

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/466C-16:** Determination of **Compliance** (Monitoring Period Required) by the Borough of Manhattan Community College with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from January 1, 2014 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Borough of Manhattan Community College's (BMCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 26, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the *City University of New York (CUNY) Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment* current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints, and the agency's employment policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central 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, in addition to the above, also captures the *applicants'/candidates' disability or veteran status*.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. 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.
9. Submit to the EEPD 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 Borough of Manhattan Community College submitted its response to the EEPD's Preliminary Determination letter, on June 8, 2016; 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 July 8, 2016, with corrective actions 1, 2, 3, 4, 5, 6, 7, 8, and 9, remaining; and

**Whereas**, the Borough of Manhattan Community College submitted its response to the EEPD's final determination letter, on August 23, 2016, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from July 2016 through December 2016, with no extension of the monitoring period; and

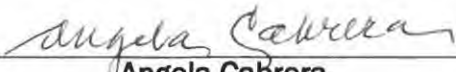
**Whereas**, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the Borough of Manhattan Community College submitted a copy of the agency head's memorandum to staff dated November 22, 2016, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to the agency's EEO Program; 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 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,

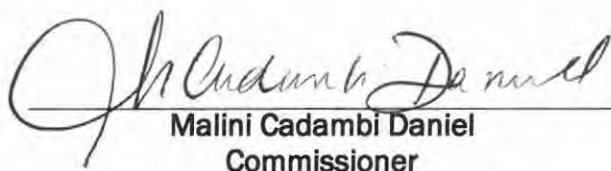
**Be It Resolved**, that the Borough of Manhattan Community College has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission will forward this Final Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

Approved unanimously on December 15, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

Abstain  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016AP/466C-33:** Determination of **Compliance** (Monitoring Period Required) by the Bronx Community College 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, 2013 to December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Bronx Community College (BCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 1, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit 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. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the ethnicity, gender, disability or veteran status, of each applicant, and recruitment source.
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. 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 BCC submitted its response to the EEPCC's Preliminary Determination letter, on July 15, 2016, with documentation of its actions to rectify required corrective action #7, 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 July 22, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1 - 6, remaining;

**Whereas**, the BCC submitted its response to the EEPCC's final determination letter, on August 12, 2016, 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 remaining corrective actions from August 2016 through January 2017 with no extension of the monitoring period;

**Whereas**, at the EEPCC's request pursuant to Section 815.a.(15) of the New York City Charter, the BCC submitted a copy of the agency head's memorandum to staff dated February 15, 2017 which outlined the corrective actions implemented in response to the EEPCC's audit and reiterated his 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 BCC 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 a Determination of Compliance to the Dr. Thomas A. Isekenegbe, President of the Bronx Community College.

Approved unanimously on February 16, 2017.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

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

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016AP/468C-27:** Determination of **Compliance** (Monitoring Period Required) by the Eugenio Maria de Hostos Community College 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, 2013 through December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Eugenio Maria de Hostos Community College's (Hostos) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 10, 2016, setting forth findings and the following required corrective actions:

1. Include current contact information for federal, state and local agencies that enforce laws against discrimination in the agency's EEO Policy.
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 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.
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 CUNY Central, Civil Service Unit 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. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes applicants'/candidates' ethnicity, gender, disability or veteran status, interview date, interviewers' names, reason selected/ not selected, and recruitment sources.
8. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
9. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, Hostos submitted its response to the EEPC's Preliminary Determination letter, on May 23, 2016, with documentation of its actions to rectify required corrective actions nos. 2 and 7; 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 8, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions nos., 1, 3-6, and 8-10 remaining; and

**Whereas**, Hostos submitted its response to the EEPC's final determination letter, on August 2, 2016; 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 July 2016 through December 2016 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, Hostos submitted a copy of the agency head's memorandum to staff dated February 14, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated



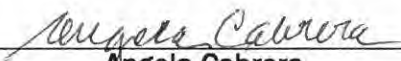
his commitment to the agency's EEO Program; and

**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 Eugenio Maria de Hostos Community College 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 the Determination of Compliance to Dr. David Gómez, President of the Eugenio Maria de Hostos Community College.

Approved unanimously on February 16, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

ABSTAINED  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016AP/465C-34:** Determination of **Compliance** (Monitoring Period Required) by the Kingsborough Community College 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, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Kingsborough Community College (KCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 20, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy current contact information for the federal, state and local agencies that enforce laws against discrimination, and an up-to date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency 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. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's 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.
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 the CUNY Central, Civil Service Unit 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 promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
8. Use and maintain an applicant; candidate log or tracking system which, in addition to the above, includes the disability or veteran status 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. 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.
10. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; and that the Human Resources Professional involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
11. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; and that the Human Resources Professional involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
12. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment



opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the KCC submitted its response to the EEPC's Preliminary Determination letter, on August 2, 2016, with documentation of its actions to rectify required corrective actions #7 and 8, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on August 11, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1 - 6 and 9 - 13, remaining;

**Whereas**, the KCC submitted its response to the EEPC's final determination letter, on September 9, 2016, 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 2016 through January 2017 with no extension of the monitoring period;

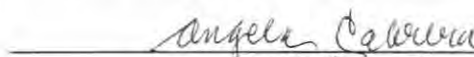
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the KCC submitted a copy of the agency head's memorandum to staff dated February 16, 2017 which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to 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 KCC 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 a Determination of Compliance to the Farley Herzek, President of the Kingsborough Community College.

Approved unanimously on February 16, 2017.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

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



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

**RESOLUTION #2016AP/469C-35** Determination of **Compliance** (Monitoring Period Required) by the Fiorello H. LaGuardia Community College with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Fiorello H. LaGuardia Community College's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Fiorello H. LaGuardia Community College's (LGACC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated August 15, 2016, 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 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: an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the federal, state and local agencies that enforce laws against discrimination.
3. 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 in order to correct deficiencies (e.g. underutilization or adverse impact).
4. 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 CUNY Central 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. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *disability or veteran status, interview date, interviewers' names, result, and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. 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.
9. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding 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.

**Whereas**, the LGACC submitted its response to the EEPCC's Preliminary Determination letter, on August 29, 2016, with documentation of its actions to rectify required corrective actions No. 5 and 7; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC issued a Final Determination on September 2, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions No., 1 - 4, 6, and 8 - 10, remaining; and

**Whereas**, the LGACC submitted its response to the EEPCC's final determination letter, on October 3, 2016; 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 remaining corrective actions from September 2016 through February 2017 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 LGACC submitted a copy of the agency head's memorandum to staff dated March 13, 2017,

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

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

**Be It Resolved**, that the Fiorello H. LaGuardia Community College has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**, that the Commission will forward the Determination of Compliance to the President Dr. Gail O. Mellow of the Fiorello H. LaGuardia Community College.

Approved unanimously on March 30, 2017.

  
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Angela Cabrera  
Commissioner

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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/464C-14:** Determination of **Compliance** (Monitoring Period Required) by the Queensborough Community College 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, 2012 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Queensborough Community College's (QCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 17, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. 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.
3. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the applicant's/candidate's *disability or veteran status*.
4. 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 Queensborough Community College submitted its response to the EEPC's Preliminary Determination letter, on June 28, 2016, with documentation of its actions to rectify required corrective actions nos. 3 and 4; 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 8, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions nos. 1 and 2 remaining; and

**Whereas**, the Queensborough Community College submitted its response to the EEPC's Final Determination letter, on August 31, 2016, 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 July 2016 through October 2016 with no extension of the monitoring period; and

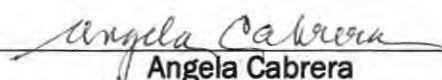
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Queensborough Community College submitted a copy of the agency head's memorandum to staff dated October 25, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

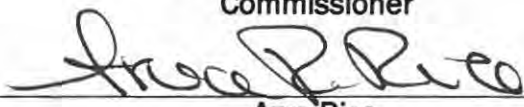
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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


**Be It Resolved**, that the Queensborough Community College 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.

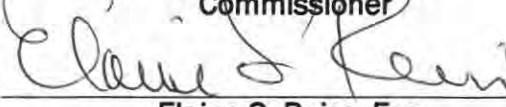
**Be It Resolved**, that the Commission will forward this Final Determination to Dr. Diane B. Call, President of Queensborough Community College.

Approved unanimously on November 3, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/312C-20:** Determination of **Compliance** (Monitoring Period Required) by the Conflicts of Interest Board with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Conflicts of Interest Board's (COIB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 12, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Implement an EEO training plan to ensure that all new and existing employees, 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. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

5. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.
7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO professional regarding decisions that impact the administration and operation of the EEO program.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPD 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 COIB submitted its response to the EEPD's Preliminary Determination letter, on May 23, 2016, with documentation of its actions to rectify required corrective action no. 4; 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 June 14, 2016, with corrective actions #1, #2, #3, #5, #6, #7, #8, #9 and #10, remaining;

**Whereas**, the COIB submitted its response to the EEPD's final determination letter, on August 12, 2016, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from July, 2016 to December, 2016, with no extension of the monitoring period;

**Whereas**, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the COIB submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated her commitment to the agency's EEO Program; 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 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 Conflicts of Interest Board 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 Carolyn Lisa Miller of the Conflicts of Interest Board.

Approved unanimously on December 15, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner



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

**RESOLUTION #2016/073C-10:** Determination of **Compliance** (Monitoring Period Required) by the Board of Correction 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, 2012 to June 30, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Board of Correction's (BOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 8, 2015 setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.
4. 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.

5. 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.
6. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; and involves the principal EEO Professional in EEO-related matters.
7. Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
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.
9. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
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).

**Whereas**, the BOC submitted its response to the EEPC's Preliminary Determination letter, on October 23, 2015 with documentation of its actions to rectify required corrective actions nos. 1, 3 and 7; 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 4, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions nos. 2, 4, 5, 6, 8, 9 and 10, remaining;

**Whereas**, the BOC submitted its response to the EEPC's final determination letter, on December 4, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from July 1, 2012 to June 30, 2015, with no extension of the monitoring period;

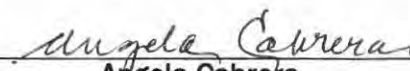
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the BOC submitted a copy of the agency head's memorandum to staff dated May 5, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

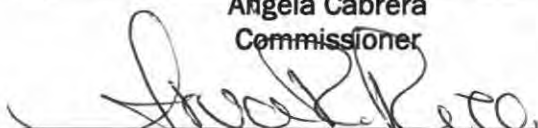
**Whereas**, all of the EEP's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

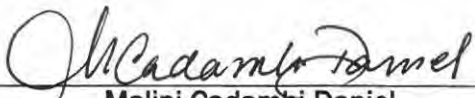
**Be It Resolved**, that the Board of Correction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

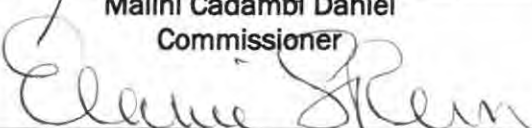
**Be It Resolved**, that the Commission will forward this Final Determination to Martha King, Executive Director, the Board of Correction.

Approved unanimously on June 16, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016AP/072C-23:** Determination of **Compliance** (Monitoring Period Required) by the Department of Correction 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, 2013 through December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Department of Correction (DOC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 3, 2016, setting forth findings and the following required corrective actions:

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



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

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, in addition to the aforementioned fields also captures the ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected 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.
7. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, and that the Human Resources Professional involves the principal EEO professional in EEO-related matters and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

**Whereas**, the DOC submitted its response to the EEPD's Preliminary Determination letter, on June 16, 2016,

**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 July 6, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #, remaining;

**Whereas**, the DOC submitted its response to the EEPD's final determination letter, on August 2, 2016, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from July 2016 through December 2016 with no extension of the monitoring period;

**Whereas**, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the DOC submitted a copy of the agency head's memorandum to staff dated January 13, 2017, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to the agency's EEO Program; 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 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 DOC 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 Final Determination to the Joseph Ponte Commissioner, the Department of Correction.

Approved unanimously on January 19, 2017.

 _____ Angela Cabrera Commissioner	 _____ Malini Cadambi Daniel Commissioner
 _____ Arva Rice Commissioner	 _____ Elaine S. Reiss, Esq. Commissioner

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

**RESOLUTION #2016/850C-17:** Determination of **Compliance** (Monitoring Period Required) by the Department of Design and Construction with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, 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. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female- oriented publications or contact organizations serving women, minorities, and other protected groups 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).



**Whereas**, DDC submitted its response to the EEPC's Preliminary Determination letter, on May 11, 2016; 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 June 1, 2016 which indicated that corrective actions Nos. 1 – 4 require compliance monitoring; and

**Whereas**, DDC submitted its response to the EEPC's Final Determination letter, on July 8, 2016; 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 June 2016 – October 2016, 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, DDC submitted a copy of the agency head's memorandum to staff dated November 7, 2016, 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,

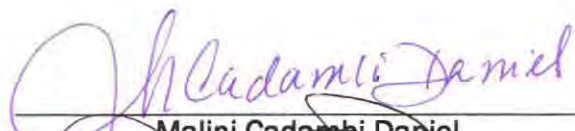
**Be It Resolved**, that the Department of Design and Construction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

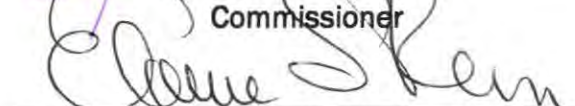
**Be It Resolved**, that the Commission will forward this Final Determination to Commissioner Feniosky Peña-Mora of the Department of Design and Construction.

Approved unanimously on December 15, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner



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

**RESOLUTION #2016AP/902C-21:** Determination of **Compliance** (Monitoring Period Required) by the Office of the Bronx County District Attorney with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Bronx County District Attorney's (BCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 24, 2016, setting forth findings and the following required corrective actions:

1. Re-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 an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
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) and the agency's employment practices 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. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. 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.
9. Ensure that all employees have access to information regarding performance evaluation standards, and training opportunities.
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 EEPD 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,** BCDA submitted its response to the EEPD's Preliminary Determination letter, on June 6, 2016, with documentation of its actions to rectify required corrective actions Nos. 1, 9, 12, and 13; 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 June 16, 2016 which indicated that corrective actions Nos. 2 – 8, 10 and 11 require compliance monitoring; and

**Whereas,** BCDA submitted its response to the EEPD's Final Determination letter, on July 18, 2016; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the corrective actions from July 2016 – December 2016, with no extension of the monitoring period; and

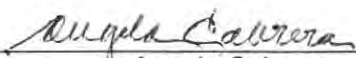
**Whereas,** at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, BCDA submitted a copy of the agency head's memorandum to staff, dated January 11, 2017, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated her commitment to the agency's EEO Program; and

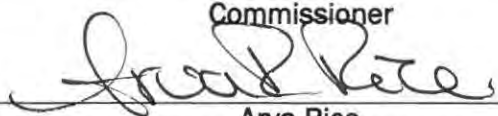
**Whereas,** all of the EEPD's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

**Be It Resolved,** that the Office of the Bronx County District Attorney 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 Final Determination to District Attorney Darcel D. Clark of the Office of the Bronx County District Attorney.

Approved unanimously on January 19, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner



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

**RESOLUTION #2016AP/903C-25:** Determination of **Compliance** (Monitoring Period Required) by the Office of the King's County District Attorney 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, 2013 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 King's County District Attorney's (KCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 17, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's 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.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are



updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that all 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, 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 all applicants, 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.
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).
9. Submit to the EEPD 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 KCDA submitted its response to the EEPD's Preliminary Determination letter, on July 1, 2016, with documentation of its actions to rectify required corrective actions #3, 6, and 9; 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 July 8, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1, 2, 4, 5, 7, and 8 remaining; and

**Whereas**, the KCDA submitted its response to the EEPD's final determination letter, on August 8, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from July 2016 through December 2016 with no extension of the monitoring period; and

**Whereas**, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the KCDA submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to

the agency's EEO Program; and

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

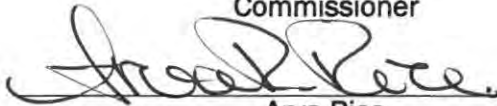
**Be It Resolved**, that the Office of Kings County District Attorney has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission will forward this Final Determination to the Acting District Attorney Eric Gonzalez, of the Office of the Kings County District Attorney.


Approved unanimously on January 19, 2017.



Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/901C-13:** Determination of **Compliance** (Monitoring Period Required) by the Office of the New York County District Attorney 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 through December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Office of the New York County District Attorney's (DANY) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

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



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

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in 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).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants. 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. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that all managerial performance evaluation forms contain 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 EEPD 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,** DANY submitted its response to the EEPC's Preliminary Determination letter, on April 7, 2016; 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 May 5, 2016 which indicated that corrective actions Nos. 1 – 14 require compliance monitoring; and

**Whereas,** DANY submitted its response to the EEPC's Final Determination letter, on June 24, 2016; 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 June 2016 – October 2016, 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, DANY submitted a copy of the agency head's memorandum to staff dated October 28, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

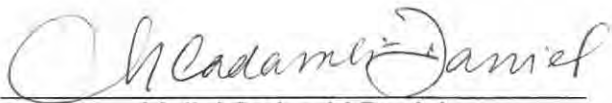
**Be It Resolved,** that the Office of the New York County District Attorney has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

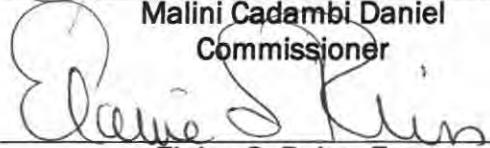
**Be It Resolved,** that the Commission will forward this Final Determination to Cyrus R. Vance, Jr., District Attorney of New York County.

Approved unanimously on November 3, 2016.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

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

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016AP/905C-24:** Determination of **Compliance** (Monitoring Period Required) by the Office of the Richmond County District Attorney 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 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Richmond County District Attorney's (RCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 10, 2016, 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: an up-to date list of protected classes under NYC and NYS Human Rights Laws; 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. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the Director of Human Resources/principal EEO professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity

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

5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that 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).
9. 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.
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. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the RCDA submitted its response to the EEPC's Preliminary Determination letter, on June 24, 2016, with documentation of its actions to rectify required corrective action #1, and

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

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<sup>1</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



EEPC considered the agency's response and issued a Final Determination on July 8, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action, with corrective actions #2 through 11, remaining; and

**Whereas**, the RCDA submitted its response to the EEPC's final determination letter, on August 25, 2016, 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 July 2016 through December 2016 with an extension of one month granted by the EEPC; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the RCDA submitted a copy of the agency head's memorandum to staff, 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 RCDA has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**, that the Commission will forward the Determination of Compliance to District Attorney Michael E. McMahon of the Richmond County District Attorney's Office.

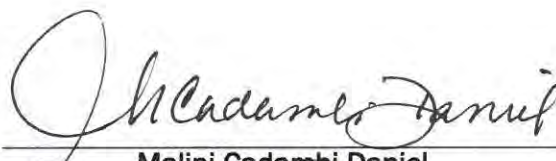
Approved unanimously on February 16, 2017.



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 #2016/998C-001:** Determination of **Compliance** (Monitoring Period Required) by the Economic Development Corporation 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, 2012 through December 31, 2014.

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

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

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

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

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

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

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 15, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions Nos. 1, 2, 3, 4, 5, and 6, remaining;

**Whereas**, the EDC submitted its response to the EEPC's final determination letter, on October 15, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 through March 2016 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 EDC submitted a copy of the agency head's memorandum to staff dated February 29, 2016, 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,

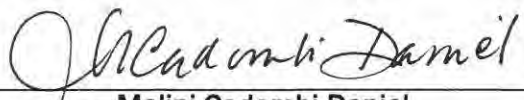
**Be It Resolved**, that the Economic Development Corporation has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the NYC Charter.

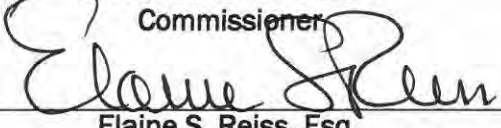
**Be It Resolved**, that the Commission will forward this Final Resolution to the Economic Development Corporation President, Maria Torres-Springer.

Approved unanimously on March 24, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016AP/057C-26** Determination of **Compliance** (Monitoring Period Required) by the New York City Fire 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, 2012 through December 31, 2014.

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

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

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

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



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

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

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on November 25, 2015, which indicated that corrective actions No., 1 – 9 require compliance-monitoring; and

**Whereas**, the FDNY submitted its response to the EEPC's final determination letter, on December 22, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from January 2016 through July 2016, and

**Whereas**, at the Commission's request the compliance period was extended to gather further information regarding recruitment; assessment of the manner in which candidates are selected for employment; and retention of candidates and employees in the Firefighter Job Group - Firefighter Title; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the FDNY submitted a copy of the agency head's memorandum to staff dated September 16, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated

his commitment to the agency's EEO Program; and

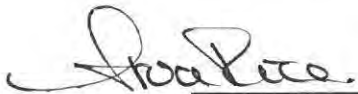
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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


**Be It Resolved**, that the New York City Fire 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 Finally Resolved**, that the Commission will forward the Determination of Compliance to the Commissioner Daniel A. Nigro of the New York City Fire Department.

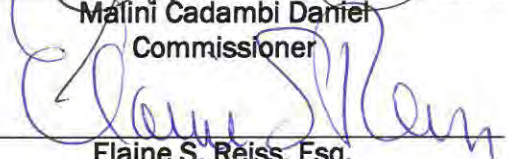
Approved unanimously on February 16, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

ABSENT 

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/907C-18:** Determination of **Compliance** (Monitoring Period Required) by the New York City Housing Development Corporation with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from July 1, 2013 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Housing Development Corporation's (HDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 29, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. 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. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training 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.
9. Ensure that all 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.
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. 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).
12. 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**, HDC submitted its response to the EEPC's Preliminary Determination letter, on May 13, 2016, with documentation of its actions to rectify required corrective action No. 6; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 2, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective actions Nos. 1 – 5 and 7 – 12 require compliance monitoring; and

**Whereas**, HDC submitted its response to the EEPC's Final Determination letter, on June 30, 2016; 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 June 2016 – November 2016, 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, HDC submitted a copy of the agency head's memorandum to staff, 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 New York City Housing Development Corporation 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 Final Determination to President Eric Enderlin of the New York City Housing Development Corporation.

Approved unanimously on December 15, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/806C-003:** Determination of **Compliance** (Monitoring Period Required) by the Department of Housing Preservation & Development 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, 2012 to December 31, 2014.

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

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

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

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



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

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

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

**Whereas**, the HPD submitted its response to the EEPC's final determination letter, on October 8, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 through March 2016 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 HPD submitted a copy of the agency head's memorandum to staff dated March 22, 2016, 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 Housing Preservation & Development 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 NY City Charter.

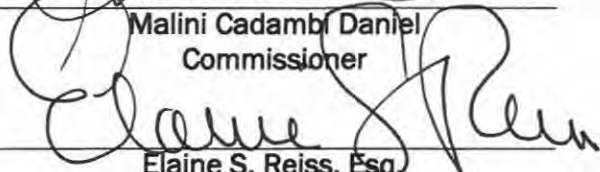
**Be It Resolved**, that the Commission will forward this Final Determination to the Commissioner Vicki Been, the Department of Housing Preservation & Development.

Approved unanimously on March 24, 2016.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

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

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

**RESOLUTION #2016/136C-09** Determination of **Compliance** (Monitoring Period Required) by the Landmarks Preservation Commission 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, 2012 through December 31, 2014.

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

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

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

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



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

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

**Whereas**, the LPC submitted its response to the EEPD's Preliminary Determination letter, on September 2, 2015, with documentation of its actions to rectify required corrective actions #8, 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 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #s 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 remaining;

**Whereas**, the LPC submitted its response to the EEPC's final determination letter, on October 21, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016; and

**Whereas**, on May 4, 2016 the EEPC granted the LPC's May 2, 2016 request for an extension of time to implement the remaining corrective action; and

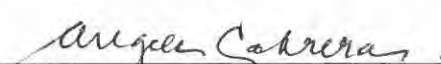
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the LPC submitted a copy of the agency head's memorandum to staff dated June 3, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the 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,

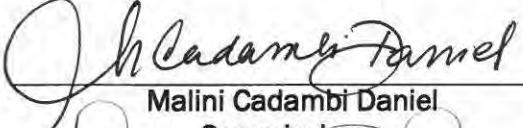
**Be It Resolved**, that the LPC has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

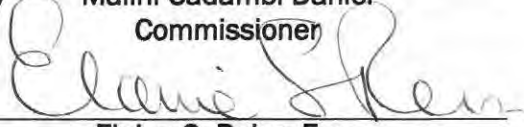
**Be It Resolved**, that the Commission will forward this Final Determination to the Meenakshi Srinivasan, Chair of the Landmarks Preservation Commission.

Approved unanimously on June 16, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/019C-004:** Determination of **Compliance** (Monitoring Period Required) by the Office of Management & Budget 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, 2012 to December 31, 2014.

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

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

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Implement the EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions



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

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

**Whereas**, the OMB submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015, with documentation of its actions to rectify required corrective action(s) No. 1; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 18, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10, remaining;

**Whereas**, the OMB submitted its response to the EEPC's final determination letter, on October 19, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 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 OMB submitted a copy of the agency head's memorandum to staff dated March 23, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

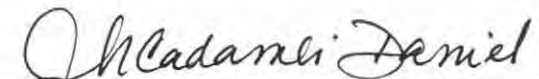
**Be It Resolved**, that the Office of Management & Budget has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the NY City Charter.

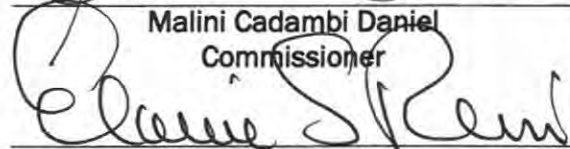
**Be It Resolved**, that the Commission will forward this Final Determination to Director Dean Fuleihan, the Office of Management & Budget.

Approved unanimously on March 24, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/846C-19:** Determination of **Compliance** (Monitoring Period Required) by the Department of Parks and Recreation with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Parks and Recreation's (DPR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 8, 2016, 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, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.



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

**Whereas**, DPR submitted its response to the EEPC's Preliminary Determination letter, on April 22, 2016; 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 May 5, 2016 which indicated that corrective actions Nos. 1 – 6 require compliance monitoring; and

**Whereas**, DPR submitted its response to the EEPC's Final Determination letter, on May 31, 2016; 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 June 2016 – November 2016, with no extension of the monitoring period; and

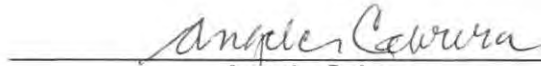
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, DPR submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

**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,

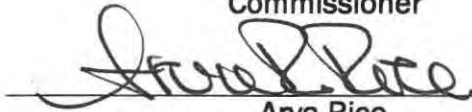
**Be It Resolved**, that the Department of Parks and Recreation has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission will forward this Final Determination to Commissioner Mitchell J. Silver, FAICP of the Department of Parks and Recreation.

Approved unanimously on December 15, 2016.



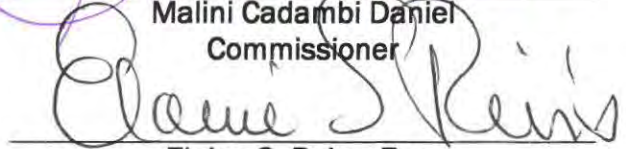
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/131C-002:** 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 Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to 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* and 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 Payroll Administration (OPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 18, 2015, setting forth findings and the following required corrective actions:

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



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

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

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

**Whereas**, the OPA submitted its response to the EEPC's final determination letter, on October 6, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 through March 2016 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 OPA submitted a copy of the agency head's memorandum to staff dated March 15, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

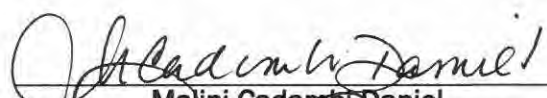
**Be It Resolved**, that the Office of Payroll Administration has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the NYC Charter.

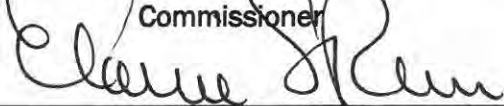
**Be It Resolved**, that the Commission will forward this Final Resolution to the Executive Director Roy Mogilanski, the Office of Payroll Administration.

Approved unanimously on March 24, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2017AP/943C-28:** Determination of **Compliance** (Monitoring Period Required) by the Office of the Kings County Public Administrator with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Office of the Kings County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Office of the Kings County Public Administrator's (KCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County, a policy against sexual harassment.
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. The principal EEO/HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. 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.

5. 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. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities and job postings; ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.
7. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
8. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

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

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on April 21, 2016, which indicated that corrective actions nos. 1 through 8 require compliance monitoring; and

**Whereas**, the KCPA submitted its response to the EEPC's final determination letter, on May 12, 2016 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 May 2016 - October 2016, with an extension of the monitoring period requested on October 28, 2016 ; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the KCPA submitted a copy of the agency head's memorandum to staff dated January 13, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

**Be It Resolved**, that the Office of the Kings County Public Administrator 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.

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<sup>1</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

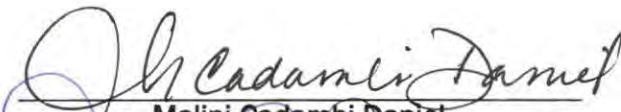



**Be It Resolved**, that the Commission approves issuance of the Determination of Compliance to Public Administrator Richard A. Buckheit, Esq., of the Office of the Kings County Public Administrator.

Approved unanimously on February 16, 2017.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

  
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**Elaine S. Reiss, Esq.**  
Commissioner (Absent)

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

**RESOLUTION #2016AP/941C-29:** Determination of **Compliance** (Monitoring Period Required) by the Office of the New York County Public Administrator with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Office of the New York County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 New York County Public Administrator's (NYPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 25, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO professional and HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. 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).
3. 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. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
4. Ensure that the professional designated as the Career Counselor has appropriate training, knowledge and familiarity with career opportunities in City government to provide career

counseling. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

5. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensure that the principal HR professional informs principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the EEO professional in EEO-related matters.
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. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
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).
9. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the NYPA did not submit a response to the EEPD'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 EEPD issued the Final Determination on June 10, 2016, which indicated that corrective actions nos. 1 through 9 require compliance monitoring; and

**Whereas**, the NYPA submitted its response to the EEPD's final determination letter, on June 29, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from July 2016 - December 2016, with no extension of the monitoring period; and

**Whereas**, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the NYPA submitted a copy of the agency head's memorandum to staff dated February 14, 2017, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to the agency's EEO Program; 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 which are designed to increase equality

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<sup>1</sup> Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.

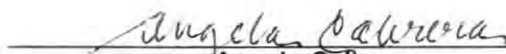


of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

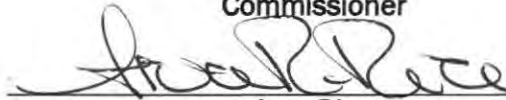
**Be It Resolved**, that the Office of the New York County Public Administrator has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission approves issuance of the Determination of Compliance to Public Administrator Dahlia Damas, of the Office of the New York County Public Administrator.

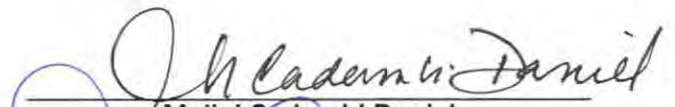
Approved unanimously on February 16, 2017.



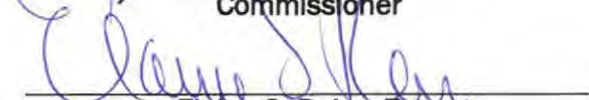
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner (Absent)

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

**RESOLUTION #2016/944C-12:** Determination of Compliance (Monitoring Period Required) by the Office of the Queens County Public Administrator with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Office of the Queens County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 County Public Administrator's (QCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 11, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO/HR Professional reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned fields, also captures the ethnicity of the candidate and interviewers' names. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
3. 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.
4. Ensure that employees have access to information regarding performance evaluation standards.
5. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO

program.

6. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
7. 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).
8. 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 QCPA submitted its response to the EEPC's Preliminary Determination letter, on May 19, 2016, 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 June 2, 2016, with corrective actions #1 through #8, remaining;

**Whereas**, the QCPA submitted its response to the EEPC's final determination letter, on July 5, 2016, 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 June, 2016 to September, 2016 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 QCPA submitted a copy of the agency head's memorandum to staff dated May 19, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and


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

**Be It Resolved**, that the Office of the Queens County Public Administrator 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 Public Administrator Lois A. Rosenblatt, of the Office of the Queens County Public Administrator.

Approved unanimously on September 9, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

Absent  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/860C-06** Determination of **Compliance** (Monitoring Period Required) by the Department of Records and Information 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 January 1, 2012 through December 31, 2014.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Records and Information Services (Records) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

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

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

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



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

**Whereas**, the Records submitted its response to the EEPC's Preliminary Determination letter, dated August 10, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with 14 corrective actions remaining;

**Whereas**, the Records submitted its response to the EEPC's final determination letter, on dated October 14, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 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 Records submitted a copy of the agency head's memorandum to staff dated December 31, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

**Be It Resolved**, that the Department of Records and Information 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 will forward this Final Determination to the Commissioner Pauline Toole, of the Department of Records and Information Services.

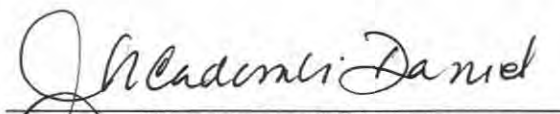
Approved unanimously on March 24, 2016.



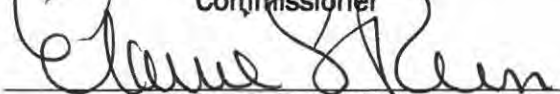
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/041C-15** Determination of **Compliance** (Monitoring Period Required) by the Teachers' 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 January 1, 2012 through December 31, 2014.

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

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

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

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

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



10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan

**Whereas,** the TRS submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015,

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

**Whereas,** the TRS submitted its response to the EEPC's final determination letter, on October 22, 2015, and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016, and

**Whereas,** the agency received three extensions, granted on February 11, 2016, May 6, 2016 and July 25, 2016, thereby extending the compliance-monitoring period to September 2016, and

**Whereas,** at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the TRS submitted a copy of the agency head's memorandum to staff dated September 29, 2016, 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,

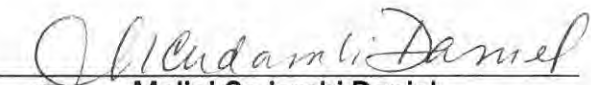
**Be It Resolved**, that the Teachers' Retirement System has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

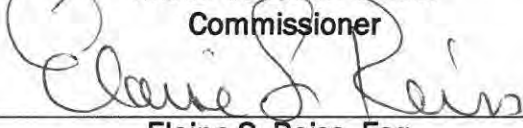
**Be It Resolved**, that the Commission will forward this Final Determination to Executive Director, Patricia Reilly, of the Teachers' Retirement System.

Approved unanimously on November 3, 2016.

  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
\_\_\_\_\_  
**Malini Cadambi Daniel**  
Commissioner

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

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## Appendix III:

# Non-Compliance Resolutions

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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 for up to 6 months. After monitoring the following agencies actions and efforts over the assignment of a 6-month period, less than half of the corrective actions received were implemented. As a result, the Commission concluded that a Determination of Non-Compliance was appropriate. The following pages contain the Commission's 2016 Compliance Resolutions, which specify the required corrective action, the compliance-monitoring period, the corrective actions implemented by the agency and the agency's status at the end of the period. Find these Resolutions at: [http://www.nyc.gov/html/eeepc/html/about/eeepc\\_jurisdiction.shtml](http://www.nyc.gov/html/eeepc/html/about/eeepc_jurisdiction.shtml).

1. District Attorney– Queens County Office RESOLUTION#2016AP/904NC-30
2. Public Administrator– Bronx County Office RESOLUTION#2016AP942NC-31
3. Public Administrator– Richmond County Office RESOLUTION#2016AP/945NC-32



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

**RESOLUTION #2016AP/904NC-30:** Determination of **Non-Compliance** by the Office of the Queens County District Attorney with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 through December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Office of the Queens County District Attorney's (QCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 13, 2016, 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 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.
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 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. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
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 hiring manager.
10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
12. 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.
13. 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.

14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. 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).
16. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the QCDA did not submit a response to the EEPD'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 EEPD issued a Final Determination on June 29, 2016, with corrective actions #1 – 16, remaining; and

**Whereas**, the QCDA submitted its response to the EEPD's final determination letter, on July 29, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the QCDA's implementation of the remaining corrective actions from July 2016 to December 2016, with no extension of the monitoring period; and

**Whereas**, the QCDA did not implement corrective actions #2, 4–7, 9, 11, 12 and 14–16; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD informed District Attorney Richard A. Brown by letter on December 28, 2016 and on January 24, 2017, that corrective actions remained incomplete, and informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

**Whereas**, the QCDA submitted status updates throughout the compliance monitoring period. On August 26, 2016; October 21, 2016; January 20, 2017 and February 3, 2017; the QCDA provided documentation of implementation of corrective actions #1, #3, #8, #10 and #13; and

**Whereas**, the QCDA submitted its last compliance report on February 3, 2017, which demonstrated that the QCDA implemented 5 of 16 required corrective actions; and

**Whereas**, despite the Commission's aforementioned efforts, as of the date of this Resolution, the QCDA has not implemented all of the prescribed corrective actions; and

**Whereas**, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 11 of the 16 aforementioned recommendations have not been implemented to its satisfaction; and

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<sup>1</sup> Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.



**Whereas,** all of the EEP's recommended 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; and

**Whereas,** the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

**Be It Resolved,** that the Office of the Queens County District Attorney did not implement 11 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and

**Be It Further Resolved,** that the Commission has adopted the Resolution to forward the Determination of Non-Compliance to Richard A. Brown, District Attorney, the Office of the Queens County District Attorney formally informing him that the Office of the Queens County District Attorney is not in compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Queens County District Attorney has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Queens County District Attorney's Employment Practices and Procedures; and

**Be It Further Resolved,** that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the Office of the Queens County District Attorney's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and

**Be It Finally Resolved,** that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission will initiate another audit of the Office of the Queens County District Attorney prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on February 16, 2017.

  
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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/942NC-31:** Determination of **Non-Compliance** by the Office of the Bronx County Public Administrator (BCPA) with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 – December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Bronx County Public Administrator (BCPA), EPA (EEPC) issued a Preliminary Determination letter, dated June 14, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo, from the current agency head, 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. 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. Ensure that the principal EEO/HR Professional reviews 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



## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

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.

5. Ensure that all 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, 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.
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. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, and training opportunities.
9. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
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 administer 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 EEOC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

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<sup>1</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



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

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

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on July 6, 2016, which indicated that corrective actions nos. 1 through 13 require compliance monitoring; and

**Whereas**, the BCPA submitted its response to the EEPC's final determination letter, on August 31, 2016; 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 July 2016 - December 2016, with no extension of the monitoring period; and

**Whereas**, the agency did not implement corrective action #3, #4, #5, #7, #8, #9, #10, #11, #12 and #13; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC informed Public Administrator Randazzo by letter, dated January 24, 2016, that 10 of the 13 corrective actions remained incomplete, informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

**Whereas**, over the course of the compliance monitoring period the EEPC sent email correspondence to the agency on the following dates, concerning implementation: 9/12/2016, 9/26/2016, 9/27/2016, 10/12/2016, 10/18/2016, 10/21/2016, 10/24/2016, 11/9/2016, 11/15/2016, 12/13/2016, 12/29/2016; conference calls with the agency were conducted on 10/18/2016, 11/15/16, 11/18/2016, 12/2/2016, 12/12/2016, 12/13/2016, 12/15/2016, and 1/5/2017, wherein each corrective action, and requirement, was reviewed; and

**Whereas**, the BCPA submitted its last compliance report on January 27, 2017, which demonstrated that the BCPA implemented 4 of 13 required corrective actions; and

**Whereas**, despite the Commission's aforementioned efforts, as of the date of this Resolution, the BCPA has not implemented all of the prescribed corrective actions; and

**Whereas**, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 9 of the 13 aforementioned recommendations have not been implemented to its satisfaction; and

**Whereas**, all of the EEPC's recommended 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; and

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

**Whereas**, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

**Be It Resolved**, that the BCPA did not implement 9 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and

**Be It Further Resolved**, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the BCPA's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and


**Be It Further Resolved**, that the Commission will forward this Resolution Determination of Non-Compliance to Frank Randazzo, Esq., Public Administrator, Office of the Bronx County Public Administrator, formally informing him that Office of the Bronx County Public Administrator is Non-Compliant with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Bronx County Public Administrator has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Bronx County Public Administrator's employment practices and procedures; and


**Be It Finally Resolved**, that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of the Office of the Bronx County Public Administrator prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on February 16, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner



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

**RESOLUTION #2017AP/945NC-32:** Determination of **Non-Compliance** by the Office of the Richmond County Public Administrator (RCPA) with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2012 – December 31, 2015.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Richmond County Public Administrator's (RCPA) Employment Practices and Procedures (EEO) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Establish 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.
2. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
3. Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.
4. Ensure the integrity and continuity of the EEO Program by maintaining 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.
5. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
6. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions



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

based on merit and equal consideration, or treat others in an equitable and impartial manner)

7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the RCPA submitted its response to the EEPC's Preliminary Determination letter, on April 19, 2016 with documentation of its efforts to rectify required corrective actions nos. 5 and 6; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016, which indicated that corrective actions nos. 1, 2, 3, 4, 5, 6 and 7 require compliance monitoring; and

**Whereas**, the RCPA submitted its response to the EEPC's final determination letter, on July 7, 2016; 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 July, 2016 - December, 2016, with no extension of the monitoring period; and

**Whereas**, the agency did not implement corrective action nos.1, 2, 3, 4, 5, 6 and 7; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC informed Richmond County Public Administrator Anthony Catalano, Esq., by letter, dated December 28, 2016, that all of the corrective actions remained incomplete, informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

**Whereas**, over the course of the compliance monitoring period the EEPC sent email correspondence to the agency concerning implementation on the following dates: August 23, 2016; September 7, 2016; September 15, 2016; September 27, 2016; September 29, 2016; October 4, 2016; October 12, 2016; October 21; November 4, 2016; November 16, 2016; and December 28, 2016. Additionally, a conference call was conducted on December 2, 2016, wherein each corrective action, and requirement, was reviewed; and

**Whereas**, the RCPA submitted its last compliance report on January 13, 2017, which demonstrated that the RCPA implemented 1 of 7 required corrective actions; and

**Whereas**, despite the Commission's aforementioned efforts, as of the date of this Resolution, the RCPA has not implemented 6 of the 7 prescribed corrective actions; and

**Whereas**, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 6 of the 7 aforementioned recommendations have not been implemented to its satisfaction; and

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<sup>1</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

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

**Whereas**, all of the EEPC's recommended 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; and

**Whereas**, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

**Be It Resolved**, that the Office of the Richmond County Public Administrator did not implement 6 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and


**Be It Further Resolved**, that the Commission has adopted the Resolution to forward the Determination of Non-Compliance to Anthony Catalano, Esq., Public Administrator, Office of the Richmond County Public Administrator, formally informing him that the Office of the Richmond County Public Administrator is not in compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Richmond County Public Administrator has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Richmond County Public Administrator's employment practices and procedures; and

**Be It Further Resolved**, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the Office of the Queens County District Attorney's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and

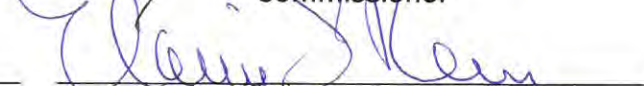
**Be It Finally Resolved**, that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of the Office of the Richmond County Public Administrator prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on February 16, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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## Appendix IV: Testimony - City Council

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*The EEPC was requested to present testimony at the City Council twice in 2016. Executive Director Terry presented testimony to the Council's Committees on Civil Rights and Women's Issues on behalf of the EEPC Commissioners. The following pages contain the Executive Director's 2016 testimony to the New York City Council.*

1. Testimony on Int. No. 921, was presented to the Committees on Civil Rights and Women's Issues on February 29, 2016. **Int. No. 921: Amending the New York City Charter to Ensure Fairness in Physical Testing:** The proposed bill specifies that this commission *shall audit and evaluate any physical tests used by any city agency, either for hiring or promotional purposes, at least once every year. In so auditing and evaluating, the commission shall utilize the services of non-governmental experts where such use would assist such auditing and evaluating in any way.*
2. Testimony entitled, "New York City Council Fiscal Year 2016 Preliminary Budget, Mayor's FY 2016 Preliminary Management Report and Agency Oversight Hearing" was presented to the Civil Rights Committee of the New York City Council on Monday, March 7, 2016.





Testimony of Charise L. Terry  
Executive Director  
Equal Employment Practices Commission  
Before the Committees on Civil Rights and Women's Issues  
February 29, 2016

**Int. No. 921: Amending the New York City Charter to Ensure Fairness in Physical Testing.**

**Introduction**

Good Morning, members of the Council. My name is Charise Terry. It is my pleasure as the Executive Director of the Equal Employment Practices Commission to present this testimony on behalf of the members of this Commission. Agency Attorney and Director of Compliance Marie E. Giraud will join me in presenting this testimony and responding to questions.

**About the EEPC**

Chapter 36 of the New York City Charter established the Equal Employment Practices Commission (EEPC) as the monitor of the City's employment practices. The EEPC is an independent agency, headed by a Board that consists of 5 per-diem Commissioners: 2 Mayoral appointees, 2 City Council appointees, and a jointly appointed Chairperson. Our official headcount is 12. The EEPC audits agencies where the majority of the board members are appointed by the Mayor; agencies where the majority of the board members serve by virtue of being city officers; or agencies which receive funding, in whole or in part, by the City treasury.

The proposed bill specifies that this commission *shall audit and evaluate any physical tests used by any city agency, either for hiring or promotional purposes, at least once every year. In so auditing and evaluating, the commission shall utilize the services of non-governmental experts where such use would assist such auditing and evaluating in any way.*

The EEPC's mandate is broad. Section 830 of the City Charter authorizes the EEPC *to review, evaluate and monitor the employment procedures, practices, and programs* of any City agency and the Department of Citywide Administrative Services (DCAS). Section 831, empowers the EEPC 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. Section 832 provides that this Commission may, pursuant to an audit, make a determination that any *plan, program, procedure, approach, measure or standard* adopted or utilized by any city agency does not provide equal employment opportunity and recommend corrective action as the Commission may deem appropriate. The proposed Bill would put specific emphasis on our authority to audit and evaluate physical testing – which under the aforementioned sections of the Charter is an employment procedure, measure, or standard adopted and utilized by city agencies.

A physical test, which assesses a candidate's ability to perform essential physical tasks of a job, is a selection procedure and is required to be job-related and consistent with business necessity as dictated by Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, as well as the NYC Human Rights Law -- which prohibits employment practices that result in disparate impact.

#### **Auditing Civil Service Process/Physical Testing**

As delineated in the Charter, the EEPC audits agencies on a quadrennial cycle (every four years), or upon the request of the Civil Service Commission or City Commission on Human Rights. An EEPC audit is a methodical review, analysis, and evaluation of an agency's employment practices; it concludes upon the implementation of corrective action, if any.

The EEPC has 6 primary audit types including the Employment Practices Audit (EPA) -- which is being conducted within the current quadrennial cycle. This type of audit reviews, evaluates and monitors whether an agency has assessed its recruitment or selection procedures to determine if there is adverse impact upon any particular racial, ethnic, disability, or gender group. It also requires that the competencies, skills and abilities outlined in notices of examinations are job-related and required by business necessity. The Charter assigns DCAS the responsibility for establishing and maintaining uniform procedures and standards to ensure equal employment opportunity in competitive civil service examinations. The EEPC requires agencies to work with DCAS and the NYC Civil Service Commission if protected groups are underutilized in civil services titles relative to their availability in the labor market.

### **Proposed Bill/Provisions**

The EEPC supports the intent of the proposed Bill with the following provisions<sup>1</sup> for practical implementation: (1) that the result/approval of the EEPC's audit and evaluation precedes the release of the corresponding exam schedule or implementation of the exam; (2) that DCAS, with the assistance of the relevant agencies, provide to the EEPC the titles (by agency and job group) which require physical testing and the content and construct validation studies which were used to create any physical requirements. A construct validation would support that the test accurately measures criteria such as fitness, strength and endurance. A content validation would ensure job relevancy.

### **Conclusion**

The proposed bill would position the City to limit potential legal exposure, if challenged. The EEPC welcomes the opportunity to work with the Department of Citywide Administrative Services, the NYC Civil Service Commission, the City Commission on Human Rights, and relevant agencies in support of the goals of this legislation.

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<sup>1</sup> The NYC Charter section 814(a)(13)- requires DCAS to establish the format for submitting quarterly reports which include the number of provisional employees. In accordance with NYC Charter Section 815(i), the quarterly reports must be submitted to the EEPC. Similarly, provisions could be made for this Bill.



Civil Rights Committee of the New York City Council

Monday, March 7, 2016 Hearing

New York City Council Fiscal Year 2016 Preliminary Budget, Mayor's FY  
2016 Preliminary Management Report and Agency Oversight

Testimony of Executive Director Charise L. Terry

## INTRODUCTION

Good Morning, members of the Council. It is my pleasure as the Executive Director of the Equal Employment Practices Commission to present this testimony on behalf of the Commission. Agency Attorney/Director of Compliance-Monitoring, Marie Giraud will join me in presenting this testimony and responding to questions.

## ABOUT THE EEPC

Chapter 36 of the New York City Charter established the Equal Employment Practices Commission (EEPC) as the independent monitor of the City's employment practices. This Commission consists of a per diem Board of 5 Commissioners (2 mayoral appointees, 2 City Council appointees and a jointly appointed Chairperson) and an official headcount of 12. The EEPC audits agencies where the majority of the board members are (1) appointed by the Mayor; (2) serve by virtue of being city officers; or (3) receive funding, in whole or in part, by the City treasury.

Chapter 36, Section 831 of the New York City Charter, empowers the EEPC to audit and evaluate city agencies' employment practices, programs, policies and efforts to ensure fair and effective equal employment opportunities for women and minority group members at least once every 4 years. Section 832 authorizes this Commission to determine if an agency's practices do not provide equal employment opportunity, and require and monitor remedial action for up to 6 months. To fulfill these powers and responsibilities, the EEPC utilizes 2 fundamental processes: *Audit & Evaluation* and *Compliance-Monitoring*.

## AUDITING, EVALUATING, AND MONITORING CITY AGENCIES

In 2015, the EEPC administered the Employment Practices Audit (EPA) – an objective and systematic review of an agency’s internal recruiting, hiring, and promoting practices -- for 38 agencies in total. Though the EEPC was positioned to achieve its quadrennial mandate by auditing only six agencies, we initiated the audit of 32 additional agencies and enhanced the audit and compliance procedures for the EPA audit. To achieve compliance, the EPA requires agencies to:

- review and evaluate statistical workforce data and identify job titles within job groups experiencing underutilization;
- conduct assessments of overall selection procedures to determine whether job qualifications/criteria are job-related and required by business necessity;
- ensure all personnel involved in hiring are provided structured interview training and ;
- develop and implement recruitment and/or selection plans to increase equal employment opportunities.

Agencies that did not hire were required to develop an action plan that adhered to the EPA methodology and communicate the plan to personnel involved in future hiring.

Pursuant to the EPA audit, twenty-six (26) Determinations *were* issued. In addition, twenty (20) agencies initiated the Compliance-Monitoring process – where they were monitored for up to 6 months to ensure implementation of the corrective actions prescribed; 10 received a Determination of Compliance for implementing all required corrective actions by the year-end. One agency avoided compliance-monitoring by immediately implementing the assigned corrective actions.



## EFFORTS TO OPTIMIZE INTERNAL FISCAL AND HUMAN RESOURCES

The addition of the Research and Legal Units lead to hires in 2 new titles: *Director of Research Initiatives and Public Hearings* and *Agency Attorney/Director of Compliance Monitoring* in 2015.

At this time, we are recruiting to augment our current headcount of 9, as attrition has resulted in our existing vacancies. The EEPC has also created a pipeline by employing college aides, and interns via the Public Service Corps program.

### Research Unit

The Commission's newly established research unit conducted longitudinal research on the EEPC's audit determinations from 1993 to 2014, to discern trends and provide a proactive and strategic approach to implementing equal opportunity employment practices within City government. The research unit also created and circulated electronic opinion polls to approximately 150 EEO and Human Resources professionals citywide, to glean their professional insight and to expound upon the limitations, if any, in implementing their agencies' EEO practices.

### Public Hearing/Report, Commitment to Achieving Diversity in the Public Sector

In May 2015, the Commission held its first public hearing/presentation in eight (8) years, entitled *Commitment to Achieving Diversity in the Public Sector*, which featured presentations from legal, academic and municipal government professionals on identifying and eliminating potential equal employment opportunity barriers, the annual costs of employment litigation against the City of New York, and improving diversity in the City's workforce.

In accordance with the City Charter mandate to report on the effectiveness of each city agency's affirmative employment efforts and the efforts by the Department Of Citywide

Administrative Services (DCAS) to ensure equal employment opportunity in municipal government, the EEPC will append to the 2015 Annual Report a comprehensive study expounding upon the poll results; the longitudinal study conducted by the research department; as well as the public presentation/hearing. The Annual Report and study is pending vote/approval at the Commission's March 2016 meeting.

## CONCLUSION

The EEPC has made significant progress and aims to ensure that selection procedures utilized by City agencies are compliant with federal, state and local law. Building on the progress from last year, the EEPC's current budget will continue to aid our efforts to streamline the audit process and fulfill our city charter mandate and ensure equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies. We continue to seek ways to enhance our audits and look forward to working with the members of the Council toward this end.

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## Appendix V:

### Report: EEPC on FDNY

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*The Report: EEPC on FDNY History, Progress, and Recommendations for Promoting Diversity among Firefighters Report provides insights arising from issues that surfaced during 24-year history between the EEPC and FDNY. The Report offers the FDNY a comprehensive, historical account of the (4) audits conducted by the EEPC, provides insight arising from issues that surfaced during the 24-year history where the two agencies worked together via audit and compliance-monitoring and recommends future areas of exploration.*

1. *Summary*
2. *Full Report*



## History, Progress, and Recommendations for Promoting Diversity

### Introduction

The EEPC on FDNY provides an overview of evidence-based recommendations to the FDNY on how to continue its efforts toward employment equity, and demonstrates how the auditing process, supplemented by research, can guide agencies toward better employment outcomes.

### History

The EEPC's relationship with the New York City Fire Department (FDNY) began soon after the EEPC's inception, in 1992, with an audit of the FDNY's recruitment practices. Over the next 24 years, the EEPC guided the FDNY toward best practices to promote diversity. The FDNY made strides during this period by revising or retiring outdated practices and implementing new systems designed to achieve better outcomes. The EEPC has conducted the following four audits of the FDNY:

1992-1994	Recruitment Program for Firefighter Exam #0084
	<ul style="list-style-type: none"> <li>Scope: Recruitment process for written exam (#0084) - entry-level firefighter title.</li> <li>EEPC Preliminary Determination and analyses identified deficiencies in the recruitment program, resulting in a public hearing and establishment of an Advisory Committee that gave recommendations for improving recruiting (See full report, Box 1).</li> </ul>
1999-2004	Follow-up Audit: Recruitment Program for Firefighter Exam #7029
	<ul style="list-style-type: none"> <li>Scope: Examination of (#exam 7029) strategies implemented from the previous audit.</li> <li>A preliminary analysis showed a higher percentage of applicants from protected groups in total. However, there were lower percentages of minority and female test-takers and pass rates.</li> <li>The FDNY fully addressed five recommendations from the previous audit (See full report, Outreach Initiatives on page 4).</li> <li>After receiving a Determination of Partial Compliance, the EEPC voted unanimously to issue a report to the Mayor on the failure of the FDNY to submit two recommended adverse impact studies. The Mayor responded by thanking the EEPC for its input and stating that the FDNY had "adequately addressed the points raised in the report."</li> </ul>
2006-2008	EEO Program Audit
	<ul style="list-style-type: none"> <li>Scope: The review and evaluation of the administration and operation of the FDNY's EEO program, personnel activity and discrimination complaint activity.</li> <li>The FDNY was in compliance with requirements related to plan dissemination, reasonable accommodations, EEO complaints and investigations, EEO training, employee recruitment and selection, and EEO Officer reporting and responsibilities. The FDNY also implemented corrective actions prescribed with regard to its 55-A program, EEO training, discrimination notifications, and the integration and affirmation of EEO (See full report, Box 3).</li> <li>The one sticking point, resembling issues that had appeared in the previous audit, was securing training in order to conduct an adverse impact study. In early 2009, adverse impact studies for Emergency Medical Technician, Fire Alarm Dispatcher and Fire Protection Inspector were submitted as implementation of the remaining corrective action. Adverse impact on women was found in all three titles, and on minorities in the FAD title.</li> <li>The FDNY committed to <i>"continue to analyze the results and its [then] current hiring to determine whether further actions should be taken to address the issue of adverse impact in connection with its civilian hiring."</i></li> </ul>
2015-2016	Review and Evaluation: Employment Practices and Procedures
	<ul style="list-style-type: none"> <li>Scope: The EEPC's newly established Uniform Standards, a comprehensive set of standards drawing on federal, state and local laws, regulations, and procedures focusing on employment practices and procedures.</li> <li>The FDNY demonstrated compliance with various actions including appointing a Chief Diversity and Inclusion Officer as a direct report to the Commissioner, issuing and distributing policies, implementing an EEO training plan, and developing an interviewing skills guide and structured interviewing policy. Corrective actions were issued, requiring the assessment of recruitment efforts and selection criteria for titles where underutilization exists, designating a career counselor, administering evaluations, and maintaining documentation on decisions regarding EEO program operation. (See full report, Box 4).</li> <li>The EEPC required the FDNY to report on recruitment/selection strategies and plans for the firefighter title and for civilian titles that had underutilization (i.e. Administrators, Managers, Management Specialists, Health Professionals, Technicians, Clerical Supervisors, Clerical, Health Services, Craft, Laborers, and Paraprofessionals).</li> </ul>

## Research Findings

### Trend analysis of FDNY employment practices

The Q1 FY2017 CEEDS Workforce Utilization Report showed that Whites were underutilized in the firefighter job group. This would imply that the FDNY was not hiring Whites at a rate proportional to their availability in the labor market. Given the long history of White employees holding the majority of firefighter positions, this indication is counterintuitive. The EEPC's Research Unit investigated several hypotheses regarding the utilization of various populations in the FDNY. Several results are listed below (see page 23 of the full report for the entire list):

- The percentage of White firefighters is declining, and the percentage of minority firefighters is rising.
- White firefighters are separating from the title at a higher ratio, compared to their representation, than Blacks and Hispanics.
- Promotions to Lieutenant may show potential for slowly increasing diversity, relative to other promotional titles.
- A large percentage of the Fire Supervisor job category is eligible for retirement within the next five years. Depending on the demographic makeup of the active Lieutenant list, the percentage of White Fire Supervisors could decline sharply by 2020.
- Recruitment from EMS titles may be diversifying the Firefighter title, particularly among Hispanics. But minority EMS employees are underutilized in promotions to Firefighter compared with their representation in the EMS pool.

## Recommendations for the FDNY

### Data Tracking and Analysis

The development of an end-to-end database, tracking potential candidates from their initial expression of interest to the final point of hire, is an excellent way to ensure any barriers to equal employment can be detected. The EEPC recommends the completion and ongoing maintenance of this database, attending to both the comprehensiveness and accuracy of the data, and running regular analyses of this data to spot any potential problems in access to employment.

### Addressing Barriers

The FDNY is currently analyzing both the medical testing and background check processes to see whether they warrant modification beyond the steps completed in recent years. The EEPC recommends that the FDNY continue this analysis and add to it the exploration of other potential barriers along the path from interest to hire. This includes an examination of eligibility requirements, recruitment methods for both the open and promotional exams, interview outcomes, psychological and drug testing, and any anti-attrition efforts including follow-up calls and mentoring.

### Building on Potential

The EEPC recommends increasing recruitment from the relatively diverse EMS titles. Recruitment and analysis efforts should focus on the needs of these candidates to determine whether there are better ways to attract them to becoming a firefighter.

Next, the EEPC recommends identifying the Fire Supervisors eligible for retirement and creating a strategic plan for the diversification of Fire Supervisor titles. Since the Firefighter title is reflecting increasing diversity, the FDNY could explore ways to prepare the new generation of candidates for the next step in their career. In terms of retention of diverse talent at the Fire Supervisor level, it is recommended that newly appointed women and minority Lieutenants be trained to be successful in their new role.

Finally, the EEPC recommends training captains/battalion chiefs (all selection managers) on the importance of diversity and the ability to make employment decisions based on merit and equal consideration. These methods may diversify promotions to Lieutenant and subsequently the promotion pool for Captain, potentially affecting FDNY leadership and operations in a profound way.

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For more information on this report, please contact the EEPC at (212) 615-8939.



# EEPC ON FDNY

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*History, Progress, and Recommendations for  
Promoting Diversity among Firefighters*

*January 13, 2017*

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

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## Introduction

The Equal Employment Practices Commission (EEPC or Commission) is the independent 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. As such, the EEPC is in a unique and critical position to provide insight into the complex history, developments and prospects for city agencies' employment practices.

The EEPC's relationship with the New York City Fire Department (FDNY) began soon after the EEPC's inception, in 1992, with an audit of the FDNY's recruitment practices. Over the next 24 years, the EEPC consistently guided the FDNY toward best practices to promote diversity in its ranks. The FDNY, for its part, made strides during this period by revising or retiring outdated practices and implementing new systems designed to achieve better outcomes.

During this period, the EEPC also evolved in its ability to pinpoint issues within agencies and provide detailed recommendations tied to best practices. Using a variety of methods, including advisory boards, hearings, and multiple types of quantitative and qualitative analysis, the EEPC has been able to better understand situations and make recommendations that truly address an agency's strengths and challenges.

The purpose of this report is twofold: 1) to provide an overview of evidence-based recommendations to the New York City Fire Department on how to continue its efforts toward employment equity, and 2) to demonstrate how the auditing process, supplemented by research, can guide agencies toward better employment outcomes. The report begins by describing the history of the relationship between the EEPC and FDNY over the past 24 years through a series of various audit types. Next, it discusses how the EEPC itself has evolved and continues to evolve in its methods of measurement and analysis. The report concludes with a set of recommendations to the FDNY on how to best ensure diversity among firefighters.

## The EEPC Audit Process

An audit is an official examination of an agency's records and responses by an independent body. The purpose of an EEPC audit is to analyze and evaluate an agency's employment practices and equal employment opportunity (EEO) program to sure that it fulfills the EEO-related responsibilities assigned by the New York City Charter, as well as city, state and federal policies and regulations. The EEPC examines an agency's efforts to establish and maintain 1) affirmative plans, measures, and programs to provide equal opportunities for minority group members and women; 2) a firm policy against discriminatory employment practices; 3) a meaningful and responsive procedure for investigating discrimination complaints; and 4) a program to educate employees about unlawful discriminatory practices.

Over the years, the EEPC has evolved its audit procedures into a finely-tuned and effective process that compares an agency's practices with a set of Uniform Standards founded upon and consistent with federal, state, and local laws, regulations, and procedures. During the audit process, the EEPC collects and analyzes a wealth of documents, records and data demonstrating components of compliance with each Uniform Standard. This collection includes but is not limited to minutes, memos, policies,

assessments, logs, training verifications, organizational charts, periodic EEO plans and reports, questionnaire data from EEO and HR personnel, survey data from managers and employees, and quantitative data from the Citywide Equal Employment Database System (CEEDS).

The audit process has several stages that allow for a structured conversation between the EEPC and the agency under review. First, the EEPC selects an agency from its annual audit plan and reviews internally available data to determine areas where the agency is at risk of being out of compliance. The EEPC then contacts the agency to initiate the audit process, requesting the data described above and offering to answer any questions if needed. During this period, the EEPC also administers questionnaires and/or surveys to pertinent personnel.

Upon receiving the requested responses, data, and records, the EEPC delivers its Preliminary Determination listing the necessary corrective actions the agency needs to take in order to comply with the standards. After receiving the optional response, the EEPC submits its Final Determination. If there are any outstanding corrective actions, the agency then enters a compliance monitoring period for six months, submitting monthly reports on its progress toward implementing the corrective actions. At the end of this period, the EEPC produces a determination of compliance or non-compliance based on the corrective actions implemented, and the agency head distributes a memo to all staff discussing the results of the audit.

## **History of the Relationship between the EEPC and FDNY**

### **Initial Audit: Audit of New York City Fire Department's Recruitment Program for Firefighter Exam #0084, 1992 - 1994**

As discussed in the introduction, the EEPC and FDNY began their relationship in 1992. Over the next 24 years the two agencies worked together on four separate audits. The first audit focused on the FDNY's recruitment process for the entry-level firefighter title. The EEPC was particularly interested in recruitment for the written exam, a critical hurdle for those seeking to become firefighters. In its preliminary analysis, the EEPC reviewed a wealth of data on the race and gender of those who applied to be firefighters, those who took the exam, and those who passed and became probationary firefighters and then compared these percentages to the workforce and city base populations.

This analysis revealed enough disparity to warrant holding a public hearing the following year that included testimony from FDNY Commissioner Carlos Rivera and FDNY employees. Commissioner Rivera acknowledged that of the 8,891 firefighters employed by the FDNY in 1992, 92.95% were White men and only 35 were women. The 1990 Census, by contrast, showed that only 50% of New Yorkers were White. Despite these initial numbers, Commissioner Rivera felt the recruitment program for Exam #0084 had been successful, citing statistics that showed 6.8%, 9.6%, 0.7%, and 2.3% of those who took the exam were Black, Hispanic, Asian-American and women, respectively. Other FDNY employees at the hearing, however, testified to serious deficiencies in the recruiting process. As a result of this initial investigation, the EEPC issued a Preliminary Determination with findings stating the recruitment program 1) did not utilize a sufficient number of recruiter role models, vehicles, materials or supplies, 2) was not adequately funded, and 3) attracted fewer minority test-takers than the prior Exam #7022.

In order to delve further into these issues, the EEPC then established an Advisory Committee to recommend improvements in the recruitment program. This Advisory Committee included designees from fraternal organizations in the Fire Department with an interest in attracting more people from underrepresented groups to becoming firefighters. These twelve organizations included the Hispanic

Society, the United Women Firefighters and the Vulcan Society. The Advisory Committee met over a period of three months and developed a set of recommendations. On October 18, 1994, the EEPC issued a Final Determination which combined the recommendations of its Preliminary Determination with those from the Advisory Committee. These recommendations are listed in Box 1, and focus primarily on the operation of recruitment teams, recruitment partners and outreach sites, and the quality of recruitment materials.

*Box 1: 1992-1994 Audit Recommendations*

1. The number of recruitment teams should be increased to a minimum of one per borough. All recruitment teams should include one African-American, one Hispanic, one Caucasian and one Asian-American. No less than one recruiter should be a female.
2. The FDNY should provide incentives for firefighters to work as recruiters.
3. The Board of Education, a major vehicle for outreach to youth, should be included in the recruitment program. All participating agencies should work closely with FDNY fraternal organizations and provide a census from which prospective candidates can be drawn.
4. Recruitment sites should be expanded to include more sites frequented by youth and diverse members of the population such as, sports venues, shopping centers, high schools, libraries, colleges, trade schools and adult education centers. Other sites include unemployment offices, religious institutions, military bases and firehouses. Recruitment teams should saturate special events which attract large numbers of youth.
5. The distribution of applications should be broadened. Applications should also be distributed by neighborhood firehouses and a procedure to account for applications distributed should be established. An 800 number should be utilized and highlighted in the recruitment program.
6. Recruitment materials should be designed by a professional marketing or advertising firm. In addition to written materials other media such as video should be used to reach targeted populations. Written materials should be available in languages other than English where applicable.
7. Recruiters should continue to encourage applicants during the application process through telephone campaigns and informative communiques. Mechanisms for encouraging applicants can be expanded by television advertisements, newsletters, and providing opportunities for applicants to visit the Fire Academy and other Fire Department facilities.
8. The FDNY should establish permanent recruitment sites in all five boroughs, e.g. the Bronx Learning Resource Center, and create bulletin boards at firehouses to display recruitment information to the public.
9. The tutorial program should continue and the fraternal organizations should make recommendations in the selection of the consultant.
10. Recruitment teams should distribute information about tutorial sessions and tutorial guides to all prospective applicants.
11. The FDNY should establish a year-round training facility at the Fire Academy to prepare candidates for the physical exam. This facility should also be available to provide on-going physical fitness programs for current firefighters.
12. The FDNY should establish a Fire Cadet Program similar to the NYPD Cadet Program, to attract future firefighters. The program should target high school juniors.
13. The establishment of a permanent in-house Fire Commissioner Advisory Committee for Recruitment to assist in the implementation of all recommendations for improving the recruitment program. The Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of the other fraternal organizations selected by the Fire Commissioner should also serve on this Committee.
14. To ensure that only New York City resident candidates who took the last firefighter exam will benefit from the five points credit, the Fire Department should request the support of the Department of Personnel to implement a process to guarantee that only residents receive the credit. This process should be the same process implemented by the Department of Personnel to ensure that only resident candidates received five points credit on the police exam.

## **Second Audit: Follow-up Audit of the New York City Fire Department's Recruitment Program for Firefighter Exam #7029, 1999 – 2004**

The EEPC's next step was to conduct a follow-up audit of the recruitment program, this time examining the strategies used for the most recent exam, #7029, to see which of the recommendations from the previous audit were implemented. A preliminary analysis showed that a higher percentage of applicants



were from protected groups this time around, with 11.4%, 13.4%, 1.2% and 3.9% identifying as Black, Hispanic, Asian-American and women, respectively. However, percentages of applicants who actually took the test were lower for Black, Hispanic and Asian applicants and women (at 10.1%, 12.2%, 1%, and 2.8%, respectively) than they were for White applicants (at 74.6%). On top of that, pass rates were lower for Black, Hispanic, Asian and female test-takers (at 61%, 77%, 80% and 70%) than they were for White test-takers (at 92%).

The EEPC conducted its audit by interviewing FDNY personnel with responsibility for implementing recruitment and EEO initiatives, as well as the Presidents of fraternal organizations, including the United Women Firefighters, the Vulcan Society and the Hispanic Society. The EEPC also reviewed documents from the FDNY, the fraternal organizations, the Department of Citywide Administrative Services (DCAS) and transcripts from two City Council hearings in 1998 and 1999. The EEPC found that the FDNY had implemented some helpful outreach initiatives and fully addressed five of the recommendations (with one more partially addressed) from the 1994 audit. The FDNY had initiated:

1. Advertising in minority-oriented newspapers, including the Amsterdam News and El Diario
2. Advertising more widely on television and radio stations, including Spanish language channels and channels with a heavy minority viewing audience
3. Conducting a “phone-a-thon” to 2,000 female contacts
4. Sending recruiters to local college campuses, high schools and community organizations with substantial female and minority populations
5. Placing the exam application on the FDNY web page
6. Distributing the exam application to all City libraries
7. Hiring a professional advertising firm to design recruitment materials
8. Providing incentives for firefighters to work as recruiters

The EEPC also noted the FDNY’s efforts to improve candidate preparation, including distributing information about tutorial sessions to all prospective applicants, making its Randall’s Island training facility available to candidates for the physical exam, and creating a Fire Cadet Program<sup>1</sup>.

There were some areas, however, where the FDNY was still falling short. The EEPC therefore issued a Preliminary Determination on May 25, 2000. Its findings (and reasoning in parentheses) are listed in Box 2 and focus primarily on recruitment teams (as in the first audit), the integration of the Advisory Committee, the establishment of a budget, ongoing mentorship activities and analysis of adverse impact.

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<sup>1</sup> Information about the Fire Cadet program can be found in the 1999 FDNY Annual report: [http://home.nyc.gov/html/fdny/html/publications/annual\\_report\\_99\\_page22.shtml](http://home.nyc.gov/html/fdny/html/publications/annual_report_99_page22.shtml)

*Box 2: 1999-2000 Audit Preliminary Determination Findings*

1. There should be a year-round recruitment team for each borough. All recruitment teams should include at least one African-American, one Hispanic, one Asian-American and one Caucasian. No less than one recruiter should be a female. (This was a clarification of 1994 Recommendation #1.)
2. The Department should grant five transfer points to field personnel who work as recruiters for at least two years. These points, which are regularly awarded to firefighters who go "offline" to work at headquarters, can be used to obtain more favorable work locations. (Fraternal organizations deemed previously proposed incentives inadequate.)
3. The Advisory Committee should be fully involved in all firefighter recruitment strategies or related decisions. In addition, management of the Fire Department should meet with the Committee at least on a quarterly basis and more frequently during the height of the recruitment campaign. (The Department had not been soliciting the Committee's views.)
4. The Advisory Committee should consist of one representative from each of the following FDNY fraternal organizations: the Vulcan Society, Hispanic Society and United Women Firefighters. One representative from each of three other fraternal organizations selected by the Fire Commissioner should also serve on this Committee. (The current Committee was open to all organizations.)
5. FDNY should have a designated annual budget to cover all recruitment expenses. This budget, at a minimum, should provide for approximately 25 employees and all Other Than Personnel Services (OTPS) expenses, such as advertising expenses, the dollar value of any pro-bono consulting services, and recruitment vehicles.
6. The five point residency bonus should be awarded after firefighter applicants pass the written portion of the exam. (This will help increase the number of applicants from protected groups who are eligible for the next stage of the process, the physical exam.)
7. Fire Marshals should be authorized to conduct field investigations of the residencies of firefighter applicants and these investigations should be conducted with the intent to remove applicants from the list who defraud the City. (Fraternal organizations believe that City residency is the key to increasing minority hiring.)
8. Training for the Certified First Responder with Defibrillation should be included in the Fire Academy curriculum, as it was in the past. (In the most recent exam, this required training was excluded from the curriculum, which presented a further financial burden to potential candidates.)
9. FDNY, specifically its Office of Employment Initiatives, should assume prime responsibility for developing and implementing a program or strategy to reduce attrition by applicants in the underutilized groups – minorities and women. (The process is lengthy and without mentorship, applicants drop out. The fraternal organizations cannot do this alone.)
10. The Department should conduct an adverse impact study to determine if the new educational requirement disproportionately screens out members of historically underrepresented groups. If the study reveals such an impact, the Department should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607. (College credits are a new requirement, not common among the current leaders and could screen out qualified minority applicants.)
11. The Department should retain a consultant to develop the tutorial for the next written firefighter examination. The members of the Advisory Committee should be involved in the selection of that consultant. (This was a reiteration of 1994 Recommendation #9. The most recent tutorial was outdated and contained spelling errors and multiple correct answers.)
12. FDNY should develop a plan which allows graduates of the Cadet Corps program to take a promotional test for firefighter. This test, if offered annually, should also be given in January, allowing adequate time for background investigations prior to graduation from the Cadet Corps the following June. (At that time, Cadet Corps graduates had to first become EMTs or be appointed to positions in the Fire Safety and Education Division before being eligible to take the promotional exam for firefighter. Fraternal organizations felt the Cadet Corps was one of the best pools available to diversify the firefighter title.)
13. The Fire Department should conduct an adverse impact study based on the results of the written examination. If the Department's study reveals that the test disproportionately screens out minority or female candidates, FDNY should conduct a validation study in accordance with the federal government's "Uniform Guidelines on Employee Selection Procedures," 29 C.F.R. sec. 1607. (The FDNY's own statistics indicate adverse impact according to the "4/5ths" rule. Fraternal organizations also believe that there is no evidence that a better score on the written test indicates better performance as a firefighter.)
14. The open-competitive exams for firefighter should be held biannually. (The previous gap was seven years, which is too long for candidates to linger on eligible lists.)
15. All firefighter recruitment literature, including recruitment posters, should indicate that the Department is an Equal Opportunity Employer.
16. The Department should develop and administer a training program for the physical portion of the firefighter exam. (Fraternal organizations can no longer handle this responsibility alone.)

The FDNY's response to this Preliminary Determination, and the EEPc's reply, initiated a period of sustained correspondence leading to a meeting with FDNY Commissioner Thomas Van Essen on December 19, 2000 to clarify some points of disagreement. In the spring of the following year, the FDNY entered the compliance monitoring period, during which it provided monthly reports on its efforts to implement the EEPc's recommendations. In its first report, among other things, the FDNY agreed to conduct an adverse impact study on the new educational requirement (#10). The audit was then suspended for nine months after the attack on the World Trade Center.

In June of 2002, the compliance process resumed. In July of that year, the FDNY started to give recruiters transfer points (#2), provided a sufficient breakdown of the Advisory Committee (#4), and stated that it would add residency credits to the final exam score (#6). In September, the FDNY submitted an operating budget for the Recruitment and Diversity Initiatives Unit (#5). In October, the agency submitted evidence on how applicants can obtain required certification (#8), developed a free written exam training course (#11), started working with DCAS on how to promote from the Fire Cadet and Emergency Medical Specialist (EMS) titles (#12), started examining the possibility of offering the exam every two years (#14), stated it would indicate EEO on all its recruitment literature (#15) and started encouraging organizations and clubs to assist with agility training (#16). Finally, in December, 2002, the FDNY submitted details on how the Candidate Investigations Unit screens applicants for residency (#7).

On December 11, 2002, the EEPc issued its Determination of Partial Compliance, identifying which recommendations had been accepted and rejected by the FDNY over the compliance monitoring period. In response to some of the remaining recommendations, the FDNY included an extensive list of its recruiting events and presentations as well as the gender and ethnicity/race of the recruiting personnel (#1). The FDNY's Recruitment & Diversity Initiatives Unit also submitted an Attrition Prevention Plan (#9). This plan detailed several efforts to retain potential firefighter candidates through the lengthy application process, including a new candidate tracking database, "interest cards" to be filled out at recruitment venues, informative mailings, and follow-up calls.

The Attrition Prevention Plan also included a list of various mentoring activities completed during the audit period, including informational sessions and exam trainings run by the FDNY, the Vulcan Society, the Hispanic Society and the United Women Firefighters. These sessions include a recruitment video, a description of the job, a discussion of its benefits, an explanation of the application and testing processes, and sample booklets of both written and physical exams. The FDNY also partnered with the New York Sports Clubs to provide candidates who passed the written exam with temporary membership to the gym in order to better prepare them for the physical exam. At this time, the FDNY also noted that it would be developing a special 8-week program to train women for the physical exam, which includes strenuous upper and lower body exercises.

Finally, the FDNY documented a list of meetings and exchanges with the Vulcan Society, the Hispanic Society and the United Women Firefighters in preparation for these events (#3). The two recommendations with compliance still outstanding were to conduct the two adverse impact studies: one on the educational requirement (#10) and one on the written test (#13).

On April 3, 2003, pursuant to Section 832 of Chapter 36 of the New York City Charter, the EEPc voted unanimously to issue a report to the Mayor on the failure of the FDNY to address the two remaining recommendations. On May 7, 2003, the FDNY wrote a letter in support of its decision to not implement

those actions. On October 23, 2003, the Mayor responded to the EEPD by thanking it for its input and stating that the FDNY had “adequately addressed the points raised in the report.”

### **Third Audit: Audit of the New York City Fire Department’s Equal Employment Opportunity Program, 2006 – 2008**

In March of 2006, the EEPD initiated its third audit of the FDNY. This audit differed from the previous two audits in that it focused on the agency’s EEO program overall, not just its firefighter recruitment strategies, and covered the period from July 1, 2003 to June 30, 2005. In addition to interviews with key personnel and document reviews, this audit also included a survey administered to 2,500 FDNY employees. Unfortunately, a very low response rate created the potential for non-response bias in the results and they had to be discarded.

The Preliminary Determination, issued on December 14, 2006, included not only a review of compliance with the City’s new Equal Employment Opportunity Policy (EEO), but also a summary of personnel and discrimination complaint activity during the audit period. The EEPD found that during that period, 2,648 people were hired, of whom 73% were White, 10% were Black, 15% were Hispanic, 2% were Asian, and 10% were women. The FDNY also reported that of the 100 employees who were laid off or terminated, 50% were White, 20% were Black, 23% were Hispanic, 5% were Asian and 17% were women. Over that period, the overall agency workforce increased by 4.4%, while the representation of Black, Asian, Hispanic and female employees changed little if at all.<sup>2</sup> During the audit period, employees filed 211 internal discrimination complaints, with over a quarter (55) relating to race and color. Employees also filed 27 external complaints, one of which was settled by the end of the period.

The Preliminary Determination found the FDNY in compliance with a number of requirements related to plan dissemination, reasonable accommodations, EEO complaints and investigations, EEO training, employee selection and recruitment, and EEO Officer reporting and responsibilities. Specifically, the agency had:

1. Issued an EEO Policy booklet (November 2001) that included a General Anti-Discrimination Policy Statement, which was distributed to all FDNY units.
2. Ensured all seven job vacancy notices and advertisements submitted by the agency indicated that the FDNY is an equal opportunity employer.
3. Appointed the EEO Officer as the Disabilities Rights Coordinator.
4. Assigned EEO Counselors to all five boroughs.
5. Ensured the EEO Office maintained and updated a log of all discrimination complaints filed.
6. Developed an EEO training plan for all employees conducted by the EEO Officer, Supervising Investigator/Director of Training Events, and an EEO Investigator.
7. Ensured the recruitment unit conducted year-round recruitment for firefighters in all five boroughs; had a budget of \$1.7 million, plus additional money for overtime and a marketing campaign; and followed recommendations contained in Columbia University’s 2004 study: Improving Workforce Diversity at the FDNY.<sup>3</sup>
8. Ensured the recruitment unit attended numerous parades, events, career fairs, and colleges with large minority and female representation, and its recruitment posters contain pictures of minority and women firefighters.

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<sup>2</sup> African-Americans and Asians showed no change in their representation, while there were less than 1% increases for Hispanics and women.

<sup>3</sup> As mentioned in the FDNY Strategic Plan for 2007-2008, this report was the result of a partnership with Columbia University to develop a “comprehensive written plan to enhance member diversity.”



9. Offered tutorial sessions around the city for the next firefighter exam and tutorial for the physical exam.
10. Reduced its educational requirement from 30 college credits to 15 college credits, and allowed candidates to substitute work or military experience.

The EEPC also issued nine corrective actions, listed in Box 3, with references in parentheses to the City's Equal Employment Opportunity Policy (EEOP). These actions run across multiple components of an agency's EEO program, primarily relating to the 55-A program, training, discrimination notifications, adverse impact analyses and the integration and affirmation of EEO.

*Box 3: 2006-2008 Audit Corrective Actions*

1. The Section 55-A Program brochures issued by the DCAS should be distributed to all new and current employees-uniformed and civilian. (Sect. IIB, EEOP)
2. The EEO Officer should ensure that all of the FDNY EEO professionals who have not received EEO training from the DCAS receive such training. (Sect. VB, EEOP)
3. The EEO investigator's confidential written report should be issued within 90 days of the date the discrimination complaint was filed. In rare circumstances where the investigation cannot be issued within 90 days, the parties to the complaint should be notified of the delay. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment)
4. The FDNY should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. N, EEOP)
5. The FDNY should secure the necessary training, either from DCAS or another appropriate source, to assess the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)
6. The FDNY should notify all employees in writing of the name, location, and telephone number/email address of the Career Counselor. (Sect. VB, EEOP)
7. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO program operational decisions should be maintained and kept in clearly identifiable, secure files.
8. The agency head should direct the heads of the human resources and recruitment and diversity units to include the EEO Officer in selecting recruitment media and developing recruitment strategy. (Sect. VC, EEOP)
9. It is the position of the DCAS ("Model Agency EEO Commitment Memo," available on the DCAS website) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.

The FDNY responded to the Preliminary Determination by providing additional information and clarification of their efforts. As a result, the EEPC issued a Final Determination on February 22, 2007. The FDNY then entered an audit compliance monitoring period during which it provided monthly reports on efforts to meet compliance standards.

Nearly all corrective actions were completed during the compliance period with a nine-month extension. In May, 2007, the FDNY submitted evidence of a notification of delay letter for discrimination complaints (#3). In January of 2008, it started to distribute 55-A Program brochures (#1). In March, it submitted evidence that it had informed employees of the Career Counselor (#6). In April, it submitted evidence that the Commissioner directed human resources to include the EEO Officer in recruitment strategy (#8) and senior staff to affirm their commitment to the EEO Policy (#9). In May, the FDNY submitted evidence of employees' participation in structured interview training (#4) and documentation of meetings between the EEO Officer and the Fire Commissioner (#7). Finally, in September of that year, the agency submitted evidence of training completion for EEO staff (#2).

The one sticking point, resembling issues that had appeared in the previous audit, was corrective action #5 on securing training in order to conduct an adverse impact study. The FDNY repeatedly claimed that it did not have the capacity to complete this action and would therefore not comply. After multiple requests and clarifications from the EEPC Counsel, the FDNY submitted in March 2009 a brief study exploring three titles: Emergency Medical Technician (EMT), Fire Alarm Dispatcher (FAD), and Fire Protection Inspector (FPI). Adverse impact on women was found in all three titles, and on minorities in the FAD title; the FDNY committed to *“continue to analyze the results and its [then] current hiring to determine whether further actions should be taken to address the issue of adverse impact in connection with its civilian hiring.”*

### **Court Involvement: United States v. City of New York, 2007 -**

In 2007, while the FDNY was in the middle of the third EEPC audit on its EEO Program, the United States District Court, Eastern District of New York, brought a discrimination suit against New York City. The suit, *United States v. City of New York*, 637 F. Supp. 2d 77 (E.D.N.Y. 2009), alleged the City’s written exams for firefighters violated the Civil Rights Act by resulting in disparate impact on Black and Hispanic candidates. In July 2009, the judge determined that the City engaged in disparate impact discrimination in violation of Title VII by using firefighter entry level Exams #7029 and #2043. In January 2010, the Court held that the City’s use of these exams constituted intentional discrimination, and that the attitude of the City’s top officials was one of “deliberate indifference to the discriminatory effects of the hiring policies that they were charged with overseeing.”

In January 2010, the Court issued a preliminary relief order for the parties to begin remedying the City’s violations, and ordered the parties to develop a new test with the supervision of the Court appointed Special Master. The Court determined after a hearing on the validity of a subsequent exam, Exam #6019, that it had a disparate impact on Black and Hispanic applicants for the position of entry-level firefighter, and that the exam failed to select candidates with relevant job skills.

The court case provided additional incentive for the FDNY to make progress on many of the issues that surfaced during the EEPC audits, particularly regarding recruitment and selection. The description of the FDNY’s efforts during its 2015-2016 compliance period below includes those actions completed in compliance with the court’s orders as well as those directly responding to the EEPC’s corrective actions.

### **Fourth Audit: Review, Evaluation and Monitoring of the New York City Fire Departments’ Employment Practices and Procedures, 2015 – 2016**

On April 17, 2015, the EEPC initiated a new audit for the period of January 1, 2012 – December 31, 2014. This audit differed from previous audits in that consistent with the EEPC’s issue-specific audit plans it focused specifically on the agency’s employment practices and procedures. Another difference from the previous audits was the use of the EEPC’s newly established Uniform Standards, a comprehensive set of standards drawing on federal, state and local laws, regulations, and procedures.

The methodology for this audit included administering electronic questionnaires to personnel involved in implementing employment policy, reviewing EEO Plans and Reports, analyzing workforce statistics from the Citywide Equal Employment Database System (CEEDS) and requesting and reviewing other documents and records as needed. In doing the preliminary analysis for this audit, the EEPC noted the history of disagreement over conducting adverse impact studies.

After a series of clarifying emails and calls over the next few months, the EEPD stated in its November 15, 2015 Preliminary Determination that the FDNY was in compliance with many of its standards, including those related to issuing and distributing EEO policies, conducting EEO training for the agency, providing EEO and reasonable accommodations for employees and applicants with disabilities, and reporting by the agency head. Specifically, the EEPD found that the FDNY had made recent efforts with respect to its employment practices:

1. Issuing an EEO policy statement declaring the FDNY's commitment toward laws, rules and regulations that prohibit employment discrimination, harassment and retaliation and including contact information for and information available from the EEO office.
2. Creating and distributing online a booklet of policies on EEO Anti-Discrimination/Harassment, Sexual Harassment, Anti-Retaliation, Social Media, Hazing and Workplace Violence Prevention. This booklet also included a complaint form and an up-to-date list of protected classes.
3. Implementing an EEO training plan to ensure all employees received training on unlawful discriminatory practices. Between July 2013 and June 2014, the agency held 630 training sessions that were attended by 13,795 employees (87% of the total workforce).
4. Developing an interviewing skills training guide and establishing policy ensuring that all interviews were consistent with the principles of structured interview.
5. Advertising job vacancies on the agency's intranet site, circulated bulletins, and bulletin boards at work locations.
6. Indicating the agency is an equal opportunity employer in job advertisements.
7. Using E-Hire, a recruitment management system, to track disposition of applicants and candidates from recruitment to hire, producing an applicant log report.
8. Conducting lunchtime seminars for civilian employees regarding civil service and the civil service exam processes.
9. Providing large print copies of information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures.
10. Documenting reasonable accommodation requests and their outcomes.
11. Appointing a Chief Diversity and Inclusion Officer/ Deputy Commissioner, reporting directly to the Fire Commissioner, with advanced training and certification on EEO laws, policies, standards and procedures.
12. Ensuring all those who receive EEO complaints and conduct investigations have completed the Diversity and Equal Employment Opportunity Basic Training.

The EEPD also issued nine corrective actions, as shown in Box 4. These corrective actions focus on adverse impact analyses and adjustments as well as EEO integration with performance evaluation and agency-wide decision making.

*Box 4: 2015-2016 Audit Corrective Actions*

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

related, and adopt methods which diminish adverse impact.

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

The FDNY did not issue an optional response to address the nine corrective actions cited. Therefore the Preliminary Determination was reissued as Final Determination. The agency then entered a six-month period of compliance monitoring during which it submitted monthly reports updating the EEPC on its progress toward completing these actions.

Since the requirement to conduct studies of adverse impact had been a point of contention in earlier audits, the EEPC required the FDNY to report on the following, specifically in reference to the Firefighter title:<sup>4</sup>

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:*
  - a. *List, describe and explain the selection criteria(s) for each individual component of the selection process for entry-level firefighters.*
  - b. *For the individual components described above, provide the percentage of minority and female incumbents at each stage of the selection process.*
  - c. *Provide the documentation (i.e., validation reports/studies) confirming that the selection criteria(s) being utilized are job-related.*
2. *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.*
  - a. *Specify how the labor pool (civilian test-takers that fulfill eligibility requirements) is considered, weighted, or otherwise factored into the utilization analysis.*

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<sup>4</sup> The Firefighter Job Group is comprised of several titles. As of July 1, 2016, the Firefighter Job Group included the following titles (number of employees): Fire Protection Inspector (130), Associate Fire Protection Inspector (203), Firefighter (8016), Pilot (13), Marine Engineer (17), and Fire Marshal (89)



- b. *How has the Fire Department worked with DCAS to select the criteria used to determine underutilization in the Firefighter job group?*
- c. *For each individual selection component described in Corrective Action # 3, please identify and describe how the Fire Department has worked with DCAS in creating/modifying the criteria.*

In reference to 1a, the complete list of selection criteria is now available on the FDNY's website. Applicants on the path to firefighter move through eight steps: 1) meet eligibility requirements, 2) apply for the exam, 3) pass the written exam/interview, 4) pass the physical exam, 5) undergo medical and psychological testing, 6) wait for an open position, 7) earn certification as a first responder, and 8) complete a probationary period.<sup>5</sup> In reference to 1b and 1c, the FDNY is in the process of creating an "end-to-end" database that will track applicants from interest to hire. This will be a critical tool in discovering where along the path there might be adverse impact, and will inform discussions with DCAS on creating and/or modifying criteria as referenced in 2c.

The agency did submit validation studies of both the new written exam (the previous exam had been invalidated as part of the court case) and the Functional Skills Test (FST), which is administered at the end of the probation period. Both validation studies were conducted in order to ensure neither selection criteria resulted in adverse impact. In reference to 2a and 2b, utilization calculations are discussed in great detail in the next section of this report.

As the critical first step in becoming a firefighter, recruitment for the exam is a priority. The FDNY reported that in order to diversify recruitment for the new written exam, the newly created Office of Recruitment and Diversity ("ORD") is developing and executing detailed recruitment plans, with timeframes and deadlines. The office is using focus groups in order to reach out and encourage a diverse pool of potential applicants. It is also advertising through social media, websites, radio and print, and deploying 718 recruiters. Potential applicants fill out an electronic or hard copy Expression of Interest form (EOI) that is subsequently entered into a database.

In order to increase the recruitment pool, the ORD is also continuing and improving a series of programs. The Fire Cadet program will continue to recruit, select and mentor diverse candidates. The Explorers Program provides instruction for obtaining EMT certification, job placements services, extensive mentoring, and physical training to New York City high school students. As of March 2016, 85% of Explorers Program participants were people of color, and 47% were female.<sup>6</sup> Finally, the EMS Scholarship Program provides funds to increase the diversity of applicants in the Emergency Medical Specialist (EMS) titles. The FDNY is also helping candidates prepare for the written and physical exams. The department has a newly designed website with information for candidates on both exams and also provides the *Bureau of Health Services, Guidance for Firefighter Candidates Concerning Medical Assessment* and the *Firefighter Candidate Physical Preparation Guide* to assist candidates with preparation for physical and medical exams.

The FDNY is also addressing two more pitfalls for potential candidates described in the steps above: medical testing and background checks. The department is providing more information to candidates about medical testing, including developing a set of frequently asked questions. The stairmill portion of the test was undergoing review at the time of this report. In the meantime, it has been modified so that

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<sup>5</sup> FDNY, "Learn more about becoming a firefighter: Steps to becoming a firefighter", <http://www1.nyc.gov/site/fdny/jobs/career-paths/firefighter-learn-more.page>

<sup>6</sup> More information on the Explorers Program can be found at <http://www.fdneyfoundation.org/fdney-foundation-celebrates-fdney-ems-20th-anniversary-2/>

each candidate has three opportunities to pass; if a candidate fails all three times, he or she may opt to take a modified exercise stress test. The department will provide follow-up medical testing free of charge, and will also continue its efforts to gather data that show any impact of the testing on hiring.

Background checks can also be a stumbling block for potential candidates. Prior to September 2015, these checks had been conducted without any formal written guidelines. In July, 2016, the FDNY developed formal guidelines for both the Candidate Investigation Division (CID), which does the initial screening, and the Personnel Review Board (PRB), to which the CID may refer candidates for final vote. These guidelines clarify many aspects of the background investigation process, including the training investigators and board members must receive; the prohibition on gifts, conflicts of interest and unauthorized communications; the types of documentation accepted; and details on credits and requirements.

These guidelines also clarify what leads the CID to refer a candidate to the PRB, reflecting several changes designed to lessen adverse impact. First, the agency is limiting how far it looks back in a candidate's record for arrests that do not lead to convictions. Second, felony arrests more than five years ago, misdemeanor arrests more than three years ago, or single misdemeanors more recently are no longer grounds for referral to the PRB. Third, the FDNY will be clarifying when referrals can be made on the basis of employment history and school discipline. And finally, the agency will be providing candidates with detailed guidance on the intake packets. All decisions by both the CID and PRB will be documented so that they may be examined in aggregate for any adverse impact against protected groups.

The EEPC required the FDNY to report the following for civilian titles that revealed underutilization such as *Administrators, Managers, Management Specialists, Health Professionals, Technicians, Clerical Supervisors, Clerical, Health Services, Craft, Laborers, and Para Professionals*:

1. *Assess recruitment efforts for all titles to determine whether such efforts adversely impact any particular group.*
  - a. *Identify and list the titles in each job group with current or anticipated vacancies.*
  - b. *Identify and advertise employment opportunities with relevant professional and community organizations serving women, minorities, and other protected groups for each job group/title (provide a list of recruitment resources and copies of the aforementioned job advertisements.*
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.*
  - a. *If no hiring is anticipated, submit a written recruitment plan which adheres to all of the aforementioned criteria. The plan must include a directive requiring its use when recruiting in the identified title(s) resumes.*
3. *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.*

- a. *Provide a copy of memo or email to staff that identifies the Career Counselor / type of guidance available.*
- b. *Provide documentation of the Career Counselor's training and knowledge.*

To demonstrate compliance with the aforementioned:

In reference to 1.a and b, the agency identified titles with current vacancies within job groups exhibiting underutilization and conducted targeted recruitment, reaching out to specific organizations that serve that underrepresented population. For titles that did not have open vacancies (2.a) the FDNY established recruitment plan which included specific recruitment sources to be used when recruitment for commenced. Further, titles for which hiring is conducted exclusively through civil service list calls the FDNY committed to distributing exam notifications to the appropriate partner organization serving the underrepresented population.

In reference to 3, the FDNY appointed a Career Counselor in February 2016, [with demonstrated ability to grasp complex policies and procedures, and translate them in a manner that facilitates understanding and also possesses excellent computer and presentation skills]. Employees were notified of this appointment via Employee Bulletin, which included the name, contact information and types of guidance available from the Career Counselor.

The FDNY's Fall 2016 Newsletter, "Creating a Culture of Inclusion", highlighted a few more changes to the department. In April 2016 the agency adopted a new Vision, Mission and Goals statement, clearly connecting diversity to the mission of the FDNY. It states, "FDNY prides itself in attracting candidates of diverse gender, age, culture, race, religious preference and sexual orientation because the expression of unique ideas provides for better productivity, efficiency and service to a divers and multi-faceted community."

The newsletter also highlighted the new Women's Benevolent Association (WBA), which is designed to "encourage, promote, and advance women who are active in all aspects of fire and emergency medical services at the Fire Department."<sup>7</sup> And finally, the agency stated it will be developing a stronger EEO Counselor program in which trained and knowledgeable counselors will provide an alternative resource for employees outside of the EEO Office.

This long and rich history shows the EEPC working steadily with the FDNY to ensure it can and does rely on best practices to ensure employment equity. While this relationship is sometimes more challenging than at other times, it is clear that the long-term trajectory is toward progress. In all, the FDNY has shown improvement over the years it has been involved with the EEPC. There are still areas that need attention, and these will be addressed in the final section on recommendations.

## **EEPC's Evolving Methodologies to Explore Progress and Potential**

### **Triangulation**

As mentioned in the section on the history between the FDNY and EEPC, the EEPC has always used a variety of methods to explore areas of progress and potential within agencies. The early audits of the FDNY's recruitment methods involved both qualitative and quantitative methodologies: public hearings, advisory boards, interviews, and data on workforce composition and utilization. The later audits also

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<sup>7</sup> FDNY, "Creating a Culture of Inclusion", Office of Diversity and Inclusion Newsletter, Second Edition, Fall 2016

combined multiple sources of information, including agency-provided documentation, questionnaires from key personnel, employee surveys and quantitative data. This type of triangulation – the process of drawing findings from multiple methods and/or data sources – allows the EEPC to develop a deeper, more comprehensive understanding of an agency’s situation than that which would be revealed by a single method or source alone. It is the cornerstone of the EEPC’s audit process, aiding in corrective actions and recommendations that truly attend to each agency’s strengths and challenges.

## **Evolving measures**

While triangulation helps to build a clearer picture overall, each of these measures, alone, must also provide a valid contribution. Qualitative data – asking agency personnel directly about their procedures and experiences – will always be an important contributor. Initially the EEPC interviewed personnel on site at agencies. Over the years, a desire to both increase efficiency and allow time for personnel to provide documented support for their answers encouraged the EEPC to conduct these interviews remotely, first using paper copies and then moving to online survey administration. This has the added benefit of more easily allowing an aggregated view of how agencies are answering certain questions across the city.

As mentioned above, since its first audit, the EEPC has relied on quantitative data provided from the Citywide Equal Employment Database System (CEEDS). The EEPC receives four primary reports from CEEDS: Workforce Utilization (961), Workforce Composition (210), Personnel Actions (343) and Provisionals (355). For the most part, the EEPC relies on the Workforce Utilization report and to a lesser extent the Workforce Composition report in conducting preliminary analyses at the start of each audit. Both of these reports provide very helpful information in determining the potential for adverse impact. However, there is room for more in-depth analyses of these reports, especially as they may provide both historical and citywide context for current observations. The next section gives an example of how CEEDS data can provide historical context for current observations.

## **Trend analysis of FDNY employment practices**

The most recent CEEDS Workforce Utilization report showed that Whites were underutilized in the firefighter job group. This would imply that the FDNY was not selecting Whites at a rate proportional to their availability in the labor market. Given the long history of Whites holding the majority of firefighter positions, this indication is confusing. The EEPC’s Research Unit decided to follow up on several hypotheses.

### *Hypothesis 1: The available labor market is being calculated incorrectly*

Underutilization is calculated by comparing the percent of people in the available labor market from a certain group with the percent of people employed from that same group. If the employed percentage is either less than 80% of the availability percentage or is lower than that percentage by a statistically significant amount, it indicates underutilization of that group in that agency, job group or title.

When the EEPC noticed an underutilization of Whites in a job group that had a history of underrepresentation of protected groups, it requested more information from the Department of Citywide Administrative Services, that agency that creates the calculations behind the CEEDS Workforce Utilization report. DCAS responded by saying that it was using the pool of test-takers for the firefighter



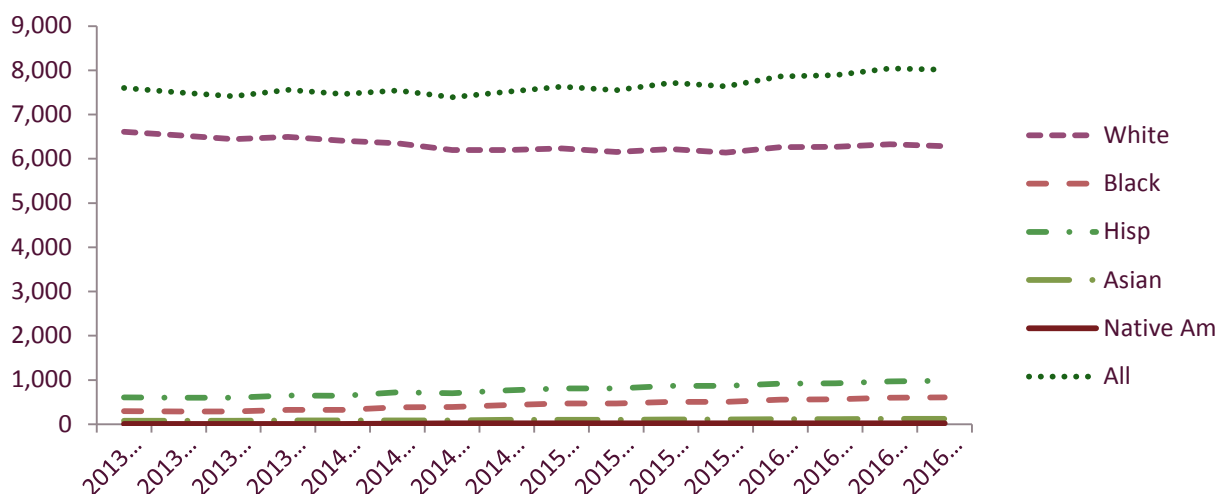
exam as the available labor market<sup>8</sup>. Given that about 75% of those who took both Exam #0084 and Exam #7029 were White, it would make sense that if White firefighters comprised significantly less than 75% of the total firefighter population, it would result in a diagnosis of underutilization. The current numbers show White firefighters making up about 76% of those employed as firefighters, not enough to diagnose underutilization. Therefore either this hypothesis is incorrect, or the EEPC does not have complete information about the labor market calculations.

*Hypothesis 2: White firefighters are indeed separating from the firefighter title*

As an alternative, this finding might indicate White firefighters are indeed lessening their dominance within firefighter positions. This might be due to voluntary separations, such as retirements or promotions, or involuntary separations.

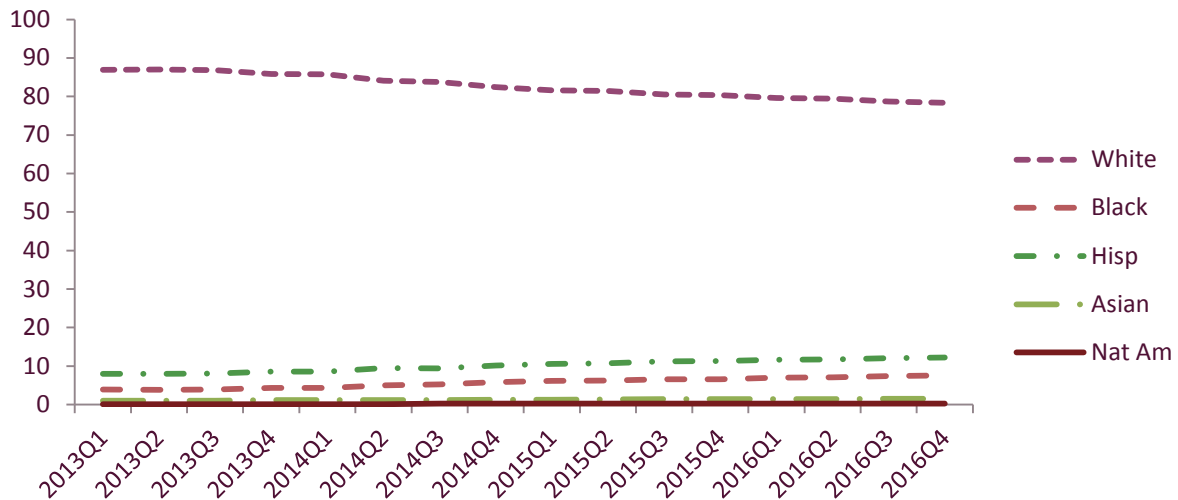
Looking first at the overall composition of the title, using the CEEDS Workforce Composition) report, we can see in Figure 1 that while the total population of firefighters increased slightly, White firefighters remain employed at very high numbers in comparison with firefighters who are Black, Hispanic, Asian or Native American. It does seem, however, that there is a slight decline in the number of White firefighters over time and a slight rise in the number of Black and Hispanic firefighters, in particular.

Figure 1: Number of Firefighters by Race/Ethnicity, 2013Q1 - 2016Q4



<sup>8</sup> NB: EEPC is receiving conflicting information on this fact. DCAS asserts it uses the pool of test-takers as the available labor market, the FDNY is asserts DCAS uses a more complex calculation. More information is required.

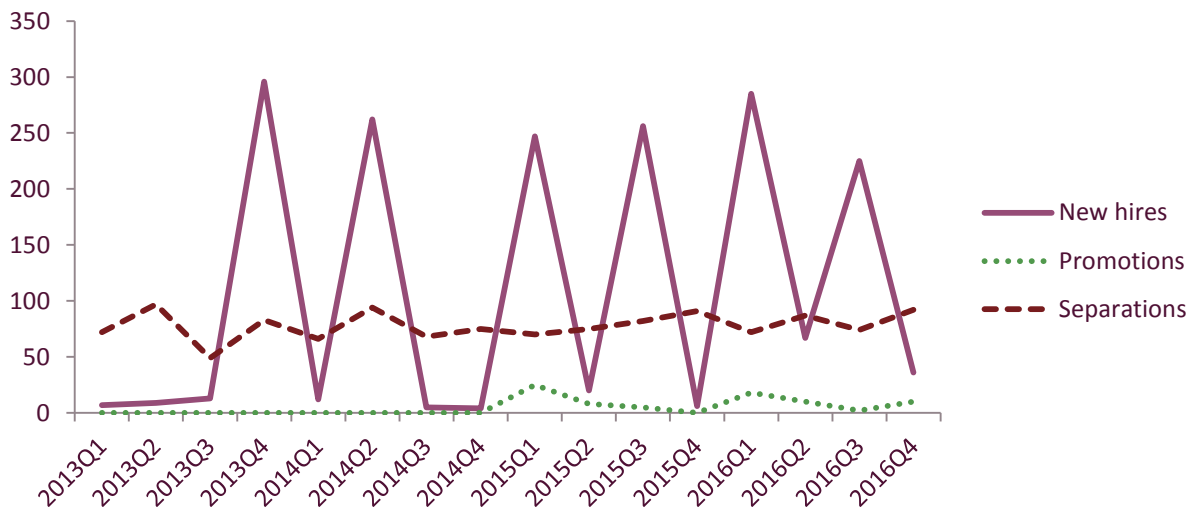
Figure 2: Percent of Firefighters by Race/Ethnicity, 2013Q1 - 2016Q4



Looking now at percentages in Figure 2, the change in the proportion of firefighters by race is more distinct. The percentage of firefighters who are White is clearly dropping, while the percentage of firefighters who are Black and Hispanic is clearly growing.

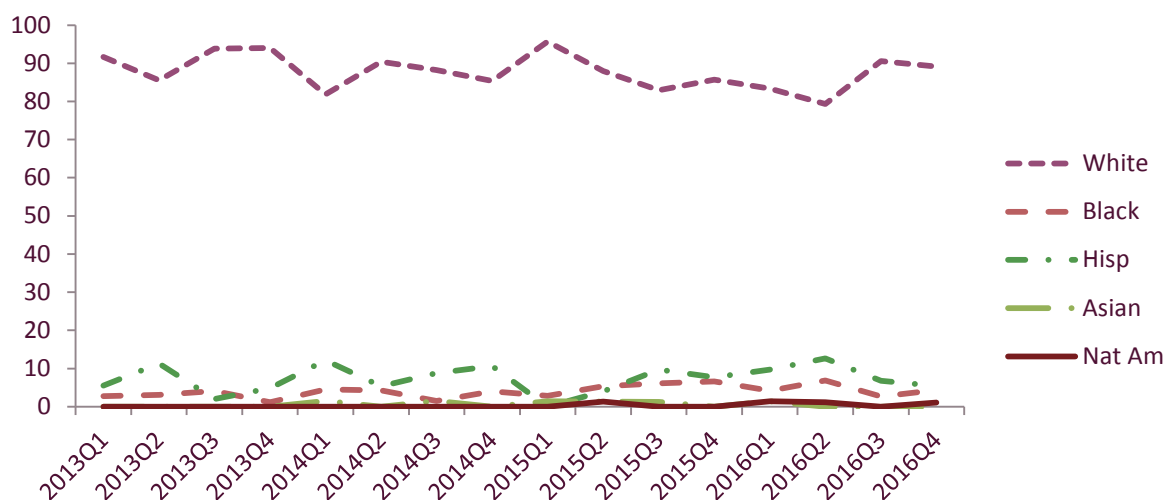
Moving on to personnel actions – hires, promotions, and separations as reported in the Personnel Actions (343) report – adds another layer to the story.

Figure 3: Number of Hires, Promotions, and Separations into/from Firefighter, 2013Q1 – 2016Q4



New hires, as shown in Figure 3, occur in noticeably large batches at regular intervals, promotions occur in smaller numbers and less frequently, and separations are a steady occurrence over time.

**Figure 4: Percent of Separations from Firefighter by Race/Ethnicity, 2013Q1 – 2016Q4**

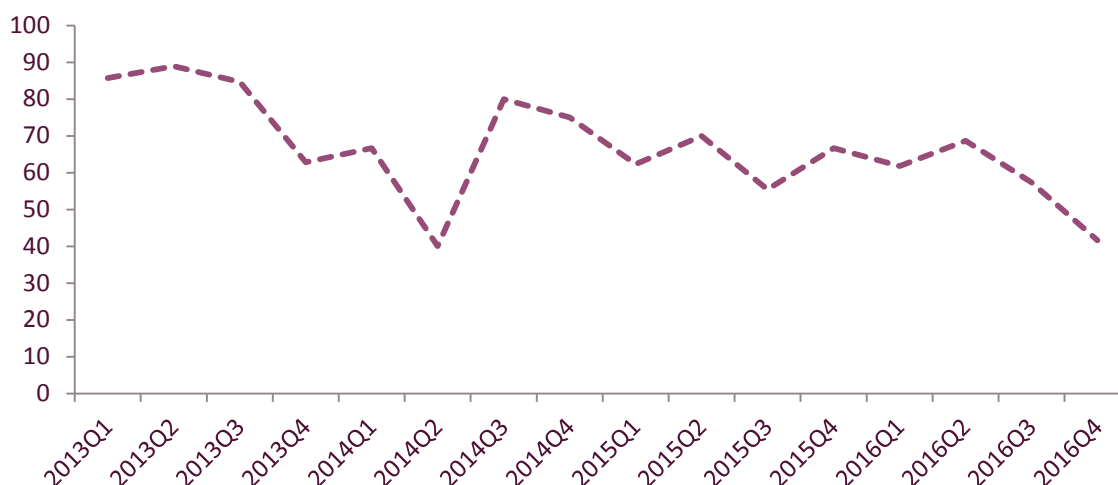


Focusing in on separations, Figure 4 shows White firefighters are separating from the title at higher percentages than are other groups. However, they are not separating at any rate higher than they were previously, and a high percentage of separations would be expected with a high percentage of representation. This then begs the question of how often White firefighters are separating in comparison with their representation in the title. Indeed, over the past four years, White firefighters have been separating at a higher ratio in comparison to their representation (1.06) than Black and Hispanic firefighters (.072 and .073 respectively). So, this hypothesis may hold some weight in explaining, in part, the underutilization of White firefighters. What the data cannot tell us, however, is whether those separations are voluntary or involuntary.

*Hypothesis 3: White applicants/employees are not hired into/being promoted out of firefighter positions*

Looking instead at hires and promotions brings some light to the issue of voluntary versus involuntary separations. Figure 5 shows that the percentage of hires to White applicants has been steadily decreasing over the past four years. This may support our hypothesis of White underutilization, but more importantly indicates that the FDNY's efforts to recruit and hire Blacks, Hispanics, Asians and Native Americans are working.

Figure 5: Percent of New Hires into Firefighter to White applicants, 2013Q1 – 2016Q4



Looking at promotions out of the firefighter title presents a more complicated story. The Firefighter title officially promotes to five positions: Wiper, Pilot, Marine Engineer, Fire Marshall and Fire Lieutenant. In the past four years, all but 7 of the 95 promotions to the first four positions went to White firefighters. Figure 6 shows a more diverse story, however, for Fire Lieutenants, representing by far the largest number of promotions, at 600 over the past few years.

While White firefighters still make up the large majority of promotions to this title, it seems that over time this percentage has decreased from over 90% to just around 80%. This may explain why White firefighters are separating from the title – they are moving up the ladder to Lieutenant (out of the Firefighter job category and into the Fire Supervisor category).

Unfortunately, the Fire Supervisor job category has not shown the change that we have seen across the FDNY as a whole, with 93% white employees. Fire Supervisors make up 15% of the total FDNY workforce (uniformed and civilian) and are the third largest job category, behind only Firefighters and Technicians. Demographic shifts in this category could significantly contribute to overall diversity in the FDNY workforce over time.

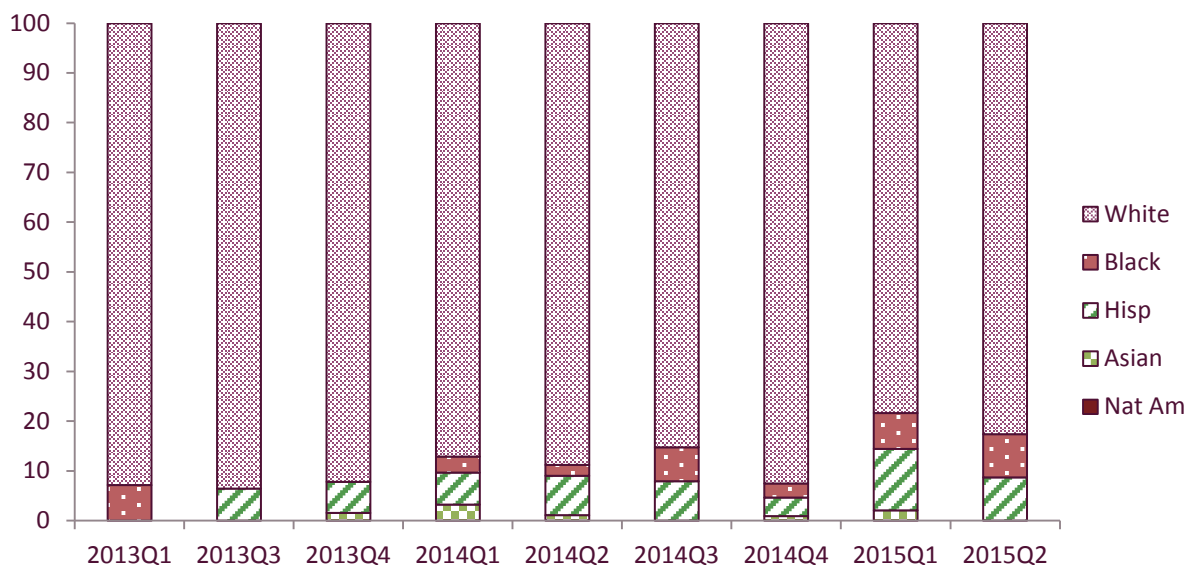
The Fire Supervisor job category poses a unique problem in that it consists solely of promotional titles. Therefore, the greatly-improved recruiting practices of the FDNY are diminished because it could take approximately 6-10 years from the point of recruitment (which includes Firefighter exam application/administration/certification/selection, plus a mandatory 3 years of service as a Firefighter prior to taking the Lieutenant exam, which then needs to be administered/certified) to impact the ethnic makeup of this category. However, there are developments that may result in unprecedented change.

In August 2016, a Lieutenant (Fire) promotion exam list of 1166 passers was established and is currently being used. While an exam alone will allow upward mobility of underrepresented groups from a slightly



more diverse population, another change driver stands out as well. The 2015 Workforce Profile Report<sup>9</sup> issued by DCAS indicates that 49% of the Fire Supervisor job category is currently eligible for retirement and that 74% will be eligible by 2020. Given the high number of potential separations, there will be a need for many new Fire Supervisors. The combination of an active list and an inordinate amount of impending retirements could potentially lead to a sweeping change in the face of the FDNY.

**Figure 6: Percent of Promotions into Fire Lieutenant by Race/Ethnicity, 2013Q1 - 2015Q2**



#### *Hypothesis 4: A more diverse population is being recruited from EMS*

Another way to diversify a title, in addition to focusing on recruitment and new hires, is to promote from another title that is already diverse in its representation. Two titles in the Emergency Medical Specialist (EMS) category – Paramedic and Emergency Medical Technician (EMT) – demonstrate more racial diversity and promote directly into the Firefighter title<sup>10</sup>. If the FDNY is focusing on recruitment from these lower titles, this may affect the overall composition of the Firefighter title, including the utilization of Whites.

Figure 7 shows that Hispanic employees in EMS titles, but also Black and Asian employees in EMS titles, are making headway into the firefighter title through the promotional exam. In five out of seven quarters in which there were promotions into the title, Black, Hispanic and Asian employees in EMS titles make up between a quarter and half of those promotions.

<sup>9</sup> The Fiscal Year 2015 New York City Government Workforce Profile Report draws on employee-level personnel data from fiscal years 2006 through 2015. More information can be found at [http://www.nyc.gov/html/dcas/downloads/pdf/misc/workforce\\_profile\\_report\\_fy\\_2015.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/workforce_profile_report_fy_2015.pdf)

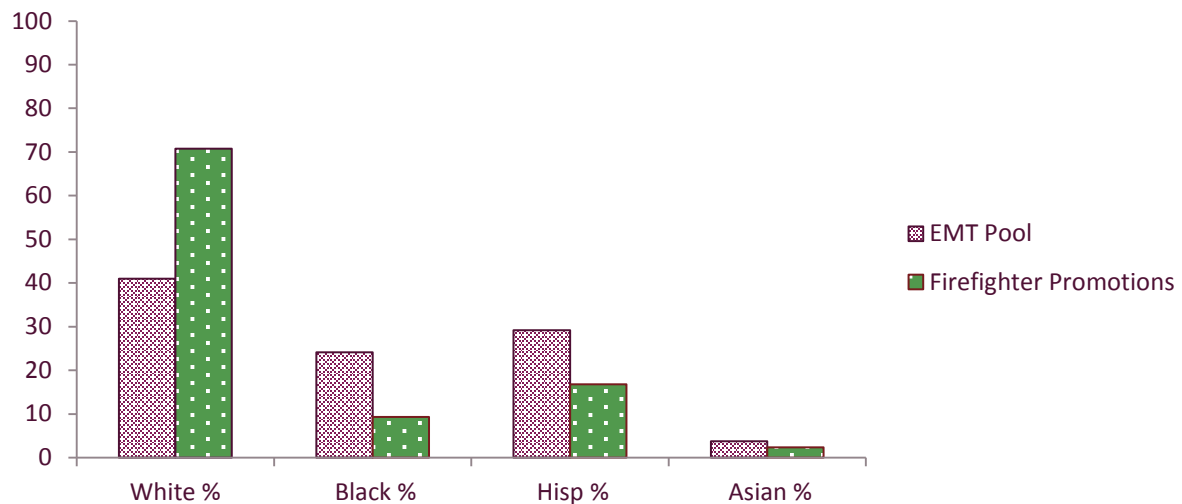
<sup>10</sup> Only those in permanent EMS titles are eligible to take the Firefighter exam. An analysis of the CEEDS Provisional and Workforce Composition reports shows that 95% of EMTs and Paramedics are in permanent titles.

**Figure 7: Number of Promotions into Firefighter by Race/Ethnicity, 2015Q1 - 2016Q4**



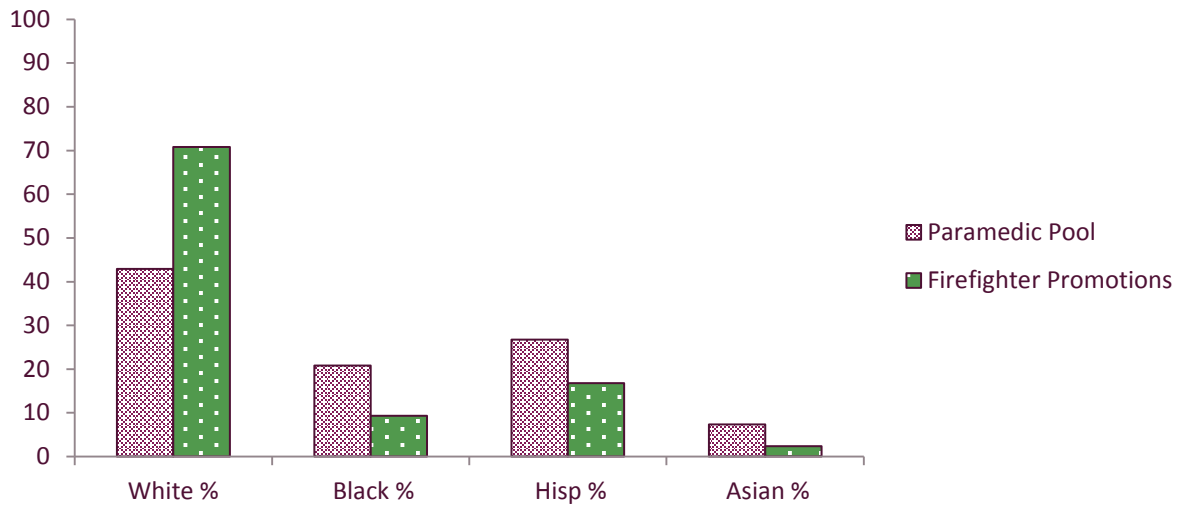
When compared to the diversity within the EMS titles, Black, Hispanic and Asian employees are still being underutilized in the Firefighter title. In order to compare diversity within the EMS title with that of the Firefighter promotions, we applied a broad definition of the candidate pool that defined the pool as the entire population of that title. In the absence of detailed exam data, this was the most

**Figure 8: Average Composition of EMT Pool vs. Firefighter Promotions by Race/Ethnicity, 2015Q1 – 2016Q4**



appropriate method available. The results are demonstrated in Figure 8 and Figure 9.

Figure 9: Average Composition of Paramedic Pool vs. Firefighter Promotions by Race/Ethnicity, 2015Q1 – 2016Q4



As Figure 8 and Figure 9 show, when comparing the pools to the promotions, the EMT and Paramedic pipelines seem to favor White employees in these titles over Black, Hispanic and Asian employees in these titles.

### *Summary of Findings*

This analysis of four hypotheses about why Whites may or may not be underutilized in the Firefighter job group and title demonstrate the EEPC's ability to explore an agency's observations and patterns within its own historical context. The results here are mixed:

1. Using the limited pool of test-takers as a baseline does not lead to an underutilization of Whites; therefore the calculation of underutilization should be clarified by DCAS.
2. The percentage of firefighters who are White is indeed declining, and the percentage of firefighters who are Black and Hispanic is indeed rising.
3. White firefighters are separating from the title at a higher ratio, compared to their representation, than Black and Hispanic firefighters, though it is unclear the extent to which these are voluntary or involuntary separations.
4. The percentage of new hires into the department who are White is indeed declining.
5. White firefighters make up the large majority of promotions to other titles, which may explain the higher separation ratio, assuming that these are voluntary separations. Promotions to Lieutenant may show potential for slowly increasing diversity, relative to other promotional titles. This finding warrants further examination.
6. A large percentage of the Fire Supervisor job category is eligible for retirement within the next five years. Depending on the demographic makeup of the active Lieutenant list, the percentage of white Fire Supervisors could decline sharply by 2020. These gaps could be filled from a promotion pool of more diverse candidates.
7. Recruitment from EMS titles may be increasing diversity in the Firefighter title, particularly among Hispanic applicants. But for both EMTs and Paramedics, Black, Hispanic and Asian employees in these titles are underutilized in promotions to Firefighter compared with their representation in the original pool.



## **Future directions for EEPc analysis**

Recently, three New York City Council members introduced a bill, Int. No. 921, designed to amend the City Charter to ensure fairness in physical testing. Briefly, the bill would require the EEPc “to specifically audit and evaluate any physical testing utilized by any city agency, either for hiring or promotional purposes.” The EEPc supports the intent of the proposed Bill with the following provisions for practical implementation: (1) that the result/approval of the EEPc’s audit and evaluation precedes the release of the corresponding exam schedule or implementation of the exam; (2) that DCAS, with the assistance of the relevant agencies, provide to the EEPc the titles (by agency and job group) which require physical testing and the content and construct validation studies which were used to create any physical requirements. A construct validation would support that the test accurately measures criteria such as fitness, strength and endurance. A content validation would ensure job relevancy.”

Currently, there are three points at which those wishing to become firefighters are tested physically: 1) the physical exam, also known as the Candidate Physical Ability Test or CPAT, 2) the medical test that includes a stairmill test, and 3) graduation from probationary school, which requires passing the Functional Skills Training (FST) test and the ability to run 1.5 miles in 12 minutes. As mentioned above, the FST was recently validated by an external consultant. The CPAT is a standard exam developed and validated by the International Association of Firefighters. The stairmill and running tests, however, have yet to be validated to show they do not incur any adverse impact.

This analysis of the Firefighter title is just the beginning for the type of analysis the EEPc’s Research Unit plans to implement.

## **Recommendations for the FDNY**

### **Data Tracking and Analysis**

The FDNY has initiated an important first step: increasing its capacity to be aware of what is working and where there might be problems in its campaign to increase diversity in the firefighter title. The development of an end-to-end database, tracking potential candidates from their initial expression of interest to the final point of hire, is an excellent way to ensure any barriers to equal employment can be detected. The EEPc recommends the completion and ongoing maintenance of this database, attending to both the comprehensiveness and accuracy of the data, and running regular analyses of this data to spot any potential problems in access to employment.

### **Addressing Barriers**

The next step, of course, is to address these barriers. Again, the FDNY has made significant strides in this area on both the written exam and the physical testing that occurs during the probationary period. It is currently analyzing both the medical testing and background check processes to see whether they warrant modification beyond the steps completed in recent years. The EEPc recommends that the FDNY continue this analysis and add to it the exploration of other potential barriers along the path from interest to hire. This includes an examination of eligibility requirements, recruitment methods for both the open and promotional exams, interview outcomes, psychological and drug testing, and any anti-attrition efforts including follow-up calls and mentoring.

## Building on Potential

The research analysis above shows where there might be great potential for growth in firefighter diversity. The EEPCC recommends increasing recruitment from the relatively diverse EMS titles. Those in EMS titles are in a good position for promotion to Firefighter in terms of qualifications and the EMT/Paramedic pool could be leveraged whenever additional Firefighters are needed. Recruitment and analysis efforts should focus on the needs and desires of these candidates to determine whether there are better ways to attract them to becoming a firefighter.

Next, the EEPCC recommends identifying the Fire Supervisors eligible for retirement and creating a strategic plan for the diversification of Lieutenant, Captain, and Battalion Chief titles. Since the Firefighter title is reflecting increasing diversity, the FDNY could explore ways to prepare the new generation of candidates for the next step in their career (e.g. promotion exam preparation). In terms of retention of diverse talent at the Fire Supervisor level, it is recommended that newly appointed women and minority Lieutenants be trained to be successful in their new role (e.g., leadership development, managing a less diverse workforce, etc.) To address cultural differences, the EEPCC recommends training captains/battalion chiefs (all selection managers) on the importance of diversity in the workforce and assuring their ability to make employment decisions based on merit and equal consideration. These methods may be helpful in increasing the percentage of promotions to Lieutenant for female, Black, Asian, Hispanic and Native American firefighters. The analysis above hinted that this may be starting to happen. This change has two benefits: 1) it diversifies the ranks of the promotion pool for Captain, potentially affecting FDNY leadership and operations in a profound way, and 2) it demonstrates to potential firefighter candidates the possibility of climbing the ladder, a key selling point for recruitment.

The long history between the EEPCC and FDNY shows a continuing commitment by both parties to work toward equal employment opportunity. In partnership, it is possible to sustain this growth, building upon successes and exploring new methods. With the right goals in mind and a common sense of purpose, significantly increasing diversity among the ranks of firefighters is within reach.



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Angela Calabrese  
Maitri Chatterji Daniel  
Elaine G. Olson, Esq.  
Greg G. Olson

Senior Staff

Charles E. Terry, PFR

Judith Garcia Quiñonez, Esq.

200 Broadway  
10th Floor  
New York, NY 10007