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OFFICE OF THE MAYOR  
THE CITY OF NEW YORK

MICHAEL BEST  
COUNSELOR TO THE MAYOR

November 8, 2013

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

Dear Ms. Hendricks:

I write to you on behalf of First Deputy Mayor Patricia E. Harris in response to your letter dated October 15, 2013 (the "draft report"), in which the Equal Employment Practices Commission ("EEPC" or "the Commission") set forth its preliminary determinations as part of its audit and analysis of the Office of the Mayor's Equal Employment Opportunity ("EEO") program.

As Mayor Bloomberg stated in his policy statement in *About EEO: What You May Not Know*, the Mayor is strongly committed to having a workforce that reflects the diversity, spirit, talent and dedication of our City's population. When City employees experience discrimination, it threatens the productivity and efficiency of City government. The Mayor's commitment to equal employment policy and practices includes, of course, the Office of the Mayor, and we appreciate the Commission's suggestions for further strengthening our EEO practices. We are gratified by the preliminary determination that we are in compliance or partial compliance on nine out of ten of the EEPC's audit standards, and we hope that after further consideration of this letter, the Commission will recognize that we are at an even higher compliance level than the draft report projected.

Our comments will focus upon the portions of the draft report that suggest that the Commission is considering the need for corrective action on the part of the Office of the Mayor. As discussed below, in a number of these areas, corrective action is not in fact necessary, either because the Office of the Mayor already engages in the suggested action or because during the course of the audit we have clarified our requirements so that they are more explicitly aligned with the Commission's suggestions. In other areas, we believe that our approach, while somewhat different than that preliminarily suggested by the Commission, will satisfy the needs of our EEO program and promote EEO practices and principles within the agency.

Below, we will set forth the Commissions suggested actions, followed by a response to each.

Sections III(1) and III(2):

- Include in the complaint file a *Discrimination Complaint Form* or a *complaint* that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination [III(1)].
- Issue/maintain written confirmation when a complaint is withdrawn or resolved by agreement of the parties [III(2)].

*Response:*

As the draft report notes, the Office of the Mayor follows Citywide EEOP and the Discrimination Complaint Guidelines issued by the Department of Citywide Administrative Services (“DCAS”), with regard to receiving and investigating complaints. It should also be noted that the only complaint received during the audit period was withdrawn by the person who initially made it, and the EEO Officer had sufficient information on file to inform the Commission about this sole, withdrawn complaint during the course of the audit.

Nevertheless, we are mindful of the Commission’s suggestions on how best to track complaints, and we have adopted a complaint form, which is attached. The form includes the information suggested by the Commission. The adoption of this complaint form is confirmed in the attached memorandum from First Deputy Mayor Harris to the EEO Officer, directing him, *inter alia*, to adopt the complaint form. Additionally, it directs him, as suggested by the Commission, to ensure that documentation of the withdrawal of a complaint is maintained.

In light of the attached directive, we believe that corrective action on these two matters is not necessary, and we suggest that Commission should not include these items as matters in need of corrective action in its final report.

Section IV(2), IV(3), and IV(4):

- The principal EEO Professional, HR professional and General Counsel, [should] review the agency’s statistical information (i.e., workforce, hires, promotions and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse

- impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO or another resource for guidance) [IV(2)]
- Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact [IV(3)].
  - If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and hire interested and qualified candidates [IV(4)].

*Response:*

As we discussed with the Commission's staff during the course of the audit, the Office of the Mayor has always monitored the information that the Commission suggests we should annually review, and it has always been sensitive to the need to ensure that there are not barriers to employment of any group of New Yorkers. This Office is mindful of the need to ensure that employment decisions, including hiring and promotions are made consistent with equal opportunity principles. This Office's commitment to EEO principles was recently reaffirmed in First Deputy Mayor Harris' memorandum of September 4<sup>th</sup>, which was previously provided to the Commission's staff and is attached. In that memo, among other things, the First Deputy Mayor emphasized that "[w]hen you have selection opportunities in your ranks, or in the pipeline to those ranks, you should incorporate equal opportunity principles and practices in recruitment, selection, leadership development and succession planning decisions." Additionally, as noted in the preliminary draft report, the Office of the Mayor, when advertising for discretionary positions, identifies and uses relevant professional, educational and community organizations that serve women and minorities throughout the City.

Given the diversity and success of the Office of the Mayor's workforce, we are confident that the Office of the Mayor did not create barriers to equal opportunity and that our practices did not result in adverse impact on any group of applicants for employment. As noted in the draft report, recruitment efforts in the divisions of the Mayor's Office were done on a decentralized basis, although it should be noted that the Director of Human Resources assisted the divisions in recruiting. Additionally, hiring managers have had continual legal advice and support from the Counselor to the Mayor, who serves as General Counsel in the Office of the Mayor.

We are amenable, however, to adopting the Commission's recommendations on these items. Accordingly, the First Deputy Mayor has directed that the EEO Officer, together with the General Counsel: (a) review annually the agency's statistical information (i.e., workforce, hires,

promotions and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies, if any are identified; and (b) assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group; to the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related; and discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact. This directive is contained in the attached memorandum issued by the First Deputy Mayor to the EEO Officer. The Counselor to the Mayor is copied on the memorandum, and the terms of the directive in the memorandum include the Counselor. One further issue should be mentioned here. Since a new Mayor will take office on January 1, 2014, the assessment and review discussed herein will necessarily have to await hiring in the Office of the Mayor under the new mayoral administration, which may adopt its own hiring and employment practices. Accordingly, we suggest to the Commission that the first assessment and review will take place at some point after the new Mayor has taken office and has had time to hire a significant number of new staff within the Office of the Mayor.

The directive from the First Deputy Mayor also includes the recruiting suggestions made by the Commission. The Commission's draft report notes that the Office of the Mayor already undertakes recruitment using websites that serve women, minorities and other protected groups, and the First Deputy Mayor's directive will ensure that the Office of the Mayor is mindful of using these types of recruitment efforts if statistical data indicates possible underrepresentation of particular groups.

In light of the attached directive, we believe that corrective action on these three matters is not necessary, and we suggest that Commission should not include these items as matters in need of corrective action in its final report.

#### Section IV(5)

- Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e., structured interview training or guide).

#### *Response:*

As noted in emails between the EEO Officer and DCAS on September 19, 2013, which were provided to the Commission's staff prior to the issuance of the draft report, we have arranged for DCAS to provide the structured interview training suggested by the Commission.

As noted in the email, DCAS will provide this training in the first quarter of 2014. The email exchange is attached. As we have mentioned to Commission staff during the course of the audit, it is not possible to schedule a particular date or dates for this training at this time because there will be a new Mayor taking office on January 1, 2014. Necessarily, the new administration will need to set up a date consistent with its schedule and operational needs, and scheduling details must await the swearing in of the next Mayor. To be clear, however, DCAS is ready to set up such training as soon as requested by the new administration.

In light of this arrangement to schedule structured interview training for the new administration, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action.

#### Section IV(8)

- Use and maintain an applicant/candidate tracking log or tracking system which, at a minimum, includes the position, applicants'/candidates' *names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason/selected or not selected (or disposition), and recruitment source*. Ensure that the process is nondiscriminatory, by delegating the responsibility of recording or maintaining this information to an individual other than a hiring manager.

#### *Response:*

While there is no requirement in the City's EEO policy for the use of such an applicant log, we have no objection to doing so. The attached memorandum from the First Deputy Mayor to the EEO Officer contains a directive to use an applicant log, modeled on a sample applicant log provided by DCAS, that contains the information recommended by the Commission. The First Deputy Mayor has also directed that the EEO Officer contact hiring managers when positions are being filled to ensure that the form is used and that someone other than the hiring manager fills it out. It should be noted that the current Mayor is going to be doing little, if any, hiring during the course of this calendar year, so use of this applicant log is likely to be necessary only once there is a new administration.

In light of the attached directive, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

#### Section V(2)

- Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding

job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.

*Response:*

There are a number of issues set forth in the paragraph quoted above, and we will address them individually. We are concerned, however, that this draft recommendation is overbroad and unnecessary in light of the information developed during the course of the audit.

As noted in the draft audit, the Counselor to the Mayor sent out an agency-wide email reminding all staff members of the Office of the Mayor that Bruce McDougald serves as the agency's Career Counselor and Disability Rights Coordinator. Specifically, the email, a copy of which was previously provided to the Commission's staff and is attached, states the following:

I write to ensure that all Mayor's Office personnel are aware that in addition to serving as Equal Employment Opportunity officer, Bruce McDougald is the Career Counselor and the Disability Rights Coordinator for the Office of the Mayor,

In his role as Career Counselor, Bruce can provide information on job responsibilities, performance evaluation, training opportunities, civil service exams, and job postings.

In his role as Disability Rights Coordinator, Bruce is available to discuss issues related to requests for reasonable accommodations for people with disabilities. If you wish to make a request for such a reasonable accommodation, please contact Bruce.

The memo then provides Bruce McDougald's telephone number and email address.

Thus, the "identity of the agency Career Counselor" has been distributed. The memo expressly ensures that all Mayor's Office employees have "access to information" regarding job responsibilities, performance evaluation, training opportunities, civil service examinations and job postings; it tells employees they can obtain this information by contacting Bruce McDougald,

who, again, is identified in the memo as the agency Career Counselor. There is no need for corrective action on this issue.

In regard to ensuring that all new employees are advised of EEO policies, their rights and responsibilities under such policies and discrimination complaint procedures, the draft report itself notes, in section I(2), that the Office of the Mayor “distributed (in hard copy and electronically) the Citywide EEOP and the EEO Policy Handbook” to all its employees. In section I(3), the draft report notes that the Office of the Mayor has “posted via Intranet its EEO policies, EEO Policy statement and contact information for EEO professionals,” and also notes that “[t]his information is also included in the new hire packet.” Section II of the draft report notes the agency’s compliance on EEO training for its employees. Finally, First Deputy Mayor Harris’ September 4 memo (attached) directs all Deputy Mayors, Mayor’s Office Commissioners and Mayor’s Office Chiefs of Staff to remind their staffs about the list of agency EEO professionals and that “if they believe they are the victims of discrimination, they may file a complaint with Bruce McDougald or one of our other EEO professionals, who will ensure that the complaint is investigated and a determination is made within 90 days, except in unusual circumstances.” There is no need for corrective action on this issue.

In regard to the suggestions that the Human Resources Professional involve the principal EEO professional in EEO-related matters, informs the EEO Professional about 55-a program recipients, and consults with the EEO Professional regarding possible EEO policy violations, it should be noted, as set forth in section V(2) of the draft report, that Bruce McDougald serves as both the Human Resources Director and EEO Officer, and as set forth in section VI(3) of the draft report, Mr. McDougald also serves as the agency’s 55-a coordinator. Mr. McDougald is well informed and involved in all these areas, and there is no need for corrective action in these areas.

In light of the information noted above, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

#### Section VI(6)

- Since agencies are responsible for ensuring compliance with all federal, state, and local laws pertaining to persons with disabilities, develop and implement a plan to demonstrate accessibility for facilities where accessibility is undetermined: identify the number of locations that are accessible/non-accessible; the distribution of the agency’s accessible facilities throughout the City; the distribution of job titles among accessible/non-accessible facilities; barriers in non-accessible facilities and the efforts the agency has taken to determine whether removal of barriers is readily achievable, and if so, to remove them; and the agency responsible for rendering non-accessible facilities accessible. State

whether the agency has applied to the Department of Buildings for a waiver of the requirements for the alteration of existing facilities or if facilities are exempt.

*Response:*

As we have discussed with Commission staff during the course of the audit, the Department of Citywide Administrative Services manages and maintains all facilities used by the Office of the Mayor. It should also be noted that we have not received a single complaint or request for accommodation in regard to the accessibility of facilities used by the Office of the Mayor that would indicate that there is an accessibility problem in a facility that needs to be addressed. Nevertheless, we are amenable to the Commission's suggestion that we perform an accessibility survey, and, as noted in the draft report, we had already arranged for DCAS to survey our facilities in regard to their accessibility. The survey, as noted in the draft report, is expected to be completed in the first quarter of 2014. Attached please find a copy of the emails confirming that this survey will take place and that the survey will include use of the accessibility survey provided by the Commission.

In light of our arrangement for the survey, and in the absence of any evidence that there is an accessibility issue at any of our facilities that needs to be addressed, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

Section VII(7)

- Indicate the reporting relationship between the principal EEO Professional and agency head (or other direct report other than the Agency Counsel) in the agency's organizational chart, EEO Policy<sup>1</sup> and Annual EEO Plan.

*Response:*

As noted in the draft report, "[t]he EEO Officer reports to the First Deputy Mayor and has direct, day to day contact with the First Deputy Mayor's Chief of Staff." Thus, the Office of the Mayor conforms to citywide EEO policy in regard to the EEO Officer's reporting relationship with the agency head. This reporting relationship is noted in our agency EEO plan, and at the Commission's request, we updated the agency organizational chart to indicate this

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<sup>1</sup> The reference to "the agency's . . . EEO policy" in this suggested action is confusing. The applicable EEO Policy is the citywide EEO Policy promulgated by DCAS. The citywide EEO Policy does not contain a requirement for an agency to note the reporting relationship between the EEO Officer and the agency head in a separate agency EEO Policy.



reporting relationship. Prior to the issuance of the draft report, we provided a copy of the updated organizational chart to the Commission's staff, and another copy is attached.

In light of the information noted above, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

Section VII(8)

- Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the Agency Counsel) and the principal EEO professional regarding decisions that impact the administration and operation of the EEO Program.

*Response:*

The draft report notes that “[d]uring the audit period, the EEO Officer met with the First Deputy Mayor, Chief of Staff [to the First Deputy Mayor] and Counselor to the Mayor.” Thus, there does not appear to be any issue regarding whether the EEO Officer is meeting with the agency head, as well as other high level officials of the Mayor’s Office. Instead, the issue here appears to involve solely the question of maintaining documentation. There is no requirement in citywide EEO Policy (nor is there any other legal requirement) that would require that documentation of such meetings be prepared, and it is generally not the practice of the Office of the Mayor to maintain formal documentation of internal staff meetings. Thus, there is no need for corrective action in order for the Office of the Mayor to be in conformance with citywide EEO policy. In the spirit of cooperation with the Commission, however, the First Deputy Mayor has instructed the EEO Officer to maintain documentation of meetings and communications with the agency head in regard to administration and operation of the of the EEO program (see attached memo).

In light of the information noted above, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

Section VIII(2) and VIII(3)

- Develop and implement plan, which includes a timetable, to conduct annual performance evaluations to all managerial and non-managerial employees [VIII(2)].

- Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner), and that managers are informed that this is an expectation or performance standard upon which they would be evaluated [VIII(3)].

*Response:*

The draft report notes that individual units within the Office of the Mayor conduct “informal performance evaluations.” It appears that the Commission believes that formal, written performance evaluation forms are required. Supervisors in the Office of the Mayor have always realized that adherence to EEO standards and principles is an important priority and one of the ways in which they will be judged. We have taken action (discussed below) to remind supervisors within the Office of the Mayor of that priority, but we believe that the specific prescription in the draft audit is not the most appropriate way of dealing with this issue in the Office of the Mayor.

Since the bulk of the recommendations above pertain to managers, we will first discuss evaluations of managers. While DCAS personnel rules include a requirement for performance evaluations for sub-managerial employees (which will be discussed further below), neither DCAS personnel rules nor the Citywide EEO Policy contain any requirement for performance evaluations of managers, much less a particular type of evaluation format or form. Neither does any section of the Charter prescribe a particular method or format for performing evaluations. Thus, both the Charter and DCAS rules permit an agency to assess the performance of its managers in whatever way is best suited to the operations of the agency.

The Mayor is the City’s highest ranking elected official, and appointments to managerial positions in the Office of the Mayor—including, for instance, Deputy Mayors and Commissioners and Executive Directors of divisions of the Mayor’s Office—are necessarily political appointments. Managerial staff serve at the pleasure of the Mayor and are charged with carrying out the policies of the Mayor. They do not enjoy job protections such as civil service or appointments to terms in their positions. Because of the nature of the work performed in the Office of the Mayor, every manager’s performance is assessed virtually every day, and the evaluation of their performance is continual. In other words, managers are evaluated every day, to ensure that they are carrying out the policies of the Mayor. Given the nature of the Office, and the lack of a legal requirement prescribing the manner of evaluating employees, each Mayor must have the flexibility to assess the Office’s managerial staff in whatever way, formal or informal, is preferred and most conducive to the Mayor’s goals and policies.

Therefore, the suggestion that the Office of the Mayor must impose a particular kind of managerial performance evaluation system is misplaced.<sup>2</sup> We understand, however, that the Commission wishes to be sure that assessments of job performance by managers include their adherence to EEO policies and practices, and that managers understand that adherence to EEO policies and principles is an expectation upon which they will be evaluated. Like the Commission, we believe that EEO policies and practices need to be a priority for managers. Indeed, the First Deputy Mayor's September 4 memorandum was a clear reminder, among other things, that senior management has "a responsibility to ensure that all managers and supervisors value and foster fairness, equity and respect, and promote diversity and inclusion throughout our agency." It also directed managers to incorporate EEO principles and practices in recruitment, selection, leadership development and succession planning decisions. We respectfully disagree with the statement in the draft report that this memorandum did not inform managers that adherence to these EEO principles was an expectation. This memorandum was a directive from the First Deputy Mayor and was certainly understood as a directive by the senior managers to whom it is addressed and the supervisors within their offices to whom they were directed to provide a copy of the memorandum. Accordingly, corrective action is not necessary.

For substantially similar reasons to the ones noted above, it is also important that the Office of the Mayor have flexibility in how it evaluates the performance of non-managerial employees. We are, however, mindful of Rule 7, concerning sub-managerial employees, of the Personnel Rules and Regulations of the City of New York, promulgated by DCAS. Given that there will be a new Mayor sworn in on January 1, 2014, we believe that the best course of action is to direct the Director of Human Resources to bring that rule to the attention of the new agency head for the Office of the Mayor in January, so that the new agency head may decide the method, format and timetable for evaluations that he or she concludes is the best way to implement that directive consistent with the goals of the new Mayor. Accordingly, the attached memorandum from the First Deputy Mayor includes that directive. In these circumstances, further corrective action is unnecessary.

In light of the information noted above, we believe that corrective action on this matter is not necessary, and we suggest that the Commission should not include this item as a matter in need of corrective action in its final report.

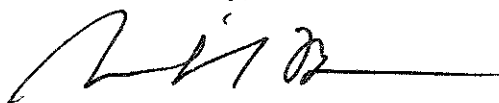
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<sup>2</sup> We are also puzzled by the inclusion of a proposed corrective action for formal performance evaluations in an audit of equal employment practices. While performance evaluation is of course an employment practice, neither the Charter nor the Citywide EEO Policy makes formal performance evaluations or evaluation forms a matter of *equal employment* policy. The draft audit report states that "the purpose of this audit and analysis is to evaluate the agency's EEO program," not our employment practices more generally. In any event, as noted above, we share the Commission's desire to ensure that managers understand that they are expected to adhere to and practice EEO policies and principles.

Charise L. Hendricks, PHR  
Executive Director  
November 8, 2013  
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We appreciate the Commission's willingness to consider our responses, and we wish to express our appreciation to you and to the Commission's staff for your cooperation and courtesy throughout this audit. If you have any questions or concerns, or wish to discuss this further, we would be happy to do so. Please feel free to contact me at (212) 788-3013 or Bruce McDougald at (212) 788-2653. Thank you.

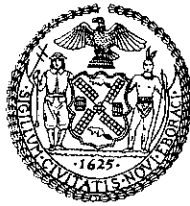
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Best", with a long horizontal line extending to the right.

Michael Best

Attachments

c: Cesar Perez, Chair, EEPC  
Bruce McDougald, EEO Officer




THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

PATRICIA E. HARRIS  
FIRST DEPUTY MAYOR

To: Bruce McDougald  
Director of Human Resources/EEO Officer

Cc: Michael Best  
Counselor to the Mayor

From: Patricia E. Harris   
First Deputy Mayor

Date: November 7, 2013

Re: Directive on Certain EEO and Personnel Matters

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As you know, Mayor Bloomberg is strongly committed to having a workforce that reflects the diversity, spirit, talent and dedication of our city's population. When City employees experience discrimination, it threatens the productivity and efficiency of City government. In that vein, I want to thank you for your continuing service as EEO Officer and for your administration of our EEO program. To further strengthen the already robust EEO program of the Office of the Mayor ("the Office"), you are hereby directed to take the following actions in regard to certain EEO hiring and personnel matters.

- When an EEO complaint is filed, you should create and maintain a discrimination complaint form. Use the attached template to capture the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
- If an EEO complaint is withdrawn or resolved by agreement of the parties, you should issue and maintain written confirmation of the withdrawal and/or resolution.
- As EEO Officer, you and the Counselor to the Mayor (*i.e.*, the Office's General Counsel) should review annually the agency's statistical information (*i.e.*, workforce, hires, promotions and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs to identify

whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies, if any are identified. You should also assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. To the extent that adverse impact is discovered, you should determine whether the selection criteria being utilized are job-related, and you should work with the agency head and the appropriate Mayor's Office personnel to discontinue using criteria that are not job-related, and to adopt methods which diminish adverse impact.

- If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, you should ensure, in regard to recruiting for open positions, that the Office of the Mayor advertises in minority- or female-oriented publications; contacts organizations serving women, minorities and other protected groups; participates in career fairs/open houses; and, where appropriate, uses internships to attract interested persons and hire interested and qualified candidates.
- As Human Resources Director and EEO Officer, you should ensure that all divisions of the Office use the attached template applicant tracking log. The tracking log should include, at a minimum, the relevant position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason/selected or not selected (or disposition), and recruitment source. You should also ensure that an individual other than the hiring manager for the relevant position is responsible for recording or maintaining the information in the tracking log.
- When you meet or communicate with the agency head about EEO matters, you should maintain documentation regarding decisions that impact the administration and operation of the Office's EEO program.
- You should inform and advise the incoming agency head under the next Mayor, as well as other relevant Office supervisors in the incoming administration, of the requirements relating to performance evaluations of the Personnel Rules and Regulations of the City of New York that are promulgated by DCAS. In particular, you should advise them regarding Rule 7 of those Rules and Regulations, pertaining to performance evaluations for sub-managerial employees, so that the incoming agency head can establish an appropriate evaluation system.

Attachments

APPENDIX D

AGENCY COMPLAINT OF DISCRIMINATION  
BASED UPON ANONYMOUS/ORAL COMPLAINT

NAME OF AGENCY: \_\_\_\_\_

NAME OF AGENCY HEAD: \_\_\_\_\_

AGENCY'S ADDRESS: \_\_\_\_\_

\_\_\_\_\_

EEO OFFICER'S TELEPHONE NO. \_\_\_\_\_

\_\_\_\_\_

What is the alleged basis of discrimination: (check any which apply)

Age\_\_ National Origin\_\_ Alienage/Citizenship\_\_ Arrest/Conviction\_\_

Color\_\_ Race\_\_ Creed\_\_ Religion\_\_ Disability\_\_ Sexual Harassment\_\_

Gender\_\_ Sexual Orientation\_\_ Marital Status\_\_ Retaliation\_\_

\_\_\_\_\_

Who is alleged to have engaged in unlawful discrimination?  
(Provide the name and division/unit where [s]he is employed)

When did the alleged discrimination occur?

Where did it happen?

Were there witnesses to the discrimination?

(Please give the name(s) and division/unit where [s]he is employed on the attached sheet marked confidential.)

Was the alleged unlawful conduct reported to anyone?

(Give the name(s) and division/unit where [s]he is employed.)

Describe the alleged unlawful discriminatory conduct that was reported in the anonymous complaint. (If the anonymous complaint was written, attach the complaint to this form.)

I certify that the above is a true recitation of an allegation of unlawful discrimination received by me either orally or anonymously in my capacity as the agency EEO Officer or Counselor.

\_\_\_\_\_  
EEO Officer or Counselor

\_\_\_\_\_  
Date



DO NOT WRITE IN THIS SPACE  
FOR USE BY EEO OFFICE

\_\_\_\_\_ VS \_\_\_\_\_  
COMPLAINANT                      RESPONDENT

CASE NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

**CONFIDENTIAL**

**Personal**

Complainant's Name: \_\_\_\_\_

Complainant's Office Address: \_\_\_\_\_

Complainant's Home Address: \_\_\_\_\_

Office Telephone: \_\_\_\_\_

Home Telephone: \_\_\_\_\_

**Witnesses**

Please give the names, titles and divisions of any witnesses to the unlawful discrimination.

<u>Name</u>	<u>Title</u>	<u>Division</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



## Best, Michael

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**From:** McDougald, Bruce  
**Sent:** Thursday, September 19, 2013 4:53 PM  
**To:** 'Garcia Quinonez, Judith'  
**Cc:** Best, Michael; Naim, Sami; Franco, Grace  
**Subject:** FW: Career Counselor and Disability Rights Coordinator

Judith,

Here is the email from Mike Best to all agency staff making certain that everyone is fully informed about my role as EEO Officer and as Career Counselor and Disability Rights Coordinator.

Bruce

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**From:** Michael Best  
**Sent:** Thursday, September 19, 2013 4:46 PM  
**Subject:** Career Counselor and Disability Rights Coordinator

I write to ensure that all Mayor's Office personnel are aware that in addition to serving as Equal Employment Opportunity Officer, Bruce McDougald is the Career Counselor and the Disability Rights Coordinator for the Office of the Mayor.

In his role as Career Counselor, Bruce can provide information on job responsibilities, performance evaluation, training opportunities, civil service exams, and job postings.

In his role as Disability Rights Coordinator, Bruce is available to discuss issues related to requests for reasonable accommodations for people with disabilities. If you wish to make a request for such a reasonable accommodation, please contact Bruce.

Bruce's telephone number is 212-788-2653, and his email is [bmcDougald@cityhall.nyc.gov](mailto:bmcDougald@cityhall.nyc.gov).

Michael Best  
Counselor to the Mayor

## McDougald, Bruce

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**From:** Garcia Quinonez, Judith [jquinonez@eepc.nyc.gov]  
**Sent:** Friday, September 20, 2013 2:07 PM  
**To:** McDougald, Bruce  
**Subject:** RE: Checklist to Determine Accessibility for Employees/Applicants for Employment with Disabilities

Thank you.



Judith Garcia Quiñonez, Esq.  
Deputy Director/Agency Counsel  
253 Broadway, Suite 602  
New York, NY 10007  
Ph: (212) 615-8940 Fax: 8931

email: [jquinonez@eepc.nyc.gov](mailto:jquinonez@eepc.nyc.gov)

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**From:** McDougald, Bruce [<mailto:bmcDougald@cityhall.nyc.gov>]  
**Sent:** Friday, September 20, 2013 1:51 PM  
**To:** Garcia Quinonez, Judith  
**Cc:** Best, Michael; Franco, Grace; Sami Naim (CityHall)  
**Subject:** FW: Checklist to Determine Accessibility for Employees/Applicants for Employment with Disabilities

Judith,  
Please see the attached email regarding the accessibility surveys.  
Bruce

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**From:** Joey Kara Koch (DCAS) [<mailto:jkoch@dcas.nyc.gov>]  
**Sent:** Friday, September 20, 2013 1:49 PM  
**To:** McDougald, Bruce  
**Cc:** Best, Michael; Franco, Grace; Naim, Sami  
**Subject:** Re: Checklist to Determine Accessibility for Employees/Applicants for Employment with Disabilities

Yes. Thanks Bruce.

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**From:** McDougald, Bruce [<mailto:bmcDougald@cityhall.nyc.gov>]  
**Sent:** Friday, September 20, 2013 01:42 PM  
**To:** Joey Kara Koch (DCAS)  
**Cc:** Best, Michael <[MBest1@cityhall.nyc.gov](mailto:MBest1@cityhall.nyc.gov)>; Franco, Grace <[gfranco@cityhall.nyc.gov](mailto:gfranco@cityhall.nyc.gov)>; Sami Naim (CityHall)  
**Subject:** Checklist to Determine Accessibility for Employees/Applicants for Employment with Disabilities

Joey,  
Per our telephone conversation, this email will serve to confirm that the Department of Citywide Administrative Services (DCAS) will complete a checklist of each of the Office of the Mayor's facilities to determine their accessibility to employees/applicants for employment with physical disabilities or attach a copy of the agency's ADA accessibility study. It is anticipated that these checklists will be completed in the first quarter of 2014.

For your convenience a blank checklist is attached.

Please respond to this email to confirm this agreement.

Thank you very much.

Attachment 9

Checklist to Determine Accessibility for Employees/Applicants for Employment with Disabilities

Agency: \_\_\_\_\_

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants for employment with physical disabilities (complete a separate form for each location) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form: \_\_\_\_\_

Agency: \_\_\_\_\_

Location Address - include floor(s): \_\_\_\_\_

Facility/Division: \_\_\_\_\_

Purpose or Function of Division: \_\_\_\_\_

Number of employees at this facility: \_\_\_\_\_

Number of workstations at this facility: \_\_\_\_\_

Number of workstations accessible for employees/applicants with physical disabilities at this facility: \_\_\_\_\_

- Street accessible entrance
- Ramp access
- Wheelchair accessible elevators
- Braille in elevators
- Bell in elevators
- Wide restroom stalls
- Grab bars in restroom
- Low sink or bathroom fixtures
- OTHER (Please Specify) \_\_\_\_\_

Attachment 9 continued: Accessibility for Employees/Applicants with Disabilities Checklist

1. Based on the information above, is this work location accessible to employees/ applicants for employment with disabilities? Yes  No

Please identify any barriers: \_\_\_\_\_

2. Please check one of the following:

- Authority to render this facility accessible to employees/applicants for employment with disabilities lies with a private landlord
- Authority to render this facility accessible to employees/applicants for employment with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants for employment with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility. \_\_\_\_\_

4. If this facility is not accessible to employees/applicants for employment with disabilities, please explain the efforts that have been taken to remove barriers to accessibility.

\_\_\_\_\_

**THIS SECTION SHOULD BE COMPLETED BY THE EEO OFFICER**

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants for employment with physical disabilities? \_\_\_\_\_
2. Tally the total number of workstations that are accessible to employees/applicants for employment with physical disabilities? \_\_\_\_\_
3. How are the job titles employed by the agency distributed among the facilities which are and those that are not accessible? \_\_\_\_\_
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at facilities that are not accessible to employees/applicants for employment with physical disabilities. \_\_\_\_\_

## McDougald, Bruce

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**From:** McDougald, Bruce  
**Sent:** Friday, September 20, 2013 10:50 AM  
**To:** 'Garcia Quinonez, Judith'  
**Cc:** Best, Michael; Franco, Grace; Naim, Sami  
**Subject:** Structured Interviewing Training

**Tracking:**

Recipient	Read
'Garcia Quinonez, Judith'	
Best, Michael	
Franco, Grace	
Naim, Sami	Read: 9/20/2013 10:50 AM

Judith,  
Here is the email regarding structured interviewing training that we just discussed.  
Bruce

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**From:** Michael Solomon (DCAS) [<mailto:MSOLOMON@dcas.nyc.gov>]  
**Sent:** Thursday, September 19, 2013 4:45 PM  
**To:** McDougald, Bruce  
**Subject:** RE: Structured Interviewing Training

Hi Bruce,

DCAS Learning & Development Citywide Training Center will provide Structured Interviewing training for Office of the Mayor staff at your request. We will need at least one month lead in time so we can secure a consultant to deliver the training.

Please let me know if you need further information.

We look forward to partnering with you on this important training initiative for your agency.

Take care.

Michael

Michael Solomon | Director of Programming and Client Services, Learning and Development

P: (212) 386-6480 | F: (212) 313-3431 | [msolomon@dcas.nyc.gov](mailto:msolomon@dcas.nyc.gov)



[http://www.nyc.gov/html/dcas/downloads/pdf/misc/ctc\\_courseofferings.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/ctc_courseofferings.pdf)

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**From:** McDougald, Bruce [<mailto:bmcdougald@cityhall.nyc.gov>]  
**Sent:** Thursday, September 19, 2013 4:29 PM  
**To:** Michael Solomon (DCAS)  
**Subject:** Structured Interviewing Training

Michael,

Per our telephone conversation, this email will serve to confirm that the Department of Citywide Administrative Services (DCAS) will schedule Structured Interviewing Training for Office of the Mayor employees beginning with the first quarter of 2014. As discussed, DCAS requires at least one month lead time to schedule the necessary consultants, as they are the ones who will be conducting this training.

Please respond to this email to confirm this agreement.

Thank you very much.

Bruce

BRUCE McDOUGALD  
Director of Human Resources  
Office of the Mayor | City of New York  
100 Gold Street, 2nd Floor | New York, NY 10038  
tel 212.788.2653 fax 212.788.2665



## McDougald, Bruce

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**From:** Garcia Quinonez, Judith [jquinonez@eepc.nyc.gov]  
**Sent:** Wednesday, September 18, 2013 4:00 PM  
**To:** McDougald, Bruce  
**Subject:** RE: Updated Office of the Mayor Org Chart

Thank you.



email: [jquinonez@eepc.nyc.gov](mailto:jquinonez@eepc.nyc.gov)

Judith Garcia Quiñonez, Esq.  
Deputy Director/Agency Counsel  
253 Broadway, Suite 602  
New York, NY 10007  
Ph: (212) 615-8940 Fax: 8931

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**From:** McDougald, Bruce [<mailto:bmcdougald@cityhall.nyc.gov>]  
**Sent:** Wednesday, September 18, 2013 2:58 PM  
**To:** Garcia Quinonez, Judith  
**Cc:** Best, Michael; Sami Naim (CityHall); Franco, Grace  
**Subject:** Updated Office of the Mayor Org Chart

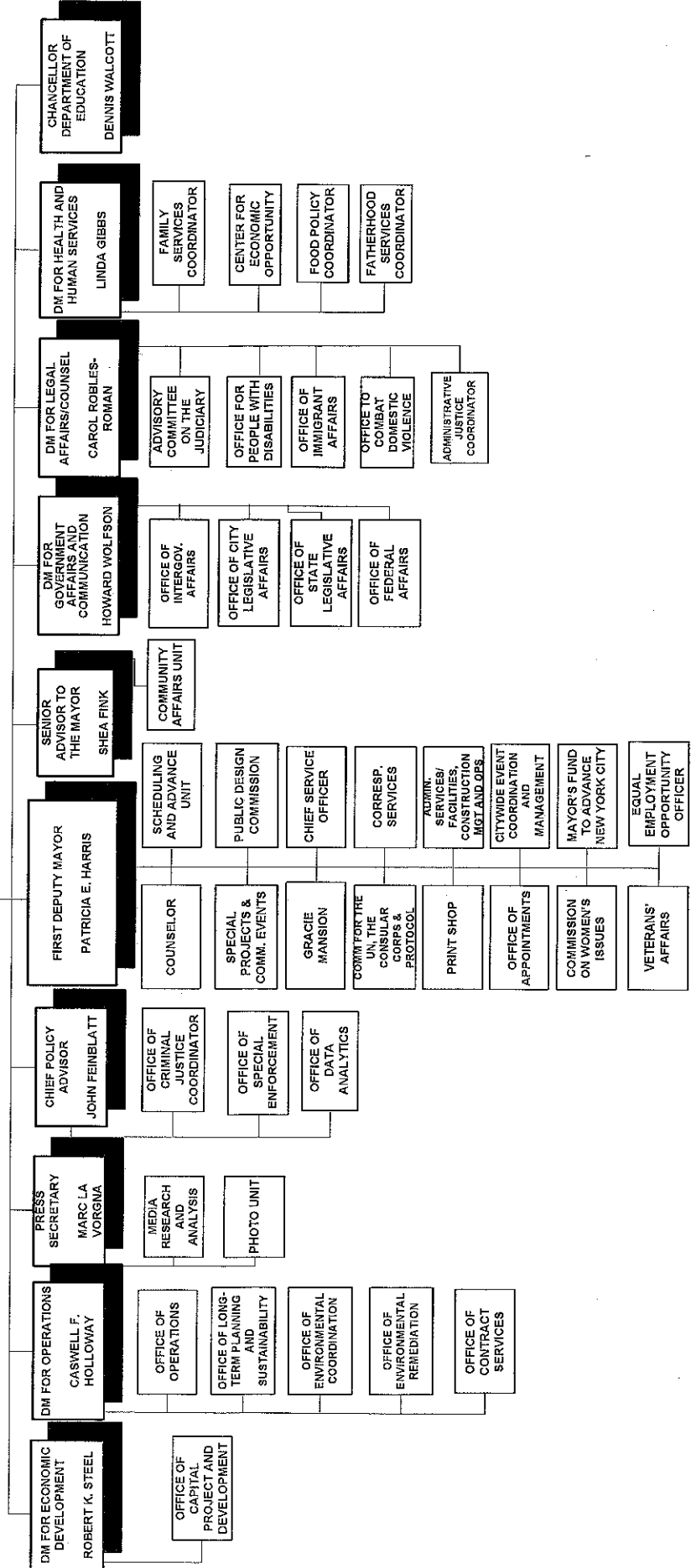
Judith,  
I've attached the updated Office of the Mayor organization chart showing the EEO Officer reporting to the First Deputy Mayor.  
Bruce

DRAFT

DRAFT

# OFFICE OF THE MAYOR

## MICHAEL R. BLOOMBERG MAYOR





THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

PATRICIA E. HARRIS  
FIRST DEPUTY MAYOR

TO: Deputy Mayors  
Office of the Mayor Commissioners and Division Heads  
Office of the Mayor Chiefs of Staff

FROM: Patricia E. Harris *feh*  
First Deputy Mayor

DATE: September 4, 2013

RE: EEO POLICY

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I want to thank you for your continuing efforts to foster and draw upon the diversity and talent throughout our City that remains New York's core strength. As you know, each of you has a responsibility to ensure that all managers and supervisors value and foster fairness, equity and respect, and promote diversity and inclusion throughout our agency. You should also ensure that your staff members understand that you are committed to those EEO principles. To that end:

- Please work directly with our agency's Human Resources Director/EEO Officer, Bruce McDougald, to integrate equal opportunity principles and practices into all hiring, promotion, compensation, transfer, training, evaluation, separation and other personnel decisions. Please be reminded that Bruce is available to provide input on these human resource matters, to assist managers and senior staff in addressing EEO and diversity issues, and to investigate EEO complaints.
- When you have selection opportunities involving positions in your managerial ranks, or in the pipeline to those ranks, you should incorporate equal opportunity principles and practices in recruitment, selection, leadership development and succession planning decisions. These decisions maximize our ability to attract, develop and retain all talented people.
- Please remind your staff that there is a list of EEO professionals on our agency intranet site, who are available to discuss EEO matters with them. Please also remind them that if they believe they have experienced discrimination, they may file a complaint with Bruce McDougald or one of our other EEO professionals, who will ensure that the complaint is investigated and a determination is made on the matter within 90 days, except in unusual circumstances.

- For any assistance or information on these or other human resources or EEO issues, you should contact Bruce McDougald at (212) 788-2653 or [bmcDougald@cityhall.nyc.gov](mailto:bmcDougald@cityhall.nyc.gov). Counselor to the Mayor Michael Best is also available to assist you as needed, and can be reached at (212) 788-3013 or [mbest1@cityhall.nyc.gov](mailto:mbest1@cityhall.nyc.gov). Finally, please note that Bruce McDougald also serves as our agency's Career Counselor and Disability Rights Coordinator.

Please provide a copy of this memorandum to all supervisors within your office. Thank you.

cc: Michael Best, Counselor to the Mayor  
Nanette Smith, Chief of Staff to the First Deputy Mayor  
Bruce McDougald, EEO Officer