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BY MAIL AND EMAIL

June 25, 2019

Corey Johnson
Speaker
New York City Council
250 Broadway
New York, NY 10007

Re: New York City Council
Evaluation of Sexual Harassment Prevention and Response Practices
Audit Period: January 1, 2017 to December 31, 2018
Determination: **PRELIMINARY**

Dear Speaker Johnson:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the New York City Council's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2017 to December 31, 2018.

Purpose

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The New York City Council, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

The purpose of this audit and analysis is to evaluate the subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope

The EEPC has adopted uniform standards for auditing municipal entities¹ and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Policy and Plan Requirements

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

Methodology

The EEPC communicates with 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, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the New York City Council on February 11, 2019; the PIQ(s) were not returned by the deadline of March 4, 2019. Additional requests for information were made on March 18, 2019, with no response, and April 22, 2019. Partial documentation was submitted on April 25, 2019.

The following determination indicates where the New York City Council has or has not complied, in whole or in part, with the established Standards.

Description of the Agency

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

The New York City Council (Council) is the legislative branch of City government. Its Members are elected every four years and represent districts of approximately 160,000 people. As a result of the City Charter, the composition of the current 51 Members are: ten from Manhattan, eight from the Bronx, fourteen from Queens, sixteen from Brooklyn, and three from Staten Island.

The first meeting in each year is called the Charter Meeting, which is held on the first Wednesday after the first Monday of January at noon. At least two stated meetings shall be held each month by the Council, except in its discretion, in July and August.

In addition to its legislative role, the Council approves the City's budget and has decision-making powers over land use issues. (Source: The Green Book, 3/2019).

The Council's total workforce at the end of the audit period in review was 805 employees².

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. SHPRA - Issuance, Distribution And Posting of EEO Policies

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

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

✓ The Council reported that in October 2018, the agency head (Speaker) issued an affirmation reiterating the Council's commitment to maintaining a workplace free of discrimination and harassment.

➤ The Council did not demonstrate that a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment was issued annually during the period in review. **Corrective Action Required.**

Corrective Action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

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

² Based on the Citywide Equal Employment Database system (CEEDS) report: *Workforce Composition Summary* attached as Appendix 1.

✓ The Council reported that the *Council Anti-Discrimination and Harassment Policy*³ was distributed to all Council Members and employees in October 2018. The *Council Anti-Discrimination and Harassment Policy* contained sections on sexual harassment; procedures for investigating internal discrimination complaints; the current contact information for the Council's EEO professionals; and the contact information for the federal, state, and local agencies that enforce laws against discrimination and where external discrimination complaints may be filed. The Council also reported that during the period in review it distributed the New York City Commission on Human Rights' *Sexual Harassment Fact Sheet* and the *Council Anti-Discrimination and Harassment Policy* to all new hires.

NOTE: The address listed for the New York City Commission on Human Rights in the *Council Anti-Discrimination and Harassment Policy* is no longer current.

➤ The Council did not demonstrate that the *Council Anti-Discrimination and Harassment Policy* was distributed to all Council Members and employees or posted in a manner accessible to all Council Members and employees during the period in review.

The *Council Anti-Discrimination and Harassment Policy* did not include "salary history" and "uniformed service" as additional classes protected from employment discrimination.

The policy also did not include, or attach as addenda uniform and responsive procedures for investigating discrimination/sexual harassment complaints. Specifically, the complaint investigation procedures in the *Council Anti-Discrimination and Harassment Policy* did not include the following as part of its uniform and responsive procedures for investigating complaints: the option to file a complaint anonymously; a requirement to serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice, and to maintain documentation regarding the service of notice on the respondent in the complaint file; a requirement to issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; a requirement to take thorough notes of words spoken and facts provided during each interview and to include those notes in each complaint file; a requirement to issue a conclusive report within 90 days of the date the complaint was filed; a requirement that in rare circumstances where a complaint investigation cannot commence immediately or when a conclusive report cannot be issued within 90 days, that the complaint file contains the reason for the delay and a projected time frame for completion of the report and that the complainant and respondent be notified of the delay; a requirement to document the Speaker's review of the conclusive report's complaint investigation findings including the complaint summary, statement of facts gathered, determination, and investigator's recommendations; a requirement to maintain complaint files in a secure area and ensure that they can be located and reviewed by the Speaker, General Counsel, and other appropriate staff identified by the Speaker; a requirement for the Speaker (or an approved direct report other than the General Counsel) to issue a written/electronic determination adopting, rejecting, or modifying the recommended action and a requirement for the Speaker, or designee of the Speaker, to sign each determination, via writing or electronically, to indicate it has been reviewed and adopted; a requirement that each complainant and respondent be notified in writing of the conclusion and outcome of their complaint investigation; a requirement that each internal complaint file contain a written determination of its outcome and corrective action(s) taken as a result; a requirement that the complainant and respondent be notified in writing when the investigation by the

³ The *Council Anti-Discrimination and Harassment Policy* is attached as Appendix 2.

EEO professional has been transferred because of the filing of an external complaint; and a requirement to utilize a complaint tracking/monitoring system that permits the Council to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends. **Corrective Action Required.**

Corrective Action #2: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

II. **SHPRA - Training for the Agency**

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

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

✓ The *Council Anti-Discrimination and Harassment Policy* stated, "[t]he Council will provide all Members and employees of the Council with regular training and education on complying with this Policy. Members and employees are required to attend training on an annual basis and when otherwise directed by their supervisors." The Council reported that all Council Members and employees were required to attend an in-person *Anti-Discrimination and Harassment Policy* training conducted by the principal EEO Professional and the Employment Counsel from the Office of the General Counsel. The Council also reported that the *Anti-Discrimination and Harassment Policy* training covered "what constitutes sexual harassment, including specific examples; how and where to report sexual harassment; the prohibition of retaliation; and how reports of sexual harassment would be handled by the City Council." Additionally, the Council reported that Council Members and supervisory employees received additional training that focused on their responsibilities in relation to preventing sexual harassment and addressing potential complaints of sexual harassment reported to them by Council employees; and that in July and October 2018, all Council Members completed in-person specialized sexual harassment prevention training.

➤ The Council did not demonstrate that during the period in review all Council Members and employees completed training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures. **Corrective Action Required.**

Corrective Action #3: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

III. SHPPRA - Complaint and Investigation Procedures

Summary of Complaint Activity: The Council did not report the number of internal and external complaints that were filed during the period in review.

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

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

✓ The Council's complaint form entitled, *Anti-Discrimination and Harassment Policy Complaint Form*⁴, included areas to capture pertinent dates, the name(s) and title(s) of the respondent(s), the complainant's working relationship to the respondent(s), the location of the incident, the name(s) and contact information for any witnesses or individuals with information related to the complaint, the supervisor's name, and a description of the circumstances which gave rise to the complaint.

➤ The Council did not demonstrate that its complaint files, if any, included a completed complaint intake form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint. **Corrective Action Required.**

Corrective Action #4: Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

5. Provide the option to file a complaint anonymously.

✓ The *Council Anti-Discrimination and Harassment Policy* stated, "[i]f you believe you may be the victim of a violation of this Policy or if you believe you have witnessed a violation of this Policy against someone else, you should immediately report the matter (verbally or in writing)... If you report a violation of this Policy, the Council will protect the confidentiality of your complaint to the extent possible."

➤ Although the *Council Anti-Discrimination and Harassment Policy* provides for confidentiality, the Council did not demonstrate that during the period in review all Council Members and employees were provided with the option to file a complaint anonymously. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not provide the option to file a complaint anonymously (see § 1.2 for associated corrective action).

Corrective Action #5: Provide the option to file a complaint anonymously.

6. Serve the respondent with a notice of the complaint that includes the respondent's right to

⁴ The *Anti-Discrimination and Harassment Policy Complaint Form* is attached as Appendix 3.

respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

➤ The Council did not demonstrate that during the period in review each respondent was served with a notice of complaint that included the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice and that each service of notice was maintained in the corresponding complaint file. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement to serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice and to maintain documentation regarding the service of notice on the respondent in the complaint file (see § 1.2 for associated corrective action).

Corrective Action #6: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

➤ The Council did not demonstrate that during the period in review written confirmation was maintained when an internal complaint/mediation was terminated, withdrawn or resolved by agreement of the parties or EEO Office. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement to issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office (see § 1.2 for associated corrective action).

Corrective Action #7: Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

➤ The Council did not demonstrate that during the period in review thorough notes of words spoken and facts provided during each interview were taken and included in each complaint file. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement to take thorough notes of words spoken and facts provided during each interview and to include those notes in each complaint file (see § 1.2 for associated corrective action).

Corrective Action #8: Take thorough notes, of words spoken and facts provided, during each

interview. Include these notes in each complaint file.

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

✓ The *Council Anti-Discrimination and Harassment Policy* stated, "[t]he EEO Officer and the [Equal Employment Committee (EEC) (see § V.22 for further details)] Investigator will expeditiously conduct a preliminary investigation in consultation with the Office of the General Counsel as soon as possible and inform the EEC if EEC review of the complaint is warranted... If warranted, the EEO Officer and the EEC Investigator will conduct a supplemental investigation into the alleged violations of this Policy."

➤ The Council did not demonstrate that during the period in review the EEO Officer and the EEC Investigator, in consultation with the Office of the General Counsel, expeditiously conducted a preliminary investigation and issued a conclusive report as soon as possible (within 90 days of the date each complaint was filed). **Corrective Action Required.**

NOTE: The *Council Anti-Discrimination and Harassment Policy* did not include a requirement to issue a conclusive report within a specified timeframe. The EEPCC recommends 90 days of the date the complaint was filed (see § I.2 for associated corrective action).

Corrective Action #9: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

➤ The Council did not demonstrate that during the period in review, when a complaint investigation could not commence immediately, or when a conclusive report could not be issued within 90 days, each complainant and respondent was notified of the delay, and that the reason for the delay and a projected time frame for completion of the report was included in the complaint file. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement that in rare circumstances where a complaint investigation cannot commence immediately or when a conclusive report cannot be issued within 90 days, that the complaint file contains the reason for the delay and a projected time frame for completion of the report. The *Council Anti-Discrimination and Harassment Policy* also did not require that the complainant and respondent be notified of the delay (see § I.2 for associated corrective action).

Corrective Action #10: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

✓ The *Council Anti-Discrimination and Harassment Policy* stated, "[i]f EEC review of the complaint is warranted, the EEO Officer will convene a meeting with the EEC Investigator and the EEC to present a written report of the investigative findings. The EEC will review the report, discuss with the EEO Officer and EEC Investigator as needed, prepare written recommendations to be submitted to the Speaker (or Speaker's designee) and, when appropriate, to the supervising Member. Upon reviewing the findings of the EEC, the Speaker (or the Speaker's designee) and, when appropriate, the supervising Member, will take immediate corrective action."

➤ The Council did not demonstrate that during the period in review a conclusive confidential report which included a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Speaker's review was generated at the end of each complaint investigation. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement to document the Speaker's review of the written report of the complaint investigation findings which includes a complaint summary, statement of facts gathered, a determination, and the investigators recommendations (see § I.2 for associated corrective action).

Corrective Action #11: Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

➤ The Council did not demonstrate that during the period in review, complaint files were maintained in a secure area and accessible to the Speaker, General Counsel, and other appropriate staff identified by the Speaker for review. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement to maintain complaint files in a secure area and ensure that they can be located and reviewed by the Speaker, General Counsel, and other appropriate staff identified by the Speaker (see § I.2 for associated corrective action).

Corrective Action #12: Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

13. Establish and implement a policy whereby the agency head (or an approved direct report other

than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

✓ The *Council Anti-Discrimination and Harassment Policy* stated, "the EEO Officer will present a written report of the investigative findings... The EEC will review the report, discuss with the EEO Officer and EEC Investigator as needed, prepare written recommendations to be submitted to the Speaker (or Speaker's designee) and... Upon reviewing the findings of the EEC, the Speaker (or the Speaker's designee)... will take immediate corrective action."

➤ The Council did not demonstrate that during the period in review, the Speaker (or an approved direct report other than the General Counsel) reviewed the principal investigator's conclusive reports; issued a written/electronic determination adopting, rejecting, or modifying the recommended actions; and signed each determination, via writing or electronically, to indicate it had been reviewed and adopted. **Corrective Action Required.**

NOTE: Additionally, the *Council Anti-Discrimination and Harassment Policy* did not include a requirement for the Speaker (or an approved direct report other than the General Counsel) to issue a written/electronic determination adopting, rejecting, or modifying the recommended action; and sign each determination, via writing or electronically, to indicate it has been reviewed and adopted (see § I.2 for associated corrective action).

Corrective Action #13: Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

➤ The Council did not demonstrate that for its complaints, if any, each complainant and respondent was informed of the conclusion and outcome of the complaint investigation in writing. **Corrective Action Required.**

NOTE: The *Council Anti-Discrimination and Harassment Policy* did not require that each complainant and respondent be notified in writing of the conclusion and outcome of their complaint investigation (see § I.2 for associated corrective action).

Corrective Action #14: Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

➤ The Council did not demonstrate that during the period in review each complaint file contained a written determination of its outcome and corrective action(s) taken as a result. **Corrective Action Required.**

NOTE: The procedures in the *Council Anti-Discrimination and Harassment Policy* did not require that each internal discrimination complaint file contain a written determination of its outcome and corrective action(s) taken as a result (see § I.2 for associated corrective action).

Corrective Action #15: Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

➤ The Council did not demonstrate that during the period in review each complainant and respondent was notified in writing when the investigation by the EEO professional was transferred because of the filing of an external complaint. **Corrective Action Required.**

NOTE: The *Council Anti-Discrimination and Harassment Policy* did not include a requirement that the complainant and respondent be notified in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint (see § I.2 for associated corrective action).

Corrective Action #16: Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

➤ The Council did not demonstrate that during the period in review it established or utilized a complaint tracking and monitoring system that permits the Council to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends. **Corrective Action Required.**

NOTE: The procedures in the *Council Anti-Discrimination and Harassment Policy* did not require the use of a complaint tracking and monitoring system (see § I.2 for associated corrective action).

Corrective Action #17: Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

18. Ensure that the General Counsel assists the agency head in identifying and determining

appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

✓ The Council Anti-Discrimination and Harassment Policy stated, "[t]he EEO Officer and EEC Investigator will expeditiously conduct a preliminary investigation in consultation with the Office of the General Counsel." The Council Anti-Discrimination and Harassment Policy also stated, "[i]f you have any questions regarding this Policy, you should contact the Office of the General Counsel." Additionally, the Council reported that the Office of the General Counsel conducted *Anti-Discrimination and Harassment Policy* training, and the General Counsel participated in the Council's annual review of employment practices.

➤ The Council did not demonstrate that during the period in review the General Counsel assisted the Speaker with identifying appropriate responses to sexual harassment; worked with the principal EEO Professional in the implementation of the Council's policies and procedures pertaining to sexual harassment; informed the principal EEO Professional when external complaints or litigation involving sexual harassment were brought against the Council; and was responsible for the investigation of, and response to, external sexual harassment complaints. **Corrective Action Required.**

Corrective Action #18: Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

IV. SHPRA - Annual Review of Practices, Policies and Programs

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

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

✓ The Council reported that during the period in review the principal EEO Professional, the Speaker's Office, Administrative Services, and the Office of the General Counsel conducted a review of the Council's employment practices. Additionally, Section 2.75 of the *Rules of the Council* stated, "[t]he Speaker shall formulate a recurrent risk factor review plan to assess and address potential risk factors associated with workplace sexual harassment."

➤ The Council did not demonstrate that during the period in review, the principal EEO Professional,

HR Professional, and General Counsel reviewed the number of sexual harassment complaints, and the Council's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies. **Corrective Action Required.**

Corrective Action #19: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

V. SHPRA - Responsibility for Implementation - EEO Professionals

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

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

✓ In 2018, the Council hired an EEO/Chief Diversity Officer to serve as the principal EEO Professional. The Council reported that the principal EEO Professional had over six years of EEO experience, a Juris Doctorate, and training and certifications in EEO, investigations and diversity.

➤ The Council did not demonstrate that the principal EEO Professional was trained regarding city, state, and federal EEO laws; the requirements of the Council's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. **Corrective Action Required.**

Corrective Action #20: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

✓ As noted in the *Council Anti-Discrimination and Harassment Policy*, the principal EEO Professional received support in meeting their EEO obligations from the EEC during the period in review (see § V.22 for further details).

➤ The Council did not demonstrate that during the period in review the responsibilities of the principal EEO Professional were competently discharged by providing adequate resources such as opportunities for continuing education and professional development to meet EEO obligations. **Corrective Action Required.**

Corrective Action #21: Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

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

✓ During the period in review, the Council's workforce included 805 employees at several different office locations. The *Council Anti-Discrimination and Harassment Policy* described the EEO department at the Council as consisting of the principal EEO Professional and the EEC. The *Council Anti-Discrimination and Harassment Policy* also outlined that the EEC included at least five members and up to two alternates from various Council Divisions whose responsibilities included complaint intake, and the investigation and resolution of discrimination and sexual harassment complaints.

➤ The Council did not demonstrate that the members of the EEC were trained on EEO laws and procedures; and their responsibilities under the *Council Anti-Discrimination and Harassment Policy*, which included the investigation and resolution of discrimination and sexual harassment complaints. **Corrective Action Required.**

Corrective Action #22: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

✓ The Council reported that the Office of the General Counsel worked cooperatively with the principal EEO Professional to conduct *Anti-Discrimination and Harassment Policy* training.

➤ The Council did not demonstrate that during the period in review the principal EEO Professional worked cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment. **Corrective Action Required.**

Corrective Action #23: Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

✓ As noted in the *Council Anti-Discrimination and Harassment Policy*, the principal EEO Professional was responsible for supervising the activities of the EEC EEO professionals; providing guidance to managers and supervisors on issues pertaining to sexual harassment; and promptly investigating allegations of sexual harassment. Additionally, the Council reported that the principal EEO Professional's responsibilities included investigations, reasonable accommodations, conducting sexual harassment prevention training, diversity initiatives, and review of statistical diversity data and employment policies and practices.

➤ The Council did not demonstrate that during the period in review the principal EEO Professional was assigned the responsibility of ensuring that the policies against sexual harassment and complaint procedures were distributed/posted at all Council locations; employees/managers received sexual harassment prevention training; and EEO-related policies were made available in alternative formats upon request. **Corrective Action Required.**

Corrective Action #24: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ The Council reported that the principal EEO Professional reported directly to the Speaker's Office.

➤ The Council did not demonstrate that during the period in review the principal EEO Professional reported directly to the Speaker (or a direct report other than the General Counsel). **Corrective Action Required.**

Corrective Action #25: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the

administration and operation of programs, policies or procedures concerning sexual harassment.

➤ The Council did not demonstrate that during the period in review documentation was maintained regarding directives or decisions between the Speaker (or a direct report other than the General Counsel) and the principal EEO Professional that impacted the administration and operation of programs, policies or procedures concerning sexual harassment. **Corrective Action Required.**

Corrective Action #26: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

VI. SHPRA - Responsibility for Implementation – Supervisors/Managers

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

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

✓ The expectation that managers and supervisors were held accountable for enforcing the Council's sexual harassment prevention policies and complaint procedures was documented in the *Council Anti-Discrimination and Harassment Policy*, which stated, "[a] supervisor who receives a complaint from an employee or becomes aware of any potential violation of this Policy must immediately report the matter to the EEO Officer. Any supervisor who fails to do so will be penalized for such misconduct."

➤ The Council did not demonstrate that the implementation of the aforementioned expectation was documented. **Corrective Action Required.**

Corrective Action #27: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

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

➤ The Council did not demonstrate that during the period in review managers were rated on their EEO responsibilities (which covered processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). **Corrective Action Required.**

Corrective Action #28: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

VII. SHPRA - Reporting Standard for agency head

Determination: The agency is required to comply with the standards for this subject area.

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

NOTE: As a non-Mayoral entity, the Council is not required to submit quarterly reports.

➤ The Council did not submit to the EEPC its Annual Plans of measures and programs to provide equal employment opportunity for the period in review. **Corrective Action Required.**

Corrective Action #29: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Final Action: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Summary of Corrective Actions:

The Council has 30 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the Council has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

Optional Response to Preliminary Determination: If submitted, the Council's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, and must be received in our office within 14 days

from the date of this letter. During the *Preliminary Determination Teleconference* on June 20, 2019, the Council requested an additional week to provide an optional response to the Preliminary Determination, which the EEPC granted. As such, the Council's optional response must be received in our office within 21 days from the date of this letter.

(Optional Conference) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Council's implementation of the prescribed corrective action(s).

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

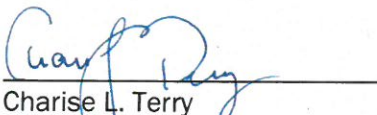
Mandatory Response to Final Determination: Following this Preliminary Determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Council must submit a response, signed by the agency head, 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,


Menelik Allsop, EEO Program Analyst

Approved by,


Charise L. Terry
Executive Director

c: Jason Goldman, Chief of Staff, NYCC
Nicole Benjamin, Principal EEO Professional, NYCC
William Peterson, Manager, Labor Relations Analysis and Audit, EEPC

Appendix – 1

New York City Council

CEEDS Report: *Workforce Composition Summary*
2nd Quarter Fiscal Year 2019
(End of Audit Period)

RUN DATE: 01/07/19
 RUN TIME: 08:09:34.3

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2019 AGENCY 102 CITY COUNCIL

PAGE: 118
 REPORT: EBEP210

AGENCY CODE : 102 CITY COUNCIL
 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		
30177	COUNCIL MEMBER	20	7	9	1	0	1	2	6	2	1	0	0	0	49
30178	MINORITY LEADER	1	0	0	0	0	0	0	0	0	0	0	0	1	
94449	SPEAKER/MAJORITY LEADER	1	0	0	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		22	7	9	1	0	1	2	6	2	1	0	0	51	
		43.14	13.73	17.65	1.96	0.00	1.96	3.92	11.76	3.92	1.96	0.00	0.00	100.00	

AGENCY CODE : 102 CITY COUNCIL
 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		
10159	DIRECTOR OF COUNCIL SERVIC	0	0	0	0	0	0	0	1	0	0	0	0	1	
30169	ASSISTANT DIRECTOR OF LEGA	3	0	0	1	0	0	1	0	1	1	0	0	7	
40509	PRINCIPAL LEGISLATIVE FINA	2	1	2	0	0	0	1	1	1	2	0	0	10	
94045	ASSISTANT DIRECTOR OF ADMI	5	0	0	0	0	0	1	1	0	0	0	0	7	
94055	LEGISLATIVE COORDINATOR	0	0	0	0	0	0	1	3	1	1	0	0	6	
94056	EXECUTIVE LEGISLATIVE COOR	1	1	0	0	0	0	0	0	0	0	0	0	2	
94069	SENIOR LEGISLATIVE FINANCI	3	1	0	0	0	0	1	0	0	0	0	0	5	
94365	ASSISTANT DIRECTOR OF FINA	1	0	0	0	0	0	0	0	0	0	0	0	1	
94381	LEGISLATIVE POLICY ANALYST	1	3	1	0	0	0	10	2	1	1	0	1	20	
94383	LEGISLATIVE SYSTEMS MANAGE	1	0	0	1	0	0	0	0	0	0	0	0	2	
94387	LEGISLATIVE ADMINISTRATIVE	3	0	0	0	0	0	4	1	4	1	0	0	13	
94417	LEGISLATIVE SUPPORT SERVIC	0	2	0	0	0	0	0	0	1	0	0	0	3	
94427	SENIOR LEGISLATIVE INVESTI	0	1	0	0	0	0	0	0	0	0	0	0	1	
94429	DEPUTY DIRECTOR - FINANCE	3	0	0	0	0	0	1	0	0	0	0	0	4	
94432	DIRECTOR LEGAL DIV/GENERAL	0	0	1	0	0	0	0	0	0	0	0	0	1	
94433	DEPUTY DIRECTOR - LEGAL DI	0	0	0	0	0	0	1	0	0	0	0	0	1	
94434	DIRECTOR - OFFICE OF POLIC	2	0	0	0	0	0	0	0	0	0	0	0	2	
94435	SENIOR LEGISLATIVE POLICY	4	0	0	0	0	1	6	1	1	0	0	0	13	
94437	DIRECTOR-OFFICE OF COMMUNI	0	0	0	0	0	0	1	0	0	0	0	0	1	
94446	DIRECTOR OF FINANCE (CITY	0	0	0	0	0	0	0	1	0	0	0	0	1	
94450	CHIEF OF STAFF (CITY COUNC	1	0	1	0	0	0	0	0	0	0	0	0	2	
94451	LEGISLATIVE COUNSEL (CITY	15	4	2	3	0	2	14	9	7	7	0	1	64	
94453	LEGISLATIVE PROGRAMMER/ANA	2	0	0	2	0	0	1	1	0	1	0	0	7	
94455	DIRECTOR OF LAND USE DIVIS	0	0	0	1	0	0	0	0	0	0	0	0	1	
94456	SPECIAL ADVISOR TO THE DIR	3	0	1	0	0	0	0	3	1	0	0	0	8	
94458	DIRECTOR (CITY COUNCIL)	2	1	1	0	0	1	1	0	0	1	0	0	7	
94459	DEPUTY DIRECTOR (CITY COUN	5	0	1	0	0	0	3	2	2	1	0	0	14	
94460	DEPUTY UNIT CHIEF (CITY CO	0	0	0	0	0	0	1	0	0	0	0	0	1	
94461	LEGISLATIVE PROJECT MANAGE	1	0	0	1	0	1	0	0	0	0	0	0	3	
94515	DEPUTY CHIEF OF STAFF (CIT	0	0	0	0	0	0	1	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		58	14	10	9	0	5	49	26	20	16	0	2	209	
		27.75	6.70	4.78	4.31	0.00	2.39	23.44	12.44	9.57	7.66	0.00	0.96	100.00	

RUN DATE: 01/07/19
 RUN TIME: 08:09:34.3

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2019 AGENCY 102 CITY COUNCIL

PAGE: 119
 REPORT: EBEP210

AGENCY CODE : 102 CITY COUNCIL
 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		
40507	LEGISLATIVE FINANCIAL ANAL	7	1	2	1	0	0	4	0	1	2	0	0	1	19
94378	LEGISLATIVE INVESTIGATOR (2	2	1	0	0	0	0	2	0	0	0	1	0	8
94379	LEGISLATIVE ADMINISTRATIVE	3	0	0	1	0	0	2	4	1	2	0	1	0	14
94425	LEGISLATIVE INTERN (CITY C	2	1	1	1	0	0	3	1	0	0	0	0	0	9
EEO JOB GROUP TOTAL.....:		14	4	4	3	0	0	9	7	2	4	0	2	1	50
		28.00	8.00	8.00	6.00	0.00	0.00	18.00	14.00	4.00	8.00	0.00	4.00	2.00	100.00

AGENCY CODE : 102 CITY COUNCIL
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

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		
94454	LEGISLATIVE COMPUTER SUPPO	2	4	0	1	0	0	0	0	0	0	0	0	0	7
EEO JOB GROUP TOTAL.....:		2	4	0	1	0	0	0	0	0	0	0	0	0	7
		28.57	57.14	0.00	14.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 102 CITY COUNCIL
 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		
12611	LEGISLATIVE ANALYST	0	0	0	0	0	0	1	0	1	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	1	0	1	0	0	0	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	50.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 102 CITY COUNCIL
 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		
30183	LEGISLATIVE ASSISTANT	10	9	10	0	1	0	10	6	6	5	1	1	0	59
30184	LEGISLATIVE CLERK	0	1	1	0	0	0	0	0	2	0	0	0	0	4
EEO JOB GROUP TOTAL.....:		10	10	11	0	1	0	10	6	8	5	1	1	0	63
		15.87	15.87	17.46	0.00	1.59	0.00	15.87	9.52	12.70	7.94	1.59	1.59	0.00	100.00

AGENCY CODE : 102 CITY COUNCIL
 EEO JOB GROUP : 013 CLERICAL

RUN DATE: 01/07/19
 RUN TIME: 08:09:34.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2019 AGENCY 102 CITY COUNCIL

PAGE: 120
 REPORT: EBEP210

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
94424	LEGISLATIVE MESSENGER (CIT	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		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	100.00

AGENCY CODE : 102 CITY COUNCIL
 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
30172	ASSISTANT SERGEANT AT ARMS	2	3	2	0	0	0	2	0	1	0	0	0	0	10
30175	SERGEANT AT ARMS	0	0	1	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		18.19	27.27	27.27	0.00	0.00	0.00	18.18	0.00	9.09	0.00	0.00	0.00	0.00	111.00

AGENCY CODE : 102 CITY COUNCIL
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

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
94074	COUNCILMANIC AIDE	88	32	44	13	1	5	71	47	57	29	0	11	1	399
94440	COMMUNICATIONS ASSISTANT (4	0	2	1	0	0	3	0	2	0	0	0	0	12
EEO JOB GROUP TOTAL.....:		22.37	7.79	11.19	3.41	0.24	1.22	18.00	11.44	14.36	7.06	0.00	2.68	0.24	100.00

AGENCY TOTAL.....:

201	74	83	28	2	11	147	92	93	55	1	16	2	805
24.97	9.19	10.31	3.48	0.25	1.37	18.26	11.43	11.55	6.83	0.12	1.99	0.25	100.00

Appendix - 2

New York City Council

Council Anti-Discrimination and Harassment Policy
(October 9, 2018)

**Council Anti-Discrimination and
Harassment Policy**



THE COUNCIL OF THE CITY OF NEW YORK
CITY HALL
NEW YORK, NY 10007

ANTI-DISCRIMINATION AND HARASSMENT POLICY

The Council of the City of New York (“Council”) is an equal opportunity employer, has a diverse workforce, and is committed to ensuring fair employment practices. The Council is committed to a workplace free of discrimination and harassment. This Anti-Discrimination and Harassment Policy (“Policy”) sets forth the scope of conduct, practices, and decisions that are prohibited by the Council; the process for making complaints under this Policy; and how such allegations will be resolved.

This Policy applies to the conduct of all Members and employees of the Council. For the purpose of this Policy, the term “employees” shall include all full-time and part-time employees, paid and unpaid employees, temporary employees, and interns to the Council who work either on the central staff of the Council or who work directly for a Member of the Council. The prohibitions of this Policy are also applicable to all interactions between employees and non-employees (i.e. constituents, third-party contractors, etc.) in the course of Council-related business.

Protected Categories

The Council does not tolerate discrimination or harassment at the workplace on the basis of any of the following characteristics (“protected categories”): race; color; creed or religion; national origin; alienage or citizenship status; gender;¹ pregnancy; gender identity and expression; age (18 and over); disability;² sexual orientation; partnership status; medical condition (including having or being perceived as having HIV/AIDS-related conditions); marital status; caregiver status; familial status; genetic information or predisposing genetic characteristic; status as a victim of domestic violence, sex offenses, or stalking; military status; unemployment status; credit history; record of prior arrest or conviction; having made a complaint or having participated in an investigation pursuant to this Policy; or any other characteristic protected by federal, state, or local law.

Discrimination is adverse treatment based on one or more of the protected categories of persons to which an individual belongs, rather than on the basis of their individual merit, with respect to the terms, conditions, or privileges of employment including, but not limited to: hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that individual.

The Council values diversity and is committed to maintaining an inclusive work environment for all Council employees. This Policy does not prohibit employment decisions made in furtherance of these goals.

Harassment

This Policy prohibits harassment based on any of the protected categories listed above. Harassment is any unwelcome conduct that negatively affects an individual. Harassment may include, but is not limited to: the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, and/or unequal treatment.

¹ The term “gender” includes actual or perceived sex, gender identity and gender expression, including a person's actual or perceived gender-related self-image, appearance, behavior, expression or other gender-related characteristic, regardless of the sex assigned to that person at birth.

² The term “disability” means any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

Harassment can be committed by supervisors and co-workers, as well as individuals not employed by the Council (i.e. constituents, third-party contractors, etc.).

Harassment does not include good faith employment actions taken by a supervisor or manager, such as offering constructive feedback and criticism, evaluating employee performance, and providing discipline where appropriate. These actions are within the responsibilities and obligations of Council Members, supervisors, and managers.

Harassment prohibited by this Policy may include some offensive acts or remarks even if they are not so severe that they violate federal, state, or local anti-discrimination laws. The Council may discipline an individual for conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

This Policy also applies to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site Council-related social function, Council-related travel, Council vehicle, or facility where Council business is being conducted and discussed. Calls, texts, emails, and social media usage by employees can also constitute harassment prohibited by this Policy and applicable law, even if such conduct occurs away from the workplace premises, on personal devices, or during non-work hours.

Sexual Harassment

Sexual harassment, a form of gender-based discrimination, is unwelcome behavior based on a person's gender, and is prohibited by this Policy and applicable law.

Sexual harassment includes any statement or gesture by a supervisor linking sexual favors to employment decisions. For example, this includes when a supervisor engages in unwanted sexual advances or propositions in the form of requests for sexual favors accompanied by implied or overt threats concerning an employee's job performance evaluation, a promotion, or other job benefits or detriments.

Sexual harassment also includes any unwelcome conduct of a sexual nature by anyone an employee interacts with in the course of their employment. This includes, but is not limited to: (1) physical acts of a sexual nature (e.g. touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body); (2) sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience; and (3) displaying sexually demeaning or pornographic materials anywhere in the workplace, including on workplace computers or cell phones.

Furthermore, sexual harassment includes derogatory comments or hostile actions directed towards an employee based on their gender even where such comments or actions may not be of a sexual nature (e.g. yelling, name-calling, and interfering with an employee's ability to perform their job). This can include comments and actions based on gender stereotyping.

Bullying

Even if there is no protected category involved, this Policy prohibits all persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

Other Misconduct

No supervisor shall have or pursue a romantic or sexual relationship with any employee who reports to the supervisor or over whom the supervisor has the authority and/or responsibility to hire, promote, discipline, evaluate, assign, or direct.

The examples of misconduct stated in the paragraphs above are not exhaustive. The Council may discipline an individual for other types of misconduct not specifically listed in this Policy.

Reasonable Accommodations

The Council requires the making of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; and for victims of domestic violence, sex offenses, or stalking, so long as the accommodation does not create an undue hardship. Employees who require a reasonable accommodation should inform their supervisor or call Nicole Benjamin, the Equal Employment Opportunity Officer (“EEO Officer”), at (212) 482-5176. An employee who receives a reasonable accommodation is nevertheless required to complete the essential functions of their job.

A supervisor who receives a request for a reasonable accommodation from an employee or who becomes aware that an employee may need a reasonable accommodation must immediately contact the EEO Officer and work with the EEO Officer to determine what, if any, accommodations are appropriate. Any supervisor who fails to do so will be subject to discipline.

Reporting Discrimination and Harassment

If you believe you may be the victim of a violation of this Policy or if you believe you have witnessed a violation of this Policy against someone else, you should immediately report the matter (verbally or in writing) to:

- your supervisor; or
- Nicole Benjamin, the EEO Officer, at (212) 482-5176; or
- a member of the Equal Employment Committee (“EEC”) (discussed below).

An employee seeking to file a complaint in writing may do so using a complaint form that can be found at <P:\Anti-Discrimination and Harassment Policy Complaint Form> or obtained from the EEO Officer.

A supervisor who receives a complaint from an employee or becomes aware of any potential violation of this Policy must immediately report the matter to the EEO Officer. Any supervisor who fails to do so will be penalized for such misconduct.

Any Member filing a complaint about another Member may file it directly with the Committee on Standards and Ethics.

Confidentiality

If you report a violation of this Policy, the Council will protect the confidentiality of your complaint to the extent possible. Generally, information about the complaint will be shared only on a need-to-know basis.

Retaliation Prohibited

Filing a complaint, cooperating with an investigation, or otherwise opposing discrimination or harassment as described in this Policy or pursuant to an external agency process (discussed below) constitutes protected activity. Retaliation against anyone who engages in such protected activity is prohibited under this Policy and is also unlawful under applicable law. Retaliation is any speech, conduct, or employment action that negatively impacts an individual and is reasonably likely to deter an individual from engaging in protected activity. Any Member or employee who believes that they are the target of retaliation should immediately file a complaint as set forth above.

The ban on retaliation does not prohibit the imposition of discipline against an employee where such discipline is otherwise warranted, even if that employee has engaged in the protected activity described above. Nor does the

ban prohibit the imposition of discipline against an employee who files a knowingly false or bad faith claim, or who fails to cooperate in an investigation under this Policy.

The Equal Employment Committee (“EEC”)

The EEC is a body of Council employees from various Divisions tasked with addressing complaints brought under this Policy, after notice from the EEO Officer. The EEC serves the following functions:

- Receives Complaints – Each member of the EEC serves as an intake contact to receive complaints of violations of this Policy. The EEC is comprised of members from various Council Divisions to provide a diverse range of confidants for individuals who wish to make a complaint. EEC members are responsible for maintaining confidentiality of complainants and redirecting the information to the EEO Officer for further investigation.
- Makes Recommendations – The EEC makes a written recommendation regarding its conclusions and possible disciplinary action to the Speaker (or the Speaker’s designee) and, when appropriate, to the supervising Member.

The EEC shall have at least five members and up to two alternates appointed by the Speaker. Members and alternates of the EEC shall serve for two-year terms and be Council employees.

Employees can access the list and contact information of current EEC members at [P:\Equal Employment Committee\](#) or by contacting the Office of the General Counsel.

Resolution of a Complaint

Once a supervisor or an EEC member receives a complaint of any conduct that violates this Policy, they must immediately report that complaint to the EEO Officer.

The EEO Officer and EEC Investigator will expeditiously conduct a preliminary investigation in consultation with the Office of the General Counsel as soon as possible and inform the EEC if EEC review of the complaint is warranted (i.e. due to questions of fact still remaining after the preliminary investigation). If warranted, the EEO Officer and the EEC Investigator will conduct a supplemental investigation into the alleged violations of this Policy. The EEO Officer and the EEC Investigator shall protect the privacy of anyone who files a complaint or participates in an investigation pursuant to this Policy, to the extent possible. Members and employees of the Council shall cooperate with all investigations under this Policy.

If EEC review of the complaint is warranted, the EEO Officer will convene a meeting with the EEC Investigator and the EEC to present a written report of the investigative findings. The EEC will review the report, discuss with the EEO Officer and EEC Investigator as needed, and prepare written recommendations to be submitted to the Speaker (or the Speaker’s designee) and, when appropriate, to the supervising Member. Upon reviewing the findings of the EEC, the Speaker (or the Speaker’s designee) and, when appropriate, the supervising Member, will take immediate corrective action.

The Speaker (or the Speaker’s designee) may make temporary appointments or amend these procedures as necessary (for example, if a member of the EEC is the accused, the accuser, or a witness).

Complaints against a Council Member of any conduct contrary to this Policy shall be directed to the EEO Officer, who will notify the Chair of the Committee on Standards and Ethics immediately.

Any Member found to have violated this Policy by the Committee on Standards and Ethics will be subject to sanctions pursuant to the Rules of the Council. Any employee found to have violated this Policy will be penalized

in proportion to their misconduct, up to termination of employment. Likewise, any supervisor who becomes aware of any conduct that may violate this Policy and subsequently fails to report it to the EEO Officer will be penalized for such misconduct.

Filing an External Complaint

Sexual harassment and certain other types of prohibited conduct are not only prohibited under this Policy, but may also be prohibited by state, federal, and local law. If you believe you have been subjected to unlawful discrimination, harassment (including sexual harassment), or retaliation, you may also choose to file a charge or complaint with the following agencies within their respective time limits potentially beginning from the last date of the alleged unlawful conduct: the U.S. Equal Employment Opportunity Commission; the New York State Division of Human Rights; and the New York City Commission on Human Rights.³ An employee seeking to file a complaint with a governmental agency may seek the legal advice of a private attorney if they wish, but representation by an attorney is not required to file a complaint.

EEOC

The United States Equal Employment Opportunity Commission (“EEOC”) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (“Title VII”) and the Government Employees Rights Act of 1991 (“GERA”). Title VII, as amended, makes it unlawful for an employer to discriminate against any individual with respect to their compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin. Although certain government employees are not subject to the protections of Title VII, the GERA provides procedures to protect the rights of these employees with respect to their employment. An individual can file a complaint with the EEOC for violations of either Title VII or the GERA, as well as other laws. There is no cost to file a complaint with the EEOC.

In relation to complaints covered under Title VII and certain other laws, the EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief in such a situation, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

In relation to complaints covered under the GERA, other remedies may be awarded to employees who were found to have been subjected to unlawful discrimination, harassment, or retaliation, through a different process with the EEOC.

The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

SDHR

The New York State Division of Human Rights (“SDHR”) enforces the New York State Human Rights Law, codified as N.Y. Executive Law, art. 15, § 290 *et seq.* A complaint alleging violation of the New York State Human Rights Law may be filed either with SDHR or in New York State Supreme Court. SDHR will investigate your complaint and determine whether there is probable cause to believe that unlawful discrimination, harassment, or retaliation has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If unlawful discrimination, harassment, or retaliation is found after a hearing, SDHR has the power to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage

³ Each of these agencies operates pursuant to distinct laws, regulations, and/or procedures.

caused, including paying of monetary damages, attorney's fees and civil fines. Contact SDHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint.

CCHR

The New York City Commission on Human Rights ("CCHR") enforces the New York City Human Rights Law. A complaint alleging violation of the New York City Human Rights Law may be filed either with CCHR or in New York State Supreme Court. Contact CCHR at their main office at: Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Local Law Enforcement

Conduct in the form of unwanted physical touching, coerced physical confinement, or coerced sex acts may constitute a crime. Employees seeking to report such conduct should contact the local police department.

Training and Education

The Council will provide all Members and employees of the Council with regular training and education on complying with this Policy. Members and employees are required to attend training on an annual basis and when otherwise directed by their supervisors. If you have any questions regarding this Policy, you should contact the Office of the General Counsel at (212) 482-2951.

Appendix - 3

New York City Council

Anti-Discrimination and Harassment Policy Complaint Form



ANTI-DISCRIMINATION AND HARASSMENT POLICY

COMPLAINT FORM

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe in the space below what happened and how it is has affected you. Please use additional sheets of paper if necessary and attach any relevant documents or evidence. If this is a complaint regarding discrimination or harassment, please state what protected category under the Anti-Discrimination and Harassment Policy is involved.

3. Date(s) conduct or action occurred:

Is the conduct or action continuing? Yes No

4. Location(s) at which conduct or action occurred:

5. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

6. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____



Sasha Neha Ahuja
Chair

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

Charise L. Terry
Executive Director

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

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

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY MAIL AND EMAIL

July 19, 2019

Corey Johnson
Speaker
New York City Council
250 Broadway
New York, NY 10007

Re: Resolution #2019AP/233-102-(2019)
New York City Council
Evaluation of Sexual Harassment Prevention and Response Practices
Audit Period: January 1, 2017 to December 31, 2018
Determination: **FINAL**

Dear Speaker Johnson:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: June 25, 2019
No Response Received.

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and

monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the New York City Council's Sexual Harassment Prevention and Response Practices.

As the New York City Council (Council) falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Council's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: August 1, 2019 to January 31, 2020. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Council has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Council will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Council is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the Council's implementation of the final corrective action, if any, the EEPC requires that the Council submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the Council must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Council will be exempt from the abovementioned compliance-monitoring period.

Conclusion

¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

This is the EEPc's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry
Executive Director

c: Jason Goldman, Chief of Staff, New York City Council
Nicole Benjamin, Principal EEO Professional, New York City Council

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of Council's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the *Annual EEO Plans and Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response² (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: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #2: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies -- or an agency Policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #3: Establish and implement a training plan for new and existing employees to

² Excerpts are italicized.



ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #4: Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #5: Provide the option to file a complaint anonymously.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #6: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #7: Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #8: Take thorough notes, of words spoken and facts provided, during each

interview. Include these notes in each complaint file.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #9: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #10: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #11: Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #12: Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #13: Establish and implement a policy whereby the agency head (or an

approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #14: Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #15: Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #16: Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #17: Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #18: Ensure that the General Counsel assists the agency head in identifying and

determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #19: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #20: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #21: Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #22: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in

EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #23: Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #24: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #25: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #26: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response: No optional response received.



EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #27: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #28: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #29: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response: No optional response received.

EEPC Response: Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Final Action: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2019AP/233-102-(2019)
New York City Council
Speaker Corey Johnson
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s):	Total: 29		
Period Audit Covered:	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued:	June 25, 2019	No Response Received	
Final Determination Issued:	July 19, 2019	Response Due	August 19, 2019
Compliance-Monitoring :	Required	August 1, 2019 to January 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Council's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Council's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 25, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of

sexual harassment annually.

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
5. Provide the option to file a complaint anonymously.
6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
23. Ensure that the principal EEO Professional works cooperatively and closely with the General

Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
29. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 19, 2019, which indicated that the following areas required corrective action: no(s). 1 - 29; and

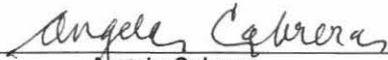
Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2019 to January 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

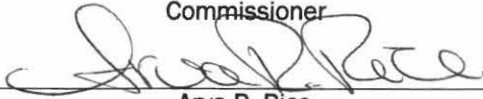
Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 19, 2019, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Speaker Corey Johnson to assign compliance-monitoring.

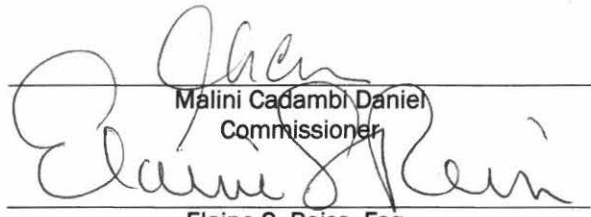
Approved unanimously on September 12, 2019.



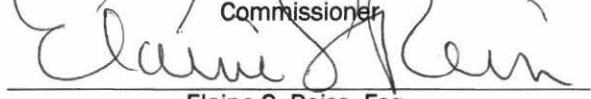
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



**THE COUNCIL
OF THE CITY OF NEW YORK**
CITY HALL
NEW YORK, N.Y. 10007

JASON GOLDMAN
CHIEF OF STAFF

TEL: (212) 442-8824
jgoldman@council.nyc.gov

September 16, 2019

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

Via E-Mail and Regular Mail

Re: Response to EEPC “Final Determination”

Dear Ms. Terry:

I am writing to express my extreme disappointment in the manner in which the Equal Employment Practices Commission (“EEPC”) appears to have used its audit process to falsely portray the New York City Council in substantial non-compliance with proper sexual harassment policies and procedures. In fact, the Council is committed to preventing and addressing sexual harassment in the workplace in accordance with local, state and federal laws and is currently working with a highly regarded consulting firm (the “EEO Consultant”) to ensure that its policies and practices do not just comply with applicable laws but are, in fact, exemplary.

This is inadequately reflected in your “Final Determination” dated July 19, 2019, because the EEPC refused to even work with the Council on a threshold issue over the extent of the EEPC’s jurisdiction over the Council, which is the City’s legislative body and not an “agency.” Notwithstanding this disagreement which has gone on for well over a decade, and as I reiterated to you in a letter dated April 25, 2019, the Council was willing to voluntarily engage in a review of its practices with the EEPC.¹ However, the EEPC denied us the chance to do so.

¹ In this letter, I also provided you with an overview regarding the Council’s position as to why the EEPC does not have jurisdiction over the Council, and explained to you various measures the Council under Speaker Corey Johnson has taken to demonstrate its full dedication to creating and sustaining a workplace free from sexual harassment.

It is my understanding that in our interactions stemming from the last EEPC review of Council practices, the Council has maintained at all times since the issue arose (for at least the last 13 years) that its participation in the process was voluntary. While I also understand that this was not necessarily the position of the EEPC, through discussions, collaboration and compromise we were able to satisfactorily conclude the past review while maintaining our respective legal positions.

The 2016 Determination of Compliance Resolution by the EEPC in the wake of its last review of the Council recognizes the jurisdictional dispute but states that “the Commission postponed issuance of the New York City Council’s pending determination of Partial Non-compliance in order to accommodate a request from the New York Law Department; and...[T]he Commission and the NYCC resumed discussions and participated in concerted efforts which include collaborative meetings held on December 30, 2015 and February 18, 2016 and subsequent telephone conferences to discuss implementation of the remaining corrective actions”. Indeed, without the Council ever conceding that the EEPC had jurisdiction over it in the manner over which the EEPC has jurisdiction over mayoral agencies, the Council voluntarily provided documents to the EEPC, considered EEPC feedback, and worked to incorporate this feedback into its practices and policies. At the end of that collaborative process the EEPC issued the Council a “Determination of Compliance” in March of 2016.

Unfortunately, in the context of the current evaluation of our sexual harassment policies and procedures, communications appear to have stalled at the Preliminary Interview Questionnaire (“PIQ”) stage. It is my understanding that this was due to the fact that the EEPC has computerized its evaluation questions and staff at the Council were unable to access the full questionnaire without taking actions that could be viewed as agreeing to the jurisdiction of the EEPC over the Council. It appears that, whether or not the EEPC agreed with the Council’s view of the issue, our concerns over completing the questionnaire electronically could have reasonably been addressed by discussing the *manner* in which information was provided, rather than the *substance* of the information. In an attempt to resolve this concern and move forward, Council staff requested that the EEPC provide us with your questions in written rather than digital format and indicated that we would be willing to respond to the questionnaire in this manner. The EEPC refused to do this and then somehow issued a “Preliminary Determination” on June 25, 2019 without having any input from the Council in relation to its questionnaire. Providing the PIQs in a non-electronic format could have served to enormously narrow the gap between the reality

of the Council's policies and practices and what is currently reflected in the EEPC's "Final Determination."

Notwithstanding all of this, the EEPC issued a "Final Determination" with 30 "corrective actions." This was done even though no effective audit of the Council's sexual harassment policies and procedures was actually undertaken, and despite efforts on the part of the Council to reach out to the EEPC and come to an agreement on collaboration.

Although this is not reflected in your "Final Determination," the Council is in fact already complying with various components of the "corrective actions" that you have provided.² For example, the Council:

- Maintains an Anti-Discrimination and Harassment Policy which prohibits sexual harassment and provides complaint procedures; has distributed this policy to Council Members and staff; and also posts information regarding how Council Members and staff can report potential violations of this policy (**Corrective Actions #2 and #24**);
- Trains new and existing employees on sexual harassment prevention and complaint procedures (**Corrective Action #3**);
- Maintains a Complaint Form completed by a complainant where the complainant has opted to complete one and also maintains intake records that identify respondents and the relevant details giving rise to a complaint (**Corrective Action #4**);
- Takes thorough notes during investigative interviews (**Corrective Action #8**);
- Securely maintains complaint records in a manner which can be shared with the Speaker, Chief of Staff, General Counsel, and appropriate staff, as needed (**Corrective Action #12**);
- Ensures that the General Counsel's Office assists the Chief of Staff³ in identifying and determining responses to sexual harassment; works with the EEO professional in implementing policies and procedures; informs the appropriate staff when external complaints or litigation is brought; consults on internal complaints; and responds to external complaints (**Corrective Action #18**);
- Has appointed an excellent, experienced EEO Officer well-versed in EEO laws and the Council's policies, standards, and procedures (**Corrective Action #20**);
- Is ensuring that the EEO Officer has adequate resources and in fact is looking to hire an additional EEO professional to support the EEO Officer (**Corrective Action #21**);

² Relevant "corrective actions" are cited for each of the items bulleted immediately below.

³ And, where appropriate, the Speaker.

- Has appointed seven employees who have received training in relation to EEO matters and work in varying departments, representing varying protected classes, and with varying job duties and job levels, to an Equal Employment Committee which serves as a resource for employees to file complaints (**Corrective Action #22**);
- Ensures that the EEO Officer works closely with the General Counsel’s Office (**Corrective Action #23**);
- Ensures that managers and supervisors are held accountable for enforcing sexual harassment policies and procedures by requiring that all managers and supervisors report potential Anti-Discrimination and Harassment Policy violations or face potential discipline. Managers and supervisors also receive specific supervisory training on the Anti-Discrimination and Harassment Policy, which includes training pertaining to sexual harassment prevention (**Corrective Actions #24 and #27**);
- Ensures that the EEO Officer reports to the Chief of Staff, a direct report of the Speaker (**Corrective Action #25**);
- And maintains documentation pertaining to communications between the EEO Officer, the General Counsel’s Office, and the Chief of Staff regarding sexual harassment-related matters (**Corrective Action #26**).

In light of our commitment to preventing and addressing sexual harassment, we will also issue a memorandum annually that reiterates that commitment. (**Corrective Action #1**). Furthermore, we will be ensuring that our EEO Officer, director of human resources, and General Counsel “review the number of sexual harassment complaints, and the Council’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.” (**Corrective Action #19**).

On August 19, 2019, our new General Counsel reached out to senior staff at the EEPC and requested an opportunity to “pause” and “reboot” the process in an effort to move forward with a true and collaborative evaluation. We stated that we are working hard to ensure that our sexual harassment policies and procedures are exemplary and to that end we are in the process of a top-to-bottom review working with the EEO Consultant. We emphasized that it would be a loss to us not to have your meaningful input while we are undertaking this effort, as well as a disservice to have a document from the EEPC that does not reflect our efforts.

Rather than agree to this you offered us the possibility of an “extension” to submit our response to your “Final Determination.” While we ultimately agreed that we would respond within a month, we reiterated that we believed a month during which

our General Counsel's Office and EEO Officer worked collaboratively with the EEPC in getting you information you requested would be more beneficial. During that time the EEPC could answer our questions concerning the meanings and ramifications of some of your proposed "corrective actions" rather than the Council attempting to respond to an audit determination when no effective audit was actually conducted. However, you did agree that you would be available to answer questions as we attempted to evaluate your Final Determination and make decisions regarding implementation.

You have also recommended a number of other "corrective actions" that we are reviewing with the EEO Consultant to determine whether, and to what extent, it would be appropriate to incorporate them into our policies and practices as we consider improvements. Unfortunately, in the case of some of these, our General Counsel reached out to your staff with specific questions/concerns regarding the impact of certain of your proposals on witness and complainant confidentiality, and received no response to them. As such, your offer to make yourselves available to answer questions appears to have been illusory.

Finally, with respect to the last two "corrective actions" issued in the "Final Determination" (**Corrective Action #29** and "**Final Action**"), we must reiterate that the EEPC does not have jurisdiction over the Council and, as such, the Council is not subject to further monitoring or reporting as requested in the EEPC's "Final Determination." However, the Council will voluntarily report to the EEPC on the "corrective actions" that it decides to implement after receiving recommendations from the EEO Consultant in light of their completed and comprehensive audit of our practices and procedures pertaining to sexual harassment.

We would be happy to meet with you and discuss the possibility of a review by the EEPC of relevant documents provided that we can be assured that confidentiality will be maintained.

Sincerely,

/s/ _____
Jason Goldman
Chief of Staff
New York City Council

cc (via email):

James Caras, General Counsel

Nicole Benjamin, EEO/Chief Diversity Officer

Judith Garcia Quinonez, Esq., EEPC Executive Agency

Counsel/Director of Learning and Development

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



Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.
2019AP/238-102-(2020)NC3
New York City Council
Speaker Corey Johnson
DETERMINATION: NON-COMPLIANCE

SYNOPSIS

Corrective Action(s)	Total: 29
Period Audit Covered	January 1, 2017 to December 31, 2018
Preliminary Determination Issued	June 25, 2019 No Response Received
Final Determination Issued	July 19, 2019 Response Received September 16, 2019
Compliance-Monitoring	Required August 1, 2019 to February 21, 2020 with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC initiated an audit, review, and evaluation of the New York City Council’s Sexual Harassment Prevention and Response Practices on January 31, 2019, and required a response to the EEPC’s Preliminary Interview Questionnaires (PIQs) by March 4, 2019; and

Whereas, after granting two (2) extensions of time to respond to the PIQs, the EEPC conducted an audit, review, and evaluation of the New York City Council’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Council's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 25, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
5. Provide the option to file a complaint anonymously.
6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
29. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPCC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPCC issued a Final Determination on July 19, 2019, which indicated that the following areas required corrective action: no(s). 1 through 29; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPCC assigned a monitoring period from August 1, 2019 to January 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, by August 19, 2019, and make monthly reports thereafter for a period of up to six (6) months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, the New York City Council was granted an extension of time, to September 16, 2019, to respond to the Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 16, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Council's compliance-monitoring period was scheduled to end on January 31, 2019; and

Whereas, via three (3) letters to representatives at the New York City Council, the EEPC expressed its concern at the entity's progress toward implementing the assigned twenty-nine (29) corrective actions; and

Whereas, after meeting with representatives of the New York City Council, and at the entity's request, the compliance-monitoring period was extended to February 21, 2019; and

Whereas, to date, the New York City Council demonstrated its implementation of seven (7) corrective actions and had not remedied twenty-two (22) areas of non-compliance; Now Therefore,

Be It Resolved, that the New York City Council has not satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which require agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC's Board of Commissioners approves the issuance of this **Determination of Non-Compliance** to Speaker Corey Johnson of the New York City Council; and

Be It Resolved, that pursuant to Charter Chapter 36, Section 832(c), the EEPC may publish a report regarding the New York City Council's Non-Compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapter 36; and

Be It Resolved, that pursuant to Charter Chapter 36, Section 831(d)(5), the EEPC will initiate a follow-up audit within one (1) year to assess the New York City Council's implementation of the assigned corrective actions pertaining to its sexual harassment prevention and response practices.

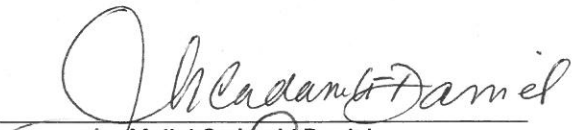
Approved unanimously on March 5, 2020.



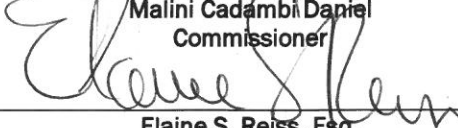
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

Abstained
Sasha Neha Ahuja
Chair



Sasha Neha Ahuja
Chair

Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
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Charise L. Terry
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BY MAIL AND EMAIL

March 5, 2020

Corey Johnson
Speaker
New York City Council
250 Broadway
New York, NY 10007

Re: Resolution #2019AP/238-102-(2020)NC3
DETERMINATION: Non-Compliance

Dear Speaker Johnson:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which require agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

After reviewing the Team Central status updates submitted by the New York City Council (City Council) during the compliance monitoring period (August 2019 - February 2020), to date the EEPC has determined that the City Council did not implement the following corrective actions:

Corrective action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

Corrective action #2: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies - or an agency Policy that conforms to city, state and federal laws against sexual harassment- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda:



uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Corrective action #3: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Corrective action #5: Provide the option to file a complaint anonymously.

Corrective action #6: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Corrective action #7: Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

Corrective action #8: Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

Corrective action #9: Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

Corrective action #10: In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Corrective action #11: Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

Corrective action #12: Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

Corrective action #13: Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.



Corrective action #14: Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

Corrective action #15: Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

Corrective action #16: Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

Corrective action #18: Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Corrective action #19: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

Corrective action #24: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Corrective action #26: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Corrective action #27: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

Corrective action #28: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).



Corrective action #29: Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

In letters dated November 21, 2019, December 10, 2019, and December 20, 2019, the EEPCC requested that the City Council submit documentation, which demonstrates implementation of the remaining corrective actions, on or before February 1, 2020, to avert the issuance of a *Determination of Non-Compliance*. After meeting with representatives of the City Council on January 22, 2020, in a letter dated January 31, 2020, the EEPCC advised the City Council that the Board of Commissioners voted to extend the City Council's compliance-monitoring period to February 21, 2020 to enable the City Council to continue the process of uploading documentation pertaining to the City Council's sexual harassment policies and procedures. To date, the City Council successfully implemented seven of twenty-nine (7 of 29) prescribed corrective actions. Accordingly, the EEPCC's Board of Commissioners has issued the enclosed *Determination of Non-Compliance* and will conduct a **follow-up audit within one (1) year** to assess whether and how the City Council has implemented the above-referenced corrective actions.

In addition, this correspondence serves as notification to the City Council that the EEPCC may also exercise the option to publish a report of the EEPCC's findings, as delineated in Section 832(c), Chapter 36 of the New York City Charter.

Sincerely,

A handwritten signature in cursive script that reads "Angela Cabrera".

Angela Cabrera
Commissioner

Enc.

cc: Jason Goldman, Chief of Staff, New York City Council
James Caras, General Counsel, New York City Council
Abid Hossain, Associate General Counsel, New York City Council
Nicole Benjamin, Chief Diversity and EEO Officer, New York City Council
Shanell Werts, EEO & Diversity Specialist, New York City Council