determine whether it implemented remaining required corrective actions; and

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 approves issuance of this Final Determination to Mary T. Bassett, MD, MPH, Commissioner of the Department of Health and Mental Hygiene.

Approved unanimously on August 30, 2018.

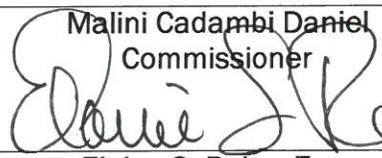


Angela Cabrera
Commissioner



Arva Rice
Commissioner

absent



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-002-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Mayor's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Mayor's (OTM) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 18, 2018, setting forth findings and the following required corrective actions:

1. Issue a policy statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

6. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgement to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 2, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 10; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 17, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 2, 3, 4, 5, 6, 7, 8, and 9 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2018 through April 2019, 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 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,

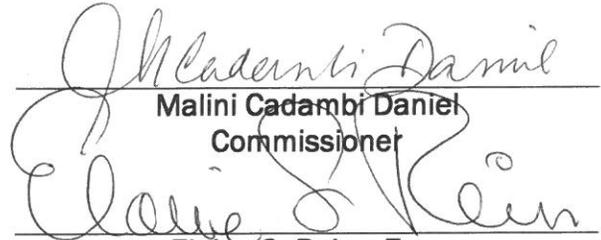
Be It Resolved, that the Commission approves issuance of this Final Determination to Emma Wolfe, Chief of Staff of the Office of the Mayor.

Approved unanimously on October 25, 2018.

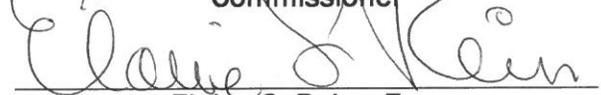


Angela Cabrera
Commissioner

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/224-131-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Payroll Administration's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of Payroll Administration's (OPA) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 5, 2018, setting forth findings and the following required corrective actions:

1. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 15, 2018; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 17, 2018, which agreed and indicated that corrective action(s) no. 1 requires 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 2018 through April 2019, to determine whether it implemented the remaining required corrective actions; and

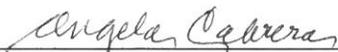
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of its implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with,

federal, state and local laws, regulations, policies and procedures 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 approves issuance of this Final Determination to Acting Executive Director Maureen Murphy of the Office of Payroll Administration.

Approved unanimously on October 25, 2018.



Angela Cabrera
Commissioner

Arva Rice
Commissioner




Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/225-069-071-(2018): Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Social Services' (Human Resources Administration and Department of Homeless Services) Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

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 designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Department of Social Services' (Human Resources Administration and Department of Homeless Services) (DSS-HRA-DHS) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 5, 2018, setting forth findings and the following required corrective actions:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the

recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

6. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
7. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
8. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter on October 19, 2018; with documentation of its actions to rectify required corrective action no. 9; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2018 which agreed and indicated that corrective action(s) nos. 1 through 8 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 2018 through April 2019, to determine whether it implemented the 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 its 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 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 approves issuance of this Final Determination to Department of Social Services Commissioner Steven Banks.

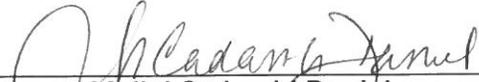
Approved unanimously on November 29, 2018.

absent

**Angela Cabrera
Commissioner**



**Arva Rice
Commissioner**



**Malini Cadambi Daniel
Commissioner**



**Elaine S. Reiss, Esq.
Commissioner**

Appendix III: Determination of Compliance Resolutions

Pursuant to the Charter-mandated compliance-monitoring procedure and period, the EEPC considers, in consultation with a municipal entity, whether programs, or procedures utilized by the entity are in compliance with the equal employment opportunity standards of the EEPC and requirements of Charter Chapters 35 and 36; and reviews, approves, and adopts a Determination of Compliance or Non-Compliance at the end of an assigned monitoring period. The following pages contain the Board of Commissioners' 2018 Compliance Resolutions, which specify whether the municipal entity required corrective action, whether the entity required monitoring, the compliance-monitoring period, the corrective actions implemented by the entity, and the entity's status at the end of the period. Adoption of a Compliance Resolution authorizes the mailing of a Determination of Compliance and Certificate, if applicable, to the agency head. The municipal entities are listed below in alphabetical order. In addition, Resolutions can be found on the EEPC's website at:

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

- | | |
|---|---|
| 1. Buildings, Dept. of RESOLUTION #2018AP/226-810-(2018)C25 | 13. Community Board – Bronx No. 11 RESOLUTION #2018AP/226-391-(2018)C17 |
| 2. City Clerk/ Clerk of the Council RESOLUTION #2018AP/226-103-(2018)C20 | 14. Community Board - Manhattan No. 6 RESOLUTION #2017AP/217-346-(2018)C2 |
| 3. City Comptroller, Office the RESOLUTION #2018AP/226-015-(2018)C24 | 15. Community Board - Staten Island No. 1 RESOLUTION# 2018AP/225-491-(2018)C13 |
| 4. Citywide Administrative Services, Dept. of RESOLUTION # 2017AP/217-868-(2018)C1 | 16. Community Board - Staten Island No. 2 RESOLUTION# 2018AP/225-492-(2018)C14 |
| 5. Collective Bargaining, Office of RESOLUTION #2018AP/226-313-(2018)C23 | 17. Community Board - Staten Island No. 3 RESOLUTION# 2018AP/225-493-(2018)C15 |
| 6. Community Board – Bronx No. 2 RESOLUTION #2018AP/226-382-(2018)C18 | 18. Education Retirement System, Board of RESOLUTION #2017AP/220-521-(2018)C10 |
| 7. Community Board – Bronx No. 3 Resolution #2018AP/227-383-(2018)C26 | 19. Education, Dept. of RESOLUTION #2017AP/221-740-(2018)C12 |
| 8. Community Board – Bronx No. 5 RESOLUTION #2018AP/227-385-(2018)C27 | 20. Employees' Retirement System, New York City RESOLUTION #2017AP/217- 009-(2018)C3 |
| 9. Community Board – Bronx No. 6 RESOLUTION #2018AP/226-386-(2018)C16 | 21. Environmental Protection, Dept. of RESOLUTION #2017AP/219-826-(2018)C7 |
| 10. Community Board – Bronx No. 8 RESOLUTION #2018AP/227-388-(2018)C28 | 22. Financial Information Services Agency RESOLUTION #2018AP/226-127-(2018)C21 |
| 11. Community Board – Bronx No. 9 RESOLUTION #2018AP/226-389-(2018)C19 | 23. Health and Mental Hygiene, Dept. of RESOLUTION #2018AP/227-816-(2018)C31 |
| 12. Community Board – Bronx No. 10 RESOLUTION #2018AP/227-390-(2018)C29 | 24. Housing Authority, New York City RESOLUTION #2017AP/221-996-(2018)C11 |

25. Independent Budget Office
RESOLUTION #2017AP/219-132-(2018)C8
26. Labor Relations, Office of
RESOLUTION #2017AP/218-214-(2018)C4
27. Payroll Administration, Office of
RESOLUTION #2018AP/226-131-(2018)C22
28. Police Department, New York
RESOLUTION #2017AP/218-056-(2018)C5
29. Queens Borough President, Office of the
RESOLUTION #2017AP/218-013-(2018)C6
30. Staten Island Borough President, Office of the
RESOLUTION # 2018AP/227-014-(2018)C30
31. Transportation, Dept. of
RESOLUTION #2017AP/219-841-(2018)C9

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

RESOLUTION #2017AP/218-013-(2018)C6: Determination of **Compliance** (Monitoring Period Required) by the Office of the Queens Borough President with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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 EEPD Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the Queens Borough President (QBPO) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 26, 2017, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. 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.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that

adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
12. 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).
13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the QBPO submitted its response to the EEPC's Preliminary Determination letter on July 11, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 14, 2017 which indicated that corrective action nos. 2 - 13 required compliance monitoring; and

Whereas, the QBPO submitted its response to the EEPC's final determination letter, on August 11, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from August 2017 to January 2018 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the QBPO submitted a copy of the agency head's memorandum to staff dated February 14, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated 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 QBPO 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 Resolved, that the Commission will forward this Determination of Compliance to Borough President Melinda Katz of the Queens Borough President's Office.

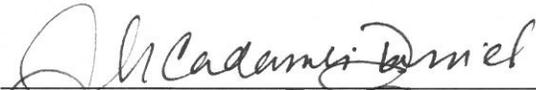
Approved unanimously on February 22, 2018.



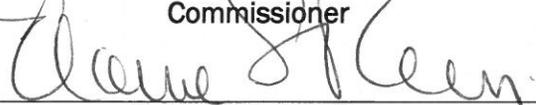
Angela Cabrera
Commissioner

Absent

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/226-810-(2018)C25: Determination of Compliance (Monitoring Period Required) by the Department of Buildings with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Buildings' (DOB) EEO Program, the EEPC issued a Preliminary Determination letter, dated August 24, 2018, setting forth findings and the following required corrective actions:

1. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

7. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
8. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
9. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
10. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint

Whereas, the DOB submitted its response to the EEPC's Preliminary Determination letter on September 7, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination letter on September 20, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated corrective actions nos. 2, 4, 5, 6, 7, 8, 9 and 10 required compliance monitoring; and

Whereas, the DOB submitted its response to the EEPC's Final Determination letter on October 24, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective actions from October 2018 through December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the DOB submitted a copy of the agency head's memorandum to staff dated December 14, 2018, 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, and regulations, policies and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government. Now Therefore,

Be It Resolved, that the Department of Buildings has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to the Commissioner Rick D. Chandler, P.E. of the Department of Buildings.

Approved unanimously on December 17, 2018.

Angela Cabrera

**Angela Cabrera
Commissioner**

absent

**Arva R. Rice
Commissioner**

Malini Cadambi Daniel

**Malini Cadambi Daniel
Commissioner**

Elaine S. Reiss

**Elaine S. Reiss, Esq.
Commissioner**

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

RESOLUTION #2018AP/226-103-(2018)C20: Determination of Compliance (Monitoring Period Required) by the Office of the City Clerk with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the City Clerk's (OCC) EEO Program, the EEPC issued a Preliminary Determination letter, dated August 30, 2018, setting forth findings and the following required corrective actions:

1. Ensure 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).
2. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the OCC submitted its response to the EEPC's Preliminary Determination letter on September 12, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination on September 20, 2018, which indicated corrective actions nos. 1 and 2 required compliance monitoring; and

Whereas, the OCC submitted its response to the EEPC's Final Determination letter on October 26, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective actions from October 2018 to December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the OCC submitted a copy of the agency head's memorandum to staff dated November 21, 2018, 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government. Now Therefore,

Be It Resolved, that the Office of the City Clerk has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to City Clerk Michael McSweeney of the Office of the City Clerk.

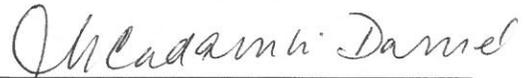
Approved unanimously on December 17, 2018.



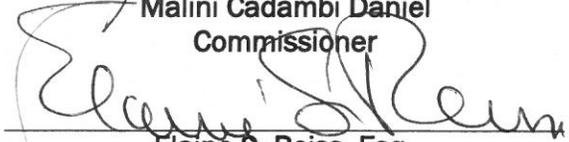
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/217-868-(2018)C1: Determination of Compliance (Monitoring Period Required) by the Department of Citywide Administrative Services with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

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 EEPD Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Citywide Administrative Services' (DCAS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 30, 2017, setting forth findings and the following required corrective actions:

1. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
2. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
5. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
6. 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.

7. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 16, 2017 which indicated that corrective action nos. 1 - 7 required compliance monitoring; and

Whereas, the DCAS submitted its response to the EEPC's Final Determination letter, on July 10, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 - December 2017, with no extension of the monitoring period; and

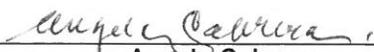
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DCAS submitted a copy of the agency head's memorandum to staff dated December 29, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's EEO Program; and

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

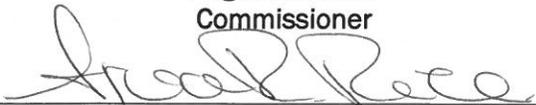
Be It Resolved, that the Department of Citywide Administrative Services has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Commissioner Lisette Camilo of the Department of Citywide Administrative Services.

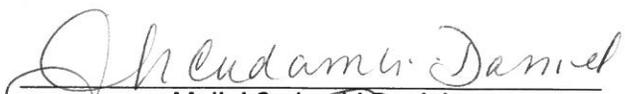
Approved unanimously on January 25, 2018.



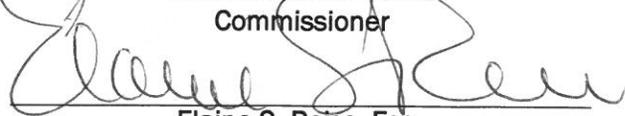
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/217-868-(2018)C1: Determination of **Compliance** (Monitoring Period Required) by the Department of Citywide Administrative Services with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the Department of Citywide Administrative Services' (DCAS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 30, 2017, setting forth findings and the following required corrective actions:

1. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
2. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
5. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
6. 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.

7. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 16, 2017 which indicated that corrective action nos. 1 - 7 required compliance monitoring; and

Whereas, the DCAS submitted its response to the EEPC's Final Determination letter, on July 10, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 - December 2017, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DCAS submitted a copy of the agency head's memorandum to staff dated December 29, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's EEO Program; and

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

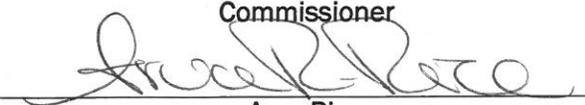
Be It Resolved, that the Department of Citywide Administrative Services has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Commissioner Lisette Camilo of the Department of Citywide Administrative Services.

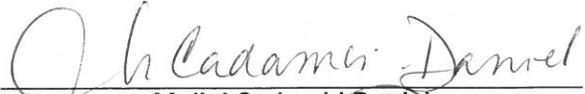
Approved unanimously on January 25, 2018.



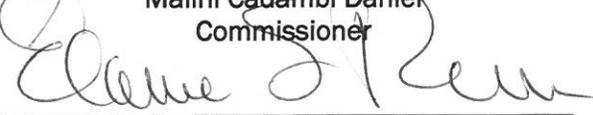
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/226-313-(2018)C23: Determination of Compliance (Monitoring Period Required) by the Office of Collective Bargaining with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of Collective Bargaining's (OCB) EEO Program, the EEPC issued a Preliminary Determination letter, dated August 30, 2018, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
2. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the OCB submitted its response to the EEPC's Preliminary Determination letter on September 13, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination on October 12, 2018, which indicated corrective actions nos. 1 and 2 required compliance monitoring; and

Whereas, the OCB submitted its response to the EEPC's Final Determination letter on November 5, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective actions from November 2018 to December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the OCB submitted

a copy of the agency head's memorandum to staff dated October 28, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

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

Be It Resolved, that the Office of Collective Bargaining has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to Chairperson Susan Panepento of the Office of Collective Bargaining.

Approved unanimously on December 17, 2018.



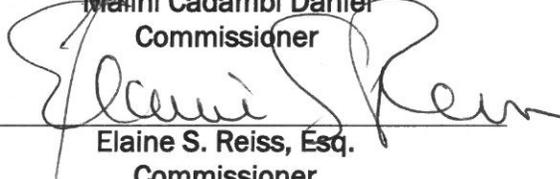
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION# #2018AP/226-382-(2018)C18: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community Board No. 2's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Bronx Community Board No. 2's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Bronx Community Board No. 2's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Bronx Community Board No. 2's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. ***No corrective actions are required.***

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Roberto Crespo of Bronx Community Board No. 2.

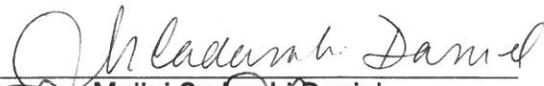
Approved unanimously on December 17, 2018.



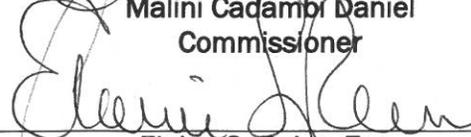
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION# #2018AP/226-386-(2018)C16: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community Board No. 6's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Bronx Community Board No. 6's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Bronx Community Board No. 6's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Bronx Community Board No. 6's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. ***No corrective actions are required.***

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Evonne Capers of Bronx Community Board No. 6.

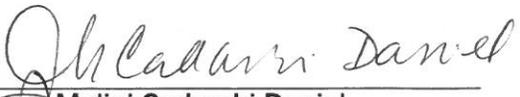
Approved unanimously on December 17, 2018.



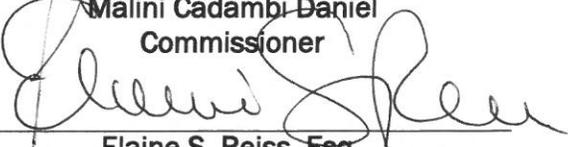
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION# #2018AP/226-389-(2018)C19: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community Board No. 9's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Bronx Community Board No. 9's Sexual Harassment Prevention and Response Practices; and

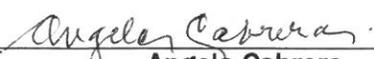
Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Bronx Community Board No. 9's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Bronx Community Board No. 9's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. ***No corrective actions are required.***

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Nicholas Himidian of Bronx Community Board No. 9.

Approved unanimously on December 17, 2018.



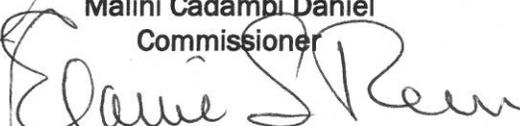
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION# 2018AP/226-391-(2018)C17: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community Board No. 11's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Bronx Community Board No. 11's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Bronx Community Board No. 11's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Bronx Community Board No. 11's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. ***No corrective actions are required.***

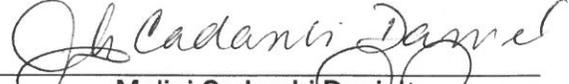
Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Al D'Angelo of Bronx Community Board No. 11.

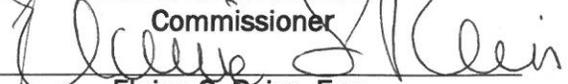
Approved unanimously on December 17, 2018.



Angela Cabrera
Commissioner
absent

Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/217-346-(2018)C2: Determination of **Compliance** (Monitoring Period Required) by the Manhattan Community Board No. 6 with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Manhattan Community Board No. 6's Employment Practices and Procedures from January 1, 2014 through June 30, 2017.

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

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

Whereas, pursuant to its audit and analysis of the Manhattan Community Board No. 6's Equal Employment Opportunity Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 18, 2017, setting forth findings and the following required corrective action:

1. Ensure that facilities are accessible to and useable by applicants/employees with disabilities.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter via email on January 4, 2018 which included a commitment to implement corrective action 1; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response, and determined that the agency's commitment to implement corrective action 1 is sufficient; and

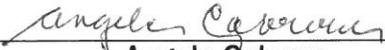
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Manhattan Community Board No. 6 has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

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

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Molly Hollister of the Manhattan Community Board No. 6.

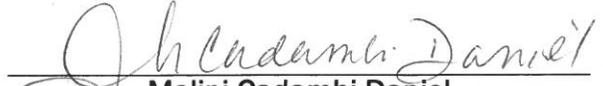
Approved unanimously on January 25, 2018.



**Angela Cabrera
Commissioner**



**Arva Rice
Commissioner**



**Malini Cadambi Daniel
Commissioner**



**Elaine S. Reiss, Esq.
Commissioner**

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

RESOLUTION# 2018AP/225-491-(2018)C13: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Staten Island Community Board No. 1's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEOC has adopted *Uniform Standards for EEOC 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 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, the EEOC conducted an audit and analysis of the Staten Island Community Board No. 1's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Staten Island Community Board No. 1's EEO Program for compliance with the EEOC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Staten Island Community Board No. 1's EEO Program has established EEO compliance with the EEOC's *Minimum Equal Employment Opportunity Standards for Community Boards*. **No corrective actions are required.**

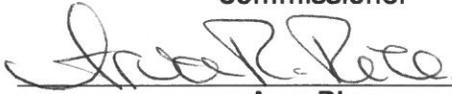
EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Nicholas Siclari of Staten Island Community Board No. 1.

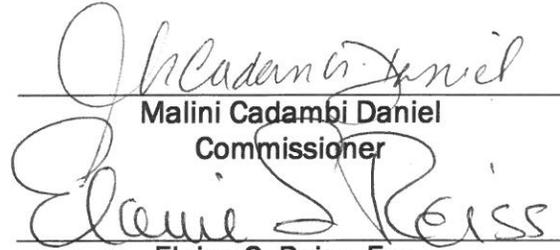
Approved unanimously on November 29, 2018.



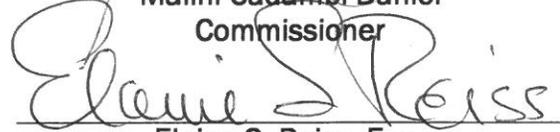
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK

RESOLUTION# 2018AP/225-492-(2018)C14: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Staten Island Community Board No. 2's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Staten Island Community Board No. 2's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Staten Island Community Board No. 2's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Staten Island Community Board No. 2's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. **No corrective actions are required.**

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

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Dana T. Magee of Staten Island Community Board No. 2.

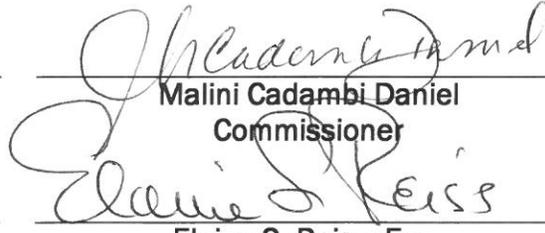
Approved unanimously on November 29, 2018.

**Angela Cabrera
Commissioner**



**Arva Rice
Commissioner**

**Malini Cadambi Daniel
Commissioner**



**Elaine S. Reiss, Esq.
Commissioner**

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

RESOLUTION# 2018AP/225-493-(2018)C15: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Staten Island Community Board No. 3's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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, the EEPC conducted an audit and analysis of the Staten Island Community Board No. 3's Sexual Harassment Prevention and Response Practices; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Staten Island Community Board No. 3's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Staten Island Community Board No. 3's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. **No corrective actions are required.**

EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Frank Morano of Staten Island Community Board No. 3.

Approved unanimously on November 29, 2018.

absent

Angela Cabrera
Commissioner

Arva Rice

Arva Rice
Commissioner

Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/221-740-(2018)C12: Determination of **Compliance** (Monitoring Period Required) by the New York City Department of Education with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the New York City Department of Education's (DOE) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 22, 2017, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. Use and maintain an applicant/candidate log or tracking system which, captures *result, reason selected/not selected (or disposition)* for each applicant and *recruitment source*, in addition to the aforementioned criteria already captured. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Ensure that all employees have access to information regarding job responsibilities and performance evaluation standards.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on July 10, 2017 which indicated that corrective action nos. 1 - 13 required compliance monitoring; and

Whereas, the DOE submitted its response to the EEPC's Final Determination letter, on August 4, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC

monitored the agency's implementation of the corrective actions from August 2017 - January 2018, with an informal extension of the monitoring period to June 1, 2018, to afford the agency the opportunity to complete implementation of corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOE submitted a copy of the Chancellor's memorandum to staff dated May 16, 2018, which outlined the changes to its EEO program and practices and reiterated commitment to the agency's EEO Program, however, the memorandum did not refer to the EEPC audit; 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,

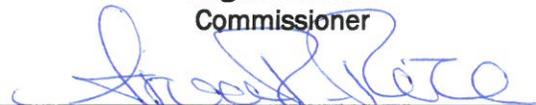
Be It Resolved, that the New York City Department of Education has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Chancellor Richard A. Carranza of the New York Department of Education.

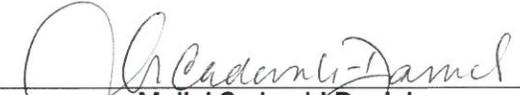
Approved unanimously on June 4, 2018.



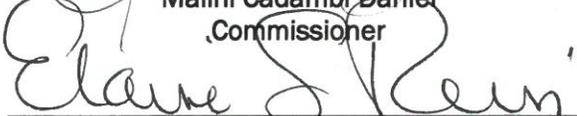
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/220-521-(2018)C10: Determination of **Compliance** (Monitoring Period Required) by the New York City Board of Education Retirement System with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the New York City Board of Education Retirement System's (BERS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 14, 2017, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, and federal, state and local agencies that enforce laws against discrimination.
3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
5. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and

determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.
12. Use and maintain a candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
14. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities, and job postings.
15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with

disabilities.

16. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
17. 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.
18. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
19. 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).
20. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on July 6, 2017 which indicated that corrective action nos. 1 - 20 required compliance monitoring; and

Whereas, the BERS submitted its response to the EEPC's Final Determination letter, on August 11, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 - January 2018, with an extension of the monitoring period to April 20, 2018; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the BERS submitted a copy of the agency head's memorandum to staff dated May 1, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated 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,

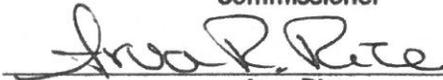
Be It Resolved, that the New York City Board of Education Retirement System has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Executive Director Sanford Rich of the New York City Board of Education Retirement System.

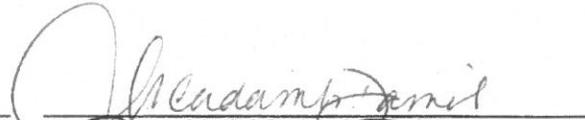
Approved unanimously on May 10, 2018.



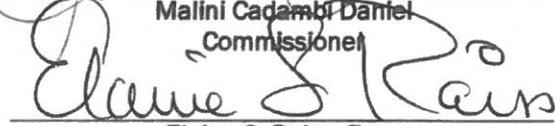
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/217-009-(2018)C3: Determination of Compliance (Monitoring Period Required) by the New York City Employees' Retirement System with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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 EEPD 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 City Employees' Retirement System's (NYCERS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 16, 2017, setting forth findings and the following required corrective actions:

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

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/ or using other methods to communicate internal opportunities.
8. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/ or job rotation; and identifying internal successors with applicable knowledge/skills/ abilities.
9. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the individuals involved in the hiring decision.
10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
12. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEOC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 13, 2017 which indicated that corrective action nos. 1 - 14 required compliance monitoring; and

Whereas, the NYCERS submitted its response to the EEPC's final determination letter, on July 10, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 to December 2017 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the NYCERS submitted a copy of the agency head's memorandum to staff dated January 17, 2018, 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 NYCERS 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 Resolved, that the Commission will forward this Determination of Compliance to Executive Director Melanie Whinnery of the New York City Employees' Retirement System.

Approved unanimously on January 25, 2018.

Angela Cabrera
Commissioner

Absent
Arva Rice
Commissioner

Malini Cadambi Daniel
Malini Cadambi Daniel
Commissioner

Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/219-826-(2018)C7: Determination of **Compliance** (Monitoring Period Required) by the Department of Environmental Protection with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices Audit from July 1, 2014 through December 31, 2016.

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 EEPCC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Environmental Protection (DEP) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 6, 2017, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts for all titles to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. 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.

Whereas, the DEP submitted its response to the EEPC's Preliminary Determination letter, on September 20, 2017, with documentation of its actions to rectify required corrective actions no. 1, 2, 4, and 5; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 27, 2017, which indicated remaining corrective actions no. 3 and 6 required compliance monitoring; and

Whereas, the DEP submitted its response to the EEPC's final determination letter, on November 16, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 1, 2017 to March 31, 2018 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DEP submitted a copy of the agency head's memorandum to staff dated March 19, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's EEO Program; and

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

Be It Resolved, that the Department of Environmental Protection 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 Resolved, that the Commission will forward this Determination of Compliance to Commissioner Vincent Sapienza of the Department of Environmental Protection.

Approved unanimously on April 10, 2018.

ABSENT

Angela Cabrera
Commissioner

Arva Rice

Arva Rice
Commissioner

Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/226-127-(2018)C21: Determination of Compliance (Monitoring Period Required) by the Financial Information Services Agency with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures 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 Financial Information Services Agency's (FISA) EEO Program, the EEPC issued a Preliminary Determination letter, dated October 5, 2018, setting forth findings and the following required corrective actions:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, the FISA submitted its response to the EEPC's Preliminary Determination letter on October 16, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination letter on October 17, 2018, and indicated corrective actions nos. 1 and 2 required compliance monitoring; and

Whereas, the FISA submitted its response to the EEPC's Final Determination letter on November 14, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective actions from November 2018 through December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the FISA submitted a copy of the agency head's memorandum to staff dated December 13, 2018, which outlined the

corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state, and local laws, and regulations, policies and procedures 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 Financial Information Services Agency has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to the Acting Executive Director Maureen A. Murphy of the Financial Information Services Agency.

Approved unanimously on December 17, 2018.



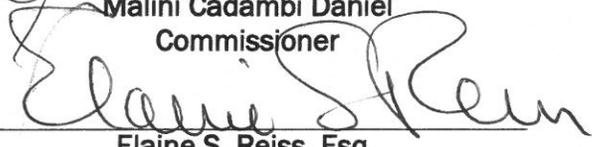
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/221-996-(2018)C11: Determination of **Compliance** (Monitoring Period Required) by the New York City Housing Authority with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the New York City Housing Authority's (NYCHA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2017, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if

applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

6. Use and maintain an applicant/candidate log or tracking system, which captures *result, reason selected/not selected (or disposition)* for each applicant and *recruitment source*, in addition to the aforementioned criteria already captured. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
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. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the NYCHA submitted its response to the EEPCC's Preliminary Determination letter, on September 18, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC considered the agency's response and issued a Final Determination on October 10, 2017 which indicated that corrective action nos. 1 - 9 required compliance monitoring; and

Whereas, the NYCHA submitted its response to the EEPCC's Final Determination letter, on November 6, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC monitored the agency's implementation of the corrective actions from November 2017 - April 2018, with no extension of the monitoring period; and

Whereas, at the EEPCC's request pursuant to Section 815.a.(15) of the New York City Charter, the NYCHA submitted a copy of the General Manager and Chief Operation Officer's memorandum to staff dated May 16, 2018, which outlined the corrective actions implemented in response to the EEPCC's audit and reiterated commitment to the agency's EEO Program; and

Whereas, all of the EEPCC'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 New York City Housing Authority 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 Resolved, that the Commission approves issuance of this Determination of Compliance to Interim Chair and Chief Executive Officer Stanley Brezenoff of the New York City Housing Authority.

Approved unanimously on June 4, 2018.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/219-132-(2018)C8: Determination of Compliance (Monitoring Period Required) by the Independent Budget Office with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2013 through December 31, 2016.

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 EEPD 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 Independent Budget Office (IBO) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 12, 2017, setting forth findings and the following required corrective actions:

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

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, includes in addition to the above disability status. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
9. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
10. 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).
11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the IBO submitted its response to the EEPC's Preliminary Determination letter, on June 22, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 10, 2017, which indicated that corrective action nos. 1 - 11 required compliance monitoring; and

Whereas, the IBO submitted its response to the EEPC's final determination letter, on July 19, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from August 1, 2017 to January 31, 2018 with a two week extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the IBO submitted a copy of the agency head's memorandum to staff dated February 15, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated

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 Independent Budget Office 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 Resolved, that the Commission will forward this Determination of Compliance to Director Ronnie Lowenstein of the Independent Budget Office.

Approved unanimously on April 10, 2018.

ABSENT

Angela Cabrera
Commissioner

Arva Rice
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/218-214-(2018)C4: Determination of Compliance (Monitoring Period Required) by the Office of Labor Relations with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the Office of Labor Relations (OLR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 16, 2017, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* - or an agency EEO Policy that conforms to city, state and federal laws - for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; and current contact information for federal, state and local agencies that enforce laws against discrimination
2. 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.
3. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
4. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

5. Use and maintain a candidate log or tracking system which, at minimum, includes the *position, applicants / candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/ not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
6. Ensure that all employees have access to information regarding training opportunities.
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. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 16, 2017 which indicated that corrective action nos. 1 - 8 required compliance monitoring; and

Whereas, the OLR submitted its response to the EEPC's final determination letter, on July 20, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 to December 2017 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OLR submitted a copy of the agency head's memorandum to staff dated January 30, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

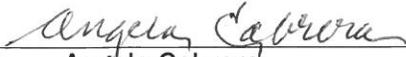
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the OLR 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.

EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK

Be It Resolved, that the Commission will forward this Determination of Compliance to Commissioner Ronnie W. Linn of the Office of Labor Relations.

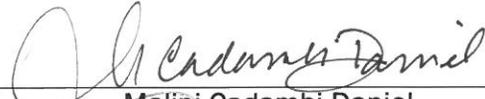
Approved unanimously on February 22, 2018.



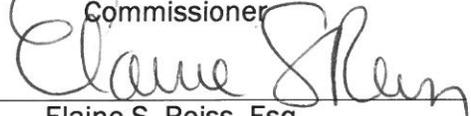
Angela Cabrera
Commissioner

Absent

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/226-015-(2018)C24: Determination of Compliance (Monitoring Period Required) by the Office of the New York City Comptroller with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the New York City Comptroller's (NYC Comptroller) EEO Program, the EEPC issued a Preliminary Determination letter, dated September 18, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.
3. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the NYC Comptroller submitted its response to the EEPC's Preliminary Determination letter, on October 2, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination letter on October 4, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated corrective action no. 3 required compliance monitoring; and

Whereas, the NYC Comptroller submitted its response to the EEPC's Final Determination letter on October 31, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective action from November 2018 through December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the NYC Comptroller submitted a copy of the First Deputy Comptroller's memorandum to staff dated December 14, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

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

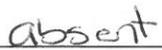
Be It Resolved, that the Office of the New York City Comptroller has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to the New York City Comptroller Scott M. Stringer of the Office of the New York City Comptroller.

Approved unanimously on December 17, 2018.



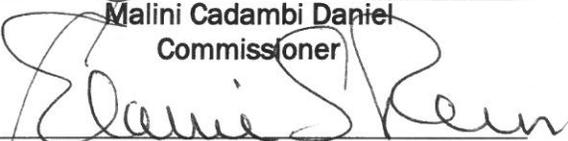
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2018AP/226-131-(2018)C22: Determination of Compliance (Monitoring Period Required) by the Office of Payroll Administration with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) 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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of Payroll Administration's (OPA) EEO Program, the EEPC issued a Preliminary Determination letter, dated October 5, 2018, setting forth findings and the following required corrective action:

1. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

Whereas, the OPA submitted its response to the EEPC's Preliminary Determination letter on October 15, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination letter on October 17, 2018, and indicated corrective action no. 1 required compliance monitoring; and

Whereas, the OPA submitted its response to the EEPC's Final Determination letter on November 14, 2018; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective action from November 2018 through December 2018, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Charter Section 815.a.(15), the OPA submitted a copy of the agency head's memorandum to staff dated December 13, 2018, which outlined the corrective action implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

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

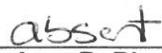
Be It Resolved, that the Office of Payroll Administration has implemented the required corrective action deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

Be It Resolved, that the EEPC will forward this Determination of Compliance to the Acting Executive Director Maureen A. Murphy of the Office of Payroll Administration.

Approved unanimously on December 17, 2018.



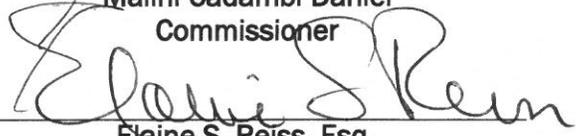
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017AP/218-056-(2018)C5: Determination of **Compliance** (Monitoring Period Required) by the New York City Police Department with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

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 EEPD 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 City Police Department's (NYPD) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated July 18, 2017, setting forth findings and the following required corrective actions:

1. Establish and implement an EEO training plan for all employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Assess the manner in which candidates are selected for employment for all job groups, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use

internships to attract interested persons and to develop and hire interested and qualified candidates.

6. Ensure designated professionals (may be referred to as the Career Counselor) have appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
7. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
8. 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.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on August 2, 2017 which indicated that corrective action nos. 1 - 8 required compliance monitoring; and

Whereas, the NYPD submitted its response to the EEPC's Final Determination letter, on August 24, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from August 2017 – January 2018, with no extension of the monitoring period; and

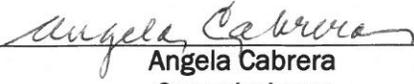
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the NYPD submitted a copy of the agency head's memorandum to staff dated January 25, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's 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 New York City Police Department 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 Resolved, that the Commission approves issuance of this Determination of Compliance to Police Commissioner James P. O'Neill of the New York City Police Department.

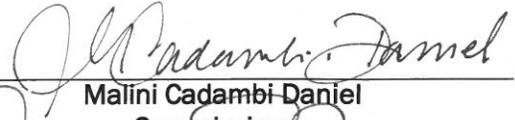
Approved unanimously on February 22, 2018.



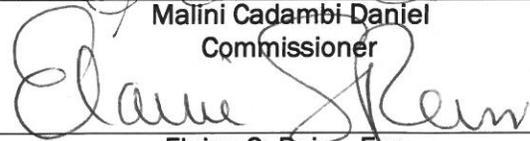
Angela Cabrera
Commissioner

Absent

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2017AP/219-841-(2018)C9: Determination of **Compliance** (Monitoring Period Required) by the NYC Department of Transportation with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2014 through December 31, 2016.

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 EEPAC 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 NYC Department of Transportation (DOT) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 7, 2017, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. Review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. To ensure the integrity and continuity of the EEO Program, 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.

7. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

Whereas, the DOT submitted its response to the EEPC's Preliminary Determination letter, on September 20, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 25, 2017, which indicated corrective actions nos. 1-7 required compliance-monitoring; and

Whereas, the DOT submitted its response to the EEPC's final determination letter, on October 24, 2017, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 1, 2017 - March 31, 2018 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOT submitted a copy of the agency head's memorandum to staff dated April 9, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

Be It Resolved, that the Department of Transportation 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 Resolved, that the Commission will forward this Determination of Compliance to Commissioner Polly Trottenberg of the NYC Department of Transportation.

Approved unanimously on April 10, 2018.

ABSENT.

Angela Cabrera
Commissioner

Arva Rice

Arva Rice
Commissioner

Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.

Elaine S. Reiss, Esq.
Commissioner

Appendix IV:

5 Most Frequently Issued Corrective Actions

| Rank | 2018 | # of Agencies |
|-------|--|---------------|
| 1 | <p>Distribution/Posting of Policy Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.</p> <p>or</p> <p>Community Boards must follow, distribute, and post the Borough President’s policy(ies) against sexual harassment.</p> | 12 |
| 2 | <p>Annual Sexual Harassment Policy Statement Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.</p> <p>or</p> <p>Community Boards must distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.</p> | 10 |
| 3 | <p>ASP/Quarterly Report Submission Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.</p> | 9 |
| 4 | <p>EEO Rating Ensure 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).</p> | 8 |
| (tie) | <p>Notice Investigation Procedures Community Boards must ensure that all individuals who work within the board receive information regarding the Borough President’s complaint investigation procedures.</p> | 8 |
| 5 | <p>Agency-wide Training Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.</p> <p>or</p> <p>Community Boards must ensure that all individuals who work within the Board receive training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities.</p> | 7 |
| (tie) | <p>File an internal complaint Community Boards must direct employees to utilize the Borough President’s Equal Employment Opportunity (EEO) Office to file an internal complaint.</p> | 7 |

5 Most Frequently Issued Corrective Actions 2018 Agencies Issued

Rank #1: Most Frequently Issued Corrective Action

Twelve (12) Municipal Entities: Distribution/Posting of Policy

Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

or

Community Boards must follow, distribute, and post the Borough President’s policy(ies) against sexual harassment.

2018AP-010 | Borough President of Manhattan
 2018AP-011 | Borough President of the Bronx
 2018AP-012 | Borough President of Brooklyn
 2018AP-015 | City Comptroller
 2018AP-381 | Bronx Community Board No. 01
 2018AP-383 | Bronx Community Board No. 03
 2018AP-384 | Bronx Community Board No. 04
 2018AP-385 | Bronx Community Board No. 05
 2018AP-387 | Bronx Community Board No. 07
 2018AP-388 | Bronx Community Board No. 08
 2018AP-390 | Bronx Community Board No. 10
 2018AP-392 | Bronx Community Board No. 12

Rank #2: Most Frequently Issued Corrective Action

Ten (10) Municipal Entities: Annual Sexual Harassment Policy Statement

Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

or

Community Boards must distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.

2018AP-002 | Mayor, Office of the
 2018AP-012 | Borough President of Brooklyn
 2018AP-381 | Bronx Community Board No. 01
 2018AP-383 | Bronx Community Board No. 03
 2018AP-384 | Bronx Community Board No. 04
 2018AP-385 | Bronx Community Board No. 05
 2018AP-387 | Bronx Community Board No. 07
 2018AP-388 | Bronx Community Board No. 08
 2018AP-390 | Bronx Community Board No. 10
 2018AP-392 | Bronx Community Board No. 12

Rank #3: Most Frequently Issued Corrective Action (Tie)

Nine (9) Municipal Entities: ASP/Quarterly Report Submission

Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

2018AP-002 | Mayor, Office of the
 2018AP-010 | Borough President of Manhattan
 2018AP-011 | Borough President of the Bronx
 2018AP-012 | Borough President of Brooklyn
 2018AP-014 | Borough President of Staten Island
 2018AP-015 | City Comptroller
 2018AP-069071 | Social Services, Dept. of
 2018AP-103 | City Clerk, Office of the
 2018AP-313 | Collective Bargaining, Office of

Rank #4: Most Frequently Issued Corrective Action (Tie)

Eight (8) Municipal Entities (Tie): EEO Rating

Ensure 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).

2018AP-002 | Mayor, Office of the
 2018AP-010 | Borough President of Manhattan
 2018AP-011 | Borough President of the Bronx
 2018AP-012 | Borough President of Brooklyn
 2018AP-014 | Borough President of Staten Island
 2018AP-017 | Emergency Management, Office of
 2018AP-103 | City Clerk, Office of the
 2018AP-816 | Health & Mental Hygiene, Dept. of

Rank #4: Most Frequently Issued Corrective Action (Tie)

Eight (8) Municipal Entities (Tie): Notice Investigation Procedures

Community Boards must ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.

2018AP-381 | Bronx Community Board No. 01
 2018AP-383 | Bronx Community Board No. 03
 2018AP-384 | Bronx Community Board No. 04
 2018AP-385 | Bronx Community Board No. 05
 2018AP-387 | Bronx Community Board No. 07
 2018AP-388 | Bronx Community Board No. 08
 2018AP-390 | Bronx Community Board No. 10
 2018AP-392 | Bronx Community Board No. 12

Rank #5: Most Frequently Issued Corrective Action (Tie)

Seven (7) Municipal Entities (Tie): Agency-wide Training

Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

or
Community Boards must ensure that all individuals who work within the Board receive training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities.

2018AP-010 | Borough President of Manhattan
 2018AP-017 | Emergency Management, Office of
 2018AP-069071 | Social Services, Dept. of
 2018AP-383 | Bronx Community Board No. 03
 2018AP-384 | Bronx Community Board No. 04
 2018AP-385 | Bronx Community Board No. 05
 2018AP-387 | Bronx Community Board No. 07

Rank #5: Most Frequently Issued Corrective Action (Tie)

Seven (7) Municipal Entities (Tie): File an Internal Complaint

Community Boards must direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.

2018AP-381 | Bronx Community Board No. 01
 2018AP-383 | Bronx Community Board No. 03
 2018AP-384 | Bronx Community Board No. 04
 2018AP-385 | Bronx Community Board No. 05
 2018AP-387 | Bronx Community Board No. 07
 2018AP-390 | Bronx Community Board No. 10
 2018AP-392 | Bronx Community Board No. 12

Appendix V: Report: *Exploring Occupational Segregation: Exploring Trends in the Allocation of Labor within the New York City Government Workforce*



EXPLORING OCCUPATIONAL SEGREGATION

*Discovering Trends in the Allocation of Labor
within the New York City Government Workforce*

Charise L. Terry, PHR
EEPC Executive Director

J. Patrick Boyle, PhD
EEPC Director of Research Initiatives & Public Hearings

January 4, 2018

For more information, please contact the EEPC at (212) 615-8939

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Introduction

The Equal Employment Practices Commission (EEOC or Commission) is an independent, non-mayoral monitor of the City of New York's employment practices created by the 1989 amendment to the New York City Charter. The Commission audits, evaluates, and monitors the employment programs, practices and procedures of city agencies to ensure that they maintain effective equal employment opportunity (EEO) programs for all who are employed by or seek employment with New York City government.

The role of an EEO program is to minimize the barriers people may face when trying to find, obtain and keep work that suits their knowledge, skills and experience. These barriers can be overt, such as discriminatory hiring, or more subtle, such as word-of-mouth recruitment. The latter barrier, known as a type of "opportunity hoarding", may in fact be invisible to those who benefit most from it.¹ These barriers harm not only employees, but also agencies that are less able to access, retain and promote the best possible candidates as a result.

One of the many ways to spot these barriers is to explore how different demographic groups are spread across occupations, looking for ways in which people might be assisted in or restricted from holding certain roles. Occupational segregation (OS), the slotting of primarily race- or gender-based groups into particular occupations, can have a harmful effect not only on employees' income and stability, but also on organizational outcomes, as people who could perform well in certain titles are barred from them. In an ideal workforce, all people would have access to the jobs that best suit their qualifications. Measuring occupational segregation will tell us how far we are from that ideal so we can provide a resolution.

During the course of an audit, the EEOC collects data from various sources that are helpful in determining the underlying causes of OS (i.e. utilization analyses, workforce composition reports, personnel action reports, agency specific annual EEO plans, etc.) Collectively, this information provides an opportunity to inform agencies about practices that facilitate equal employment opportunities and minimize race or gender wage gaps. Traditionally, wage gap initiatives have focused on attempts to ensure equal pay for equal work or eliminating selection/promotion discrimination. However, the primary contributing factor to the gender wage gap may be the difference between the types of occupations men and women hold.² As such, any future projects to eliminate the wage gap should begin with an OS analysis.

This report is a medium for improving awareness of occupational segregation using City of New York workforce statistics and has the potential to facilitate strategic discussions about succession planning, risk management, and recruitment practices for long-term improvement in EEO policies and practices. The EEOC seeks to inform agencies of potential risks by posing strategic research questions formulated with consideration for its auditing standards. The overall goal is to answer the question: Is OS indicative of barriers and EEO deficiencies related to characteristics of NYC employment allocation?

To this end, it is imperative that we start with an overview of City of New York workforce characteristics as a whole as compared to the working age population in New York City. After introducing the research questions and methodology, we then explore occupational segregation within the entire City workforce,

¹ DiTomaso, Nancy. *The American non-dilemma: Racial inequality without racism*. Russell Sage Foundation, 2013.

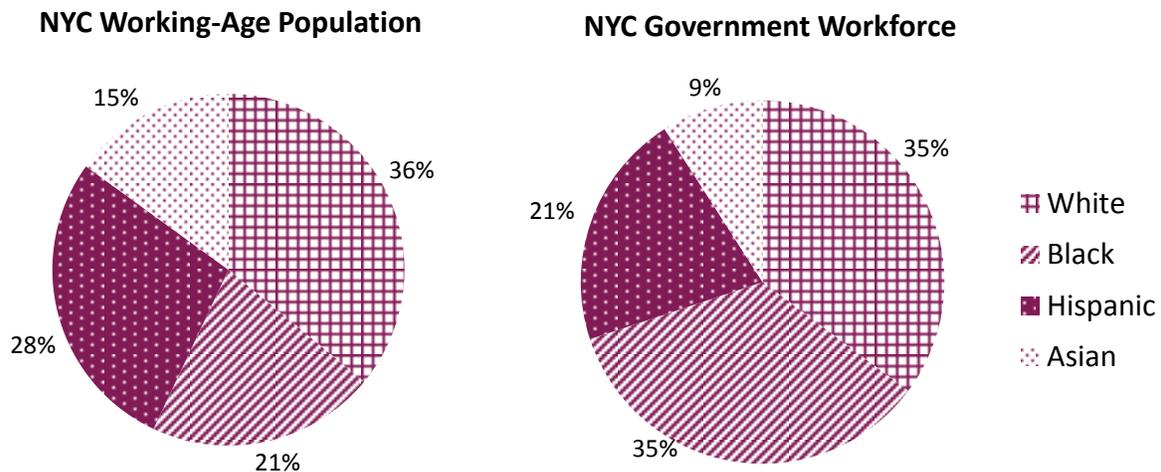
² Blau, Francine.; Kahn, Lawrence: *The Gender Wage Gap: Extent, Trends, and Explanations*, IZA Discussion Paper, 2016

and conduct targeted analyses based on our questions. We conclude with a summary and recommendations for the city to address findings of occupational segregation.

The City of New York Workforce Profile

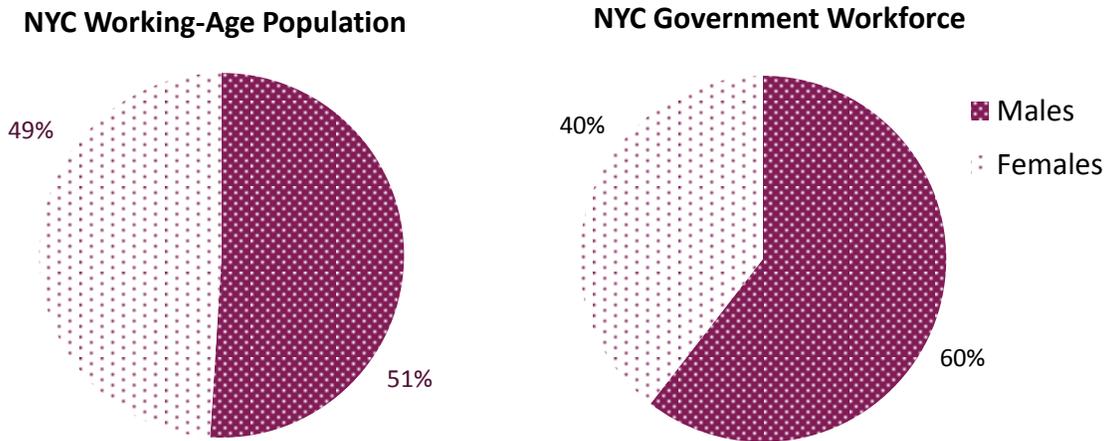
Based on the American Community Survey conducted by the U.S. Census Bureau, data indicates that the City municipal government workforce demographics differ somewhat from those of the general working-age population of New York City³. A comparison between the NYC Working-Age Population and NYC Government Workforce by race/ethnicity (Figure 1) demonstrates that Blacks are overrepresented in the City workforce by 14%, whereas Hispanics and Asians are underrepresented by 7% and 6% respectively. The same comparison by gender (Figure 2) reflects a 9% overrepresentation of males working for the City. This overrepresentation is due to the fact that the 4 largest titles (see Figure 3) are heavily skewed in favor of males: Police Officer (8% male), Firefighter (99% male), Sanitation Worker (97% male), and Corrections Officer (60% male). Only the fifth largest title, School Safety Agent, has a 70% female workforce.

Figure 1: Percent of New York City Working-Age Population vs. Percent of New York City Workforce Race/Ethnic Groups (June, 2018)



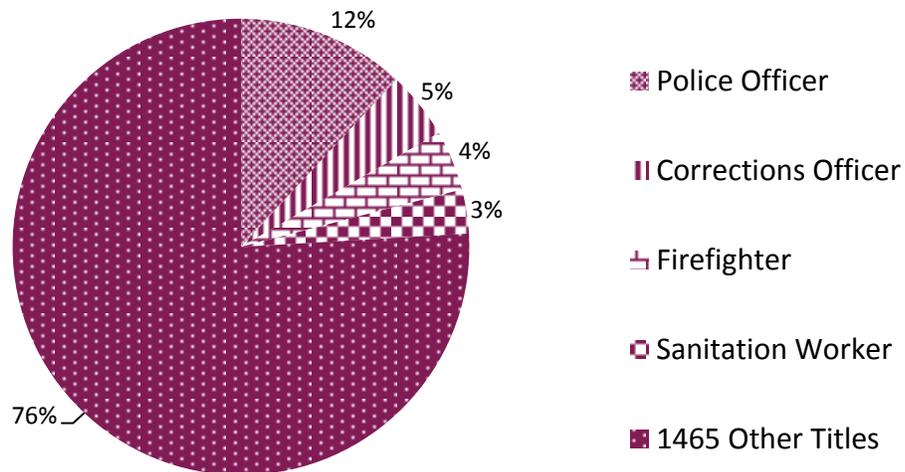
³ Data is drawn from the United States Census Bureau: Calendar Year (CY) 2015 American Community Survey (ACS) Public Use Microdata Sample (PUMS).

Figure 2: Percent of New York City Working-Age Population vs. Percent of New York City Workforce Gender Groups (June, 2018)



As of June 2018, the City of New York employed approximately 200,000⁴ people, making it the largest employer in the city. Within this single organization there are over 70 agencies ranging in size from six employees to greater than 53,000 employees with 1568 unique job titles. The title with the largest representation is the Police Department, which employs over 23,000 police officers; comprising 12% of the total city workforce. The second and third most populous titles are Correction Officer and Firefighter, with approximately 9500 and 8,500 respectively (Figure 3).

Figure 3: Percent of New York City Workforce in the Four Largest Titles (June, 2018)



⁴ Data for this report is drawn from the Work Force Composition Summary Report (Quarter 4 FY2018) of the Citywide Equal Employment Database System (CEEDS), published by the New York City Department of Citywide Administrative Services, which does not capture DOE, NYCHHC, and SCA data.

The sheer number and variety of titles within city government make it a good setting to explore occupational segregation. This exploration should begin by addressing some of the following questions: Are different demographics evenly represented among different titles? Are certain genders or races preferred for different jobs? If so, what are the implications for equal employment opportunity?

Research Questions and Methodology

With the intent of developing a better understanding of the underlying relationship between occupational segregation and characteristics of the City workforce, we will postulate a series of research questions. The City of New York's workforce data allows us to conduct analyses and potentially focus our efforts on the most efficient methods of desegregation.

The primary data sources are utilization analyses, workforce composition, personnel decisions, and civil service status reports from the Citywide Equal Employment Database System (CEEDS), provided to the EEPD by the New York City Department of Citywide Administrative Services. These sources provide a wealth of information regarding gender and ethnicity demographics.⁵

Occupational segregation is most often measured by an "index of dissimilarity,"⁶ the same measure used to explore how groups are distributed across neighborhoods within a city. The Dissimilarity Index (DI) measures how evenly two groups are distributed across occupations within a workforce. A higher number means more employees would have to acquire different occupations from the ones they hold now to reach employment parity. As shown in Example 1, the index is calculated by taking the absolute value of the difference between the proportions of two groups, summing those differences and dividing by two.

⁵ CEEDS does not provide agency data for the Department of Education, NYC Health and Hospitals, and School Construction Authority. As such, our analyses do not include these agencies.

⁶ Duncan, Otis Dudley; Duncan, Beverly (1955). "A Methodological Analysis of Segregation Indexes". *American Sociological Review*. 20 (2): 210–217.

Example 1: Calculating the Dissimilarity Index

A Dissimilarity Index of 30 or lower is considered **low** segregation, between 31 and 60 is considered **moderate** segregation, and above 60 is considered **high** segregation. To calculate the Dissimilarity Index, the following formula is used:

$$\frac{1}{2} \sum_{i=1}^N \left| \frac{m_i}{M} - \frac{f_i}{F} \right|$$

m_i = the male population of the i th occupation

M = the total male population of the labor force of interest.

f_i = the female population of the i th occupation

F = the total female population of the labor force of interest.

For example, a 60-person agency employs 40 men and 20 women in two titles: Painter and Carpenter. If 4 women and 32 men worked as Painters, and 16 women and 8 men worked as Carpenters, it is likely that occupational segregation is occurring.

To calculate the exact index, we would first calculate the percentages. So 20% of the women and 80% of the men are employed as Painters, and 80% of the women and 20% of the men are employed as Carpenters. The Dissimilarity Index for the agency would then be:

$$(|.20 - .80| + |.80 - .20|) / 2 =$$

$$(.60 + .60) / 2 =$$

$$1.20 / 2 =$$

$$.60, \text{ or } \mathbf{60\%}$$

The dissimilarity index for this agency is 60, indicating **high-moderate** segregation.

In this case, either 12 (60%) of the women or 24 (60%) of the men would have to move to a different title in the agency in order for men and women to be distributed evenly across both Painters and Carpenters. If that happened, women would make up one third and men would make up two-thirds of the total employees in each occupation.

The next step is to see if there are any meaningful differences between Painters and Carpenters that might affect employment outcomes. Do Painters get paid more than Carpenters? Do Carpenters have more or less job insecurity? These are the types of questions that connect occupational segregation to issues of employment equity. Once an issue is revealed, then the agency, or city, can take steps to change employment practices related to recruitment, hiring, retention and/or promotion.

Overall Citywide Occupational Segregation

In order to accurately describe overall occupational segregation in the City workforce, citywide analyses were conducted using two separate methods: *Title DI* and *Job Group DI*. Title DI explored overall segregation, considering the City a single organization comprised of over 1,550 unique civil service titles. Job Group DI delved into segregation between occupation *types* or “job groups” by collapsing the approximately 1,550 titles into 31 distinct job groupings that have been defined by the DCAS Office of Citywide Diversity and Equal Employment Opportunity for the purposes of federal EEOC reporting (see Appendix A: Job Groups). Each Job Group is comprised of titles with similar characteristics (e.g. the “Craft” Job Group consists of occupations such as brick masons, carpenters, electricians, plumbers, and other precision hand working occupations which require special manual skill and knowledge acquired through apprenticeships/formal training).

Each of the two analyses explored occupational segregation both by race or ethnicity and gender. Since dissimilarity is calculated in dyads (a single number representing a comparison of two different demographic groups), the study examines segregation by race or ethnicity using White/Black, White/Hispanic, White/Asian, Black/Hispanic, Black/Asian, and Hispanic/Asian dyads and explores segregation by gender using the male/female dyad.

Table 1: Dissimilarity Index (DI) by Title and Job Group

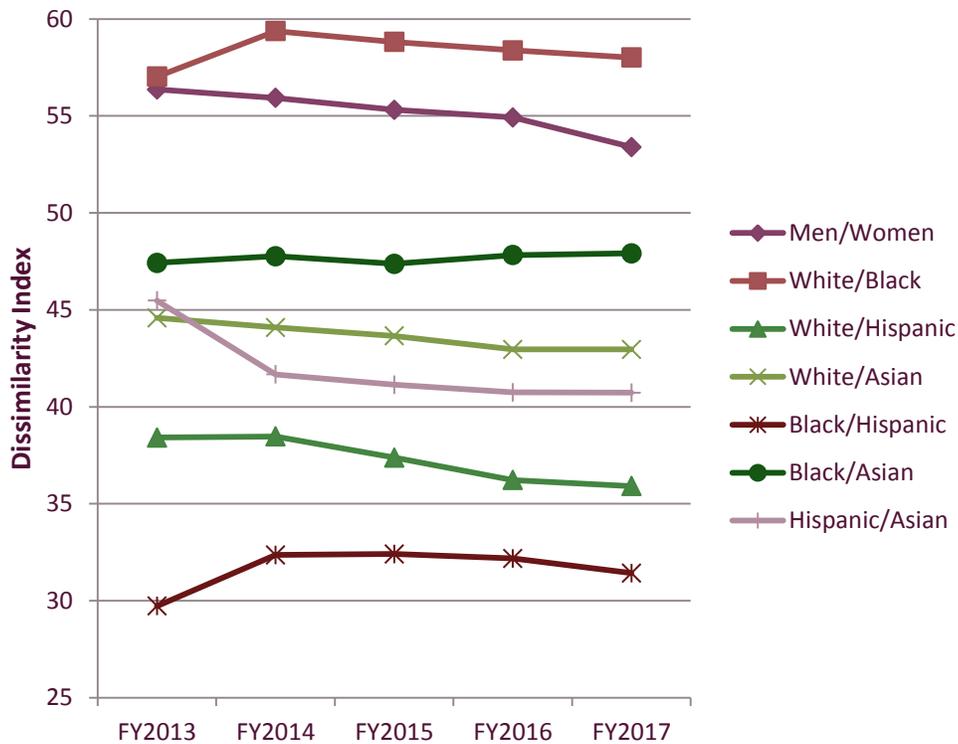
| Demographic Category | Comparison Dyad | Title | Job Group |
|----------------------|-----------------|-------|-----------|
| Gender | Male/Female | 54% | 45% |
| Race | White/Black | 57% | 39% |
| Race | White/Hispanic | 37% | 31% |
| Race | White/Asian | 41% | 26% |
| Race | Black/Hispanic | 31% | 20% |
| Race | Black/Asian | 48% | 31% |
| Race | Hispanic/Asian | 42% | 28% |

Running the analysis described above on all 1568 of the city’s titles shows that the city overall is moderately segregated by both gender and race. As Table 1 shows, the Dissimilarity Index between men and women is high-moderate at 54%, meaning about 54% percent of either men or women would need to acquire different titles in order to create an even representation of gender across titles. The dissimilarity index between White and Black employees is higher but also considered moderate, at 57%. The indices between White and Hispanic employees, and between White and Asian employees, are notably lower but still moderate, at 37% and 41% respectively. Due to the small sample size (less than 0.5% of the workforce), Native American dissimilarity indices have not been included.

The Job Group DI method yields a more favorable view of citywide OS. In Table 1, when compared to Title DI, Job Group dissimilarity indices are lower for every population pair. The most highly segregated pairs, Male/Female and White/Black, indicate moderate and low-moderate dissimilarity respectively. While Title DI and Job Group DI are highly correlated (supporting the accuracy of the Job Group

categorization), further research is needed to determine which method is more appropriate for an organization such as the City of New York, which uses more than 1,500 unique titles and is subject to the added complexity of a civil service structure. Comparisons to the private sector as well as the Federal Government and other municipal workforces would provide insight into the most appropriate method of DI calculation.

Figure 4: Citywide Title Dissimilarity Index Trends (Fiscal Year 2013-2017)



Opportunities for Improvement

As Figure 4 indicates, while we have seen a slight decrease each year since 2014 for each population comparison (excluding Black/Asian), the DI has remained relatively stable and resistant to many City agencies' ever-improving recruiting tactics and initiatives aimed at diversifying the workforce. Unfortunately, occupational segregation may not be remedied by overall diversification of the workforce. In fact, segregation can be exacerbated by recruiting without strategic focus. For example, an agency may be very effective in hiring traditionally underrepresented groups, but if those new employees are being channeled into titles that are already heavily populated by that particular group, then segregation is reinforced.

The DI can be decreased by strategically targeting the sources of occupational segregation (e.g. equal employment barriers, education/skills gaps, etc.) in specific occupations that are out of proportion in terms of gender or race/ethnicity. The DI is a sum of all title/job group imbalances in a workforce. These imbalances are measured by comparing the proportion of individuals in one EEO group to another (in a dyad) within the same job title/job group. Therefore, efforts to desegregate the workforce, or lower the

DI, would be most effective by targeting the titles and job groups where the population comparison revealed the greatest imbalances. Table 2 provides a list of titles and groups that contribute to these imbalances. Uniformed services titles have been removed from this analysis since the large number of employees in these titles may obfuscate smaller, more nuanced, instances of segregation (see Figure 3 above). We will address the impact of those uniformed services titles in Research Question 1.

Trends emerge upon examination of the lists in Table 2. For example, the comparison dyads that include Asians reflect occupational segregation based on stereotyped roles of Asian people as skilled in technical fields⁷. In these dyads appear titles such as Computer Specialist and Computer Systems Manager, as well the Science Professional job group. Among the most prevalent segregated job groups (as indicated by their contribution to overall DI) are Social Workers, appearing in 4 of 7 dyads (Men/Women, White/Black, Black/Hispanic, and Black/Asian), and Clerical, appearing in 2 of 7 dyads (White/Black, and Black/Hispanic). This type of occupation segregation might appear less problematic due to the fact that it is a result of high concentrations of women and minorities, as opposed to other job groups (e.g. Sanitation Workers, Firefighters) with high concentrations of male or White employees. As such, underutilization of protected demographics does not exist. However, the issue resides in the channeling of specific demographics into a field and potentially excluding them from higher paying jobs or career mobility. Further research into the career paths and salary bands of employees in these titles would be beneficial.

Table 2: Top 3 Job Titles and Job Groups Contributing to the Overall DI⁸

| Job Titles | | | | | | | |
|-------------------|------------------------|-----------------------------|-----------------------|-----------------------|-------------------------|-----------------------|-----------------------|
| | Gender Dyad | Race/Ethnicity Dyads | | | | | |
| Rank | Men/Women | White/Black | White/Hispanic | White/Asian | Black/Hispanic | Black/Asian | Hispanic/Asian |
| 1 | Principal Admin Assoc. | School Safety Agent | Community Assoc. | Computer Specialist | Principal Admin. Assoc. | Caretaker (NYCHA) | Computer Specialist |
| 2 | Clerical Assoc. | Clerical Assoc. | School Safety Agent | Computer Systems Mgr. | Community Assoc. | Computer Specialist | Computer Systems Mgr. |
| 3 | Community Associate | Caretaker (NYCHA) | Caretaker (NYCHA) | School Safety Agent | School Safety Agent | Computer Systems Mgr. | Community Assoc. |

| Job Groups | | | | | | | |
|-------------------|--------------------|-----------------------------|-----------------------|------------------------|------------------------|-----------------------|------------------------|
| | Gender Dyad | Race/Ethnicity Dyads | | | | | |
| Rank | Men/Women | White/Black | White/Hispanic | White/Asian | Black/Hispanic | Black/Asian | Hispanic/Asian |
| 1 | Social Worker | Social Workers | Para Professionals | Science Professionals | Social Workers | Science Professionals | Science Professionals |
| 2 | Craft | Clerical | Managers | Management Specialists | Clerical | Social Workers | Management Specialists |
| 3 | Craft | Management Specialists | Personal Services | Craft | Management Specialists | Public Relations | Science Professionals |

⁷ Leong, Frederick TL, and Thomas J. Hayes. "Occupational stereotyping of Asian Americans." *The Career Development Quarterly* 39.2 (1990): 143-154.

⁸ Excludes Uniformed Services Titles/Groups (see Appendix C)

It should be noted that the Craft job **group** appears in the ranking for 2 dyads; however, no single Craft **title** is a major contributor to the DI. That said, we can conclude that there is value in examining occupational segregation at multiple levels of specificity (by job group and title) in order to capture a complete picture of how race- or gender-based groups are channeled.

Research Question 1: Are “Uniformed Services” titles a source of citywide occupational segregation?

In a previous section, we highlighted the fact that the four largest titles are heavily skewed in favor of males. It should be noted that these titles are also “Uniformed Services” titles, and are restricted to four agencies (NYPD, FDNY, Department of Sanitation, and Department of Corrections). This classification does not include all titles that have a uniform for their job; rather the unions representing these titles are subject to different collective bargaining rules. Non-uniformed, heretofore referred to as “civilian”, titles are subject to a two-tier negotiation process, whereas uniformed titles’ unions may negotiate directly with the City. In this sense, uniformed services have a more favorable position in collective bargaining, with the ability to negotiate more effectively on *all* issues (without restriction to those items not covered by the tier 2 “Citywide Agreement”) that affect their specific members⁹. If these titles are highly desirable and are highly segregated, further investigation is warranted.

To identify occupational segregation we leveraged the Dissimilarity Index with a slightly different approach. The DI is a sum of all titles or job groups imbalances in the workforce. To determine whether uniformed titles are a source of citywide occupational segregation, we examined the impact of these titles on the overall dissimilarity index (DI). By removing a total of 62 uniformed titles (listed in Appendix B) from the DI calculation, we can surmise that inclusion of these titles in the analysis had a meaningful impact on the overall measure of occupational segregation.

Table 3: Dissimilarity Index (DI) With and Without Uniformed Titles (i.e. Civilian)

| Comparison Dyad | DI Including Uniformed Services | DI Civilian Only | Change | Comparison Dyad | DI Including Uniformed Services | DI Civilian Only | Change |
|-----------------|---------------------------------|------------------|--------|-----------------|---------------------------------|------------------|--------|
| Male/Female | 54 | 49 | -5 | Black/Hispanic | 31 | 24 | -5 |
| White/Black | 57 | 55 | -2 | Black/Asian | 48 | 49 | +1 |
| White/Hispanic | 37 | 45 | +8 | Hispanic/Asian | 42 | 47 | +5 |
| White/Asian | 41 | 39 | -2 | | | | |

As Table 3 indicates, the inclusion of uniformed titles had a meaningful impact on the overall measure of segregation. A decrease in the DI indicates a decrease in occupational segregation. For most of the population comparisons, the DI decreases, with largest drops in Male/Female (-5%) and Black/Hispanic (-5%). One striking finding is the +8% change for the White/Hispanic pair. This would indicate that the uniformed titles are actually a major contributor to the equitable distribution (or “desegregation”) of Whites and Hispanics across all city titles. In short, these results indicate that categories of titles with

⁹ Mayor of City of New York v. Council of City of New York, 6 Misc.3d 1022(A), at *2, 800 N.Y.S.2d 349 (N.Y. Sup. Ct. 2005), aff’d, 825 N.Y.S.2d 201 (N.Y. App. Div. 1st Dept. 2006), aff’d, 874 N.E.2d 706 (N.Y. 2007)

desirable benefits, such as the uniformed services titles are not distributed equitably between genders and ethnicities.

Research Question 2: Are there trends indicating a change in citywide occupational segregation due to differences in civil service hiring practices?

The City of New York utilizes a civil service system guided by New York State Civil Service Law. One of the characteristics of a civil service system is that hiring is based on merit (competitive civil service exam score) rather than a more subjective selection process. One purpose for such a system is to remove the potential for bias in selection or retention (e.g., political, racial, gender, etc.) However, there are positions for which it is not practical to ascertain merit by competitive exams. These titles are classified as "Non-Competitive" and are filled through the typical discretionary process consisting of a resume review and job interview. The different hiring method for these two types of titles (Competitive vs Non-Competitive) allows us to examine whether or not the discretionary process for Non-Competitive titles results in a more segregated workforce.

Our analysis consisted of all titles that were composed of greater than 70% of one race, as a significant majority of any single race indicates a departure from what would be expected based on the NYC working-age population (See Figure 3). Only titles with a minimum of 200 employees were analyzed to ensure a reasonable sample size. Sixteen titles met these criteria and are listed in Table 8 by "percent majority" (down to 70%). Of these titles, Battalion Chief had the highest with 98% White employees and Probation Officer had the lowest with 71% Black employees.

Table 4 demonstrates that only 3 of these 16 titles were not Competitive titles (Assistant Corporation Counsel, City Seasonal Aide and Director of Field Operations). These results suggest that Competitive titles and the civil service exam structure do not preclude occupational segregation. Given that most of the considerably skewed titles are Competitive titles, the discretionary nature of the Non-Competitive title selection process does not appear to be a major factor in the segregation.

Table 4: Jurisdictional Class of Titles with Greater than 70% of One Race

*Minimum 200 employees

| Job Group & Title | Job Group | Percent Majority | Majority | Men (%) | Women (%) | Total Employees FY2018Q4 | Class |
|---|---------------------|------------------|----------|---------|-----------|--------------------------|-----------------|
| BATTALION CHIEF | Fire Supervisor | 97.8 | White | 100.0 | 0.0 | 357 | Competitive |
| CAPTAIN (FIRE) | Fire Supervisor | 96.0 | White | 99.8 | 0.2 | 547 | Competitive |
| LIEUTENANT (FIRE) | Fire Supervisor | 89.9 | White | 99.6 | 0.4 | 1529 | Competitive |
| CARPENTER | Craft | 86.0 | White | 99.1 | 0.9 | 449 | Competitive |
| PLUMBER | Craft | 79.8 | White | 99.4 | 0.6 | 332 | Competitive |
| CHILD PROTECTIVE SPECIALIST SUPERVISOR | Social Worker | 78.3 | Black | 18.7 | 81.3 | 525 | Competitive |
| CHILD WELFARE SPECIALIST | Social Worker | 78.1 | Black | 28.9 | 71.1 | 201 | Competitive |
| GENERAL SUPERINTENDENT (SANITATION) | Managers | 77.6 | White | 95.3 | 4.7 | 255 | Competitive |
| FIREFIGHTER | Firefighters | 74.3 | White | 99.0 | 1.0 | 8490 | Competitive |
| CITY SEASONAL AIDE | Laborers | 74.0 | Black | 49.3 | 50.7 | 1288 | Non-competitive |
| CAPTAIN (CORRECTION) | Police Supervisors | 72.7 | Black | 40.0 | 60.0 | 847 | Competitive |
| DIRECTOR OF FIELD OPERATIONS (CPS) (DOSS) | Managers | 72.4 | Black | 17.1 | 82.9 | 246 | Non-competitive |
| POLICE COMMUNICATIONS TECHNICIAN | Clerical | 71.8 | Black | 14.0 | 86.0 | 1227 | Competitive |
| ASSISTANT CORPORATION COUNSEL | Lawyers | 71.1 | White | 41.8 | 58.2 | 830 | Exempt |
| PROBATION OFFICER | Social Worker | 71.0 | Black | 31.6 | 68.4 | 586 | Competitive |
| ENVIRONMENTAL POLICE OFFICER | Police & Detectives | 70.7 | White | 88.5 | 11.5 | 208 | Competitive |

It is possible that the hiring practices for Non-Competitive titles, while more subjective and potentially susceptible to bias, have a restorative effect on the racial balance of the titles. For example, if underutilization is identified in a job group with Non-Competitive titles, recruiting practices have greater flexibility and are not subject to the availability of an exam or a civil service list to remedy the underutilization. In addition, the Non-Competitive titles are not subject to the “One-In-Three Rule”, as Competitive titles are. Civil Service Law Section 61 allows public employers to choose individuals for appointment from the top three scores from a civil service exam list. While this process ensures that those candidates who scored highest on the list are selected first, it may also prevent an agency from addressing underutilization or occupational segregation. The agency must select from the pool of candidates who have taken and passed the exam. This may not include those groups identified as underutilized.

Research Question 3: Do physically taxing jobs contribute to occupational segregation?

Previously, we demonstrated that the major uniformed titles, Police Officer, Firefighter, and Sanitation Worker are all heavily occupied by males resulting in significant occupational segregation. In addition to uniformed titles, there are other title classifications that have unique benefits and appear have a demographic skew. According to the NYC Office of Labor Relations, the classification of “physically-taxing” indicates that the job duties are physically strenuous and that employees may be able to take advantage of early retirement provisions¹⁰. Such titles include Carpenter, Blacksmith, Auto Mechanic, Sewage Treatment Worker, and over 300 others.

To ascertain whether physically taxing jobs contribute to occupational segregation, we examined the demographic composition of these titles to establish whether there are any common characteristics. An examination of the CEEDS data revealed that males dominate physically taxing titles by approximately 85%, particularly in the Craft job group. However, racial segregation was not apparent, with a workforce roughly mirroring the composition of the City workforce as a whole with employees being 38% White, 36% Black and 22% Hispanic, with the exception of Asian employees, who represent less than 4%. The 10 titles with the greatest gender imbalances are included in Table 5 below.

Table 5: Top 10 Gender-Skewed Physically Taxing Titles

| | Title | Job Group | Total Employees | % Male | Approximate Wages* | Approximate Annual Wages** |
|----|---|-------------------|-----------------|--------|--------------------|----------------------------|
| 1 | Sewage Treatment Worker | Craft | 624 | 99.8% | \$35/hour | \$63,700 |
| 2 | Electrician | Craft | 436 | 99.7% | \$49/hour | \$89,180 |
| 3 | Oiler | Craft | 194 | 99.4% | \$46/hour | \$83,720 |
| 4 | City Laborer | Laborers | 190 | 100 | \$22/hour | \$40,040 |
| 5 | Construction Laborer | Laborers | 306 | 99.9% | \$37/hour | \$67,340 |
| 6 | Plumber | Craft | 332 | 99.4% | \$46/hour | \$83,720 |
| 7 | Auto Mechanic | Craft | 842 | 99.5% | \$37/hour | \$67,340 |
| 8 | Elevator Mechanic’s Helper | Laborers | 176 | 99.9% | \$26/hour | \$47,320 |
| 9 | Traffic Device Maintainer | Craft | 223 | 99.1% | \$43,951/year | \$43,951 |
| 10 | Deckhand | Craft | 209 | 99.0% | \$40,032/year | \$40,032 |
| | <i>Largest Physically Taxing Title</i> | | | | | |
| | Caretaker | Building Services | 3138 | 55.4% | \$43,079/year | \$43,079 |

*Hourly wages may qualify for higher rates on weekends and holidays

**Based on a 35 hour work week

The least gender-segregated physically taxing title is the largest with 1398 women and 1740 men holding 45% and 55% of the Caretaker jobs, respectively. While segregation in physically taxing titles may result from cultural occupational expectations and a perception that these titles require a certain degree of physical strength, the implications may be more complex. Many of these positions have hourly salaries that place them well above the median income for NYC (approximately \$51,000), with the opportunity for increased holiday/overtime pay, and the option for early retirement at age 50 with

¹⁰ NYCERS Physically Taxing Titles Fact Sheet, <https://www.nycers.org/sites/main/files/file-attachments/712.pdf>

25 years of service¹¹. These characteristics make these positions potentially desirable and according to our results, virtually untapped by a female workforce. As a result, such marked segregation may warrant a comprehensive barrier analysis to determine and rectify the underlying contributing factors.

Research Question 4: Does occupational segregation affect all races and ethnicities equally?

In this report, we have approached the issue of occupational segregation by analyzing differences between specific races/ethnicities in dyads (e.g. White/Hispanic, Black/Asian, etc.). Another method of analysis utilizes the creation of a new dyad that encompasses all People of Color (or Non-White). This inclusive categorization allows us to further refine our understanding about segregation in the City workforce. As indicated in Table 6, the White/Non-White Dissimilarity Index is 46% for City titles and 31% for City job groups, demonstrating a low-moderate level of occupational segregation.

Table 6: Dissimilarity Index (DI) by Title and Job Group

| Comparison Dyad | Title | Job Group |
|------------------------|------------|------------|
| White/Non-White | 43% | 30% |
| White/Black | 56% | 39% |
| White/Hispanic | 35% | 31% |
| White/Asian | 40% | 26% |

While segregation between Whites and People of Color overall is low-moderate (moderate typically defined as 31% - 60%), Blacks appear to be disproportionately affected as demonstrated by the high-moderate Title DI of 56%. In addition, the sizable gap between the White/Black and the White/Hispanic dyads (56% vs. 35%) and the gap between the White/Black and the White/Asian dyad (56% vs. 40%), supports the uniqueness of the White/Black occupational segregation. Figure 6 highlights the distinction in which the White/Hispanic and White/Asian dyads are relatively close (one point more and four points less respectively) to the overall White/Non-White DI, the White/Black dyad is 9 points higher at 39%.

Figure 5: Job Group Dissimilarity Index (DI) Racial Dyad Comparison

¹¹ NYCERS Physically Taxing Titles Fact Sheet, <https://www.nycers.org/sites/main/files/file-attachments/712.pdf>

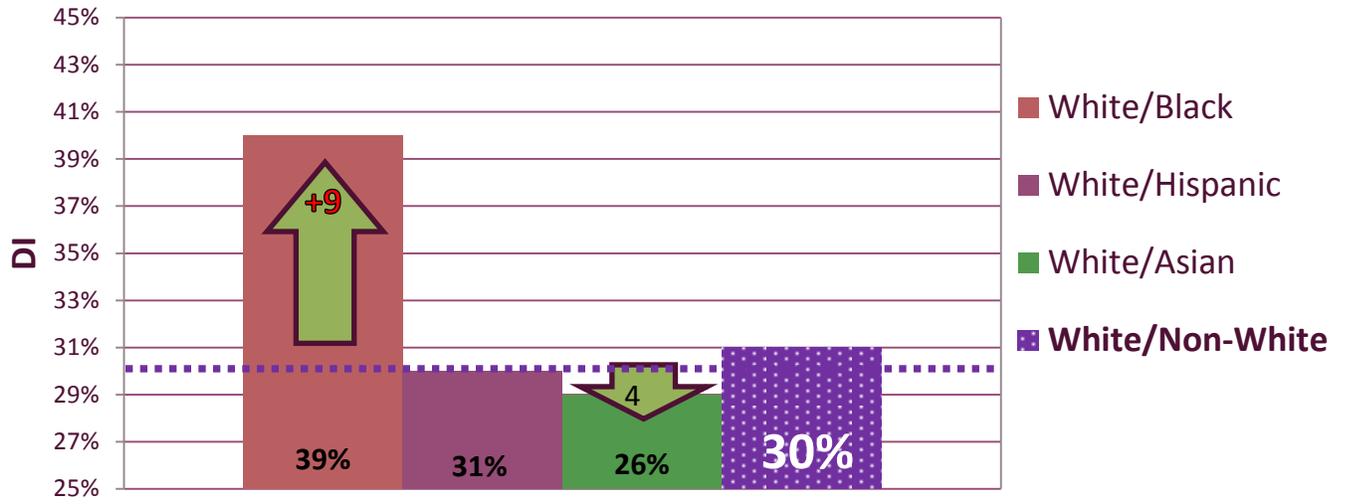
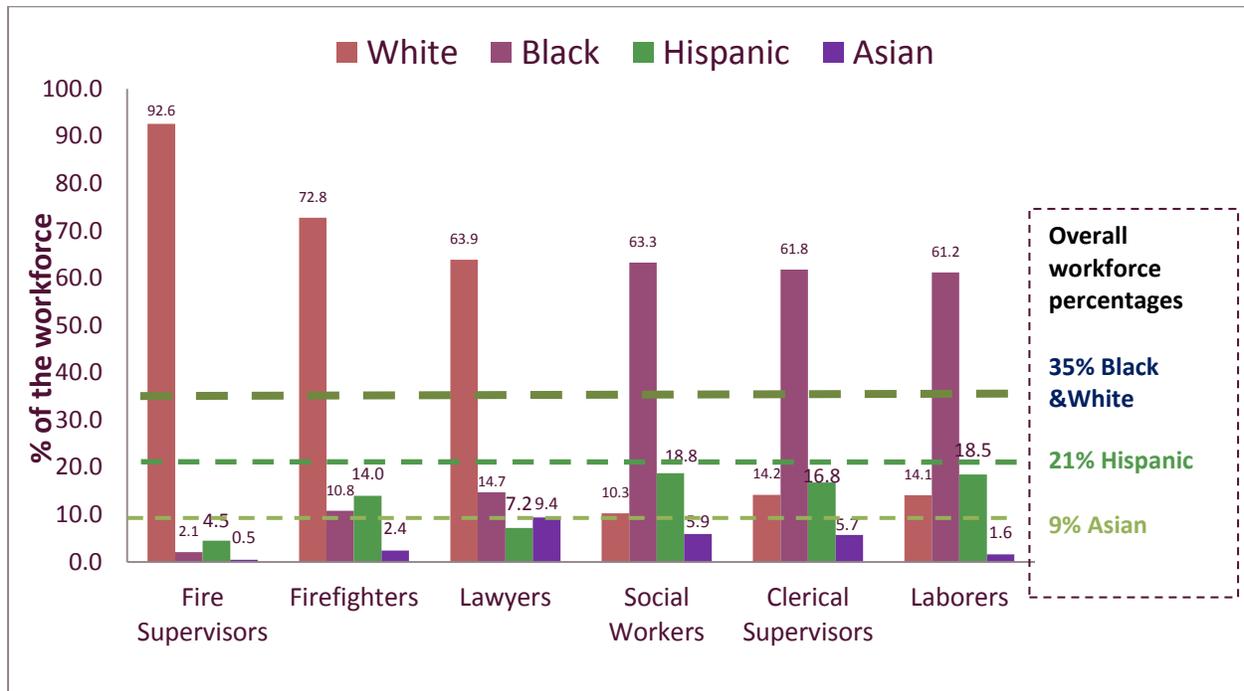


Figure 6: Workforce Composition Percentages for Five Job Groups with Largest Racial Imbalance



For a more targeted examination into these disproportionate effects, we compared the workforce composition of the 6 job groups with the greatest imbalances between Whites, Blacks, and non-whites (based on job group DI). In figure 7, the dashed lines represent the percentage of Whites, Blacks, Hispanics, and Asians in the entire City workforce. Even in these 6 job groups that have very high percentages of White and black employees, Hispanics are far closer to the expected percentage (21%) than are Blacks (35%). In some cases (Fire Supervisor and Firefighter), Blacks were outnumbered by Hispanics, despite their greater numbers in the City workforce and the NYC working-age populations.

Based on the DI and workforce composition analyses, it appears that People of Color are not all affected by occupational segregation equally. The White/Black occupational segregation in the City of New York Workforce is more pronounced than White/Hispanic and White/Asian segregation.

Summary and Recommendations

The above analyses show that while there is moderate integration in most of its titles and job groups, there is evidence that the City's workforce demonstrates a degree of occupational segregation that can be mitigated with modest enhancements.

Summary of Overall City Occupational Segregation

- An overall comparison to the New York City employment age population by race/ethnicity demonstrates that Blacks are overrepresented in the City workforce by 4%, whereas Hispanics and Asians are underrepresented by 7% and 6% respectively.
- An overall comparison to the New York City employment age population by gender reflects a 9% overrepresentation of males working for the City.
- The city demonstrates moderate OS by both gender and race with Title Dissimilarity Index scores ranging from 31-56 and Job Group Dissimilarity Index (DI) scores from 20-45.
- Title Dissimilarity Indices by job group are greatest for the gender comparison dyad (Male/Female) at 51 and for the Black/White race comparison dyad at 56. The lowest DI is for the Black/Hispanic dyad at 31.
- There has been a slight decrease in our measure of occupational segregation (DI) each year since 2014 for every population comparison, with the exception of the Black/Asian comparison dyad.
- Uniformed titles vary greatly with regard to their impact on racial OS, but the gender imbalance favors males.
- Compared to Non-Competitive titles, the Competitive title selection process does not preclude occupational segregation.
- Physically taxing titles are not a source of racial OS; however they contribute to the gender segregation of a group of titles with unique benefits.
- Overall men and women of the same race are subject to the same magnitude of occupational segregation.
- The most pronounced racial occupational segregation is between whites and blacks (56%/39%, title and job group respectively) and is the only racial dyad with a similar magnitude to the gender dyad (51%/45%).

Value for the EEP

Although OS can be a source or result of adverse impact, a cursory adverse impact analysis will not detect the occurrence of OS. The EEP may use this research to recommend that modifications to recruitment efforts can be more effective if employees are selected for positions that not only mitigate underutilization, but also desegregate titles. The EEP will consider tailoring the corrective actions issued to agencies to ensure that their employment practices include efforts to not only mitigate underutilization but also to desegregate titles. As a supplement to the recommended adverse impact analyses, an OS analysis can quickly identify titles/groups with inappropriate selection criteria for specific jobs. For example, Title X is disproportionately male and Title Y is disproportionately female based on the Dissimilarity Index (measure of OS). What selection criteria are present in Title X that are not in Title Y? Are these criteria appropriate? Identification of OS can serve along with adverse impact analyses to justify reevaluating an agency's recruitment strategies or selection criteria.

An OS analysis can identify which titles may have job or exam requirements that potentially favor one group over another and provide additional support for the need to review or compare these standards. OS will occur when knowledge, skills, and abilities (KSA's) are unnecessarily exclusive for civil service examinations. Lists (or agencies dependent upon lists) with high OS should reconsider the standards that may include barriers to eliminate the segregation wherever possible.

As with underutilization, an occurrence monitored by the EEPC, OS can be addressed by using recruiting media that include minority- or female-oriented audiences. The results of this report may assist agencies in pinpointing job groups that not only have underutilization, but also have OS, for the purpose of engaging in targeted or sophisticated recruitment strategies. Agencies and the EEPC can leverage underutilization and occupational segregation data to highlight imbalances and help agencies align their workforce with the New York City labor pool availability.

Recommendations

The first step is to encourage each agency's awareness of its own challenges. To that end, each agency should:

- Calculate an agency Dissimilarity Index as described in Example 1 by title or job group (based on the size and composition of the agency).
- Identify areas of the workforce that may have imbalances in gender or race/ethnicity.
- Use and maintain a tracking system for each title that follows candidates from application through hire and notes their demographic information as well as the selection/rejection reason.
- Assess data from tracking systems, onboarding surveys, and exit surveys in aggregate to see whether certain groups are being excluded/separated from certain titles/job groups.
- Consider conducting a barrier analysis on all underutilized **and** overutilized job groups to determine gender and race imbalances in the workforce and where cross-training and succession planning can be employed.

Second, each agency should create an action plan for achieving parity in the affected title(s). To that end, if there is any appearance of exclusion from certain titles, each agency should:

- Check and modify recruitment sources, job descriptions, selection criteria, and selection methods, depending on which point in the hiring process is demonstrating exclusion.
- For Competitive titles, consider publicizing upcoming exam schedules or preparation opportunities to relevant professional and community organizations serving women, minorities, and other protected groups.
- Consider using cross-training and mentorship programs to facilitate career development and intra-agency job mobility.
- Identify the internal talent pool and plan for succession based on transferrable knowledge, skills, and abilities.

Next Steps

This series of research questions is the beginning of a larger comprehensive report on employment practices for the purposes of ensuring an equitable allocation of labor. Future directions for research into this phenomenon include:

- Occupational segregation in other municipalities and the private sector
- Gender wage gap analysis
- Relationships between occupational segregation and sexual harassment complaints
- Barrier analysis (review of the employment lifecycle to identify barriers to equal employment)
- Unconscious/implicit bias¹² in hiring and promotion decisions
- Self-selection bias preventing women or minorities from applying to positions because of perceived discomfort with the role or the environment¹³
- Stereotype threat in the workplace such that people are or feel themselves to be at risk of conforming to stereotypes resulting in decreased performance¹⁴

This report is intended to open the dialogue about occupational segregation in the New York City Municipal Workforce. In 2018, the EEPC plans to hold a conference to increase awareness of occupational segregation and provide a forum for agency EEO professionals to learn and contribute to the efforts. The EEPC encourages proposals from agencies regarding practices that have been successful in reducing segregation and promoting equal employment opportunities. With a concerted and sustained effort, agencies and the City overall can lessen barriers to equal opportunity by helping to make sure all people have access to jobs that best suit their qualifications.

¹² Greenwald, A. G., McGhee, D. E., & Schwartz, J. K. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology*, 74(6), 1464–1480.

¹³ Pager, D., & Pedulla, D. S. (2015). Race, Self-Selection, and the Job Search Process. *AJS; American Journal of Sociology*, 120(4), 1005–1054.

¹⁴ Steele, Claude M.; Aronson, Joshua (November 1995). "Stereotype threat and the intellectual test performance of African Americans". *Journal of Personality and Social Psychology*. 69 (5): 797–811.

Appendix A: Job Groups¹⁵

| Job Group Number | Job Group Name |
|------------------|------------------------|
| 1 | Administrators |
| 2 | Managers |
| 3 | Management Specialists |
| 4 | Science Professionals |
| 5 | Health Professionals |
| 6 | Social Scientists |
| 7 | Social Workers |
| 8 | Lawyers |
| 9 | Public Relations |
| 10 | Technicians |
| 11 | Sales |
| 12 | Clerical Supervisors |
| 13 | Clerical |
| 14 | Household Services |
| 15 | Police Supervisors |
| 16 | Fire Supervisors |
| 17 | Firefighters |
| 18 | Police and Detectives |
| 19 | Guards |
| 20 | Food Preparation |
| 21 | Health Services |
| 22 | Building Services |
| 23 | Personal Services |
| 24 | Farming |
| 25 | Craft |
| 26 | Operators |
| 27 | Transportation |
| 28 | Laborers |
| 29 | Sanitation Workers |
| 30 | Teachers |
| 31 | Paraprofessionals |

¹⁵ 2016 Workforce Profile Report published by the Department of Citywide Administrative Services

Appendix B: Job Group Descriptions

The Office of Citywide Diversity and Equal Employment Opportunity (CDEEO) prepares the City of New York's federally mandated Biennial EEO-4 report to the Equal Employment Opportunity Commission (EEOC). As part of their reporting, CDEEO is responsible for mapping civil service titles to their appropriate EEO-4 categories. The job categories included in this report are a more specific grouping of titles, and all map to one of the EEO-4 categories¹⁶.

Administrators: Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, and controllers, chiefs of department, inspector generals, and kindred workers.

Managers: Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

Police Supervisors: Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individuals, units, or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

Fire Supervisors: Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

Management Specialists: Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, and buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

Science Professionals: Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, and marine), computer specialists,

¹⁶ 2016 Workforce Profile Report published by the Department of Citywide Administrative Services

telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

Health Professionals: Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

Social Scientists: Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: Caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy, and kindred workers.

Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: Attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges and kindred workers.

Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: Technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

Teachers: Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations,

surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators and kindred workers.

Firefighters: Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

Police and Detectives: Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officers, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

Guards: Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school safety agents and kindred workers.

Health Services: Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: Dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies and kindred workers.

Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: Administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: Chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: Cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

Craft: Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category

includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision hand working occupations and kindred workers.

Operators: Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers, and kindred workers.

Food Preparation: Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g., schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

Building Services: Occupations in which employees perform duties that result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.

Personal Services: Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

Farming: Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

Transportation: Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

Laborers: Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

Sanitation Workers: Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.

Appendix C: Uniformed Services Titles

| Title Number | Title Name |
|--------------|---|
| 53050 | Fire Medical Officer |
| 53051 | Police Surgeon |
| 5305G | Fire Medical Officer (Manager Det.) |
| 70112 | Sanitation Worker |
| 70196 | General Superintendent (Sanitation) (Level 1) |
| 7019A | General Superintendent (Sanitation)(Managerial Assignment) |
| 7019B | General Superintendent (Sanitation) |
| 70210 | Police Officer (Recurring Night Shift) |
| 7021A | Police Officer D/A Detective 3rd Grade |
| 7021B | Police Officer D/A Detective 2nd Grade |
| 7021C | Police Officer D/A Detective 1st Grade |
| 7021D | Police Officer, Det. Specialist |
| 7021E | Police Officer, Special Assignment |
| 70235 | Sergeant (Recurring Night Shift) |
| 7023A | Sergeant D/A Special Assignment |
| 7023B | Sergeant D/A Supervisor Detective Squad |
| 70260 | Lieutenant (Police) |
| 70265 | Captain (Police Service) (< 5 years) |
| 7026A | Lieutenant D/A Special Assignment |
| 7026B | Lieutenant D/A Commander Of Detective Squad |
| 7026D | Captain D/A Deputy Inspector |
| 7026E | Captain D/A Inspector |
| 7026F | Captain D/A Deputy Chief Inspector |
| 7026G | Captain Detailed As Assistant Chief Inspector |
| 7026H | Captain Detailed As Chief Of Detectives |
| 7026J | Captain Detailed As Chief Of Organized Crime Control |
| 7026K | Captain Detailed As Chief Of Patrol |
| 7026L | Captain Detailed As Chief Of Personnel |
| 7026M | Captain Detailed Chief Inspector |
| 7026P | Captain Detailed Chief Of Department |
| 7026R | Captain Detailed Chief Of The Housing Bureau |
| 7026S | Captain Detailed Chief Of The Transit Bureau |
| 7026U | Captain: Chief Of Transportation Bureau (Managerial Detail) |
| 7026V | Captain Chief Of Counterterrorism |
| 7026W | Captain-Chief Of Community Affairs |
| 70270 | Surgeon |

| | |
|-------|---|
| 7027A | Surgeon Detailed As Deputy Chief Surgeon |
| 7027B | Chief Surgeon |
| 7027C | Supervising Chief Surgeon |
| 70310 | Firefighter |
| 70312 | Pilot |
| 70314 | Wiper (Uniformed) |
| 70316 | Marine Engineer (With License) |
| 70360 | Lieutenant (Fire) |
| 70365 | Captain (Fire) |
| 70370 | Battalion Chief |
| 70382 | Deputy Chief(Fire) |
| 70388 | Chief Of Department (FDNY) |
| 7038A | Deputy Assistant Chief Of Department |
| 7038B | Assistant Chief Of Department |
| 7038C | Assistant Chief Of Dept. Designated As Chief-In-Charge |
| 70392 | Fire Marshal (Uniformed) |
| 70393 | Supervising Fire Marshal (Uniformed) |
| 7039B | Assistant Chief Fire Marshal (Uniformed) |
| 7039C | Chief Fire Marshal (Uniformed) |
| 7039D | Supervising Fire Marshal Det.: Chief Of Staff To Fire Comm. |
| 70410 | Correction Officer |
| 70467 | Captain (Correction) |
| 70488 | Warden (Correction) (Managerial Assignment) |
| 7048B | Warden-Assistant Deputy Warden |
| 7048C | Warden-Deputy Warden Rotating Shifts |
| 7048D | Warden-Deputy Warden In Comm. |

Appendix VI: Conference Presentation: Commitment to Achieving Equality: Exploring Occupational Segregation

Presentation given by Dr. J. Patrick Boyle, EEPC Director of Research Initiatives and Public Hearings at the Conference held September 28, 2018.

EXPLORING OCCUPATIONAL SEGREGATION

*Discovering Trends in the Allocation
of Labor within the New York City
Government Workforce*

EEPC Research Unit

- Primary functions
 - Manage data and develop analytics tools
 - Explore data trends
 - Communicate results
 - Provide data-driven recommendations

Current Research

- Occupational segregation (OS) is an issue of equal employment opportunity
- Objectives:
 - Inform agencies of OS using City of New York workforce statistics
 - Encourage discussions about succession planning, risk management, and recruitment practices
 - Identify potential risks by posing strategic **research questions** formulated with consideration for EEPC auditing standards

Methodology

- Data sources
 - Citywide Equal Employment Database System (CEEDS) reports by agency
 - Workforce composition, Personnel actions, Utilization, Civil service status
 - CEEDS excludes DOE, NYCHHC, and SCA data, not included in analyses
 - NYCERS
 - Title specifications
 - Court decisions
 - DCAS Workforce Profile Report
 - American Community Survey Public Use Microdata Sample (PUMS)
- Analyses
 - Workforce headcount analysis
 - Dissimilarity Index

Dissimilarity Index (DI)

- Measures distribution of two groups (e.g., men/women, White/Hispanic) across a defined set of categories (e.g., titles, job groups)
- Sum of all title/job group imbalances in a workforce
- Compares proportion of each group (as a dyad) within the same job title/group
- Ranges from zero (perfect integration) to 1.0 (total segregation) or 0% to 100%
- A higher number means more employees would have to acquire different occupations from the ones they hold now to reach employment parity

Dissimilarity Index

- 60-person organization
- 40 men and 20 women (gender dyad)
- Two jobs: painter and carpenter

- 16 women and 8 men were carpenters
 - 80% (.80) of all women were carpenters
 - 20% (.20) of all men were carpenters

- 4 women and 32 men were painters
 - 20% (.20) of all women were painters
 - 80% (.80) of all men were painters

$$\frac{1}{2} \sum_{i=1}^N \left| \frac{m_i}{M} - \frac{f_i}{F} \right| =$$

Calculation

$$(|.20 - .80| + |.80 - .20|) / 2 =$$

$$(.60 + .60) / 2 =$$

$$1.20 / 2 =$$

$$\underline{.60, \text{ or } 60\%}$$

Results

DI = 0.60 or 60% → *Moderate-high occupational segregation*

Citywide DI 2018

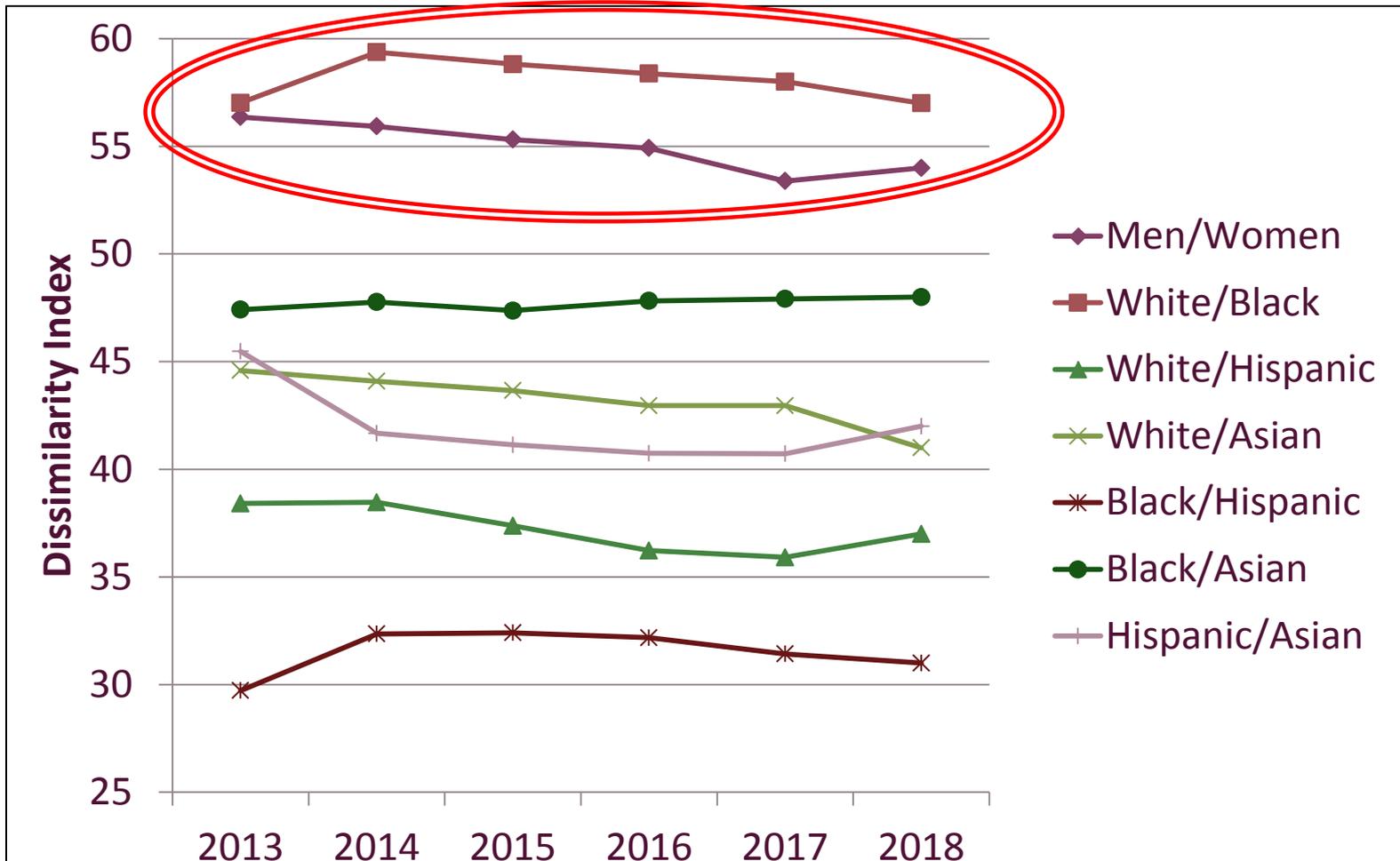
| Demographic Category | Comparison Dyad | Title | Job Group |
|----------------------|-----------------|-------|-----------|
| Gender | Male/Female | 54% | 45% |
| Race | White/Black | 57% | 39% |
| Race | White/Hispanic | 37% | 31% |
| Race | White/Asian | 41% | 26% |
| Race | Black/Hispanic | 31% | 20% |
| Race | Black/Asian | 48% | 31% |
| Race | Hispanic/Asian | 42% | 28% |

- Approximately 1500 titles and 29 job groups*

*Titles assigned to job groups by DCAS, published in 2016 Workforce Profile Report

Title DI Trends

- Fiscal year 2013-2018



Top Contributors to DI

- Top three titles and job groups contributing to the overall DI*

| Job Titles | | | | | | | |
|------------|------------------------|----------------------|-----------------------|-----------------------|-------------------------|-----------------------|-----------------------|
| | Gender Dyad | Race/Ethnicity Dyads | | | | | |
| Rank | <i>Men/Women</i> | <i>White/Black</i> | <i>White/Hispanic</i> | <i>White/Asian</i> | <i>Black/Hispanic</i> | <i>Black/Asian</i> | <i>Hispanic/Asian</i> |
| 1 | Principal Admin Assoc. | School Safety Agent | Community Assoc. | Computer Specialist | Principal Admin. Assoc. | Caretaker (NYCHA) | Computer Specialist |
| 2 | Clerical Assoc. | Clerical Assoc. | School Safety Agent | Computer Systems Mgr. | Community Assoc. | Computer Specialist | Computer Systems Mgr. |
| 3 | Community Associate | Caretaker | Caretaker | School Safety Agent | School Safety Agent | Computer Systems Mgr. | Community Assoc. |

| Job Groups | | | | | | | |
|------------|------------------|------------------------|-----------------------|------------------------|------------------------|-----------------------|------------------------|
| | Gender Dyad | Race/Ethnicity Dyads | | | | | |
| Rank | <i>Men/Women</i> | <i>White/Black</i> | <i>White/Hispanic</i> | <i>White/Asian</i> | <i>Black/Hispanic</i> | <i>Black/Asian</i> | <i>Hispanic/Asian</i> |
| 1 | Social Worker | Social Workers | Paraprofessionals | Science Professionals | Social Workers | Science Professionals | Science Professionals |
| 2 | Craft | Clerical | Managers | Management Specialists | Clerical | Social Workers | Management Specialists |
| 3 | Clerical | Management Specialists | Personal Services | Craft | Management Specialists | Public Relations | Managers |

* Uniformed services excluded for methodological reasons

Research Questions

- Based on trends uncovered in data exploration
- Four primary topics
 - Uniformed Service titles
 - Civil service hiring practices
 - Physically taxing jobs
 - Race and ethnicity most affected

Research Question 1

- Are “Uniformed Services” titles a source of citywide occupational segregation?

| Comparison Dyad | DI Including Uniformed Services | DI Civilian Only | Change |
|-----------------|---------------------------------|------------------|--------|
| Male/Female | 54 | 49 | -5 |
| White/Black | 57 | 55 | -2 |
| White/Hispanic | 37 | 45 | +8 |
| White/Asian | 41 | 39 | -2 |

| Comparison Dyad | DI Including Uniformed Services | DI Civilian Only | Change |
|-----------------|---------------------------------|------------------|--------|
| Black/Hispanic | 31 | 24 | -5 |
| Black/Asian | 48 | 49 | +1 |
| Hispanic/Asian | 42 | 47 | +5 |
| | | | |

- Removed “Uniformed Services” titles (e.g., Sanitation Worker, Police Officer, Corrections Officer, Firefighter, etc.)
- **Red** indicates decrease in OS
- Uniformed services contributes, but effect is varied

Research Question 2

- Are there trends indicating a change in citywide occupational segregation due to differences in civil service hiring practices?

| Title | Job Group | Percent Majority | Majority | Men (%) | Women (%) | Total Employees FY2018 Q4 | Class |
|-------------------------------------|--------------------|------------------|----------|---------|-----------|---------------------------|-----------------|
| BATTALION CHIEF | Fire Supervisor | 97.8 | White | 100.0 | 0.0 | 357 | Competitive |
| CAPTAIN (FIRE) | Fire Supervisor | 96.0 | White | 99.8 | 0.2 | 547 | Competitive |
| LIEUTENANT (FIRE) | Fire Supervisor | 89.9 | White | 99.6 | 0.4 | 1529 | Competitive |
| CARPENTER | Craft | 86.0 | White | 99.1 | 0.9 | 449 | Competitive |
| PLUMBER | Craft | 79.8 | White | 99.4 | 0.6 | 332 | Competitive |
| CHILD PROTECTIVE SPEC SUPERVISOR | Social Worker | 78.3 | Black | 18.7 | 81.3 | 525 | Competitive |
| CHILD WELFARE SPECIALIST | Social Worker | 78.1 | Black | 28.9 | 71.1 | 201 | Competitive |
| GENERAL SUPERINTENDENT (SANITATION) | Managers | 77.6 | White | 95.3 | 4.7 | 255 | Competitive |
| FIREFIGHTER | Firefighters | 74.3 | White | 99.0 | 1.0 | 8490 | Competitive |
| CITY SEASONAL AIDE | Laborers | 74.0 | Black | 49.3 | 50.7 | 1288 | Non-competitive |
| CAPTAIN (CORRECTION) | Police Supervisors | 72.7 | Black | 40.0 | 60.0 | 847 | Competitive |
| DIRECTOR OF FIELD OPERATIONS (CPS) | Managers | 72.4 | Black | 17.1 | 82.9 | 246 | Non-competitive |
| POLICE COMM. TECHNICIAN | Clerical | 71.8 | Black | 14.0 | 86.0 | 1227 | Competitive |
| ASSISTANT CORPORATION COUNSEL | Lawyers | 71.1 | White | 41.8 | 58.2 | 830 | Exempt |
| PROBATION OFFICER | Social Worker | 71.0 | Black | 31.6 | 68.4 | 586 | Competitive |
| ENVIRONMENTAL POLICE OFFICER | Police & Detective | 70.7 | White | 88.5 | 11.5 | 208 | Competitive |

- 20% of all employees are in non-competitive titles
- Only 2 of 16 most imbalanced titles

Research Question 3

- Do physically taxing jobs contribute to occupational segregation?

| Title | Job Group | Total Employees | % Male | Approximate Wages | Approximate Annual Wages* |
|---|-------------------|-----------------|--------|-------------------|---------------------------|
| Sewage Treatment Worker | Craft | 624 | 99.8% | \$42/hour | \$76,440 |
| Electrician | Craft | 436 | 99.7% | \$58/hour | \$105,560 |
| Oiler | Craft | 194 | 99.4% | \$57/hour | \$103,740 |
| Construction Laborer | Laborers | 306 | 99.9% | \$35/hour | \$67,340 |
| Plumber | Craft | 332 | 99.4% | \$51/hour | \$92,820 |
| <i>Largest Physically Taxing Title</i> | | | | | |
| Caretaker | Building Services | 3138 | 55.4% | \$43,079/year | \$43,079 |

- Top 5 gender-skewed “Physically Taxing” titles¹
- Median full-time annual base salary is \$68,277²

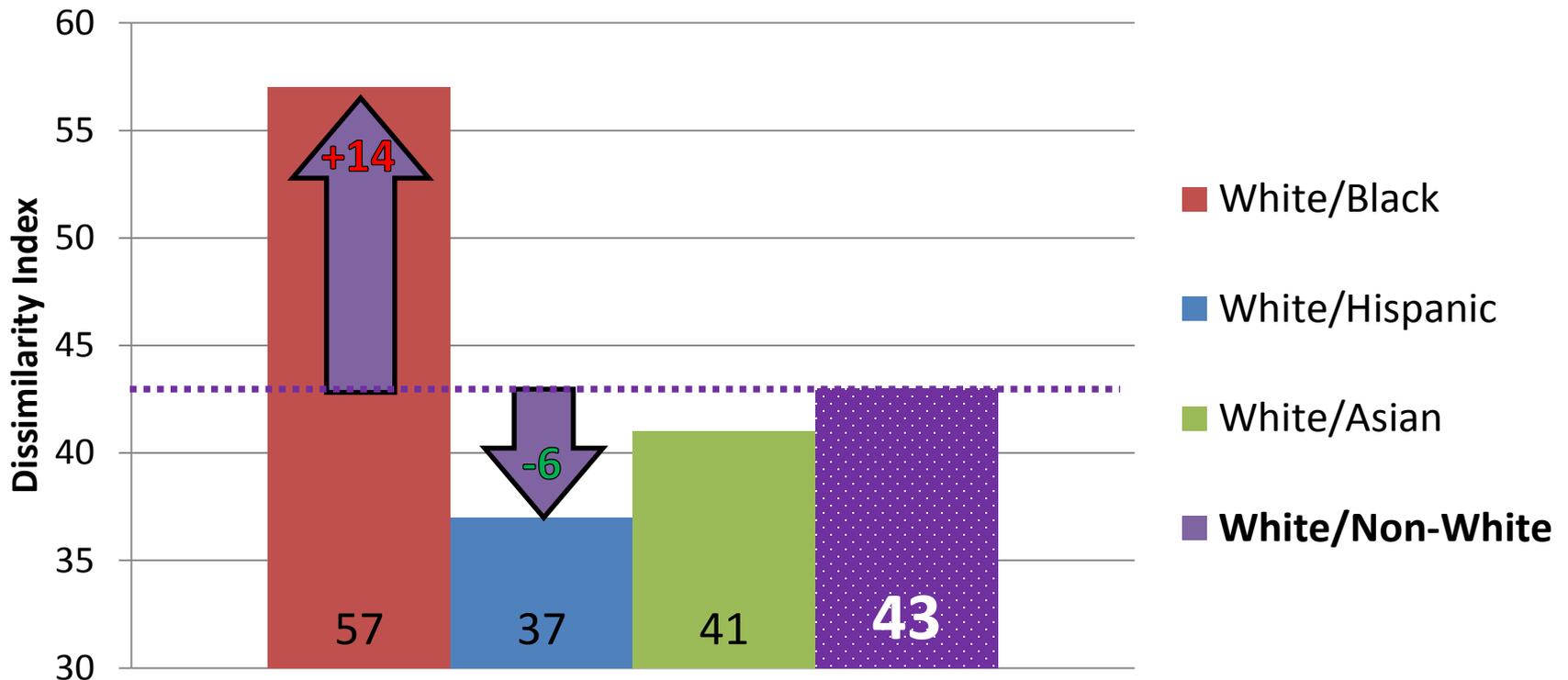
*Based on a 35 hour work week

¹From NYCERS Physically Taxing Titles Fact Sheet

²2016 Workforce Profile Report published by the Department of Citywide Administrative Services

Research Question 4

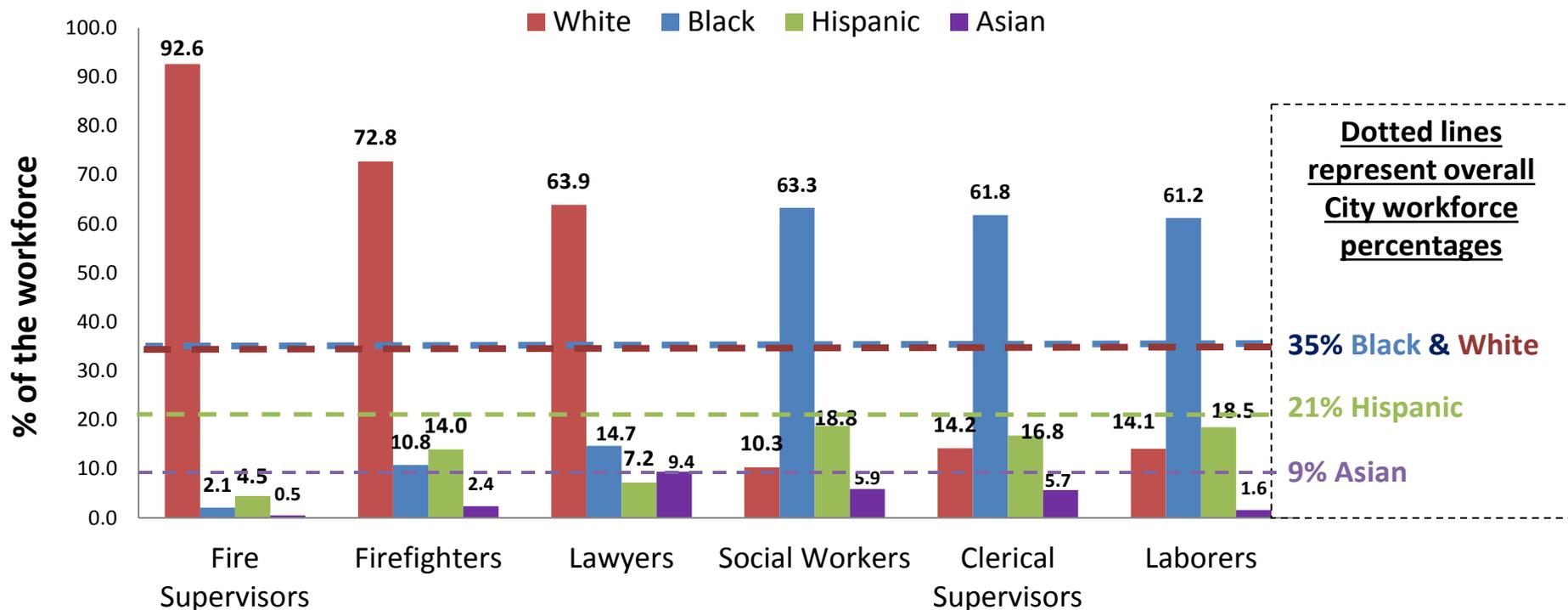
- Does occupational segregation affect all races and ethnicities equally?



- New dyad created: White/Non-white
- Indicates unique nature of White/Black occupational segregation

Research Question 4 cont'd

- Does occupational segregation affect all races and ethnicities equally?



- Six job groups with the greatest imbalances between Whites, Blacks, and non-Whites
- The White/Black occupational segregation is more pronounced than White/Hispanic and White/Asian segregation

Next Steps

- Gather data
 - CEEDS reports, applicant tracking, onboarding and exit surveys
- Calculate agency dissimilarity index and identify imbalances
- Conduct barrier analysis for all underutilized and overutilized job groups
- Consider cross-training, succession planning, transference of KSAs

Thank you

Appendix VII: Testimony - City Council

Testimony presented to the New York City Council in 2018. EEPC Executive Director Terry presented testimony regarding Sexual Harassment Best Practices to the Council's Committees on Civil and Human Rights and Women. The following pages contain the Executive Director's 2018 testimony to the New York City Council on February 28, 2018.

**Testimony before New York City Council
Committee on Civil and Human Rights and Committee on Women
February 28, 2018 at 1:00pm**

Charise Terry, Executive Director

Good afternoon members of the Committee on Women and the Committee on Civil and Human Rights, I am Charise Terry, Executive Director of the New York City Equal Employment Practices Commission. This Commission represented by Commissioner Elaine Reiss, appears before you today to present testimony on its role in instituting Best Practices and Policies for the prevention of Sexual Harassment in New York City government.

Created by the New York City Charter, the Equal Employment Practices Commission is an independent, non-mayoral City agency empowered to monitor and evaluate City agencies to ensure that they maintain effective equal employment opportunity (EEO) for employees and applicants from protected groups. Agencies which fall under this Commission's jurisdiction are those that are funded in whole or in part by the City treasury, those which the majority of the board members are appointed by the mayor, or those which the majority of the board members serve by virtue of being city officers. In order to promote equal employment opportunities, Chapter 36 of the City Charter authorizes the EEPC to monitor coordination of the affirmative employment programs established by the City; monitor the employment policies, programs and practices of City agencies; ensure compliance with the City's Human Rights Law, state and federal anti-discrimination laws and the EEPC's standards; and propose policy, legislative and/or regulatory recommendations to the Mayor, New York City Council, and Department of Citywide Administrative Services (DCAS).

Chapters 35 and 36 of the City Charter assigns to the EEPC powers and duties geared towards maintenance of equal opportunity employment programs which include, but are not limited to:

- reviewing and providing suggestions on the uniform standards, procedures and programs of DCAS as well as the plans adopted by city agencies;
- auditing and evaluating the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity at least once every four years and whenever requested by the civil service commission, the human rights commission, or the EEPC when deemed necessary;
- making a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, requiring appropriate corrective action, and monitoring the implementation of the corrective action prescribes;
- making policy, legislative and budgetary recommendations to the Mayor, City Council, DCAS or any city agency as deemed necessary to ensure equal employment opportunity within the City of New York; and
- requesting and receiving from any City agency, information and such assistance as may be necessary to carry out the provisions of the Charter.

To effectuate the aforementioned provisions, the City Charter assigns a Board of 5 per diem Commissioners. The Board is comprised of 2 appointees each from the Mayor and City Council, and a Chair jointly appointed by the Mayor and Speaker of the Council, who all serve in staggered 4-year terms. This arrangement is intended to ensure balance and insulation from political influence and to facilitate exercise of jurisdiction over the employment practices of mayoral and non-mayoral agencies, as well as the offices of elected officials and political appointees.

Sexual harassment impacts employment decisions and unreasonably interferes with work performance, thereby creating a barrier to equal employment opportunities. The City Charter authorizes the EEPC to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for females and minority group members. Thus, the EEPC has developed audit protocols that focus on the prevention of, and protection from, sexual harassment.

An audit is a methodical review, analysis and evaluation of an agency's employment-related practices (including EEO Program). The EEPC administers an audit to examine agencies efforts to: establish and maintain affirmative plans, measures, and programs to provide and remove barriers to employment opportunities; establish and institute firm policies against discriminatory employment practices; implement meaningful and responsive procedures for investigating discrimination complaints; and administer programs to educate employees about unlawful discrimination.

The EEPC has established various subject-area audits for the purpose of examining particular issues. The Discrimination Complaint and Investigation Procedure Audit (DCIPA) is such an audit. In 2014 and 2015, the EEPC administered the DCIPA to the agencies audited. In 2016 and 2017 the EEPC focused on agencies' recruitment and selection practices. Due to the recent wave of sexual harassment complaints within the private sector, during the EEPC's December 21, 2017 meeting the Board of Commissioners voted to modify this former audit, which focused on the intake and investigation of all types of discrimination complaints, and create a new audit with emphasis on the prevention of sexual harassment. While it is not the role of the EEPC to investigate individual complaints of employment discrimination or sexual harassment, the EEPC has determined that it is within our purview to audit, evaluate and monitor City agencies to ensure that they implement and maintain legally sound policies and procedures against sexual harassment, meaningful and responsive procedures for investigating sexual harassment complaints, and programs to educate employees about the prevention of sexual harassment. This audit, entitled the Sexual Harassment Prevention Audit (SHPA) is the subject matter focus for the Commission's 2018-2020 Audit Plans, and the focus of today's testimony.

Today, we have personnel from the EEPC's Research and Audit Units to describe the role the EEPC has and will assume in addressing the prevention of Sexual Harassment in New York City government via its audit mandate.

Patrick Boyle, Director of Research Initiatives and Public Hearings, EEPC Research Unit

Good afternoon members of the Committee on Women and the Committee on Civil and Human Rights, my name is Patrick Boyle, Director of Research Initiatives and Public Hearings of the EEPC's Research Unit. In 2018, the Equal Employment Practices Commission commenced its Audit Plan using the Sexual Harassment Prevention Audit (SHPA). In preparation for this type of audit, the EEPC has requested citywide complaint information from the Department of Citywide Administrative Services – Office of Citywide Diversity and Equal Employment Opportunity. The EEPC also requests from an agency during its audit, a breakdown of the number and types of discrimination complaints filed internally and externally.

This audit is intended to prepare agencies to address potential issues involving sexual harassment. Failure to carefully craft strategies preventing the occurrence of sexual harassment or the inability to

manage complaints that may be filed as a result of an incident are costly, not only in terms of financial resources but also the detrimental effects resulting in a hostile workplace, cultural discord, and negative public image.

The SHPA will assist agencies with implementing corrective actions intended to ensure compliance with federal, state, and local laws via the standard EEPC audit process. In addition, the audit can provide agencies with insight identified by the EEPC and guidelines proposed by authorities such as the EEOC and the SDHR.

The SHPA framework examines a series of equally important and intertwined components. As sexual harassment prevention initiatives must remedy a systemic disruption of the workplace, these components span the entirety of the workforce structure. Senior leadership, human resources departments, equal employment offices, learning and development functions, managers, and most importantly the individual employees all play vital roles in the prevention and protection initiative.

The initial component focuses on the formal sexual harassment policy that is set forth by the organization. The policy must contain certain elements that define the issues and procedures, while clarifying the roles and responsibilities of every employee. This policy should include the obligation to report incidents, how to file complaints, transparent investigatory processes, as well as potential disciplinary actions.

The next component focuses on the importance of leadership action. For successful sexual harassment prevention initiatives leadership must commit to assigning the required resources (e.g. time, budget, labor resources, etc.). This includes effective communications to management and other key stakeholders about the value of leadership accountability and constant vigilance to identify potential risks. This vigilance requires cultural awareness and a commitment to workforce data analyses.

Another component examines the available sexual harassment reporting and tracking system. The ideal process has guidelines in place that assist complainants and investigators through the process in a timely, well-documented, and efficient manner. Given the sensitive nature of reporting these events, a procedure that guarantees expedience, confidentiality, and anonymity when requested, for the complainant or whistleblower must be in place.

A subsequent component relies on sexual harassment prevention awareness and training. Employees at all levels should have access to information that allows them to proactively prevent instances, identify risk factors, react appropriately, and resolve potential issues regarding sexual harassment. Given the importance of leadership and managerial accountability, mandatory training for supervisors may be beneficial.

The final component concentrates on efforts put forth by agencies to ensure constant vigilance by leveraging workforce data and analytics. A thorough understanding of the current state of the organizational culture is imperative for proactive initiatives. Various sources of information can be used to provide insight, such as cultural pulse surveys, recurring complaint tracking reviews, and personnel

action trend analyses. This data can serve as a predictive sexual harassment risk assessment and direct leadership intervention or training strategies.

The aforementioned components are embedded in the EEPC's SHPA. Considering the potential impact of these components, we are confident that the SHPA will add significant value to the already vital function of EEPC audits.

Ilacia Zuell, Manager EEO Analysis and EEPC Audit Unit

Good afternoon, members of the Committee on Women and the Committee on Civil and Human Rights, my name is Ilacia Zuell, Manager of the EEO Analysis and EEPC Audit and I will be concluding this testimony.

The EEPC's Audit Unit consists of one manager and four to five EEO Program Analysts. EEO Program Analysts administer audits and serve as a resource to the EEPC Executive Director and Board members for any audit findings or conclusions. As aforementioned, the New York City Charter, Chapter 36, Section 831(d)(5) empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

During the SHPA, an EEO Program Analyst will review and examine: the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established meaningful and responsive procedures for receiving and investigating sexual harassment complaints; the agency's complaint tracking and monitoring system; the number and types of sexual harassment complaints the agency has received; the availability of personnel dedicated to complaint intake and investigation; (redacted) complaint files and supporting documentation that demonstrates complaints were investigated, a determination was made and remedial action was documented; and the roles and responsibilities of the EEO personnel, the Agency Counsel and the agency head in the complaint investigation procedures.

This Commission's audit methodology includes the collection and analysis of documents, records and data that an agency provides in response to an EEPC Document and Information Request Form and a review of the agency's Annual EEO Plans and Quarterly EEO Reports, if any. In addition, an EEO Program Analyst administers electronic interview questionnaires to each agency's principal EEO professional, principal Human Resources professional and legal staff involved in complaint investigation or complaint procedure administration or implementation. Once the data and questionnaires are analyzed, the EEO Program Analyst prepares determinations which delineate findings and prescribe corrective action in non-compliant areas. Subsequently, the agency is monitored for implementation of corrective action for up to six months. This process occurs for each agency at least once every 4 years.

Excessive discrimination complaints or a saturation of a particular complaint type are not prerequisites to this type of audit. In 2018, the EEPC will initiate the audit of 35 agencies using these protocols. Thereafter, all agencies under the EEPC's jurisdiction will receive SHPA within this quadrennial cycle.

Appendix VIII: Testimony - City Council

EEPC Executive Director Terry presented testimony before the New York City Council Committees on Civil Service and Labor and Civil and Human Rights. The following pages contain the Executive Director's 2018 testimony to the New York City Council on April 23, 2018.

**Testimony: New York City Council
Committee on Civil and Human Rights
April 23, 2018 at 1:00pm**

Good afternoon members of the Committee on Civil and Human Rights, I am Charise Terry, Executive Director of the New York City Equal Employment Practices Commission (EEPC). This Commission, represented by Commissioner Malini Daniel, appears before you today to present testimony on Introduction No. 0755-2018, which would require the EEPC to analyze and report annually on whether agencies are meeting their racial and ethnic affirmative employment goals and, when not, identify the underutilized or adversely impacted groups and provide recommendations on corrective action. It would also require the EEPC to report aggregate, citywide data and provide recommendations to improve diversity in recruitment, selection, retention and promotion of City government employees for five years.

The EEPC is an independent, non-mayoral City agency empowered to monitor and evaluate City agencies to ensure that they maintain effective equal employment opportunity (EEO) for employees and applicants from protected groups. Chapter 36, Section 831(d)(5) of the New York City Charter empowers the EEPC to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunities for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any agency plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action it prescribes.

Agencies which fall under the EEPC's jurisdiction are those which are funded, in whole or in part, by the City treasury; where the majority of the board members are appointed by the Mayor; or where the majority of the board members serve by virtue of being city officers. There are approximately 140 such agencies which consist of the office of the mayor and mayoral agencies, the city council, borough presidents, district attorneys, community colleges, public administrators, and community boards. The City Charter assigns to the EEPC powers and duties which include, but are not limited to, requesting and receiving information and assistance as may be necessary to carry out its provisions, and reviewing and providing suggestions on the uniform standards, procedures and programs of DCAS and city agencies.

The EEPC addresses its mandate, and the requirements of Introduction 0755-2018 through its audits. The EEPC's Employment Practices Audit (EPA), which specifically relates to the proposed legislation, was

conducted during 2016 and 2017. The EPA requires agencies to analyze their workforce statistics to determine whether there is underutilization, assess their selection processes to determine whether job qualifications and criteria are job-related and required by business necessity, and develop prospective recruitment and selection strategies that increase employment opportunities in job groups where underutilization is present.

The EPA's methodology includes the collection and analysis of documents, records and data that an agency provides in response to the *EEPC Document and Information Request*; the review of the *Diversity and EEO Plan* and *Quarterly Diversity and EEO Report* for each mayoral agency and similar reports for non-mayoral agencies; and the analysis of utilization data from the *Citywide Equal Employment Database System (CEEDS)*, which is provided to the EEPC quarterly by DCAS.

The EEPC's Analysts use the CEEDS data to ascertain the concentrations of race/gender groups within an agency's workforce, as well as underutilization. Where underutilization is revealed, the EEPC's Analysts assess whether an agency has undertaken measures to address it. As part of an audit, the EEPC issues a Preliminary Determination Letter which includes an evaluation of the agency's efforts, requires corrective action, if necessary, and attaches a CEEDS report for reference. In 2016, the EEPC initiated the automation, collection and tracking of agencies' responses during the compliance-monitoring phase of their audits via the use of TeamMate -- an audit management software program. At the end of a four-year cycle, all agencies under the EEPC's jurisdiction would have uploaded their responses using TeamMate, which would facilitate an appropriate comparison.

The EEPC's Board of Commissioners adopts a Resolution whenever a Determination is issued, and again when an agency completes the charter-mandated compliance-monitoring period. Currently, the EEPC's Resolutions, which indicate the corrective actions each agency has received and implemented, are available via the EEPC's Annual Reports, the EEPC's website, the New York City Municipal Archives and Library, and by direct request from the EEPC's office through a Freedom of Information Law (FOIL) request. In addition, the EEPC provides underlying audit documents to the Department of Records and Information Systems for the New York City Municipal Archives and Library and directly in response to FOIL requests.

In short, the EEPC evaluates, monitors, and publishes workforce diversity efforts through its audits. Accordingly, under our current mandate the EEPC performs a substantial portion of what the legislation proposes. Since a separate report, as required by Intro 0755-2018, may create redundancy, the EEPC is open to meeting with the Council and continuing a dialogue on how we may refine our approaches to making our information more accessible.

Appendix IX: Charter Revision

The EEPC Board of Commissioners submitted to the Mayor’s Charter Revision Commission and the City Council’s New York City Charter Revision Commission 2019 proposed language to revise Charter Chapter 36 to clarify the EEPC’s independence, establish a secure and autonomous budget, delineate the entities under the EEPC’s jurisdiction, and provide additional enforcement measures. The proposed revisions are included in the following pages.



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Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

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BY EMAIL

May 23, 2018

Cesar Perales
Chairperson
2018 Charter Revision Commission

Dear Chairperson Perales,

The Equal Employment Practices Commission (EEPC or Commission) takes this unique opportunity to provide the attached amendments to the New York City Charter Chapter 36. It is the combined experience of the Board of Commissioners that the attached changes would serve to strengthen the EEPC's efficacy in performing the duties mandated under the New York City Charter.

Background

The EEPC is an independent, non-mayoral City agency empowered to monitor and evaluate government agencies and entities to ensure that they maintain effective equal employment opportunity for employees and applicants from protected groups. Chapter 36, Section 831(d)(5) of the New York City Charter empowers the EEPC to audit and evaluate the employment practices and procedures of agencies and their efforts to ensure fair and effective equal employment opportunities for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any agency or entity's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action it prescribes.

The proposed revisions serve to clarify the EEPC's independence, establish a secure and autonomous budget, delineate the entities under jurisdiction, and provide additional enforcement measures when the EEPC determines that an agency or entity has not taken appropriate and effective corrective action to remove barriers to equal employment opportunity.

Independence

As a result of its audits, the EEPC is tasked with providing agencies, officials and, upon request, the public with nonpartisan information pertaining to employment practices, policies and procedures, as well as, making related legislative and budgetary recommendations to the Department of Citywide Administrative Services, the Office of the Mayor and the New York City Council. The EEPC seeks to properly establish and preserve independence in its budget structure by using a comparative appropriations model similar to the fiscal structure of the Independent Budget Office.¹ The Office of the Comptroller is selected as the

¹ Chapter 11 §259(b) provides that the appropriations available to pay for the expenses of the independent budget office should not be less than ten percentum of the appropriations available to pay for the expenses of the office of management and budget during such fiscal year.



comparator due to the similarity in independence and duty to audit the programs and activities of each agency and thus safeguarding the City from fraud, waste, and abuse in employment practices.² The proposed strategy anchoring the amount of the EEPC's budget to a set percentage of that of the New York City Comptroller will stabilize the fiscal structure of the EEPC and its ability to operate independently.

Jurisdiction

Throughout the years, a considerable amount of the EEPC's time has been spent responding to challenges pertaining to its authority and jurisdiction.³ The definition of agency established in New York City Charter Chapter 36 warrants elucidation and delineation of agencies within the EEPC's authority to provide clarity and avert jurisdictional arguments. The additional language proposed is consistent with criteria applied in the Opinion of the New York City Corporation Counsel No. 11-90, and subsequent opinions, which examined whether and to what extent the provisions of New York City Charter Chapter 36 extend to governmental entities.⁴

Additional language serves to clarify that it is within the EEPC's enumerated powers and duties to request and receive from every agency or entity, an annual plan of measures and programs that prevent, diminish, or eliminate barriers to equal opportunity employment, and at minimum annual reports on efforts to implement the plan. Currently, some non-mayoral agencies are reluctant to comply, as the authority for the request appears to be limited to agencies bound by New York City Charter Section 815(a) (19).

Additional Enforcement Measures

Currently, the EEPC's enforcement authority is limited to publishing a report and recommending to the Mayor whatever appropriate corrective action the Commission deems necessary to ensure compliance with equal employment opportunity. This is insufficient, since the EEPC also has jurisdiction over non-mayoral entities. The proposed language establishes additional enforcement, which ensures that mayoral as well as non-mayoral agencies remedy practices which do not provide equal employment opportunity.

The EEPC requests a meeting to discuss the aforementioned revisions in greater detail. The Charter Revision Commission may contact me directly at cterry@eepc.nyc.gov or 212-615-8933 to arrange a mutual date and time. This Commission looks forward to meeting with you.

Charise L. Terry

A handwritten signature in blue ink that reads "Charise L. Terry".

Executive Director

² The number of agencies subject to EEPC audit as defined in Chapter 36 is greater than the number subject to audit by the Office of the Comptroller.

³ For example, the New York City Council's February 28, 2018 Briefing Paper of The Human Services and Governmental Affairs Divisions states with regard to the EEPC, "The EEPC opines that it has jurisdiction over 140 city entities, and may conduct audits either routinely, or upon the request of the Civil Service Commission or CCHR." Moreover, the City Council itself continues to challenge the EEPC's authority to audit its employment practices.

⁴ Corporation Counsel issued opinions regarding EEPC jurisdiction in 2000 regarding NYCTA, 2003 regarding CUNY and the Offices of the District Attorneys, and 2014 regarding the New York City Council.

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

- a. There shall be an *independent* equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs, *including, but not limited to, workforce, compensation and complaint information, of 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 entity 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, and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city*, 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 *municipal agencies or entities*.
- 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. *A new member shall be appointed within 120 days of any vacancy.*
- 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 appropriations available to pay for the expenses of the commission during each fiscal year shall not be less than ten percentum of the appropriations available to pay for the expenses of the office of comptroller during such fiscal year.* 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, *including but not limited to areas such as recruitment, selection, training, promotion, compensation, and policy dissemination*, 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 *or entity* 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, *and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city* including *but not limited to*, 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, *office of the actuary office of administrative tax appeals, office of administrative trials and hearings, department for the aging,*

borough president's offices of the bronx, brooklyn, manhattan, queens, and staten island, department of buildings, business integrity commission, campaign finance board, administration for children's services, city clerk/clerk of the council, city commission on human rights, city community colleges, office of the city comptroller, new york city council, department of city planning, department of citywide administrative services, civil service commission, civilian complaint review board, office of collective bargaining, community boards of the bronx, brooklyn, manhattan, queens, and staten island, conflicts of interest board, department of consumer affairs, board of correction, department of correction, department of cultural affairs, department of design and construction, district attorney's offices of the bronx, kings, new york, queens and richmond county, department of education, board of education retirement system, office of emergency management, new york city employees' retirement system, department of environmental protection, department of finance, financial information services agency, new york fire department, department of health & mental hygiene, department of homeless services, department of housing preservation and development, department of human resources administration/department of social services,, independent budget office, department of information technology and telecommunications, department of investigation, office of labor relations, landmarks preservation commission, new york law department, office of management and budget, office of the mayor, department of parks and recreation, office of payroll administration, new york police department, new york city police pension fund, department of probation, public administrator's offices of the bronx, kings, new York, queens and richmond county, office of the public advocate, department of records and information services, department of sanitation, department of small business services, office of special narcotics prosecutor, board of standards and appeals, taxi and limousine commission, teachers' retirement system, department of transportation, department of youth and community development and every other entity that meets the criteria set forth in subdivision a of paragraph eight hundred thirty; 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 **municipal agencies or entities**, 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 **municipal agencies or entities** required by section eight hundred fifteen to establish agency programs

b. The commission may request and shall receive from any **municipal agency or entity** 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 **municipal agencies or entities** in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency **or entity** 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 **municipal agencies or entities**, 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 *municipal agencies or entities*;

3. *to request and receive annually from any municipal agency or entity, as defined in subdivision a of paragraph eight hundred thirty, an annual plan of measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity, and that prevent, diminish, or eliminate barriers to equal opportunity employment, and at minimum annual reports on efforts to implement the plan;* and to recommend to any *municipal agency or entity* actions which such agency *or entity* should consider including in its next annual plan;

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

5. to audit and evaluate the employment practices and procedures of each *municipal agency or entity* 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 *municipal agency or entity* 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 *municipal agency's or entity'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 *municipal agencies or entities*;

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 *municipal agencies or entities*; 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 **municipal** agency **or entity** 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 **or entity** has not provided equal employment opportunity, the commission shall notify the agency **or entity** in writing of this determination and provide an opportunity for the agency **or entity** to respond. If the commission, after consideration of any such response and after consulting with the agency or entity, concludes that the corrective actions, if any, taken or planned by the agency **or entity** 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 **or entity** 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 **or entity** has not taken appropriate and effective corrective action, the commission shall notify the agency **or entity** in writing of this determination and the commission may thereafter publish a report **which may include, but not be limited to, a recommendation to restrict the agency or entity from using the non-compliant practice in future employment decisions until such corrective action is undertaken** and recommend to the **new york city comptroller, the office of management and budget, and the mayor, as chief executive officer of the municipality**, whatever **additional** 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 or entity 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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BY EMAIL

October 12, 2018

Gail Benjamin
Chair
New York City Charter Revision Commission 2019
250 Broadway
New York, New York 10007

Dear Chair Benjamin,

The Equal Employment Practices Commission (EEPC) takes this unique opportunity to propose the attached amendments to Chapter 36 of the New York City Charter (Charter). Drawing from the combined experience of its Commissioners, the EEPC submits the proposed language to strengthen its operational efficacy and enhance the EEPC's ability to perform its Charter mandated duties. Furthermore, the proposed Charter revisions fall within the Charter Revision Commission's mission to strengthen the City Council's advise and consent role and to approve mayoral appointees to City agencies and commissions.

Background

The EEPC is an independent, non-mayoral City agency empowered to monitor and evaluate government agencies and entities to ensure they maintain effective equal employment opportunity for employees and applicants from protected groups. Chapter 36, Section 831(d)(5) of the Charter empowers the EEPC to audit and evaluate agencies' employment practices and procedures, and their efforts to ensure fair and effective equal employment opportunities for women and minority employees and applicants seeking employment. Charter sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any agency or entity's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action it prescribes.

Approval of Mayoral Appointees to City Agencies and Commissions

To effectuate the EEPC's responsibilities, the Charter authorizes a Board consisting of 5 per diem Commissioners: 2 Mayoral appointees, 2 City Council appointees, and a jointly appointed Chairperson. This arrangement ensures balance and the EEPC's insulation from political influence, and facilitates its exercise of jurisdiction over the employment practices of both mayoral and non-mayoral agencies, as well as the offices of elected officials and political appointees. Since 2018, the EEPC's Board has been operating without a Chairperson.

The EEPC's proposed language regarding the appointment of new Board



members will strengthen both the City Council's role in approving mayoral appointees and the EEPC's operational efficiency and performance of its Charter mandated duties.

Independence

As a result of its audits, the EEPC is tasked with providing agencies, officials and, upon request, the public with nonpartisan information pertaining to employment practices, policies and procedures, as well as, making related legislative and budgetary recommendations to the Department of Citywide Administrative Services, the Office of the Mayor and the New York City Council. To maintain its neutrality, the EEPC seeks to establish and preserve independence in its budget structure by using a comparative appropriations model similar to the fiscal structure of the Independent Budget Office.¹ The Office of the Comptroller is selected as the comparator based on its similarity to the EEPC in its independence and its duty to audit agency programs and activities to safeguard the City from fraud, waste, and abuse in employment practices.² The proposed budget structure anchoring the amount of the EEPC's budget to a set percentage of the New York City Comptroller's appropriations will stabilize the EEPC's fiscal structure, thus preserving its ability to operate independently.

Jurisdiction

Since its inception, the EEPC has diverted a considerable amount of time from its Charter mandated responsibilities to respond to challenges pertaining to its authority and jurisdiction.³ To provide clarity and avert jurisdictional arguments, the definition of *agency* established in Charter Chapter 36 warrants elucidation and delineation of the municipal entities within the EEPC's oversight. The EEPC's proposed supplementary language is consistent with criteria applied in the Opinion of the New York City Corporation Counsel No. 11-90, and subsequent opinions, which examined whether, and to what extent, the provisions of New York City Charter Chapter 36 extend to governmental entities.⁴

Strengthening the City Council's Advise and Consent Role

The EEPC proposes supplementary language to clarify that the EEPC's enumerated powers and duties include the right to request and receive from every agency or entity, an annual plan of measures and programs that prevent, diminish, or eliminate barriers to equal opportunity employment, and at minimum, annual reports on efforts to implement those annual plans. Currently, some non-mayoral agencies are reluctant to comply, as the authority for the EEPC's request is derived from Charter section 815(a)(19), which can appear to be limited to mayoral agencies. Furthermore, the proposed Charter revisions are consistent with the goals and spirit of City Council Int. No. 755⁵.

Additional Enforcement Measures

Currently, the EEPC's enforcement authority is limited to publishing a report and recommending to the Mayor whatever appropriate corrective action the EEPC deems necessary to ensure compliance with equal employment opportunity. Because the EEPC also has jurisdiction over non-mayoral entities, however, this means of enforcement of its recommendations has been largely ineffective. The EEPC's proposed language

¹ Chapter 11 §259(b) provides that the appropriations available to pay for the expenses of the independent budget office should not be less than ten percentum of the appropriations available to pay for the expenses of the office of management and budget during such fiscal year.

² The number of agencies subject to EEPC audit as defined in Chapter 36 is greater than the number subject to audit by the Office of the Comptroller.

³ For example, the New York City Council's February 28, 2018 Briefing Paper of The Human Services and Governmental Affairs Divisions states with regard to the EEPC, "The EEPC *opines* that it has jurisdiction over 140 city entities, and may conduct audits either routinely, or upon the request of the Civil Service Commission or CCHR."

⁴ Corporation Counsel issued opinions regarding the EEPC's jurisdiction in 2000 regarding NYCTA, 2003 regarding CUNY and the Offices of the District Attorneys, and 2014 regarding the New York City Council.

⁵ Int. No. 755 is a Local Law proposed by Council Member Eugene requiring the EEPC to analyze and report annually on citywide racial and ethnic classification underutilization and adverse impact.



establishes additional avenues for enforcement to ensure that both mayoral and non-mayoral agencies comply in remedying practices that do not provide equal employment opportunity.

The proposed Charter revisions serve to clarify the EEPC's independence, establish a secure and autonomous budget, delineate the entities under its jurisdiction, and provide additional enforcement measures when the EEPC determines that an agency or entity has not taken appropriate and effective corrective action to remove barriers to equal employment opportunity.

The EEPC requests a meeting to discuss the aforementioned Charter revisions in greater detail. The Charter Revision Commission may contact the EEPC's Executive Director Charise Terry at cterry@eepc.nyc.gov or 212-615-8933 to arrange a mutual date and time. The EEPC looks forward to meeting with you.

Regards,

A handwritten signature in black ink, appearing to read "Arva Rice". The signature is fluid and cursive, with a large initial "A" and "R".

Arva Rice
Commissioner



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

- a. There shall be an *independent* equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs, *including, but not limited to, workforce, compensation and complaint information, of 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 entity 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, and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city,* 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 *municipal agencies or entities.*
- 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. *A new member shall be appointed within 120 days of any vacancy.*
- 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 appropriations available to pay for the expenses of the commission during each fiscal year shall not be less than ten percentum of the appropriations available to pay for the expenses of the office of comptroller during such fiscal year.* 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, *including but not limited to areas such as recruitment, selection, training, promotion, compensation, and policy dissemination,* 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 *or entity* 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, *and the administration of its personnel is subject to the provisions of the civil service law, rules and regulations of New York city* including *but not limited to,* 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, *office of the actuary office of administrative tax appeals, office of administrative trials and hearings, department for the aging, borough president's offices of the bronx, brooklyn, manhattan,*

queens, and staten island, department of buildings, business integrity commission, campaign finance board, administration for children's services, city clerk/clerk of the council, city commission on human rights, city community colleges, office of the city comptroller, new york city council, department of city planning, department of citywide administrative services, civil service commission, civilian complaint review board, office of collective bargaining, community boards of the bronx, brooklyn, manhattan, queens, and staten island, conflicts of interest board, department of consumer affairs, board of correction, department of correction, department of cultural affairs, department of design and construction, district attorney's offices of the bronx, kings, new york, queens and richmond county, department of education, board of education retirement system, office of emergency management, new york city employees' retirement system, department of environmental protection, department of finance, financial information services agency, new york fire department, department of health & mental hygiene, department of homeless services, department of housing preservation and development, department of human resources administration/department of social services,, independent budget office, department of information technology and telecommunications, department of investigation, office of labor relations, landmarks preservation commission, new york law department, office of management and budget, office of the mayor, department of parks and recreation, office of payroll administration, new york police department, new york city police pension fund, department of probation, public administrator's offices of the bronx, kings, new York, queens and richmond county, office of the public advocate, department of records and information services, department of sanitation, department of small business services, office of special narcotics prosecutor, board of standards and appeals, taxi and limousine commission, teachers' retirement system, department of transportation, department of youth and community development and every other entity that meets the criteria set forth in subdivision a of paragraph eight hundred thirty; 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 **municipal agencies or entities**, 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 **municipal agencies or entities** required by section eight hundred fifteen to establish agency programs

b. The commission may request and shall receive from any **municipal agency or entity** 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 **municipal agencies or entities** in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency **or entity** 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 **municipal agencies or entities**, 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 *municipal agencies or entities*;

3. *to request and receive annually from any municipal agency or entity, as defined in subdivision a of paragraph eight hundred thirty, an annual plan of measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity, and that prevent, diminish, or eliminate barriers to equal opportunity employment, and at minimum annual reports on efforts to implement the plan; and to recommend to any municipal agency or entity actions which such agency or entity should consider including in its next annual plan;*

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

5. to audit and evaluate the employment practices and procedures of each *municipal agency or entity* 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 *municipal agency or entity* 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 *municipal agency's or entity'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 *municipal agencies or entities*;

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 *municipal agencies or entities*; 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 **municipal agency or entity** 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 **or entity** has not provided equal employment opportunity, the commission shall notify the agency **or entity** in writing of this determination and provide an opportunity for the agency **or entity** to respond. If the commission, after consideration of any such response and after consulting with the agency or entity, concludes that the corrective actions, if any, taken or planned by the agency **or entity** 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 **or entity** 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 **or entity** has not taken appropriate and effective corrective action, the commission shall notify the agency **or entity** in writing of this determination and the commission may thereafter publish a report **which may include, but not be limited to, a recommendation to restrict the agency or entity from using the non-compliant practice in future employment decisions until such corrective action is undertaken** and, **consistent with paragraph six of subdivision d of section eight hundred thirty-one,** recommend to the **new york city comptroller, the office of management and budget, and the mayor, as chief executive officer of the municipality,** whatever **additional** 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 or entity 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.~~



**2018
ANNUAL REPORT**

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