

**NYC**  
**Equal Employment  
Practices Commission**

Cesar A. Perez, Esq.  
Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
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October 30, 2014

Laura Santucci  
Chief of Staff  
Office of the Mayor  
City Hall  
New York, NY 10007

Re: Resolution #2014/002C-27: Determination of Agency  
Compliance

Dear Ms. Santucci:

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

On behalf of this Commission, I want to thank you and EEO Officer Bruce McDougald for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Cesar A. Perez, Esq.  
Chair

c: Bruce McDougald, EEO Officer, Director of Human Resources, OTM  
Judith García Quiñonez, Esq., Deputy Director/Agency Counsel

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

**RESOLUTION #2014/002C-27: Determination of Compliance (Monitoring Period Required)** by the Office of the Mayor with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2009 through June 30, 2012.

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

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

**Whereas**, pursuant to its audit and analysis of the Office of the Mayor's (OTM) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 15, 2013, setting forth findings and the following required corrective actions:

1. 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.
2. Issue/maintain written confirmation when a complaint is withdrawn or resolved by agreement of the parties.
3. Ensure the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine

whether there is adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO, and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition), and recruitment source. Ensure that the process is nondiscriminatory, by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. 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 the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
9. 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 Department of Buildings for a waiver of the requirements for the alteration of existing facilities or if facilities are exempt.

10. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the Agency Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
11. 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.
12. Develop and implement a plan, which includes a timetable, to conduct annual performance evaluations for all managerial and non-managerial employees.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner), and that managers are informed that this is an expectation or performance standard upon which they would be evaluated.

**Whereas**, the OTM submitted its response to the EEPC's preliminary determination letter, on November 8, 2013, with documentation of its actions to rectify required corrective actions #1, #2, #7, #8, and #10; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 21, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #3, #4, #5, #6, #9, #11, #12, and #13 remaining;

**Whereas**, the OTM submitted its response to the EEPC's final determination letter, on December 20, 2013; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from January 2014 through June 2014 with an informal extension of the monitoring period until September 2014;

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

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

government; Now Therefore,

**Be It Resolved,**

that the Office of the Mayor has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved,**


that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Laura Santucci, Chief of Staff and administrative agency head of the Office of the Mayor.

Approved unanimously on September 18, 2014.

Angela Cabrera  
Commissioner

Malini Cadambi Daniel  
Commissioner

Elaine S. Reiss, Esq.  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

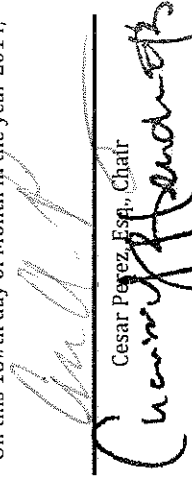
This  
*Determination of Compliance*  
is issued to the  
*Office of the Mayor*

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*for successfully implementing 13 of 13 required corrective actions pursuant to the Equal Employment Practices Commission's  
Equal Employment Opportunity Program Audit.*

*In care of Chief of Staff Laura Santucci  
and Principal EEO Professional Bruce  
McDougald*

On this 18<sup>th</sup> day of Month in the year 2014,

  
Cesar Perez, Esq., Chair

Charise L. Hendricks, PHR, Executive Director