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By MAIL and EMAIL

June 3, 2016

Joseph Ponte
Commissioner
Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Department of Correction's Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear Commissioner Ponte:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering July 1, 2013 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Department of Correction, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."



The purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ 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 municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and

¹ Corresponding audit/analysis standards are numbered throughout the document.



return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The New York City Department of Correction is a mayoral agency established in 1895. The agency provides for the care, custody and control of misdemeanants and felons sentenced to one year of incarceration or less; detainees awaiting trial or sentence; newly sentenced felons awaiting transportation to State Correctional facilities; alleged parole violators awaiting revocation hearings; and State prisoners with court appearances in New York City. Professional care and services, including health and mental health care, opportunities for religious observance, educational instruction, vocational training, discharge planning and substance abuse counseling are also provided. The agency headcount at the end of the audit period was 10,318 (workforce composition summary attached as **Appendix 5**).

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in partial compliance with the standards for this subject area.

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.
- ✓ During the period, in review the Commissioner issued three EEO Policy statements via teletype. Teletype HQ-00266-0 was issued on February 4, 2013, HQ-02503-0 on November 21, 2013 and HQ-01014-0 on April 30, 2015. Each teletype stated *"the department is committed to recruiting, retaining and enhancing the knowledge, skills, and abilities of a diverse workforce, one that is representative of members of the City of New York's many communities."* The teletypes further stated *"as commissioner of the New York City Department of Correction and Chief of Department, we are proud to reiterate that we are personally committed to employment practices that support a nondiscriminatory workplace. And, to ensure effective implementation of the department's equal employment opportunity plan, we also hold all department employees accountable for promoting equal employment in the workplace."* Each teletype included the address of the agency's EEO Office, and the name and contact information of the agency's EEO Officer, Career Counselor and Disability Rights Coordinator (DRC) and concluded with a requirement that – *"Commanding Officers of facilities and divisions shall ensure that this teletype order is read at eight (8) consecutive roll calls and posted in appropriate employee areas."*

Additionally, managers and supervisors were required to re-emphasize the agency's commitment to EEO via staff meetings, with specific talking points that included: a list of protected classes, a statement against retaliation and sexual harassment, employees' rights to request reasonable accommodations (name and contact information of the DRC was included), where to obtain EEO Complaint and Reasonable Accommodation forms, and managers and supervisors obligation to report alleged violations of the EEO policy.

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.
- ✓ The agency followed the citywide EEO Policy: *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, which was distributed to new employees as part of the New Employee "Blue Book." Employees were required to retain the book in its entirety for the duration of their employment. The EEO Policy; agency's *Annual EEO Plan*, EEO Policy statement; *Complaint of Discrimination Form*; EEO Handbook: *About EEO: What you May Not Know*; *Executive Order 16: Single Sex Facility Use*; and *55-a Booklet* were all posted to the agency's website – which was accessible to employees on demand. The EEO Policy statement, list of protected classes and *Sexual Harassment Prohibited* flyers were posted at each of the agency's physical locations. In addition, on September 16, 2015, the Commissioner issued a *Reasonable Accommodations Policy Directive* which notified employees of changes that were made to the reasonable accommodation policy. The Directive required distribution to staff and posting to the agency's website. The reasonable accommodation request form "RRA-1" was appended.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City's Human Rights Law: "caregiver status" (added on January 5, 2016, effective May 4, 2016); "Consumer credit history" (added on May 6, 2015, effective on September 3, 2015); and "pregnancy" (enforcement guidance released May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in compliance with the standard for this subject area.

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.

- ✓ During the period in review, all new employees received an EEO briefing (conducted by the principal EEO professional) during orientation. Each new class of uniformed service members received 3.5 hours of EEO training during the Academy which covered: *Discrimination Protections afforded NYC employees, Theories of Discrimination, Differentiate between “Quid pro Quo” and “Hostile Environment” Sexual Harassment, examples of sexually harassing behavior, protections afforded an individual under the Federal, State, City disability discrimination laws, internal discrimination complaint process, and Department of Correction’s EEO Policy.* In addition, during the period in review the agency’s full time Diversity Officer/ Trainer conducted EEO and Diversity & Inclusion training for uniformed and non-uniformed employees: 71 training sessions between July and December 2013; 193 in fiscal year 2014; and 113 in fiscal year 2015.

The EEO training slides included; pictures, maps and diagrams for the location of the agency’s EEO Office and EEO counselors, *types of issues handled by EEO, protected classes, how and where to file an EEO complaint, what is a reasonable accommodation and how to request one, and what is diversity and inclusion to the City of New York.*

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

Determination: The agency is in partial compliance with the standards for this subject area.

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.
- ✓ The agency reported that it “*was looking to diversify its recruitment sources*” to address underutilization (*1st quarter 2015 Report on EEO Activity*).

In response to the EEPC’s request for documentation of the agency’s assessment of methods and criteria used to recruit, the agency submitted a copy of a *Recruitment and Hiring Plan*. The *Recruitment and Hiring Plan*’s stated objective is to “*develop effective and innovative approaches to recruiting and hiring qualified Correctional Officers by creating a strategic recruitment plan with new a [sic] recruitment team.*” The plan included the following four *Milestones* (with *Tasks* and *Detailed Activities* to accomplish them): (1) *hire recruitment staff & organize space and resources*; (2) *identify comprehensive recruitment strategies & implement the plan*; (3) *develop applicant tracking and create a 30-second recruitment commercial*; and (4) *succession planning*.

NOTE: The *Recruitment and Hiring Plan* focused solely on the recruitment of Correctional Officers – a title in the *Police* job group which did not indicate underutilization during the period in review.

- The agency did not provide documentation that it assessed recruitment efforts for other job titles to determine whether such efforts adversely impact any particular group. In addition, CEEDs Report – *Work Force Compared with Internal and External Pools* during the period in review indicated underutilization of protected classes in twelve (12) job groups. (Appendices 2-4) Corrective action is required.

Corrective Action 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.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The principal EEO professional and Deputy Commissioner of Human resources met on September 19, 2014 to discuss "HR and EEO." The principal EEO professional also met regularly (in 2014 and 2015) with the General Counsel to discuss "Internal EEO Cases." The DRC and General Counsel also met on June 14, 2014 to discuss amendments to the New York City Human Rights Law and how those changes would impact the agency's employment practices, policies and programs.

As a result of ongoing discussions regarding the NYC Disability Law and revisions to the New York City Human Rights Law the agency concluded that it would: (1) *Amend EEO posters and EEO Directives that are displayed throughout the agency - to add unemployment status;* (2) *Advise Instructors at the Academy of the amendments to the law and make any necessary modifications to the existing curriculum, including the in-service curriculum;* (3) *Review all the EEO materials that are distributed to staff to ensure compliance;* (4) *Ensure that job postings and notices do not list current employment as a requirement or condition for the position; and* (5) *Amend Reasonable Accommodation Directive to ensure compliance with New York City Human Rights Law - nothing is "off limits" as a potential reasonable accommodation.*

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.
 - The agency did not provide documentation that it assessed the manner in which candidates were selected for employment to determine whether there was any adverse impact upon any particular racial, ethnic, disability, or gender group. In addition, the 1st

quarter of fiscal year 2014 CEEDs Report – *Work Force Compared with Internal and External Pools* (the first quarter of the period in review – **Appendix 2**) indicated underutilization of protected classes in twelve (12) job groups which also existed at the end of the audit period. The same 12 job groups also indicated underutilization in the 3rd quarter of fiscal year 2016 Report (the latest quarter available - **Appendix 3** and **Appendix 4** respectfully), along with one additional job group. Corrective action is required.

Corrective Action 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.

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.
 - The agency did not demonstrate that it reviewed relevant utilization data to determine if underrepresentation existed in titles where the agency had discretion in hiring (i.e. discretionary/non-civil service titles). In addition, CEEDs Reports *Work Force Compared with Internal and External Pools* indicated underutilization of protected classes in twelve (12) job groups which may contain discretionary titles. (See §III.6 and **Appendices 2-4**) Corrective action is required.

Corrective Action 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.

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.
 - The agency did not demonstrate that it reviewed relevant utilization data to determine if underrepresentation existed in *civil service* (list) titles. In addition, CEEDs Reports *Work Force Compared with Internal and External Pools* indicated underutilization of protected classes in twelve (12) job groups which may contain civil service titles. (See §III.6 and **Appendices 2-4**) Corrective action required.

Corrective Action 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.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ The agency reported that a structured interviewing technique was used to conduct interviews for *Deputy Warden* position. Directive 2226R-B, dated October 6, 2005 established the assignment level procedures for Deputy Warden: *“In order to provide the Commissioner with an objective assessment of candidates for Deputy Warden level assignment while preserving the Commissioner’s discretion in selection, candidates will be reviewed against a set of weighted criteria with scaled values to establish a basis for comparison. As a result of the review, candidates will be assigned numerical scores ranging from 1.0 to 8.0, providing a selection pool from which vacancies may be filled... There shall be five criteria weighted as follows: Performance appraisal – 5, education – 3, attendance – 2; seniority (in Assistant Deputy Warden rank) – 4; and interview – 6.”*
 - The agency did not demonstrate that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates – or received a guide or procedure for other positions. Corrective Action is required.

Corrective Action 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).

10. Promote employees’ awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency provided career enhancement opportunities to employees during the period in review via the following methods: opened vacancies to internal applicants, established a selection process with specific qualifications to encourage promotional opportunities, and facilitated lateral transfers to encourage employees to explore other opportunities – which were restricted to specific time frames (e.g. once per year). The agency also participated in cross-training, and explored the opportunities for movement/transfer of staff when requested.



In addition, the agency reported, in its 1st 2015 *Quarterly Report on EEO Activity*, that it instituted a program for employee recognition where it named an “*Employee of the Month*”.

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ During the period, in review the agency advertised several positions including: *Sheet Metal Worker, Supervisor of Mechanics, Administrative Staff Analyst, and Administrative Procurement Analyst* each job vacancy notice included the EEO tagline: *The City of New York and the Department of Correction are Equal Opportunity Employers.*
12. 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.
 - ✓ The agency maintained an applicant log which captured *Applicant Name, Applicant ID, Employee ID, Applicant Type, Disposition, E-Mail address, eHire Pack Status, and Last Updated* for each applicant – each log was labeled by *job title and JO (job order)#.*
 - The agency did not provide documentation it used or maintained an applicant/candidate log or tracking system which, included ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected of each applicant, and recruitment source. Corrective action required.

Corrective Action 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.

IV. CAREER COUNSELING:

Determination: The agency is in partial compliance with the standards for this subject area.

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
 - ✓ The agency appointed two professionals who intermittently served as Career Counselors for uniformed and non-uniformed personnel and provided the following services: identified alternative internal career options for people in transition that capitalize on individual knowledge, skill and ability profiles; created career development plans to help employees grow

and learn; maximized person-job-organizational fit; identified and cultivated internal mentor/career advisor networks; and facilitated employee training and development initiatives. Employees were advised of the name and contact information of the Career Counselor via the Commissioner's EEO Policy statements/ teletypes.

- ✓ The Career Counselor for uniformed employees completed *Equal Employment Opportunity Computer Based Training* in February 2016, was selected for an *Advisory Committee to Enhance Professional Development For Uniformed Personnel*, earned a certificate of achievement from the *Society for Human Resources Management* in 2007 for the completion of the HR Generalist course and earned a certificate of completion for a *Targeted Selection Interviewer Course* in 2007. The Career Counselor for non-uniformed employees completed EEO Training conducted by the agency in 2011 (as outlined in **§II.3**).

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; 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; and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.

- ✓ The agency's Career Counselors were responsible for ensuring that employees had access to examination and training opportunities. The agency's EEO office ensured that employees were advised of the EEO Policies, their rights and responsibilities under such policies and the discrimination complaint procedures – by ensuring that EEO posters and flyers were prominently displayed on bulletin boards and on the agency's website. The agency's 55-a program coordinator was a direct report to the principal EEO professional and kept the EEO professional abreast of the program participants.

- The agency did not demonstrate that the principal Human Resources professional ensured all employees had access to information regarding job responsibilities, performance evaluation standards, or communicated with the principal EEO professional on EEO-related matters. Corrective action is required.

Corrective Action 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.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

Determination: The agency is in compliance with the standards for this subject area.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

✓ The agency reported that it was prepared to provide its EEO policy, information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures in large print and audio via *Adobe*. The agency reported no requests were made during the period in review.

16. Document reasonable accommodation requests and their outcomes.

✓ The agency's DRC was responsible for processing inquiries and requests for reasonable accommodation. The Department received a total of one hundred and fifty-six (156) requests for reasonable accommodation in 2015. Requests were documented using the agency's *RRA-1 Form*. Additionally, the agency's Reasonable Accommodation Policy entitled, "*Reasonable Accommodation Directive*" stated in part: "[t]he DRC must make every effort to grant or deny a request for a reasonable accommodation within thirty (30) days of the request. The DRC shall issue a written determination to the employee or applicant regarding the requested accommodation with copies going to the employee's supervisor and/or Warden."

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

Determination: The agency is in compliance with the standards for this subject area.

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

✓ The Assistant Commissioner for the Office of EEO – the agency's principal EEO professional responsible for overseeing the EEO Office (*see department structure below §VI. 18*) – assisted with EEO and Diversity Inclusion training, and coordinated with the Legal Division on new developments in EEO-related matters to ensure that the agency remained compliant with city, state, and federal EEO laws. The Assistant Commissioner of EEO had employment experience handling employment litigation on behalf of management in the private sector and worked as an Attorney for the agency prior to being appointed as the principal EEO professional. The Assistant Commissioner of EEO completed *Basic training for EEO Professionals* conducted by the Department of Citywide Administrative Services, Citywide Diversity and EEO in 2010 and remains abreast of current employment/EEO laws, policies and procedures via the Law Journal, and other legal periodicals.

Subsequent to the period in review, on February 8, 2016, the Commissioner notified staff via teletype Order (No. HQ -00295-0) that the Deputy Director of EEO would serve as the Acting Assistant Commissioner for the Office of EEO (the agency's *principal EEO professional*) until further notice. The Acting Assistant Commissioner for the Office of EEO completed the following training in 2015: *Everybody Matters, Diversity & Inclusion; Everybody Matters, Train the Trainer; Diversity and EEO Basic Training for EEO Professionals; Structured Interviewing and Understanding Unconscious Bias; EEO Complaint Procedural Guidelines Launch; and EEO CBT* all conducted by the *Department of Citywide Administrative Services, Citywide Diversity and EEO*.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ During the period in review, in addition to the Assistant Commissioner of EEO, the agency appointed a Deputy Director of EEO, a DRC, four EEO Investigators and 33 EEO Counselors (located at various satellite institutions). The EEO Investigators and the DRC attended *Interviewing Techniques for Harassment Investigations* training conducted by the agency (on December 1, 2015), and a Webinar entitled "*Conducting Workplace Investigations*" (on March 30, 2015). In addition, the agency reported that all EEO Investigators completed *Diversity and EEO Basic Training for EEO Professionals* conducted by the Department of Citywide Administrative Services, Citywide Diversity and EEO.
19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
 - ✓ During the period in review, the Assistant Commissioner of EEO reported to the Commissioner; this reporting relationship was reflected in the agency's *EEO Organization Chart*.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
 - ✓ During the period, in review the principal EEO professional updated the agency head via email when changes were made to the City's EEO Policy, and companion guide "*About EEO: What You May Not Know*". The agency also maintained detailed agendas for several "Commissioner Meetings" held in 2013 and 2014 indicating discussions about staffing in the EEO department, EEO complaints, quarterly reports submissions, and implementation of a new agency wide policy.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:
Determination: The agency is not in compliance with the standards for this subject area.

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

- The agency did not establish or implement and an annual managerial/non-managerial performance evaluation program. Corrective action is required.

NOTE: The agency reported that the establishment and administration of annual performance evaluations is part of “*on-going discussions and the agency is looking forward to the implementation of a new system.*”

Corrective Action 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.

22. 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 agency did not rate managerial employees on their ability to implement EEO related responsibilities. Corrective action is required.

Corrective Action 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).

VIII. REPORTING STANDARD FOR AGENCY HEAD:
Determination: The agency is in compliance with the standards for this subject area.

23. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- ✓ The agency submitted its Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports of the agency’s efforts to implement those plans for each year of the period in review.

²Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 9 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

(Optional Conference) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(No Response Option) If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.



In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

A handwritten signature in blue ink, appearing to read "Ilacia Zuell", written over a horizontal line.

Ilacia Zuell
Supervisory EEO Program Analyst
Administrator of Electronic Audit Management

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR
Executive Director

c: Kammae Owens, Esq, Principal EEO Professional

Appendix - 1

EEO Job Group Descriptions

**DESCRIPTION OF
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)
JOB GROUP CATEGORIES**

001 Administrators: Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.

002 Managers: Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

003 Management Specialists: Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

004 Science Professionals: Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

005 Health Professionals: Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

006 Social Scientists: Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

007 Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

008 Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

009 Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

010 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: health technicians (clinical laboratory, dental hygienists, health records, radiologic

and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

011 Sales: Not applicable.

012 Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

013 Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

014 Household Services: Not applicable.

015 Police Supervisors: Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

016 Fire Supervisors: Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

017 Firefighters: Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

018 Police and Detectives: Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

019 Guards: Occupations in which employees are entrusted with public safety and security. This category includes: school crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.

020 Food Preparation: Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

021 Health Services: Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.

022 Building Services: Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.

023 Personal Services: Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

024 Farming: Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

025 Craft: Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.

026 Operators: Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: printing press operators, high pressure boiler operators, laundry workers and kindred workers.

027 Transportation: Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

028 Laborers: Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

029 Sanitation Workers: Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: sanitation workers, debris removers and kindred workers.

030 Teachers: Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

031 Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Appendix - 2

CEEDS: *Workforce Compared with Internal and External Pools*
1st Quarters of Fiscal Year 2014
(Beginning of audit period)

RUN DATE: 10/11/13
 RUN TIME: 14:29:29
 FY2014 Q1

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 47
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/13

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	67	37	34 N	16	13 N	8	9 N	5	7 N	0	0 N	1	3 N
003 MNGMNT SPECS	275	57	113 U	143	81 O	50	36 O	23	36 N	1	1 N	1	6 N
004 SCIENCE PROFNS	85	49	39 O	16	15 N	6	9 N	14	19 U	0	0 N	0	3 N
005 HEALTH PROFNS	26	8	10 U	7	9 U	0	3 U	9	4 O	0	0 N	2	0 O
006 SOCIAL SCI	2	2	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
007 SOCIAL WORKERS	50	8	8 N	36	31 U	5	8 U	1	3 N	0	0 N	0	0 N
008 LAWYERS	15	8	9 N	4	2 N	2	2 N	1	1 N	0	0 N	0	0 N
009 PUBLIC REL	2	2	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
010 TECHNICIANS	65	11	23 U	33	21 O	9	12 U	11	7 N	1	0 N	0	1 N
012 CLERICAL SUPS	88	9	20 U	57	49 O	9	12 N	13	4 O	0	0 N	0	2 N
013 CLERICAL	116	11	22 U	68	62 N	28	18 O	8	8 N	1	0 N	0	6 N
015 POLICE SUPS	893	122	611 U	625	138 O	126	115 N	18	24 N	2	2 N	0	3 N
018 POLICE	7810	852	3252 U	5195	2373 O	1484	1710 N	194	380 N	74	31 N	11	60 N
020 FOOD PREP	162	9	36 U	128	40 O	19	57 U	4	23 U	2	0 N	0	4 N
021 HEALTH SERVICES	26	0	6 U	20	12 O	4	6 U	2	1 N	0	0 N	0	1 N
022 BUILD SERV	18	4	4 N	11	6 O	3	6 U	0	1 U	0	0 N	0	1 N
023 PERSONAL SERV	6	0	2 N	6	2 N	0	2 N	0	1 N	0	0 N	0	0 N
025 CRAFT	243	154	90 O	56	78 U	24	32 N	8	17 N	1	1 N	0	24 U
026 OPERATORS	21	7	8 N	9	4 O	4	3 N	1	1 N	0	0 N	0	1 U
027 TRANSPORTATION	47	6	9 U	33	23 O	8	8 N	0	2 N	0	0 N	0	5 U
028 LABORERS	62	42	16 O	8	19 U	7	14 U	5	5 N	0	0 N	0	3 U
030 TEACHERS	1	0	0 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
031 PARA PROFESSION	13	0	4 U	6	3 N	6	3 N	0	1 U	0	0 N	1	0 N

RUN DATE: 10/11/13
 RUN TIME: 14:29:29
 FY2014 Q1

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 48
 PROGRAM: EBP961
 EXTRACT DATE: 09/30/13

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	0	1	N	1	0	N	0	0	N
002 MANAGERS	67	42	36		25	28		0	1	N
003 MNGMNT SPECS	275	98	157	U	177	111	O	0	3	N
004 SCIENCE PROFNS	85	75	56	O	10	27	U	0	2	N
005 HEALTH PROFNS	26	10	6		16	20		0	0	N
006 SOCIAL SCI	2	2	1	N	0	1	N	0	0	N
007 SOCIAL WORKERS	50	35	16	O	15	34	U	0	0	N
008 LAWYERS	15	6	7		9	7		0	0	N
009 PUBLIC REL	2	1	1	N	1	1	N	0	0	N
010 TECHNICIANS	65	32	40	U	33	24	O	0	1	N
012 CLERICAL SUPS	88	13	18	U	75	68		0	1	N
013 CLERICAL	116	43	33	O	73	79		0	4	N
015 POLICE SUPS	893	437	770	U	456	121	O	0	2	N
018 POLICE	7810	4388	5786	U	3422	1975	O	0	44	N
020 FOOD PREP	162	108	95	O	54	63		0	0	N
021 HEALTH SERVICES	26	22	6	O	4	19	U	0	0	N
022 BUILD SERV	18	16	11	O	2	6	U	0	0	N
023 PERSONAL SERV	6	6	3	N	0	2	N	0	0	N
025 CRAFT	243	242	197	O	1	24	U	0	21	U
026 OPERATORS	21	21	15	O	0	3	U	0	1	N
027 TRANSPORTATION	47	42	35	O	5	7	N	0	5	U
028 LABORERS	62	62	41	O	0	15	U	0	2	N
030 TEACHERS	1	1	0	N	0	1	N	0	0	N
031 PARA PROFESSION	13	5	5		8	8		0	0	N

Appendix - 3

CEEDS: *Workforce Compared with Internal and External Pools*
2nd Quarter of Fiscal Year 2016
(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 47
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/15

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE			BLACK			HISPANIC			ASIAN /			NATIVE A			ETH UNKN		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	3	3	2	N	0	1	N	0	0	N	0	0	N	0	0	N	0	0	N
002 MANAGERS	90	40	46		30	17	O	10	12		9	9		0	0	N	1	4	N
003 MNGMNT SPECS	316	66	129	U	158	93	O	60	41	O	29	41	N	2	1		1	7	N
004 SCIENCE PROFNS	95	48	43		16	17		10	10		18	21		1	0		2	3	N
005 HEALTH PROFNS	33	9	12	U	11	12		0	3	U	11	5	O	0	0	N	2	1	N
006 SOCIAL SCI	8	5	5	N	2	1	N	0	1	N	1	1	N	0	0	N	0	0	N
007 SOCIAL WORKERS	60	12	9		38	38		8	9		2	3	N	0	0	N	0	0	N
008 LAWYERS	34	13	20	U	12	4	O	6	3		3	2		0	0	N	0	1	N
010 TECHNICIANS	77	11	27	U	45	25	O	6	15	U	13	8	O	2	0	N	0	1	N
012 CLERICAL SUPS	65	7	15	U	42	37		9	9		7	3	O	0	0	N	0	2	N
013 CLERICAL	124	7	23	U	74	66		27	19	O	13	9		1	0		2	6	N
015 POLICE SUPS	920	109	629	U	657	142	O	129	118		18	24	N	7	2	N	0	4	N
018 POLICE	7864	864	3275	U	5115	2390	O	1566	1721	N	234	383	N	75	31	N	10	61	N
020 FOOD PREP	166	11	36	U	131	41	O	19	58	U	4	23	U	1	0		0	4	N
021 HEALTH SERVICES	26	0	6	U	20	12	O	4	6	U	2	1	U	0	0	N	0	1	N
022 BUILD SERV	13	2	3	U	9	4	O	2	4	U	0	1	U	0	0	N	0	0	N
023 PERSONAL SERV	10	0	3	U	8	3	O	2	3	U	0	1	U	0	0	N	0	0	N
025 CRAFT	239	156	89	O	49	77	U	24	32	N	8	16	N	1	1		1	23	U
026 OPERATORS	23	6	9	U	11	4	O	4	3		2	1		0	0	N	0	1	U
027 TRANSPORTATION	35	4	7	U	22	17		9	6		0	1	N	0	0	N	0	4	U
028 LABORERS	59	43	16	O	5	18	U	7	13	U	4	5	O	0	0	N	0	3	U
030 TEACHERS	2	0	1	N	0	1	N	0	0	N	1	0	N	0	0	N	1	0	N
031 PARA PROFESSION	56	4	18	U	38	15	O	13	14		0	5	U	0	0	N	1	2	N

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 48
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	3	3	2 N	0	1 N	0	0 N
002 MANAGERS	90	51	48	39	38	0	2 N
003 MNGMT SPECS	316	104	181 U	212	127 O	0	4 N
004 SCIENCE PROFNS	95	84	63 O	11	30 U	0	2 N
005 HEALTH PROFNS	33	12	7	21	25	0	0 N
006 SOCIAL SCI	8	4	4 N	4	4 N	0	0 N
007 SOCIAL WORKERS	60	42	19 O	18	40 U	0	0 N
008 LAWYERS	34	16	15	18	16	0	0 N
010 TECHNICIANS	77	37	48 U	40	28 O	0	1 N
012 CLERICAL SUPS	65	11	14	54	50	0	1 N
013 CLERICAL	124	32	35	92	84	0	4 N
015 POLICE SUPS	920	403	793 U	517	125 O	0	2 N
018 POLICE	7864	4440	5826 U	3424	1989 O	0	44 N
020 FOOD PREP	166	111	97 O	55	65	0	0 N
021 HEALTH SERVICES	26	21	6 O	5	19 U	0	0 N
022 BUILD SERV	13	13	8 O	0	4 U	0	0 N
023 PERSONAL SERV	10	10	5 O	0	4 U	0	0 N
025 CRAFT	239	238	194 O	1	24 U	0	20 U
026 OPERATORS	23	23	16 O	0	3 U	0	1 N
027 TRANSPORTATION	35	31	26	4	5 N	0	4 U
028 LABORERS	59	59	39 O	0	14 U	0	2 N
030 TEACHERS	2	2	1 N	0	1 N	0	0 N
031 PARA PROFESSION	56	28	21	28	33	0	0 N

Appendix - 4

CEEDS: *Workforce Compared with Internal and External Pools*
3rd Quarter of Fiscal Year 2016
(Most recent quarter available)

RUN DATE: 04/04/16
 RUN TIME: 9:59:29
 FY2016 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 47
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/16

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE			BLACK			HISPANIC			ASIAN /			NATIVE A			ETH UNKN		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	0	0	N	0	0	N	1	0	N	0	0	N	0	0	N	0	0	N
002 MANAGERS	3	3	2	N	0	1	N	0	0	N	0	0	N	0	0	N	0	0	N
003 MNGMNT SPECS	109	47	56	U	33	21	O	16	14	O	11	11	N	1	0	N	1	4	N
004 SCIENCE PROFNS	320	67	131	U	160	95	O	61	41	O	29	42	N	1	1	N	2	7	N
005 HEALTH PROFNS	98	48	45	U	16	17	O	12	10	O	19	22	N	1	0	N	2	3	N
006 SOCIAL SCI	34	8	13	U	12	12	O	0	3	U	12	5	O	0	0	N	2	1	N
007 SOCIAL WORKERS	8	5	5	N	2	1	N	0	1	N	1	1	N	0	0	N	0	0	N
008 LAWYERS	80	14	13	U	46	50	O	15	12	O	2	4	N	0	0	N	3	0	N
010 TECHNICIANS	33	11	19	U	14	4	O	5	3	O	3	2	N	0	0	N	0	1	N
012 CLERICAL SUPS	81	12	28	U	47	27	O	7	16	U	12	8	O	3	0	N	0	1	N
013 CLERICAL	71	8	16	U	44	40	O	11	10	O	8	4	O	0	0	N	0	2	N
015 POLICE SUPS	120	6	22	U	72	64	O	27	18	O	12	9	N	1	0	N	2	6	N
018 POLICE	927	103	634	U	671	143	O	129	119	N	17	25	N	7	2	N	0	4	N
020 FOOD PREP	8228	916	3426	U	5300	2500	O	1662	1801	N	262	401	N	77	33	N	11	63	N
021 HEALTH SERVICES	163	11	36	U	128	40	O	19	57	U	4	23	U	1	0	N	0	4	N
022 BUILD SERV	26	0	6	U	20	12	O	4	6	U	2	1	U	0	0	N	0	1	N
023 PERSONAL SERV	12	3	3	U	8	4	O	1	4	U	0	1	U	0	0	N	0	0	N
025 CRAFT	10	0	3	U	8	3	O	2	3	U	0	1	U	0	0	N	0	0	N
026 OPERATORS	244	161	90	O	48	78	U	25	32	N	8	17	N	1	1	N	1	24	U
027 TRANSPORTATION	24	7	9	U	11	4	O	4	3	O	2	1	N	0	0	N	0	1	U
028 LABORERS	36	4	7	U	22	18	O	10	6	O	0	1	N	0	0	N	0	4	U
030 TEACHERS	51	37	13	O	5	15	U	5	12	U	4	4	N	0	0	N	0	3	U
031 PARA PROFESSION	2	0	1	N	0	1	N	0	0	N	1	0	N	0	0	N	1	0	N
	64	4	21	U	43	17	O	16	16	O	1	6	U	0	0	N	0	2	N

RUN DATE: 04/04/16
 RUN TIME: 9:59:29
 FY2016 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

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 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/16

AGENCY: 072 DEPARTMENT OF CORRECTION
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	1	0	N	0	0	N	0	0	N
002 MANAGERS	3	3	2	N	0	1	N	0	0	N
003 MNGMNT SPECS	109	63	58		46	46		0	2	N
004 SCIENCE PROFNS	320	110	183	U	210	129	O	0	4	N
005 HEALTH PROFNS	98	87	65	O	11	31	U	0	2	N
006 SOCIAL SCI	34	12	8		22	26		0	0	N
007 SOCIAL WORKERS	8	4	4	N	4	4	N	0	0	N
008 LAWYERS	80	50	26	O	30	54	U	0	0	N
010 TECHNICIANS	33	16	15		17	16		0	0	N
012 CLERICAL SUPS	81	41	50	U	40	30	O	0	1	N
013 CLERICAL	71	12	15		59	55		0	1	N
015 POLICE SUPS	120	32	34		88	81		0	4	N
018 POLICE	927	400	799	U	527	126	O	0	2	N
020 FOOD PREP	8228	4671	6096	U	3557	2081	O	0	46	N
021 HEALTH SERVICES	163	108	96	O	55	64		0	0	N
022 BUILD SERV	26	21	6	O	5	19	U	0	0	N
023 PERSONAL SERV	12	12	8	O	0	4	U	0	0	N
025 CRAFT	10	10	5	O	0	4	U	0	0	N
026 OPERATORS	244	243	198	O	1	24	U	0	21	U
027 TRANSPORTATION	24	24	17	O	0	3	U	0	1	N
028 LABORERS	36	32	27		4	5	N	0	4	U
030 TEACHERS	51	51	34	O	0	12	U	0	2	N
031 PARA PROFESSION	2	2	1	N	0	1	N	0	0	N
	64	30	24		34	37		0	0	N

Appendix – 5

CEEDS: *Workforce Composition Summary*
2nd Quarter of Fiscal Year 2016
(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.1

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 AGENCY 072 DEPARTMENT OF CORRECTION

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QUARTER 2 YEAR 2016

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
12935	DEPUTY COMMISSIONER	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2
12991	COMMISSIONER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
		100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06407	EXECUTIVE DIRECTOR OF FOOD	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
06793	CONFIDENTIAL AGENCY INVEST	2	1	0	0	0	0	0	0	0	0	0	0	0	0	3
10004	ADMINISTRATIVE ARCHITECT	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10010	ADMINISTRATIVE MANAGEMENT	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10015	ADMINISTRATIVE ENGINEER	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10020	ADMINISTRATIVE INVESTIGATO	0	1	1	0	0	0	0	1	1	0	0	0	0	4	
10025	ADMINISTRATIVE MANAGER	1	0	0	0	0	1	0	0	1	0	0	0	0	3	
10026	ADMINISTRATIVE STAFF ANALY	3	4	1	1	0	0	3	6	0	2	0	0	0	20	
10027	*ADMINISTRATIVE DIRECTOR O	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10033	ADMINISTRATIVE PUBLIC INFO	2	1	0	0	0	0	2	1	1	0	0	0	0	7	
10035	ADMINISTRATIVE SUPERVISOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10038	ADMINISTRATIVE STOREKEEPER	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10050	COMPUTER SYSTEMS MANAGER	4	0	2	3	0	0	1	0	0	0	0	0	0	10	
10056	ADMINISTRATIVE DIRECTOR OF	2	2	0	0	0	0	1	5	1	0	0	0	0	11	
10069	HEALTH SERVICES MANAGER	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
10074	COMPUTER OPERATIONS MANAGE	3	0	0	0	0	0	0	0	0	1	0	0	0	4	
13382	EXECUTIVE PROGRAM SPECIALI	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
34202	CONSTRUCTION PROJECT MANAG	2	0	1	0	0	0	0	0	0	0	0	0	0	3	
80880	SUPERINTENDENT OF LAUNDRIE	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
82976	ADMINISTRATIVE PROCUREMENT	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
82989	ADMINISTRATIVE PUBLIC HEAL	0	0	0	0	0	0	1	1	0	0	0	0	0	2	
82991	ADMINISTRATIVE CONSTRUCTIO	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
83008	ADMINISTRATIVE PROJECT MAN	2	0	0	1	0	0	0	0	0	0	0	0	0	3	
95005	EXECUTIVE AGENCY COUNSEL	1	0	0	1	0	0	3	2	1	0	0	0	0	8	
EEO JOB GROUP TOTAL.....:		28	11	5	6	0	1	12	19	5	3	0	0	0	90	
		31.11	12.22	5.56	6.67	0.00	1.11	13.33	21.11	5.56	3.33	0.00	0.00	0.00	100.00	

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

RUN DATE: 01/05/16
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NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
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06316	INVESTIGATOR (DISCIPLINE)	5	3	6	1	0	0	6	6	4	0	1	1	0	33
1002A	ADMINISTRATIVE STAFF ANALY	6	7	4	1	0	0	9	8	6	1	0	0	0	42
1002C	ADMINISTRATIVE MANAGER NON	0	1	0	5	0	0	0	23	5	1	0	0	0	35
1002D	ADMINISTRATIVE STAFF ANALY	5	2	0	1	0	0	2	2	0	2	0	0	0	14
1002E	ADMINISTRATIVE STAFF ANALY	1	0	0	0	0	0	0	0	0	0	0	0	0	1
1007B	ADMINISTRATIVE INSPECTOR (1	0	0	0	0	0	0	0	0	0	0	0	0	1
12158	PROCUREMENT ANALYST	1	2	0	1	0	0	0	10	4	3	0	0	0	21
12626	STAFF ANALYST	2	1	0	1	0	0	2	2	1	0	0	0	0	9
12627	ASSOCIATE STAFF ANALYST	4	1	1	0	0	0	3	7	0	1	0	0	0	17
22427	ASSOCIATE PROJECT MANAGER	0	1	2	1	0	0	0	0	0	0	0	0	0	4
34171	QUALITY ASSURANCE SPECIALI	1	0	0	0	0	0	0	0	0	0	0	0	0	1
40502	MANAGEMENT AUDITOR	1	1	0	0	0	0	0	1	0	0	0	0	0	3
40510	ACCOUNTANT	0	0	0	0	0	0	0	0	1	1	0	0	0	2
40561	CONTRACT SPECIALIST	0	0	0	0	0	0	0	1	0	0	0	0	0	1
60948	PROGRAM SPECIALIST (CORREC	4	15	5	6	0	0	9	63	21	3	1	0	0	127
8297A	ADMINISTRATIVE PROCUREMENT	3	0	0	0	0	0	0	1	0	0	0	0	0	4
8299A	ADMINISTRATIVE CONSTRUCTIO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		35	34	18	17	0	0	31	124	42	12	2	1	0	316
		11.07	10.76	5.70	5.38	0.00	0.00	9.81	39.24	13.29	3.80	0.63	0.32	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
1000A	ADMINISTRATIVE ARCHITECT (2	0	0	0	0	0	0	0	0	0	0	0	0	0	2
13611	COMPUTER ASSOCIATE (TECHNI	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
13621	COMPUTER ASSOCIATE (OPERAT	2	4	0	1	0	0	0	2	1	1	0	0	0	11	
13622	COMPUTER SPECIALIST (OPERA	2	0	0	0	0	0	0	2	0	0	0	0	0	4	
13631	COMPUTER ASSOCIATE (SOFTWA	1	0	1	0	0	0	0	0	0	0	0	0	0	2	
13632	COMPUTER SPECIALIST (SOFTW	2	1	2	9	1	1	3	1	0	0	0	0	0	20	
13642	CERTIFIED IT ADMINISTRATOR	2	0	0	1	0	0	0	0	0	0	0	0	0	3	
20215	CIVIL ENGINEER	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
20246	TELECOMMUNICATIONS ASSOCIA	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
20247	TELECOMMUNICATIONS ASSOCIA	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
20315	ELECTRICAL ENGINEER	0	0	0	1	0	0	0	0	0	0	0	0	0	1	
91544	MARINE ENGINEER (DC)	3	0	0	1	0	0	0	0	0	0	0	0	0	4	
91548	MARINE OILER (DC)	1	1	0	0	0	0	0	0	0	0	0	0	0	2	
91628	OILER	29	3	4	4	0	1	0	0	1	0	0	0	0	42	
EEO JOB GROUP TOTAL.....:		45	11	8	17	1	2	3	5	2	1	0	0	0	95	
		47.37	11.58	8.42	17.89	1.05	2.11	3.16	5.26	2.11	1.05	0.00	0.00	0.00	100.00	

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 005 HEALTH PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06240	CASE MANAGEMENT NURSE (COR	0	1	0	0	0	0	0	5	0	1	0	0	0	7

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NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
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06422	MEDICAL OFFICER (DC) NC PT	4	0	0	4	0	0	1	0	0	0	0	1	0	10
50310	DIETITIAN	0	1	0	0	0	0	2	2	0	6	0	1	0	12
50910	STAFF NURSE	1	0	0	0	0	0	0	2	0	0	0	0	0	3
53040	CITY MEDICAL SPECIALIST (P	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		6	2	0	4	0	0	3	9	0	7	0	2	0	33
		18.19	6.06	0.00	12.12	0.00	0.00	9.09	27.27	0.00	21.21	0.00	6.06	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 006 SOCIAL SCIENTISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
52110	PSYCHOLOGIST	3	0	0	1	0	0	2	2	0	0	0	0	0	8
EEO JOB GROUP TOTAL.....:		3	0	0	1	0	0	2	2	0	0	0	0	0	8
		37.50	0.00	0.00	12.50	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 007 SOCIAL WORKERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
51214	COUNSELOR (ADDICTION TREAT	0	0	0	0	0	0	0	1	1	0	0	0	0	2
51274	ASSOCIATE CORRECTIONAL COU	1	10	3	0	0	0	0	10	0	1	0	0	0	25
52613	SOCIAL WORKER	0	0	0	0	0	0	1	1	0	0	0	0	0	2
54610	CHAPLAIN	9	14	4	1	0	0	1	2	0	0	0	0	0	31
EEO JOB GROUP TOTAL.....:		10	24	7	1	0	0	2	14	1	1	0	0	0	60
		16.66	40.00	11.67	1.67	0.00	0.00	3.33	23.33	1.67	1.67	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
30085	*ATTORNEY AT LAW	0	0	1	0	0	0	0	0	0	0	0	0	0	1
30086	AGENCY ATTORNEY INTERNE	1	0	0	0	0	0	0	1	0	0	0	0	0	2
30087	AGENCY ATTORNEY	7	2	3	2	0	0	5	9	2	1	0	0	0	31
EEO JOB GROUP TOTAL.....:		8	2	4	2	0	0	5	10	2	1	0	0	0	34
		23.54	5.88	11.76	5.88	0.00	0.00	14.71	29.41	5.88	2.94	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL
13615 COMPUTER SERVICE TECHNICIA	0	0	0	1	0	0	0	1
13616 SUPERVISING COMPUTER SERVI	3	0	0	0	0	0	0	3
13620 COMPUTER AIDE	0	0	1	2	0	0	0	3
30080 PARALEGAL AIDE	1	0	0	0	0	0	0	1
30081 LEGAL COORDINATOR	0	9	2	1	0	1	12	27
31105 INVESTIGATOR	2	4	0	0	0	0	7	15
31113 FRAUD INVESTIGATOR	0	1	0	0	0	0	0	1
31121 ASSOCIATE INVESTIGATOR	0	3	0	1	0	3	6	15
31215 PUBLIC HEALTH SANITARIAN	1	0	0	1	0	0	2	6
31220 ASSOCIATE PUBLIC HEALTH SA	0	1	0	3	0	0	0	4
40482 WORKERS' COMPENSATION BENE	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	7	18	3	9	0	0	4	77
	9.09	23.38	3.90	11.69	0.00	0.00	5.19	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	1	4	3	3	0	0	6	38	6	4	0	0	0	65
EEO JOB GROUP TOTAL.....:		1	4	3	3	0	0	6	38	6	4	0	0	0	65
		1.54	6.15	4.62	4.62	0.00	0.00	9.23	58.46	9.23	6.15	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10216	SECRETARY	0	0	0	0	0	0	0	0	1	0	0	0	0	1
10251	CLERICAL ASSOCIATE	2	5	2	2	0	1	2	30	10	2	0	1	0	57
10252	SECRETARY	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10605	CASHIER	1	1	1	2	0	0	2	15	4	6	0	0	0	32
11702	OFFICE MACHINE AIDE	0	0	0	0	1	0	0	1	0	0	0	0	0	2
12200	STOCK WORKER	0	1	3	0	0	0	0	0	0	0	0	0	0	4
12202	SUPERVISOR OF STOCK WORKER	0	5	1	0	0	0	0	2	0	0	0	0	0	8
40526	BOOKKEEPER	0	0	0	0	0	0	0	0	0	1	0	0	0	1
60215	PUBLIC RECORDS AIDE	0	1	1	0	0	0	0	0	0	0	0	0	0	2
70400	CORRECTION ADMINISTRATIVE	0	2	0	0	0	0	0	10	4	0	0	0	0	16
EEO JOB GROUP TOTAL.....:		3	15	8	4	1	1	4	59	19	9	0	1	0	124
		2.40	12.10	6.45	3.23	0.81	0.81	3.23	47.58	15.32	7.26	0.00	0.81	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 015 POLICE SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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70467 CAPTAIN (CORRECTION)	74	193	53	12	2	0	13	357	59	2	4	0	0	769
7048B WARDEN - ASSISTANT DEPUTY	9	16	7	2	0	0	1	41	6	1	1	0	0	84
7048C WARDEN - DEPUTY WARDEN	4	15	2	1	0	0	0	16	1	0	0	0	0	39
7048D WARDEN - DEPUTY WARDEN IN	4	1	1	0	0	0	0	5	0	0	0	0	0	11
70488 WARDEN (CORRECTION)((MANAG	3	4	0	0	0	0	1	9	0	0	0	0	0	17
EEO JOB GROUP TOTAL.....:	94	229	63	15	2	0	15	428	66	3	5	0	0	920
	10.22	24.89	6.85	1.63	0.22	0.00	1.63	46.52	7.17	0.33	0.54	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 018 POLICE

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
52615	CORRECTIONAL STANDARDS REV	1	4	1	0	0	0	0	6	2	0	0	0	0	14
70410	CORRECTION OFFICER	759	2398	1037	208	26	6	104	2707	526	26	49	4	0	7850
EEO JOB GROUP TOTAL.....:		760	2402	1038	208	26	6	104	2713	528	26	49	4	0	7864
		9.68	30.54	13.20	2.64	0.33	0.08	1.32	34.50	6.71	0.33	0.62	0.05	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 020 FOOD PREPARATION

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
05058	FOOD SERVICE MANAGER	3	5	0	0	0	0	0	2	0	0	0	0	0	10
06593	FOOD SERVICE ADMINISTRATOR	2	1	0	0	0	0	0	1	0	0	0	0	0	4
54910	COMMISSARY MANAGER	2	1	2	0	0	0	0	2	1	0	0	0	8	
90210	COOK (740,072,067 AND 069)	1	60	12	1	1	0	0	40	2	3	0	0	120	
90235	SENIOR COOK	3	15	2	0	0	0	0	4	0	0	0	0	24	
EEO JOB GROUP TOTAL.....:		11	82	16	1	1	0	0	49	3	3	0	0	166	
		6.62	49.40	9.64	0.60	0.60	0.00	0.00	29.52	1.81	1.81	0.00	0.00	100.00	

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 021 HEALTH SERVICES

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
81801	DIETARY AIDE	0	3	2	0	0	0	0	4	0	0	0	0	9	
81803	INSTITUTIONAL AIDE	0	12	2	2	0	0	0	1	0	0	0	0	17	
EEO JOB GROUP TOTAL.....:		0	15	4	2	0	0	0	5	0	0	0	0	26	
		0.01	57.69	15.38	7.69	0.00	0.00	0.00	19.23	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 022 BUILDING SERVICES

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 072 DEPARTMENT OF CORRECTION

PAGE: 101
 REPORT: EBEP210

TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	OTHER	TOTAL EMP
92510	AUTO MECHANIC	13	0	1	1	0	1	0	0	0	0	0	0	0	16
92575	SUPERVISOR OF MECHANICS (M)	0	0	1	0	0	0	0	0	0	0	0	0	0	1
92590	TELEPHONE SERVICE TECHNICI	0	0	1	0	0	0	0	0	0	0	0	0	0	1
92610	MACHINIST	2	1	0	1	0	0	0	0	0	0	0	0	0	4
EEO JOB GROUP TOTAL.....:		156	48	24	8	1	1	0	1	0	0	0	0	0	239
		65.27	20.08	10.04	3.35	0.42	0.42	0.00	0.42	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 026 OPERATORS

MALE							FEMALE							OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
91650	HIGH PRESSURE PLANT TENDER	2	2	4	0	0	0	0	0	0	0	0	0	0	8
92123	PRINTING PRESS OPERATOR	0	1	0	0	0	0	0	0	0	0	0	0	0	1
92355	WELDER	4	8	0	2	0	0	0	0	0	0	0	0	0	14
EEO JOB GROUP TOTAL.....:		6	11	4	2	0	0	0	0	0	0	0	0	0	23
		26.08	47.83	17.39	8.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 027 TRANSPORTATION

MALE							FEMALE							OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
91212	MOTOR VEHICLE OPERATOR	2	20	7	0	0	0	1	2	1	0	0	0	0	33
91232	MOTOR VEHICLE SUPERVISOR	1	0	1	0	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		3	20	8	0	0	0	1	2	1	0	0	0	0	35
		8.57	57.14	22.86	0.00	0.00	0.00	2.86	5.71	2.86	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 028 LABORERS

MALE							FEMALE							OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
90736	RUBBER TIRE REPAIRER	0	1	1	0	0	0	0	0	0	0	0	0	0	2
91722	ELECTRICIAN'S HELPER	19	0	4	4	0	0	0	0	0	0	0	0	0	27
91916	PLUMBER'S HELPER	20	2	2	0	0	0	0	0	0	0	0	0	0	24
91926	STEAM FITTER'S HELPER	3	2	0	0	0	0	0	0	0	0	0	0	0	5
92225	MASON'S HELPER	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		43	5	7	4	0	0	0	0	0	0	0	0	0	59
		72.89	8.47	11.86	6.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 030 TEACHERS AND COUNSELORS

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 072 DEPARTMENT OF CORRECTION

PAGE: 102
 REPORT: EBEP210

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
60331	SENIOR INSTITUTIONAL TRADE	0	0	0	1	0	1	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	1	0	1	0	0	0	0	0	0	0	2
		0.00	0.00	0.00	50.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 072 DEPARTMENT OF CORRECTION
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
10209	COLLEGE AIDE	0	0	1	0	0	0	0	1	0	0	0	0	0	2
10232	SUMMER GRADUATE INTERN	0	1	1	0	0	0	0	1	1	0	0	0	0	4
56056	COMMUNITY ASSISTANT	0	0	1	0	0	0	0	0	0	0	0	0	0	1
56057	COMMUNITY ASSOCIATE	1	3	0	0	0	0	0	3	2	0	0	0	0	9
56058	COMMUNITY COORDINATOR	3	15	2	0	0	0	0	14	5	0	0	1	0	40
EEO JOB GROUP TOTAL.....:		4	19	5	0	0	0	0	19	8	0	0	1	0	56
		7.13	33.93	8.93	0.00	0.00	0.00	0.00	33.93	14.29	0.00	0.00	1.79	0.00	100.00

AGENCY TOTAL.....: 1228 2969 1229 305 32 12 192 3524 686 74 58 9 0 10318
 11.90 28.77 11.91 2.96 0.31 0.12 1.86 34.15 6.65 0.72 0.56 0.09 0.00 100.00



June 16, 2016

Charise L. Terry, PHR
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Re: EEPC Audit Preliminary Determination Response Letter

Dear Executive Director Terry:

We write in response to the preliminary determination dated June 3, 2016 for audit: review, evaluation and monitoring of the Department of Correction’s employment practices and procedures from July 1, 2013 to December 31, 2015.

The Department of Correction strives to meet and exceed all compliance standards as set forth by local, state, and federal laws. The EEPC preliminary determination outlined a number of proposed non-compliance and partial compliance findings. Below is a list of each such finding, followed by a response demonstrating our compliance or intended corrective action. All referenced materials are enclosed for your review.

1. **Issuance, Distribution and Posting of EEO Polices**, Section 1, Page 3: *Partial Compliance*

Notably, the concern raised, addresses policy updates that were made outside of the period of review. Specifically, this includes adding “caregiver status,” “consumer credit history,” and “pregnancy” to all Department EEO policies and flyers. Attached, please find updated EEO policy posters for the Department of Correction. These posters capture all protected categories. Issuance, distribution and posting of said posters will be consistent with previously outlined and accepted procedures. (**See: Exhibit A**).

2. **Employment Practices (Recruitment, Hiring & Promotion)**, Section 3, Pages 5–9: *Partial Compliance*

The EEPC audit used data from three specific CEEDS reports to outline deficiencies in the Department’s hiring practices concerning women and minorities. Though persistent underutilization exists in twelve (12) job groups, the Department of Correction was able to abate several areas of concern over this three year period. Specifically, there have been positive changes in the following job titles:

1. 004 Science Professionals – Asian – Abated
2. 022 Building Services – Asian – Abated

3. 005 Health Professionals – Black – Abated
4. 028 Laborers – Black – Abated
5. 007 Social Workers – Hispanic – Abated
6. 025 Craft – Hispanic – Abated

As a law enforcement agency, significant efforts are made to recruit within the uniform sector. In fact, of the 10,745 employees with the Department, 9,155 are uniform, leaving a balance of 1,590 non-uniform/civilian employees. As noted by the EEPC, the Department has no problem in the area of uniform job titles. That said, the Department also takes vigorous measures to ensure diversity in recruitment and hiring. To that end, the Department has established awareness of career opportunities which highlight open non-uniform positions through the use of social media, career fairs, presence and participation at city wide cultural events and posting with various outlets. Several of these functions target specific populations including, but not limited to, “The Circle of Sisters Expo,” “Military Career fair,” “World Journal Bilingual Career Fair,” “Asian American and Pacific Islander Heritage Celebration,” “Passport to Taiwan,” and “The Puerto Rican Day Parade.” (**See: Exhibit B**).

Though it remains the Department’s position that proper protocol is followed to ensure equitable access to career opportunities through recruitment, review and hiring; measures have been recently adopted to capture and document the process. This includes systematic meetings with the EEO Officer and stakeholders such as the Commissioner, First Deputy Commissioner, DC of Human Resources, and DC of Legal/General Counsel. These meetings include matters related to EEO, diversity and inclusion and an agenda is set forth.

***Corrective Action 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.*

As discussed above, the Department constantly assesses recruitment efforts and considers adverse impact. Efforts to document this process will be incorporated and a meeting to discuss the specific job titles which present concerns of underutilization is planned. (**See: Exhibit C**).

***Corrective Action 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.*

The Department trains hiring managers on EEO, diversity, inclusion, equity, and considers adverse impact in the selection process. Efforts to document this process will be

incorporated and a meeting to discuss the specific job titles which present concerns of underutilization is planned. **(See: Exhibit C).**

***Corrective Action 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.*

The Department of Correction actively recruits and engages in the targeted recruitment of women as discussed above. Additionally, the Department supports a robust summer internship program. For the past two years, females constituted 69% of the intern population (38 of 55 interns).

***Corrective Action 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). 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 persons.*

The Department of Correction has an analyst in Human Resources whose duties and responsibilities include the routine review of performance management and aligning tasks and standards. This level of review is performed on a continuous basis.

***Corrective Action 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.*

All Department human resource professionals including recruitment, managers, and supervisors receive EEO training. Notably, the EEPC determined in the present audit that the Department is in compliance with respect to training.

The Department of Correction is in the process of finalizing a guide for structured interview training (previously submitted). However, it should be noted that structured interviewing has already been adopted by several units within the Department and there is already a similar procedure in place for discretionary uniform positions (Deputy Warden and above). Specifically, these procedures require a structured interview of all candidates, consisting of three questions, twenty minutes to prepare answers, and fifteen minutes to present their answer to the board of panelists. **(See: Exhibit D).**

Corrective Action 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.*

The Department uses the City's NYCAPS system to log and track all submitted applications. The responsibility of recording and maintaining this information is handled by a unit within the Human Resources division.

3. **Career Counseling**, Section 4, Page10: *Partial Compliance*

Corrective Action 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.*

All members of service have access to the Human Resources division and the right to request access to their personnel folder. The Department is developing a unit within HR to address the consistency of performance evaluation standards.

The Human Resource professional and EEO Professional have always worked collaboratively on HR/EEO related matters including incidents where violations of the EEO policy has been suspected. The former EEO Professional (Patricia Le Goff) submitted calendar entries and email correspondence with Alan Vengersky and Dina Simon (former Deputy Commissioners of Human Resources) to support this fact. This practice has continued with the current acting EEO Professional (Kammae Owens) and supporting documents were already submitted.

4. **Responsibility for EEO Plan Implementation – Supervisors/Managers**, Section 7, Page 13: *Not in Compliance*

Corrective Action 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.*

With respect to uniformed managers, the Department of Correction has a directive which outlines the procedures for an objective annual performance evaluation. This evaluation has a timetable and includes a rating for EEO. (**See: Exhibit E**).

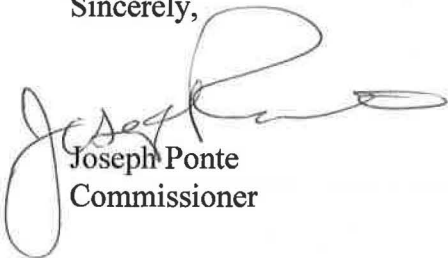
The Department of Correction has entered into a pilot program with DCAS concerning the performance review process of managers. The six-month pilot period is expected to take place between August 2016 and January 2017. Upon successful completion, the Department

anticipates a full adoption of the methods and procedure. The proposed evaluation includes EEO best practices. A copy of the pilot program package is attached. (**See: Exhibit F**).

***Corrective Action 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).*

Please refer to exhibits E and F.

Sincerely,



Joseph Ponte
Commissioner



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie E. Giraud, Esq.
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253 Broadway
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212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

July 6, 2016

Joseph Ponte
Commissioner
Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

RE: Audit Resolution #2016/072: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Department of Correction's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Commissioner Ponte:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your June 16, 2016 response to our June 3, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

¹ Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: JULY 2016 TO December 2016.

If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPC will issue a *Determination of Compliance*.

If no corrective actions remain: Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry, PHR
Executive Director

c: Kammae Owens, Esq, Principal EEO Professional

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans and Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #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.

Agency Response: "...[T]he Department constantly assesses recruitment efforts and considers adverse impact. Efforts to document this process will be incorporated and a meeting to discuss the specific job titles which present concerns of underutilization is planned." Agency response page 3.

EEPC Response: The EEPC recognizes the agency's efforts to begin the process of addressing underutilization in the remaining twelve (12) job groups. An assessment of the agency's recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring.

Corrective Action #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.

Agency Response: *“The Department trains hiring managers on EEO, diversity, inclusion, equity, and considers adverse impact in the selection process. Efforts to document this process will be incorporated and a meeting to discuss the specific job titles which present concerns of underutilization is planned.”* Agency response page 2.

EEPC Response:

The response does not address the requirements of Corrective Action #2. An assessment of the manner in which candidates are selected will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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.

Agency Response: *“The Department of Correction actively recruits and engages in the targeted recruitment of women as discussed above. Additionally, the Department supports a robust summer internship program. For the past two years, females constituted 69% of the intern population (38 of 55 interns).”* Agency response page 3.

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #3. Documentation of the agency's efforts to recruit and hire interested and qualified women, minorities, and candidates from other protected groups into discretionary titles in job groups that indicate underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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.

Agency Response: *“The Department of Correction has an analyst in Human Resources whose duties and responsibilities include the routine review of performance management and aligning tasks and standards. This level of review is performed on a continuous basis.”* Agency response page 3.

EEPC Response: The response does not address the requirements of Corrective Action #4. Documentation of the agency's efforts to recruit and hire interested and qualified women, minorities, and candidates from other protected groups into civil service (list) titles in job groups that indicate underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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).

Agency Response: *"The Department of Correction is in the process of finalizing a guide for structured interview training."* Agency response page 3.

EEPC Response: The EEPC recognizes the agency's commitment to implement Corrective Action #5. The finalized structured interviewing guide will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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.

Agency Response: *"The Department uses the City's NYCAPS system to log and track all submitted applications. The responsibility of recording and maintaining this information is handled by a unit within the Human Resources division."* Agency response page 4.

EEPC Response: The EEPC accepts the agency's response to Corrective Action #6. Documentation which demonstrates the tracking system's ability to capture the aforementioned data will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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.

Agency Response: *“The Department is developing a unit within HR to address the consistency of performance evaluation standards.”* Agency response page 4.

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #7. Documentation which demonstrates implementation of this corrective action will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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.

Agency Response: *“The Department of Correction has entered into a pilot program with DCAS concerning the performance review process of managers. The six-month pilot period is expected to take place between August 2016 and January 2017. Upon successful completion, the Department anticipates a full adoption of the methods and procedure. The proposed evaluation includes EEO best practices. A copy of the pilot program package is attached.”* Agency response page 4.

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #8. Documentation which demonstrates implementation of annual performance evaluations for managerial and non-managerial employees will be reviewed during the compliance-monitoring period.

Corrective Action #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).

Agency Response: *“The proposed evaluation includes EEO best practices (as mentioned in response to Standard #8 above). Part 2 of the ‘Conversational Performance Review Process for NYC Managers, Pilot Program package August 2016 to January 2017’ entitled ‘Core Management/Leadership Competencies’ includes a Diversity and inclusion section which covers ‘Recruiting, selecting, mentoring, and developing individuals or varied demographic characteristics backgrounds, abilities, educational levels, experiences levels, experiences, and tenures.’”* Agency response page 4.

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #9. Documentation which demonstrates implementation of this corrective action will be reviewed during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2016/072: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Correction'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 of the Department of Correction's (DOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) 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 agency submitted its response to the EEPC's Preliminary Determination letter, on June 16, 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 July 6, 2016 which indicated that corrective action(s) nos., 1 through 9 require compliance monitoring; and

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

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


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

Be It Resolved, that the Commission approves issuance of this Final Determination to Commissioner Joseph Ponte of the Department of Correction.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner



NEW YORK CITY DEPARTMENT OF CORRECTION

Joseph Ponte, Commissioner
Dina Simon, First Deputy Commissioner
Kammae Owens, AAC-EEO Officer
Office of Equal Employment Opportunity
75-20 Astoria Boulevard, Suite 390
East Elmhurst, New York 11370

718-546-0861
Fax 718-278-6027

August 2, 2016

Charise L. Terry, PHR
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Re: EEPC Audit Resolution #2016/072 Final Determination Response Letter

Dear Executive Director Terry:

We write in response to the final determination dated July 6, 2016 for audit: review, evaluation and monitoring of the Department of Correction's employment practices and procedures from July 1, 2013 to December 31, 2015.

The Department of Correction strives to meet and exceed all compliance standards as set forth by local, state, and federal laws. We will continue to work with the EEPC during the compliance monitoring period (July 2016 to December 2016). A summary of the EEPC's determinations and the Department's response is as follows:

1. **Corrective Action 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.*

EEPC Response: "The EEPC recognizes the agency's efforts to begin the process of addressing underutilization in the remaining twelve (12) job groups. An assessment of the agency's recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring."

Agency Response: The Department notes, three (3) of the twelve (12) job groups have since been abated pursuant to the fourth quarter CEEDS data. The Department stands ready to accept the EEPC's guidance concerning the remaining nine (9) job groups.

2. **Corrective Action 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.*

EEPC Response: “The response does not address the requirements of Corrective Action #2. An assessment of the manner in which candidates are selected will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department is looking to develop an EEO plan for each line.

3. ***Corrective Action 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.*

EEPC Response: “The EEPC recognizes the agency’s commitment to implement Corrective Action #3. Documentation of the agency’s efforts to recruit and hire interested and qualified women, minorities, and candidates from other protected groups into discretionary titles in job groups that indicate underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department is prepared to provide additional documentation of supporting evidence of implementation. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

4. ***Corrective Action 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 persons.*

EEPC Response: “The response does not address the requirements of Corrective Action #4. Documentation of the agency’s efforts to recruit and hire interested and qualified women, minorities, and candidates from other protected groups into civil service (list) titles in job groups that indicate underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department stands ready to continue working with DCAS to address these concerns..

5. ***Corrective Action 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.

EEPC Response: “The EEPC recognizes the agency’s commitment to implement Corrective Action #5. The finalized structured interviewing guide will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department is prepared to provide the finalized structured interviewing guide. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

6. **Corrective Action 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.*

EEPC Response: “The EEPC accepts the agency’s response to Corrective Action #6. Documentation which demonstrates the tracking system’s ability to capture the aforementioned data will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department is prepared to provide the requested documentation. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

7. **Corrective Action 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.*

EEPC Response: “The EEPC recognizes the agency’s commitment to implement Corrective Action #7. Documentation which demonstrates implementation of this corrective action will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.”

Agency Response: The Department previously provided the EEPC with responsive documentation attached to the preliminary response letter. The Department is prepared to provide additional documentation of supporting evidence of implementation. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

8. ***Corrective Action 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.*

EEPC Response: “The EEPC recognizes the agency’s commitment to implement Corrective Action #8. Documentation which demonstrates implementation of annual performance evaluations for managerial and non-managerial employees will be reviewed during the compliance-monitoring period.”

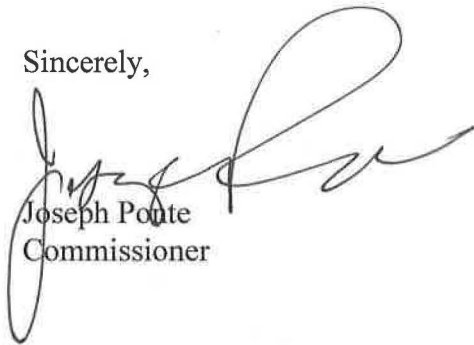
Agency Response: The Department previously provided the EEPC with responsive documentation attached to the preliminary response letter. The Department is prepared to provide additional documentation of supporting evidence of implementation. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

9. ***Corrective Action 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).*

EEPC Response: “The EEPC recognizes the agency’s commitment to implement Corrective Action #9. Documentation which demonstrates implementation of this corrective action will be reviewed during the compliance-monitoring period.”

Agency Response: The Department previously provided the EEPC with responsive documentation attached to the preliminary response letter. The Department is prepared to provide additional documentation of supporting evidence of implementation. As instructed, the TeamCentral site will be utilized to submit and track responsive documents.

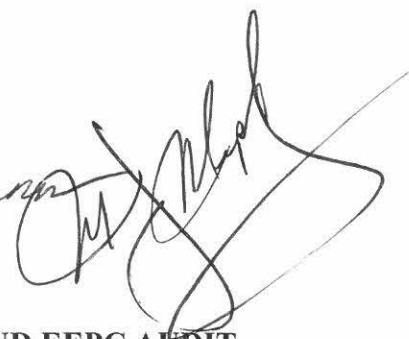
Sincerely,



Joseph Ponte
Commissioner

DEPARTMENT OF CORRECTION - INTRADEPARTMENTAL MEMORANDUM

DATE: January 13, 2017
TO: Commanding Officers, Facilities and Divisions
FROM: Joseph Ponte, Commissioner
Cynthia Brann, Acting First Deputy Commissioner
Martin J. Murphy, Chief of Department



SUBJECT: FY 2017 EEO COMMITMENT STATEMENT AND EEPC AUDIT

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (Chapter 36, §831(d) (2) and (5).) The EEPC audit of the Department of Correction began in December 2015, reviewing the period of July 1, 2013 through December 31, 2015. The final determination of the EEPC resulted in nine (9) recommendations with a monitoring period of July through December 2016.

The Department of Correction strives to meet and exceed all compliance standards as set forth by local, state, and federal laws. The Department's commitment to preventing discrimination is also manifested by embracing many of the recommendations of the Equal Employment Practices Commission. To that end, the Department has established a "*Combating Underutilization*" policy which outlines procedures to continuously assess recruitment efforts, the hiring/selection process and underrepresentation of women, minorities, and other protected groups. Further, the Department is establishing and will implement an annual managerial/non-managerial performance evaluation program. The managerial performance evaluation will include a rating for EEO.

The Department is committed to recruiting, retaining and enhancing the knowledge, skills, and abilities of a diverse workforce, one that is representative of members of the city of New York's many communities.

As Commissioner of the New York City Department of Correction and Chief of Department, we are proud to reiterate that we are personally committed to employment practices that support a nondiscriminatory workplace and to ensure effective implementation of the Department's Equal Employment Opportunity Plan. We also hold all department employees accountable for promoting equal employment in the workplace.

The City's EEO Policy requires that all personnel and employment decisions be made on the basis of merit and fitness regardless of actual or perceived age; alienage or citizenship status;

color; disability; gender including gender identity; national origin; religion; genetic predisposition; status as a victim of domestic violence, sex offenses or stalking; prior record of arrest or conviction; creed; sexual orientation; marital status; partnership status; military status; unemployment status; pregnancy, childbirth and related medical condition; credit history, or caretaker status. The Department's EEO procedures are in place to educate applicants and employees of their rights and responsibilities under the City's EEO Policy; to prevent illegal discrimination, harassment and retaliation; and to ensure that reasonable accommodations are provided where appropriate. The Department has instituted EEO policies consistent with federal, state and local laws that prohibit illegal discrimination and harassment in employment.

We invite all employees to avail themselves of the resources available with the Department to address any EEO issues or concerns you may have, now or in the future. The EEO Office is located at the Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 390, East Elmhurst, New York 11370. The EEO Office telephone number is (718) 546-0861. The Department's Acting Assistant Commissioner and EEO Officer is Kammae Owens. You can also reach Ms. Owens by email at KAMMAE.OWENS@DOC.NYC.GOV.

Please take note of other important, related contacts:

Disability Rights Coordinator (DRC)	[REDACTED]	[REDACTED]
RA Legal Coordinator/Disability Access Facilitator	[REDACTED]	[REDACTED]
Diversity Officer	[REDACTED]	[REDACTED]
Lead Investigator	[REDACTED]	[REDACTED]
55-a Coordinator	[REDACTED]	[REDACTED]
FMLA Coordinator	[REDACTED]	[REDACTED]
Career Counselor	[REDACTED]	[REDACTED]

COMMANDING OFFICERS OF FACILITIES AND DIVISIONS SHALL ENSURE THAT THIS TELETYPE ORDER IS READ AT EIGHT (8) CONSECUTIVE ROLL CALLS AND POSTED IN APPROPRIATE EMPLOYEE AREAS.

**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 EEPC's Preliminary Determination letter, on June 16, 2016,

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 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 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;

Whereas, at the EEPC'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 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 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.

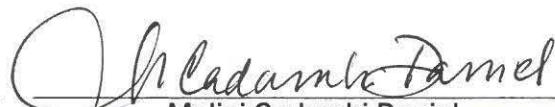
Approved unanimously on January 19, 2017.



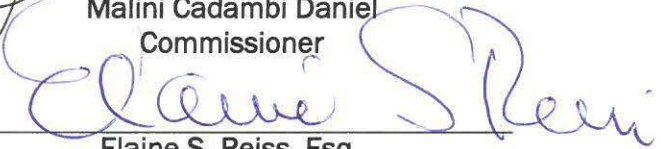
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

NYC
**Equal Employment
Practices Commission**

Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

January 19, 2017

Joseph Ponte
Commissioner
Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

Re: Resolution #2016AP/072C-23: Determination of Agency Compliance

Dear Commissioner Ponte:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Department of Correction. This Commission has determined that the Department of Correction has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and principal EEO Professional, Kammae Owens for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,


Angela Cabrera
Commissioner

c: Kammae Owens, Principal EEO Professional

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

is issued to the

Department of Correction

for successfully implementing 9 of 9 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit From January 1, 2013 to this date.

On this 19th day of January in the year 2017,



Angela Cabrera
Commissioner



Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/Deputy Director

In care of Commissioner Joseph Ponte
and Principal EEO Professional Kammae Owens