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August 12, 2015

BY MAIL AND EMAIL

Amy Loprest
Executive Director
Campaign Finance Board
100 Church Street, 12th Floor
New York, NY 10007

Re: Audit: Preliminary Determination: Review, Evaluation and Monitoring of the Campaign Finance Board's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Executive Director Loprest:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's employment practices and procedures for the period covering January 1, 2012 to December 31, 2014.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Campaign Finance Board, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government



where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

The purpose of this audit and analysis is to evaluate the agency’s employment practices and procedures. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies’ EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission’s Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7), the Americans with Disabilities Act and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters. This Commission does not issue findings of discrimination pursuant to the New York City Human Rights Law.

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

Scope and Methodology

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

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

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



ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete their individual questionnaires and return any items requested. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The New York City Campaign Finance Board (CFB) administers the City's campaign finance systems. The CFB publishes detailed public information about money raised and spent in city elections by candidates and independent spenders, to bring transparency to the democratic process. (<http://www.nyccfb.info/about#sthash.uws2vEFZ.dpuf>, 2015)

The CFB currently has 71 employees. (See Appendix 2).

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The agency issued its EEO Policy statement on July 18, 2014. The policy statement reads "*The New York City Campaign Finance Board is an Equal Opportunity Employer committed to compliance with federal, state, and local laws prohibiting employment discrimination. Employment decisions will be made on the basis of merit and equality of opportunity and without unlawful discrimination.*" The Campaign Finance Board Equal Employment Opportunity Policy and Complaint Procedure was attached and included the name, phone number and email address of the agency's EEO Professionals.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that

conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency’s EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ The agency distributed its EEO Policy entitled “*Campaign Finance Board Equal Employment Opportunity Policy and Complaint Procedure*” at each EEO training and new employee orientation during the period in review. The policy included sections on the following topics: sexual harassment, reasonable accommodation procedures, reasonable accommodation requests, and the procedure for complaints of discrimination (including when to complain about discrimination and what happens when a complaint is made). The policy also included contact information for the agency’s EEO professionals; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination. The EEO Policy was also displayed in the common work areas.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ The agency reported that EEO training and new employee orientation sessions (which included an EEO policy module) was conducted by the principal EEO Professional on an as needed basis. The agency held several trainings entitled: *Orientation on EEO Policy and Procedures* and *CFB EEO Policy and Complaint Procedure* during each year of the audit period: six orientation sessions in 2012, three in 2013; and four in 2014. The agency also held four EEO trainings sessions in 2014. For the type and number of attendees at each session please refer to see Appendix 1.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify

relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

- ✓ According to agency officials recruitment for open positions was conducted via job posts on its website as well as various external websites (such as Idealist, *Career Builder*, *Monster*, *City Limits*, *Orthodox Union Job Board*, *Glassdoor*, *Stack Overflow*, *Amsterdam News*, *El Diario*, *Korea Times*, *New York Times*, *Association of Local Government Auditors*, and the *American Institute of CPAs*); and through university career fairs. The agency reported significant diversity in the respondent pool when using these sources.
- 5. The principal EEO Professional, HR Professional, and General Counsel review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The principal EEO Professional reviewed the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) (see Appendix 2).

NOTE: The agency reported that due to the small number of EEO complaints filed (2 external and 1 internal, all found to be unsubstantiated) it did not hold a formal review of the agency's annual number of EEO complaints.

- The principal EEO Professional, HR Professional, and General Counsel did not review the agency's employment practices, policies and programs on an annual basis to identify whether there were barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies. **Corrective action is required.**

Corrective Action 1: Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

- 6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the

selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

- ✓ The CFB's EEO workforce statistics (composition, hires, promotions, and separations) and utilization analysis were not available via CEEDS; therefore, the EEPC requested that the agency submit this information. The agency's statistics indicated that females represented 63% of its workforce. (See Appendix 3) The statistics also indicated hiring, and promotion rates were slightly greater for females and minorities during the period in review. (See Appendix 2)
- The agency did not provide documentation that it assessed the manner in which candidates are selected for employment, to determine whether there was any adverse impact upon any particular racial, ethnic, disability, or gender group. In addition, the agency's statistics indicated that minority group members comprised 22% of its workforce. (See Appendix 3) **Corrective action is required.**

Corrective Action 2: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

NOTE: the agency reported no underutilization of women, minorities, or other protected groups in discretionary titles. (see #6)

Corrective Action 3: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

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

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

NOTE: the agency reported no underutilization of women, minorities, or other protected groups in civil service (list) titles. (see #6)

Corrective Action 4: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in 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).
- The agency did not ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process were trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates. **Corrective action is required.**

Corrective Action 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).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency promoted employees' awareness of opportunities for promotion and transfer by ensuring that staff members were notified of opportunities for promotion and vacant positions via email as they became available.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
- ✓ The agency advertised several vacant positions during the period in review including; *Auditor, Candidate Services Liaison, Senior Network Developer, Assistant Network*

Administrator, and Business Systems Analyst, each advertisement contained the EEO tagline "EOE".

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
- ✓ The agency's *Procedures for Job Searches* provided a means for tracking applicant resumes via Job Vacancy Notice Number, applicants'/ candidates' names, result (interviewed, selected or rejected). The agency also maintained an *EEO Interview Log* which included *Interview Date, (candidate/ applicant) Name, Gender, Ethnicity, Disability, Recruitment Source, (result) selected Y or N* and the reason for *Selection or Not Selection*.
- Although *EEO Interview Logs* were maintained; the agency reported that they were completed by the hiring manager. **Corrective action is required.**

Corrective Action 6: Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.

IV. **CAREER COUNSELING:**

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ In 2014, the agency designated the Director of Human Resources and Administrative Services as Career Counselor.
- Subsequently, in 2015, the agency has not designated a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. **Corrective action is required.**



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Corrective Action 7: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.

✓ During the period in review the agency had two principal Human Resource Professionals: from April, 2008 to June 2014 the agency appointed the Chief of Administrative Services, as the principal Human Resources Professional; and from June 2014 to January 2015, the Director of Human Resources and Administrative Services was the agency's principal Human Resources Professional.

Subsequent to the audit period, on January 9, 2015 the agency appointed the Chief of Staff as the principal Human Resources Professional. The Chief of Staff is responsible for the maintenance of personnel files and *Personnel Actions Requests*; creating and implementing procedures, training programs and policies as needed; ensuring that all employees have access to information regarding benefits, staff development and training opportunities and are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; providing guidance and assistance to managers in compliance with HR best practices; and administering all staffing needs including on-boarding, transfers, and separations. The principal Human Resource Professional is also the agency's Disabilities Rights Coordinator, and provides support as needed to the principal EEO Professional and the agency head regarding policy and procedure methodology.

➤ The agency did not provide documentation that the principal EEO Professional was kept abreast of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
Corrective action is required.

Corrective Action 8: Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

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

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

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
 - ✓ During the period in review the agency updated its Employee Handbook to include the following statement *“Upon request to the EEO Officer, this Policy and Complaint Procedure and New York City’s EEO Policy will be made available in Braille, large print, audiocassette, or another format accessible to persons with disabilities.”* The agency reported there were no requests for an alternate format during the period in review.
16. Document reasonable accommodation requests and their outcomes.
 - ✓ The agency reported no requests for accommodations were made during the period in review. The agency’s *Reasonable Accommodation Policy and Procedure for CFB Employees* stated *“all documentation and information concerning the medical condition or history of an employee requesting an accommodation must be collected on forms separate from other personnel-related forms and must be maintained by the DRC [Disability Rights Coordinator] in separate medical files.”*

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
 - ✓ The agency head announced the appointment of the principal EEO Professional via agency wide email on January 8, 2014. The principal EEO Professional completed Division of Citywide Diversity and Equal Employment Opportunity’s *Basic Training for EEO Representatives* in November 2014 and *FMLA and ADA Compliance* training in April 2015.
18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ In addition to the principal EEO Professional, the agency appointed two EEO Counselors to receive and investigate EEO complaints and refer complainants to other sources of

assistance as necessary. Both EEO Counselors completed Division of Citywide Diversity and Equal Employment Opportunity *Basic Training for EEO Representatives*.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ The principal EEO Professional reports directly to the agency head, this reporting relationship is reflected on the agency's organization chart.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

✓ The principal EEO Professional maintained documentation of emailed communications with the agency head. The principal EEO Professional collaborated with agency head to coordinate training sessions and to discuss potential EEO issue.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:
Determination: The agency is in partial compliance with the standards for this subject area.

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

✓ During the period in review, performance evaluations were given at the 3 and 9-month point for new employees and annually beginning on the 1st anniversary of employment for all employees. The agency's Administrative Services unit sent performance evaluation forms, which included basic information such as name, start date, office and civil service title and evaluation period, to the supervisors in advance of evaluation commencement dates.

NOTE: In 2015, the agency implemented a schedule to conduct annual evaluations for all employees in March; this will enable the agency to track progress and ensure completion.

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

- The agency provided copies of performance evaluations for executive staff members: Chief of Staff, General Counsel, Assistant Executive Director of Public Affairs and Assistant Executive Director of Campaign Finance Administration. These evaluation forms did not contain a rating for EEO responsibilities. **Corrective action is required.**

Corrective Action 9: Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is **not in compliance** with the standards for this subject area.

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

- During the period in review the agency did not submitted Annual Plans of measures and programs to provide equal employment opportunity, or quarterly reports on efforts to implement those plans. **Corrective action is required.**

Corrective Action 10: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

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

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

Conclusion

The agency has **10** required corrective action(s) at this time.

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



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

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

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

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

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

Respectfully Submitted by,

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

Ilacia N. Zuell, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Winnie Ng-Chu, Principal EEO Professional

Appendix - 1

Campaign Finance Board

EEO TRAINING ACTIVITY
(January 2012 - December 2014)

Attachment: EEO Training Activity

Agency: 004

Please indicate EEO Training activities for the audit period (January 2012 to December 2014).

(NOTE: Mayoral agencies may omit this chart if this information has already been submitted to the EEPC via Quarterly EEO Reports.)

<u>Name of Training</u>	<u>Topic(s) Covered</u>	<u>Date(s)</u>	<u>Number of Participants</u>	<u>Type(s) and Number of Employees: check all that apply</u>
2012 Orientation Session on EEO Policy and Procedures	<ul style="list-style-type: none"> • Terms and conditions of employment • Protected classes • Harassment • Reasonable Accommodation • Retaliation • Complaint Procedure 	1/19/12 4/10/12 6/11/12 7/9/12 8/2/12 9/27/12	3 1 5 3 2 7	<input type="checkbox"/> Managers (____) <input checked="" type="checkbox"/> Supervisors (3) <input checked="" type="checkbox"/> Line Employees (14) <input checked="" type="checkbox"/> New Hires (all 21 listed) <input checked="" type="checkbox"/> Interns (4)
2013 Orientation Session on EEO Policy and Procedures	<ul style="list-style-type: none"> • Terms and conditions of employment • Protected classes • Harassment • Reasonable Accommodation • Retaliation • Complaint Procedure 	7/11/13 7/23/13 8/21/13	10 2 1	<input type="checkbox"/> Managers (____) <input checked="" type="checkbox"/> Supervisors (1) <input checked="" type="checkbox"/> Line Employees (7) <input checked="" type="checkbox"/> New Hires (all 13 listed) <input checked="" type="checkbox"/> Interns (5)
2014 Orientation Session on EEO Policy and Procedures	<ul style="list-style-type: none"> • Terms and conditions of employment • Protected classes • Harassment • Reasonable Accommodation • Retaliation • Complaint Procedure 	4/15/2014 6/10/14 6/17/14 7/18/2014	1 3 2 2	<input checked="" type="checkbox"/> Managers (3) <input checked="" type="checkbox"/> Supervisors (1) <input checked="" type="checkbox"/> Line Employees (3) <input checked="" type="checkbox"/> New Hires (all 8 listed) <input checked="" type="checkbox"/> Interns (1)
2014 CFB EEO Policy and Complaint Procedure Training	<ul style="list-style-type: none"> • Terms and conditions of employment • Protected classes • Harassment • Reasonable Accommodation • Retaliation • Complaint Procedure 	11/19/14 12/3/14 3/10/14 12/15/14	22 22 20 16	<input checked="" type="checkbox"/> Managers (9) <input checked="" type="checkbox"/> Supervisors (14) <input checked="" type="checkbox"/> Line Employees (57) <input checked="" type="checkbox"/> New Hires (10 of 80 listed)

Total # of Employees trained in the audit period: <u>122</u>			
Managers: <u>12</u>	Supervisors: <u>19</u>	Line Employees: <u>81</u>	Interns: <u>10</u>

(# of New Hires trained in the audit period: 52. Total Number of New Hires: 54)

No EEO training was conducted during the audit period. _____ (Initial)

Appendix - 2

Campaign Finance Board

Hires, Promotions and Separations by Ethnicity and Gender

(January 2012 - December 2014)

**DESCRIPTION OF
EQUAL EMPLOYMENT OPPORTUNITY
JOB GROUP CATEGORIES**

- 001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.
- 002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.
- 003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.
- 004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.
- 005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.
- 006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

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

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

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

010 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

011 Sales: Not applicable.

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

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

014 Household Services: Not applicable.

- 015 Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.
- 016 Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.
- 017 Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.
- 018 Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.
- 019 Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.
- 020 Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.
- 021 Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: Dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.
- 022 Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.
- 023 Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

- 024 Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.
- 025 Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.
- 026 Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers and kindred workers.
- 027 Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.
- 028 Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.
- 029 Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.
- 030 Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/ vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

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

Summary of Hires

Agency: NYC Campaign Finance Board (004)

Indicate the number of HIRES in each EEO Job Group by ethnicity and gender.

EEO Job Group #	Total Hires within Job Group	Race/Ethnicity						Gender	
		Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
<u>001</u>	<u>3</u>	<u>1</u>	<u>1</u>	_____	_____	<u>1</u>	_____	<u>2</u>	<u>1</u>
<u>002</u>	<u>3</u>	<u>1</u>	_____	_____	_____	<u>2</u>	_____	<u>3</u>	<u>0</u>
<u>003</u>	<u>3</u>	<u>1</u>	<u>2</u>	_____	_____	_____	_____	<u>2</u>	<u>1</u>
<u>006</u>	<u>1</u>	_____	_____	_____	_____	<u>1</u>	_____	<u>0</u>	<u>1</u>
<u>008</u>	<u>3</u>	<u>1</u>	_____	<u>1</u>	_____	<u>1</u>	_____	<u>1</u>	<u>2</u>
<u>009</u>	<u>4</u>	_____	<u>1</u>	_____	_____	<u>3</u>	_____	<u>1</u>	<u>3</u>
<u>010</u>	<u>24</u>	<u>4</u>	<u>4</u>	<u>4</u>	_____	<u>12</u>	_____	<u>10</u>	<u>14</u>
<u>013</u>	<u>1</u>	_____	<u>1</u>	_____	_____	_____	_____	<u>1</u>	<u>0</u>
<u>031</u>	<u>2</u>	<u>1</u>	_____	_____	_____	<u>1</u>	_____	<u>1</u>	<u>1</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

There were no hires during the period in review. _____ (Initial)

Summary of Promotions
Agency: NYC Campaign Finance Board (004)

Indicate the number of PROMOTIONS in each EEO Job Group by ethnicity and gender.

EEO Job Group #	Total Promotions within Job Group	Race/Ethnicity						Gender	
		Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
001	3					3		2	1
003	7	1	1	2		3		3	4
009	2	1				1		1	1
010	2	1	1					1	1
013	1		1					0	1
031	1		1					1	0
									0

There were no promotions during the period in review. _____ (Initial)

Summary of Separations

Agency: NYC Campaign Finance Board (004)

Indicate the number of **SEPARATIONS** due to layoffs or firings:

EEO Job Group # or Civil Service Title	Total Employees within Job Group	Total Terminated by		Race/Ethnicity						Gender	
		Firing	Layoff	Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
001	4	0	0	_____	1	_____	_____	3	_____	1	3
002	3	0	0	_____	1	_____	_____	2	_____	2	1
003	5	0	0	3	_____	1	_____	1	_____	3	2
008	3	0	0	1	_____	_____	_____	2	_____	2	1
009	3	0	0	1	1	_____	_____	1	_____	1	2
010	15	1	0	1	2	3	_____	9	_____	6	9
013	2	1	0	_____	2	_____	_____	_____	_____	1	1
031	1	0	0	_____	_____	_____	_____	1	_____	1	0
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

There were no separations the period in review. _____ (Initial)

Appendix - 3
Campaign Finance Board

Workforce Composition
(at the end of the audit period)

Statistical Profile of Agency Workforce
Campaign Finance Board

Number of Employees End of Audit Period
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Male	<u>26</u>
Female	<u>45</u>

White	<u>41</u>
Black	<u>7</u>
Hispanic	<u>4</u>
Asian	<u>4</u>
Native American	<u>0</u>
Unknown	<u>15</u>

Total # of Employees	<u>71</u>
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New York City Campaign Finance Board
100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nycffb.info

Rose Gill Hearn
Chair

Art Chang
Richard J. Davis
Courtney C. Hall
Mark S. Piazza
Members

September 10, 2015 Amy M. Loprest
Executive Director

Sue Ellen Dodell
General Counsel

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

RE: EEPC's Preliminary Determination regarding the CFB's Employment Practices and Procedures from January 1, 2012 to December 31, 2014

Dear Ms. Terry:

The Campaign Finance Board ("CFB") has reviewed the Equal Employment Practices Commission's ("EEPC's") Preliminary Determination dated August 12, 2015. We first received the Preliminary Determination on August 31, 2015. As the Preliminary Determination provides two weeks from the date it is dated to submit an optional response, we requested an extension of the response deadline on September 1, 2015. Our initial request was denied and a Final Determination was issued on September 3, 2015. Upon receiving the Final Determination, I reached out to you by telephone and left a voicemail explaining the situation. Agency Counsel and Deputy Director Judith Garcia Quinonez contacted me shortly thereafter to inform me that the CFB could have until September 11, 2015 to submit a response to the Preliminary Determination for which I am grateful.

The CFB is proud of the diversity in its workplace and strives to continuously improve its employment and equal opportunity practices and procedures. As such, I greatly appreciate the opportunity to fully participate in the EEPC's review process. Please find responses to the corrective actions listed in the Preliminary Determination below.

Corrective Action 1

The CFB's principal EEO Professional, HR Professional and designated Legal Unit staff did, on an annual basis, review the agency's employment practices, policies and programs. Preserving equal opportunity within the agency, while not the sole focus of these reviews, was a significant subject of review. Additionally, the Principal EEO Professional, HR Professional and Legal Unit staff also consulted regularly with one another regarding these topics during the audit period. As we have stated previously, many of these conversations were in-person or over the phone, but to the extent we had relevant records, copies were provided to the EEPC.

Going forward, the CFB will ensure that the principal EEO Professional, HR Professional and designated Legal Unit staff, on at least an annual basis, review the agency's employment practices, policies and programs with the specific focuses of (a) identifying whether there are barriers to equal opportunity within the agency and (b) determining what, if any, corrective actions are required in order to correct deficiencies. Although these reviews will likely continue to involve oral communication, the CFB will improve its efforts to create and maintain records relevant to these communications (e.g., creating and maintaining agendas for meetings that may be held as part of the reviews).

Corrective Action 2

As noted in the Preliminary Determination, the CFB's hiring and promotion rates were slightly greater for females and minorities during the audit period. Going forward, the CFB will nonetheless conduct formal assessments of the manner in which candidates are selected for employment for the specific purpose of determining whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. Such assessments will likely be incorporated into the reviews discussed in Corrective Action 1, above. It is the CFB's general practice not to use selection criteria that are not job-related. Of course, should any such criteria be discovered in connection with an adverse impact, it will be discontinued.

Finally, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The Preliminary Determination asserts that at the end of the audit period minority group members comprised 22% of the agency's 71-person workforce. *See pp. 6-7 and Appendix 3 of the Preliminary Determination.* We have been unable to determine how the Preliminary Determination's figures were calculated, but given the CFB's employment records, it disputes that its workforce exhibited any underutilization of women, minorities or other protected groups.

Corrective Action 3

As noted in Corrective Action 2, above, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The CFB therefore disputes that its workforce exhibited any underutilization of women, minorities or other protected groups. The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including *Amsterdam News*, *El Diario*, *Korea Times*, and *World Journal*.

Corrective Action 4

As noted in Corrective Actions 2 and 3, above, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The CFB therefore disputes that its workforce exhibited any underutilization of women, minorities or other protected groups. Additionally, the CFB does not currently have staff in titles with civil service lists. The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including *Amsterdam News, El Diario, Korea Times, and World Journal.*

Corrective Action 5

All CFB staff, including human resources professionals, managers, supervisors and other personnel involved in the recruitment and hiring process, received general EEO training in the audit period. Going forward, the CFB will develop a more structured guide to train such personnel on the interview, selection and hiring of personnel to help correctly identify the most capable candidates. The CFB's principal EEO Officer and HR Professional were scheduled to attend "Uniform Guidelines on Employee Selection Practices," a recently scheduled DCAS training seminar that was unfortunately cancelled. However, the CFB will continue to seek out training and guidance opportunities through DCAS and other entities. We look forward to incorporating information gleaned from these efforts into staff training materials.

Corrective Action 6

The CFB is a relatively small agency, which makes it difficult at times to breakdown tasks, such as the recording of applicant/candidate demographic information, between multiple staff persons. However, it is reviewing its applicant/candidate evaluation processes for feasible options for the delegation of such tasks to staff other than the hiring managers interviewing such applicants/candidates. The CFB welcomes suggestions from the EEPD on workable processes for small agencies it may have encountered in its work.

Corrective Action 7

As Director of Administrative Services and Human Resources, Corey Schaffer (who is also the principal HR Professional) will provide career counseling to agency employees upon request. To acquire further training, knowledge and familiarity with career opportunities in City government, Mr. Schaffer will be seeking out training opportunities from the City as well as outside sources.

Corrective Action 8

The CFB does not currently have employees on civil service lists established through competitive examinations, or subject to promotional examinations. However, the CFB will ensure that the EEO Professional is kept abreast of 55-a program participants, should any arise. The CFB will also seek to improve its creation and maintenance of records pertaining to keeping the EEO Professional abreast of such participants, and efforts to employ, promote or accommodate qualified individuals with disabilities.

Corrective Action 9

The CFB's managerial performance evaluations assessed several managerial qualities indicative of their compliance with equal employment opportunity requirements, and their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner. Such qualities included inter-unit coordination, staff supervision, interaction with others, staff development, compliance with legal requirements, and executive decision-making. Going forward, the CFB will nonetheless include a specific rating for equal employment opportunity on its managerial performance evaluations and has started the process of revising the key responsibilities.

Corrective Action 10

As noted above, the CFB regularly reviews its employment practices and procedures to, among other things, ensure that it continues to provide equal employment opportunities. The CFB is also committed to complying with all of its requirements and is reviewing its annual and quarterly reporting obligations regarding its equal employment practices.

For all of the Corrective Actions aside from 2, 3 and 4, the CFB trusts that the courses of action described above will lead to an agreeable resolution of EEPC's concerns. However, the CFB disputes the EEPC's breakdown of the CFB's demographic makeup as of the end of the audit period, which underlies Corrective Actions 2, 3 and 4. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See* Exhibit 1. We are unable to specifically address the demographic figures presented in the Preliminary Determination because it is unclear how those numbers were calculated. To ensure the demographic data in the Final Determination is accurate, I encourage the EEPC to contact us prior to issuance of the Final Determination if it disagrees with our demographic data.

Please feel free to contact principal EEO Professional Winnie Ng-Chu at (212) 409-1763 or wng@nyccfb.info if you have any questions.

Sincerely,



Amy M. Loprest

Attachment

c. Ilacia N. Zuell, with attachment



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

Charise L. Terry, PHR
Executive Director

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BY MAIL AND EMAIL

September 21, 2015

Amy Loprest
Executive Director
Campaign Finance Board
100 Church Street, 12th Floor
New York, NY 10007

RE: Audit Resolution #: **2015/004**: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Campaign Finance Board's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Executive Director Loprest:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your September 10, 2015 response to our August 12, 2015 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

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

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

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



The assigned compliance-monitoring period is: October 2015 to March 2016.

If corrective actions remain: Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Thereafter, your agency will be monitored monthly until all corrective actions have been implemented. Compliance-monitoring instructions will be provided. Upon your agency's completion of the final corrective action, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Once received, a *Determination of Compliance* will be issued.

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

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

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry
Executive Director

c: Winnie Ng-Chu, Principal EEO Professional

FINAL DETERMINATION

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

After reviewing the agency's optional 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

Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

Agency Response: Going forward, the CFB will ensure that the principal EEO Professional, HR Professional and designated Legal Unit staff, on at least an annual basis, review the agency's employment practices, policies and programs with the specific focuses of (a) identifying whether there are barriers to equal opportunity within the agency and (b) determining what, if any, corrective actions are required in order to correct deficiencies. ...the CFB will improve its efforts to create and maintain records relevant to these communications. (Pg. 2)

EEPC Response: The EEPC accepts the agency's response to corrective action #3. Implementation of this corrective action will be monitored.

Corrective Action # 2

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-

² Excerpts are italicized.

related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: [...] *Going forward, the CFB will nonetheless conduct formal assessments of the manner in which candidates are selected for employment for the specific purpose of determining whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. [...] should any such criteria be discovered in connection with an adverse impact, it will be discontinued.* (Pg. 2)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. There are discrepancies between the workforce data the agency provided during and subsequent to the audit. An agency-specific assessment of the selection procedures will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #3

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: [...] *Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. [...] The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including Amsterdam News, El Diario, Korea Times, and World Journal.* (Pg. 2)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #3. There are discrepancies between the workforce data the agency provided during and subsequent to the audit. The agency's efforts to address underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #4

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

Agency Response: [...] the CFB does not currently have staff in titles with civil service lists. The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including Amsterdam News, El Diario, Korea Times, and World Journal. (Pg. 3)

EEPC Response: If the agency has the opportunity to hire in civil service (list) titles during the monitoring period, the agency's efforts to address underrepresentation will be monitored. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action # 5

Ensure that human resources professionals, managers, supervisors, and other personnel involved in 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).

Agency Response: [...] Going forward, the CFB will develop a more structured guide to train such personnel on the interview, selection and hiring of personnel to help correctly identify the most capable candidates. [...] the CFB will continue to seek out training and guidance opportunities through DCAS and other entities. We look forward to incorporating information gleaned from these efforts into staff training materials. (Pg. 3)

EEPC Response: The EEPC accepts the agency's response to corrective action #5 pending receipt of documentation which verifies training.

Corrective Action #6

Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.

Agency Response: The CFB is a relatively small agency, which makes it difficult at times to breakdown tasks, such as the recording of applicant/candidate demographic information, between multiple staff persons. However, it is reviewing its applicant/candidate evaluation processes for feasible options for the delegation of such tasks to staff other than the hiring managers interviewing such applicants/candidates. The CFB welcomes suggestions from the EEPC on workable processes for small agencies it may have encountered in its work. (Pg. 3)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #6. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #7

Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.

Agency Response: *As Director of Administrative Services and Human Resources, Corey Schaffer (who is also the principal HR Professional) will provide career counseling to agency employees upon request. To acquire further training, knowledge and familiarity with career opportunities in City government, Mr. Schaffer will be seeking out training opportunities from the City as well as outside sources. (Pg. 3)*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action **#7**. Documentation of implementation will be reviewed during the compliance-monitoring period.

Corrective Action #8

Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

Agency Response: *[...] the CFB does not currently have employees on civil service lists established through competitive examinations, or subject to promotional examinations. However, the CFB will ensure that the EEO Professional is kept abreast of 55-a program participants, should any arise. The CFB will also seek to improve its creation and maintenance of records pertaining to keeping the EEO Professional abreast of such participants, and efforts to employ, promote or accommodate qualified individuals with disabilities. (Pg. 3)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#8**. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #9

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

Agency Response: *[...] Going forward, the CFB will nonetheless include a specific rating for equal employment opportunity on its managerial performance evaluations and has started the process of revising the key responsibilities. (Pg. 4)*

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action **#9** during the compliance-monitoring period. The agency's implementation of this practice will be monitored.

Corrective Action #10

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

Agency Response: *As noted above, the CFB regularly reviews its employment practices and procedures to, among other things, ensure that it continues to provide equal employment opportunities. The CFB is also committed to complying with all of its requirements and is reviewing its annual and quarterly reporting obligations regarding its equal employment practices. (Pg. 4)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#10**. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2015/004: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Campaign Finance Board's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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

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

Whereas, pursuant to its audit of the Campaign Finance Board's EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 12, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs

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

5. Ensure that 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).
6. Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 10, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 18, 2015, which indicated that corrective actions Nos. 1 – 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission adopts this Final Determination regarding the Campaign Finance Board.

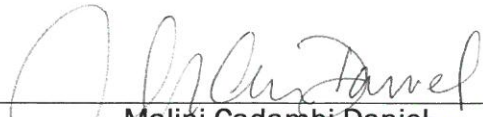
Approved unanimously on September 21, 2015.



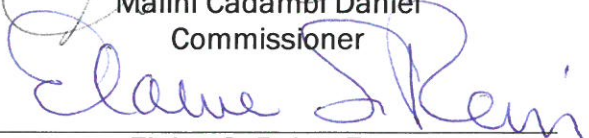
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



New York City Campaign Finance Board
100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nycffb.info

Rose Gill Hearn
Chair

Art Chang
Richard J. Davis
Courtney C. Hall
Mark S. Piazza
Members

Amy M. Loprest
Executive Director

Sue Ellen Dodell
General Counsel

October 21, 2015

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

RE: EEPC's Final Determination regarding the CFB's Employment Practices and Procedures
from January 1, 2012 to December 31, 2014

Dear Ms. Terry:

The Campaign Finance Board ("CFB") thanks you for your consideration of the CFB's response to the Equal Employment Practices Commission's ("EEPC's") Preliminary Determination dated August 12, 2015. The CFB's responses to the corrective actions in the EEPC's Final Determination dated September 21, 2015 are below. As I have stated before, the CFB is proud of the diversity in its workplace and strives to continuously improve its employment and equal opportunity practices and procedures, and it looks forward to continued collaboration with the EEPC as part of these efforts.

Corrective Action 1

In addition to their regular and continuous review of the agency's employment practices, policies and programs, the CFB's principal EEO Professional, HR Professional and designated Legal Unit staff have begun, on at least an annual basis, holding a meeting specifically dedicated to a) identifying whether there are barriers to equal opportunity within the agency and b) determining what, if any, corrective actions are required to correct deficiencies. These individuals held such meeting on September 21, 2015 and a copy of the meeting agenda is attached as Exhibit 1. The CFB's current plan is to hold similar meetings each September going forward.

Corrective Action 2

The CFB contests the Final Determination's assertion that there were "discrepancies between the workforce data [it] provided during and subsequent to the audit." As the CFB stated in its response to the Preliminary Determination, 53% of the agency's 88 employees at the end of the audit period were in a minority group. During EEPC's audit, the CFB provided accurate demographic information

regarding applicants, hires, promotions and separations, as requested. The CFB is unable to specifically address the Preliminary Determination's purported demographic breakdown of the CFB's workforce because the determination did not indicate, nor has the EEPC clarified, how such breakdown was calculated.

Setting this issue aside, on September 21, 2015, the CFB's principal EEO Professional, HR Professional and designated Legal Unit staff met to, among other things, assess whether the manner in which candidates are selected for employment results in an adverse impact upon any particular racial, ethnic, disability or gender group. *See* Exhibit 1. The meeting attendees relied, in part, on relevant data compiled for this audit. Such data indicates that during the audit period the 53% of CFB hires were in a minority group and 59% were female (as indicated in the CFB HR Professional's response to the Document and Information Request ("DIRF") Item Q).

Corrective Action 3

As noted in Corrective Action 2, above, the CFB disputes the Final Determination's assertion that there were "discrepancies between the workforce data [it] provided during and subsequent to the audit." However, on September 21, 2015, the CFB's principal EEO Professional, HR Professional and designated Legal Unit staff met to, among other things, assess whether women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring. *See* Exhibit 1. The meeting attendees relied, in part, on relevant data compiled for this audit. As noted in Corrective Action 2, above, such data indicates that during the audit period a majority of CFB discretionary hires were women or minorities.

Corrective Action 4

If the CFB has the opportunity to hire in civil service (list) titles at any time, such hiring decisions will be subject to review to assess whether women, minorities, or other protected groups are underrepresented in such titles.

Corrective Action 5

As noted in its response to the Preliminary Determination, the CFB has and is taking several steps to provide human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process additional training in EEO interviewing, selection, and hiring skills to further enable such individuals to correctly identify the most capable candidates. The CFB intends to incorporate information gained from these trainings and other sources into additional in-house guidance materials such as a more structured guide on interviewing, selecting and hiring personnel. In the meantime, CFB supervisors reaffirmed their and the agency's commitment to equal employment opportunity to their staff in September and October 2015. *See* Exhibit 2.

Corrective Action 6

Developing processes wherein the recording and maintaining of job candidates' demographic information is delegated to individuals other than hiring managers was a topic of discussion during the September 2015 meeting between the CFB's EEO Professional, HR Professional and Legal Unit designee. The CFB is still working to develop such processes and looks forward to recommendations or suggestions from the EEPC.

Corrective Action 7

As Director of Administrative Services and Human Resources, Corey Schaffer (who is also the current principal HR Professional) will provide career counseling to agency employees upon request. On October 1, 2015, Mr. Schaffer attended a training offered by the Department of Citywide Administrative Services titled Civil Service 101 – Training Session for HR Partners. Additional trainings related to this role will be identified throughout the year. Additionally, the CFB has established a human resources intranet hub for its employees to have continuous, ready access to information about, among other things, DCAS trainings, unions, benefits, and other relevant information. *See Exhibit 3.* The intranet also identifies Mr. Schaffer as the individual to whom employees should direct questions on these topics.

Corrective Action 8

New York Civil Service Law § 55-a was a topic of discussion during the September 2015 meeting between the CFB EEO Officer, Principal HR professional and Legal Unit designee. *See Exhibit 1.* Future annual meetings will be used to make sure the EEO Professional is kept abreast of 55-a program developments.

Corrective Action 9

Although prior managerial performance evaluation forms measured several qualities indicative of managers' performance of EEO-related responsibilities, the CFB has updated its performance evaluation forms for managers/unit heads to include a specific EEO rating.

Corrective Action 10

As noted above, the CFB regularly reviews its employment practices and procedures to, among other things, ensure that it continues to provide equal employment opportunities, and it has begun the practice of having its EEO Professional, HR Professional and Legal Unit designee meet at least once a year for the specific purpose of discussing EEO-related issues. The CFB intends to develop annual

plans following such meetings laying out EEO-related goals and objectives for the following year. Such plans will be provided to the Members of the Campaign Finance Board for their review, and will also be made available to the EEPC.

I trust the above measures have addressed or will address the corrective action items in the EEPC's Final Determination. Please feel free to contact principal EEO Professional Winnie Ng Chu at (212) 409-1763 or wng@nyccfb.info if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Loprest', written in a cursive style.

Amy M. Loprest

cc: Ilacia N. Zuell, with enclosures



New York City Campaign Finance Board
100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nyccfb.info

TO: Campaign Finance Board Staff
FROM: Amy M. Loprest
DATE: February 9, 2016
SUBJECT: Commitment to Diversity, Inclusion, and Equal Employment Opportunity

The Campaign Finance Board (CFB) is deeply committed to creating a workplace where employment decisions are made on the basis of merit and equality of opportunity. It is my strong belief that everyone deserves to work in an atmosphere free of prohibited discrimination and harassment. As you are aware, the agency had recently undergone an audit with the Equal Employment Practices Commission (EEOC). As we conclude the compliance phase of this audit, I would like to inform you of some changes we are planning to implement as a result of this audit:

In an effort to have a more fair and inclusive hiring process, we are taking steps to standardize the recruitment and hiring process. We are currently creating trainings and structured guides to aid all hiring personnel in identifying the most capable candidates. As part of this change, we have updated the Equal Employment Opportunity hiring logs. Receptionists will maintain and record applicant/candidate information on the log, and hiring managers will fill in the fields for reasons a candidate was or was not selected after all interviews have been conducted.

We will also expand our career counseling resources on the agency Intranet. In addition to posting notices of upcoming civil service examinations, we will continue to notify staff of events pertaining to continuing education and professional development, along with relevant news articles.

In addition to information regarding career development, the CFB Intranet has links to information about the 55-a Program which permits municipalities to employ persons, who have been certified as physically or mentally disabled, in civil service positions on a non-competitive basis. Anyone with questions about this Program or eligibility can meet with the Disability Rights Coordinator, Corey Schaffer.

We will continue to review and improve our annual performance review process. One of the changes in the upcoming year will include the addition of an EEO rating for each manager in their performance evaluations.

Finally, as part of my commitment to maintaining an inclusive, equitable, collaborative, and sustainable workforce, the CFB will submit quarterly reports to the EEPC. The CFB will also submit a timely annual plan each year to the EEPC, outlining our strategy for ensuring equal employment opportunity and implementing best diversity and inclusion practices.

Thank you for sharing my commitment to creating a respectful, professional environment that encourages and appreciates diversity. If you have any suggestions for how we can make the CFB an even better place to work, I hope you'll share them with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy M. Loprest', written in a cursive style.

Amy M. Loprest
Executive Director

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

RESOLUTION #2016/136C-05 Determination of **Compliance** (Monitoring Period Required) by the Campaign Finance Board with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPCC 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 Campaign Finance Board (CFB) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 12, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected

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

5. Ensure that 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).
6. Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified Individuals with disabilities.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the CFB submitted its response to the EEPC's Preliminary Determination letter, on September 10, 2015, with documentation of its actions to rectify four (4) required corrective actions, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 21, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with six (6) corrective actions remaining;

Whereas, the CFB submitted its response to the EEPC's Final Determination letter, on October 21, 2015, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 with no extension of the monitoring period;

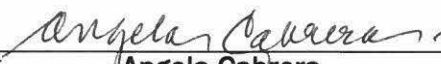
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CFB submitted a copy of the agency head's memorandum to staff dated February 9, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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


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

Be It Resolved, that the Commission will forward this Final Determination to Executive Director Amy Loprest, of the New York City Campaign Finance Board.

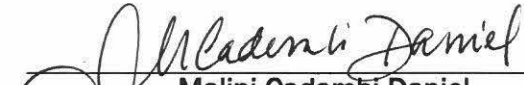
Approved unanimously on March 24, 2016.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



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

Charise L. Terry, PHR
Executive Director

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

Marie Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

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

March 24, 2016

Amy Loprest
Executive Director
Campaign Finance Board
100 Church Street, 12th Floor
New York, NY 10007

Re: Resolution #2016/004C- 05: Determination of Agency Compliance

Dear Executive Director Loprest:

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 the Campaign Finance Board. This Commission has determined that the Campaign Finance Board 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 Winnie Ng- Chu for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive style with a large initial "E".

Elaine S. Reiss, Esq.
Commissioner

c: Winnie Ng- Chu, Principal EEO Professional
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance

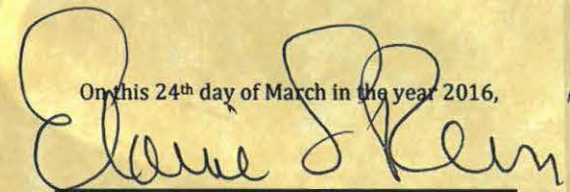
This
Determination of Compliance

is issued to

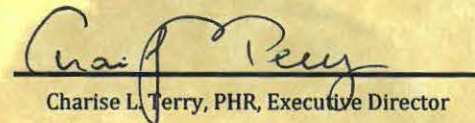
Campaign Finance Board

for successfully implementing 9 of 9 corrective actions pursuant to the Equal Employment Practices Commission's Equal Employment Opportunity Standards for the period from January, 1 2012 to this date.

On this 24th day of March in the year 2016,



Elaine S. Reiss, Esq. Commissioner



Charise L. Terry, PHR, Executive Director

In care of Executive Director Amy Loprest
and Principal EEO Professional Winnie Ng- Chu