



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PLAN
FISCAL YEAR 2020

I. Introductory, Commitment and Accountability Statement by the Agency Head

Recognizing that its workforce is OATH's greatest asset, leadership is committed to recruitment, development, and retention of a diverse and inclusive workforce reflective of our City's population. When we value our differences, we build stronger teams driving the best performance. We expect all managers and supervisors to actively promote a safe, equitable and inclusive work environment that demonstrates dignity and respect for all employees.

I will hold the EEO Officer, all EEO professionals, human resource professionals, legal professionals, managers and supervisors accountable for creating a work environment that treats everyone with respect and dignity by, among other things, ensuring the agency does not discriminate in employment but actively supports OATH's diversity and inclusion initiatives.

All agency staff are accountable for complying with the City's EEO Policy and implementing the FY 2020 Diversity and EEO Plan.

During the 3rd quarter of FY 2020, I will issue a Commitment Statement to all agency employees that affirms the principles of diversity, inclusion, and equal employment opportunity and acts as a guide to managers and supervisors by communicating our dedication to these principles.

Accountability will be driven by leadership review of strategic planning, critical human resource decisions, recruitment strategies, vacancy projections, succession planning, and training/career development opportunities.

My leadership team will implement the objectives and actions of this plan and work to create a diversity and inclusion strategy based upon guidance provided by the

DCAS Office of Citywide Equity and Inclusion (OCEI). Leadership will conduct discussions throughout the year, coinciding with the issuance of our quarterly workforce reports, and will review our achievements at the end of the fiscal year.

OATH will report to DCAS on the steps undertaken to comply with all legal mandates including Executive Orders and laws prohibiting employment discrimination in New York City. OATH will also disseminate and post legal notices and policies as required.

OATH's EEO Officer, Sharina DeRoberts, will serve as a resource for managers and supervisors by providing best practices and direction in addressing EEO issues. The EEO Officer's contact information will be prominently available to all employees. Employees will be encouraged to contact the EEO Officer with any questions, inquiries, concerns or complaints regarding the EEO Policy.

This statement is the same as last year.

II. Recognition and Accomplishments

In the past year our agency accomplished the following as part of our commitment to Equal Employment Opportunity, Diversity and Inclusion:

1. In FY 2019, OATH showed no underutilizations of Women and Minorities in our Workforce.

The agency recognizes employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity through the following:

- Diversity & EEO Awards*
- Diversity and EEO Appreciation Events*
- Public Notices
- Positive Comments in Performance Appraisals
- Other: _____

**Please specify under "Additional Comments"*

- The agency will continue to recognize employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity in FY 2020.

Additional Comments:

In FY2020, OATH's Employee Newsletter will highlight individual employees who have made positive contributions in the workplace or the community.

III. Workforce Review and Analysis

1. Describe steps taken to encourage all employees at your agency to update self-ID information regarding race/ethnicity, gender, and veteran status through either NYCAPS Employee Self Service (ESS) or other means.

In FY 2020, the agency will remind and encourage its employees to update self-ID information regarding race/ethnicity, gender, and veteran status through any of the following means:

- NYCAPS ESS (by email annually)
- Agency's intranet site
- Newsletters
- On-boarding
- Manager/supervisor observation, if employee refuses to self-ID

Additional Comments:

2. Describe the review process of the CEEDS workforce composition, utilization, new hires and promotions data presented in your quarterly agency workforce dashboard and/or internal workforce reporting. Describe how your agency's EEO Officer, Personnel Officer and General Counsel work together to review demographic trends. These reports must be reviewed regularly with the Agency Head.

The agency conducts regular reviews of the dashboard sent to the EEO Officer by DCAS' Office of Citywide Equity and Inclusion (OCEI) to provide demographic data and trends. The review includes an analysis of workforce composition by job title, job group, race/ethnicity and gender for all employees; new hires, promotions and separation data; and utilization analysis.

Reviewed with	Frequency			
Human Resources	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Semi-Annually	<input type="checkbox"/> Annually	<input type="checkbox"/> Other
General Counsel	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Semi-Annually	<input type="checkbox"/> Annually	<input type="checkbox"/> Other
Agency Head	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Semi-Annually	<input type="checkbox"/> Annually	<input type="checkbox"/> Other
Other (___specify)	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Semi-Annually	<input type="checkbox"/> Annually	<input type="checkbox"/> Other

The agency review entails a discussion concerning perceived workplace barriers for job groups that may surface in underutilization reports and for factors that may be creating these barriers (e.g., hiring patterns in specific job titles).

The agency reaches out to DCAS to serve as a resource in identifying strategies and best practices to address barriers to entry as well as to receive guidance concerning the interpretation of underutilization reports.

Additional Comments:

IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2020

1. Proactive Strategies to Enhance Diversity, EEO and Inclusion

State below the central goals of your strategy for FY 2020 focused on enhancing diversity, equal employment opportunity, and the overall value of inclusion at your agency. Include initiatives that your agency will implement in FY 2020.

1. Workforce: The Agency will continue to review our CEEDS Reports quarterly and be mindful of any underutilization reported. If necessary, the Agency will re-examine our recruitment sources to address any underutilization. In FY 2020, the Agency will strive to develop a mentorship

program to strengthen our workforce and create a more supportive work environment.

2. Workplace: The Agency will continue to promote a safe and inclusive work environment. Employees will be encouraged to participate in team events such as the STEPTember challenge and join planning committees for outside events to enhance a sense of unity and inclusion in the workplace. In March 2020, the Agency conducted its first Leadership Retreat which centered around dignity and respect for all. We will continue to promote this message to all employees and encourage a positive workplace culture. The Agency will continue to provide leadership training using valuable resources we already have such as the Center for Creative Conflict Resolution (CCCR).

3. Community: In January 2019, the Help Center was assigned to take over the administration of Community Service at OATH from the Center for Court Innovation. The Help Center's diverse staff is in charge of reaching out to all eligible persons within a diverse community of respondents to assist them in completing their Community Service at OATH. This newly created program has enhanced the visibility of OATH in the Community.

2. Describe the new and continuing initiatives devoted to innovative enhancement and expansion of the three strategic pillars of Diversity and EEO strategy: **WORKFORCE, WORKPLACE, and COMMUNITY.**

A. WORKFORCE:

NOTE: Please address the specific recruitment, selection and promotion strategies, sources and procedures in Sections V and VI.

The agency will address underutilization in FY 2020 by:

- Enhancing internal and external applicant pools to address the underutilization.
- Using the quarterly workforce dashboard and identifying specific job groups where underutilization exists to guide recruitment efforts.

The agency will implement the following strategies to address the impending retirement of employees and possible loss or gap in talent:

- Job analysis and skills audit.

- Conduct workforce planning and forecasting.
 - Use the DCAS Retirement Predictor Tools to address the impending retirement of employees and possible loss or gap in talent.
 - Integrate succession planning in the agency activities to develop a pipeline, facilitate a seamless transition and continuity of service.
 - Ensure that there will be a diverse applicant pool for the anticipated vacancies.
 - Evaluate best sources for diverse candidates
 - Encourage agency employees to take promotional civil service examinations by:
 - Sending e-mails with schedule of exams
 - Providing link to specific DCAS exams
 - Posting schedules and exam announcements at the agency intranet
 - Other (specify):
OATH will regularly schedule trainings on the Civil Service Law and process.

The agency will implement the following initiatives to develop and retain employees:

- Institute coaching, mentoring and cross training programs.
- Identify best practices to retain mature employees.
- Implement initiatives to improve the development and training of employees.
- Promote employee involvement by supporting Employee Resource Groups
- Conduct Diversity and Inclusion Training

Additional Initiatives, Programs, or Comments:

OATH regularly administers Continuing Legal Education (CLE) programs for the Administrative Law Judges, Hearing Officers and attorneys which include a substantive law program but also programs on conflict resolution, diversity and inclusion, access to justice, judicial writing and decision making, trial skills and ethics.

B. WORKPLACE:

- The agency will take initiatives to create an inclusive work environment that values differences, and to maintain focus on retaining talent across all levels.

In FY 2019, the agency conducted the following survey(s) to improve the recruitment, hiring, inclusion, retention and advancement of people in underrepresented groups:

- Engagement /Job Satisfaction/ Employee Morale Survey(s)
- Citywide Onboarding survey
- Citywide Exit Survey for Non-Represented Employees
- Exit interview or surveys developed by the agency

The agency will adopt in FY 2020 the following initiatives based on the analysis of the results of the survey(s):

1. In FY 2020, the Agency plans to conduct an Employee Engagement/Job Satisfaction/Employee Morale Survey

Additional Initiatives, Programs, or Comments:

In FY 2020, OATH will implement a Restorative Workplace Initiative.

C. COMMUNITY:

In FY 2020, the agency will:

- Continue or plan to promote diversity and EEO community outreach in providing government services
- Promote participation with minority and women owned business enterprises (MWBEs).
- Conduct a customer satisfaction survey.
- Identify best practices for establishing a brand of inclusive customer service.
- Undertake initiatives to improve community relations, community awareness, and to engage communities being served in recruitment efforts, service development and delivery.

Additional Initiatives, Programs or Comments:

--

V. Recruitment

A. Recruitment Efforts

1. Summary of Recruitment Efforts – Include steps that will be taken to give notice to all employees of discretionary job postings within the agency as well as proactive efforts/strategies planned to market positions externally.

<p>The agency will implement the following recruitment strategies and initiatives in FY 2020:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Review policies, procedures, and practices related to targeted outreach and recruitment.<input checked="" type="checkbox"/> Review underutilization in job groups to inform recruitment efforts.<input checked="" type="checkbox"/> Direct resources to bolster efforts aimed at increasing the effectiveness of diversity recruitment.<input checked="" type="checkbox"/> Put in place an operating, up-to-date, accessible website, mobile application and social media presence related to careers. <input checked="" type="checkbox"/> Currently in operation.<input checked="" type="checkbox"/> Assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.<input checked="" type="checkbox"/> Share job vacancy notices with the Mayor’s Office for People with Disabilities at nycatwork@mopd.nyc.gov, (212) 788-2830 and ACCES VR by sending the job vacancy notices to Maureen Anderson at Maureen.Anderson@nysed.gov, (212) 630-2329 so they can share it with their clients.<input checked="" type="checkbox"/> Reach out to the DCAS Office of Citywide Recruitment (OCR) as a resource at citywiderecruitment@dcas.nyc.gov.<input checked="" type="checkbox"/> If your agency is an eHire agency, post ALL vacancies on NYC Careers.<input checked="" type="checkbox"/> Ensure that agency personnel involved in both the discretionary and the civil service hiring process have received:<ul style="list-style-type: none"><input checked="" type="checkbox"/> structured interviewing training<input checked="" type="checkbox"/> unconscious bias training<input checked="" type="checkbox"/> Use the NYCAPS eHire Applicant Interview Log to determine whether recruitment efforts and recruitment sources yield a diverse pool of qualified candidates.<input checked="" type="checkbox"/> Assess recruitment efforts to determine whether such efforts adversely impact any particular group.
<p><i>Additional Strategies, Initiatives and Comments:</i></p>



Diverse Recruitment Source(s)	What sort of return do you expect to see from the effort? Indicate if this source yielded increased and diverse applicant pool. Were there successful hires from this source?
<p>1. Posting on NYC Careers (NYCAPS)</p> <p>2. Posting on the OATH website</p> <p>3. Internal Bulletins-Open to current Employees Only</p> <p>4. Post with Mayor's Office for People with Disabilities</p> <p>5. Department of Veteran Services</p> <p>6. City Bar Associations and Professional Organizations, including Ethnic Bar Associations</p> <p>7. New York City Universities, Law Schools and Colleges</p> <p>8. Network of Bar Leaders (NBL)</p> <p>9. Conference of Bar Leaders</p> <p>10. Law Student Groups such as the National Black Student Association, National Latino/a Law Student Association, Hispanic National Bar Association, (Student Division), and the National South Asian Law Student Association</p> <p>11.</p>	<p>1.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>2.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>3.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>4. Access to Applicants who may have a disability</p> <p>5. Access to veterans and former military personnel</p> <p>6. <input checked="" type="checkbox"/> Previous hires from this source</p> <p>7.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>8.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>9.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>10.</p> <p><input checked="" type="checkbox"/> Previous hires from this source</p> <p>11.</p>

Practicing Attorneys for Law Student Program (PALS) 12. ACCESS VR 13. Latino Lawyers of Queens County	<input checked="" type="checkbox"/> Previous hires from this source 12. A diverse pool of applicants that will include those who are differently-abled. 13. A diverse pool of applicants from the legal community.
---	--

B. Internships/Fellowships

Indicate the type of internship/fellowship opportunities available at your agency. Please provide the number of student interns/fellows employed in FY 2019 and their demographic profiles. Indicate your plans to provide internship/fellowship opportunities in FY 2020.

The agency provided the following internship opportunities in FY 2019:

Type of Internship\Fellowship	Total	Race/Ethnicity *[#s] * Use self-ID data	Gender * [#s] * Use self-ID data
1. Urban Fellows			M __ F__ Non-Binary __ Other __ Unknown __
2. Public Service Corps			M __ F__ Non-Binary __ Other __ Unknown __
3. Summer College Interns	3	2 White Females, 1 White Male	M _1_ F_2_ Non-Binary __ Other __ Unknown __
4. Summer Graduate Interns	8	3 White Males, 4 White Females, 1 Asian Male	M __3 F_5_ Non-Binary __ Other __ Unknown __
5. Other (specify):			M __ F__ Non-Binary __ Other __ Unknown __

*** Self-ID data is obtained by EEO Office from NYCAPS.**

The agency will utilize the internship/fellowship programs to improve a pipeline of candidates from underutilized groups for entry-level positions, including in mission-critical occupations.

The agency has hired former interns/fellows.

The agency plans to provide internship/fellowship opportunities in FY 2020.

Additional Comments:

In 2015, OATH created the Judge Richard C. Failla OATH Law Clerk Fellowship in honor of OATH's first Chief Administrative Law Judge. Judge Failla was appointed in 1978. He established the standards which continue to guide OATH to the present day, including a commitment to professionalism, fairness and equality. After serving at OATH, Judge Failla became the first openly gay person to be appointed to the New York City Criminal Court and he was later elected to the Supreme Court of the State of New York. Failla Fellows are recent law school graduates who perform research and draft decisions for Administrative Law Judges at OATH's Trial Division.

C. 55-a Program

Section 55-a of the New York State Civil Service Law allows a qualified person with a certified mental or physical disability to be hired into a competitive Civil Service position without having to take a civil service examination. The City encourages agencies to use the 55-a program as a tool to build a diverse workforce and create greater access to City employment for qualified candidates with disabilities.

1. Please discuss plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities.

The Agency is committed to the 55-A Program. During the on-boarding process, all employees are provided with 55-A information and are encouraged to reach out to the 55-A coordinator for further guidance. The Agency will disseminate 55-A information for current employees through our monthly newsletter.

2. Indicate the goals of your 55-a Program Coordinator for FY 2020. Also include your agency plans to do the following: participate in career and job fairs; use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants; and promote and encourage 55-a program participants to take civil service examinations.

The agency uses the 55-a Program to hire and retain qualified individuals with disabilities and plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities in FY 2020.

Currently, there are 2 55-a participants.

There are 0 participants who have been in the program less than 2 years.

Last year, a total of 0 new applications for the program were received

And 0 participants left the program.

If there have been no new participants in the program for less than two years, please indicate initiatives taken to hire new 55-a employees.

Whenever a resume from a 55-A qualified candidate is received, the 55-A coordinator passes the resume and all pertinent information along to the HR department who then forwards the resume to the Hiring Managers of the particular unit.

The agency will review and process new applications for the 55-a program in light of DCAS' policy guidance which states that decisions on 55-a program admissions should take into account the following three criteria:

- a) the severity of the candidate's physical and/or mental disability;
- b) the candidate's previous and/or current encounter with significant barriers to finding employment due to the disability;
- c) the candidate's encounter of obstacles that can prevent him/her from taking civil service examinations due to the disability.

Based on the June 7, 2016, 55-a memorandum, issued by DCAS, the agency will carefully evaluate each request by longtime provisional employees for designation under § 55-a to serve non-competitively in a competitive title position to ensure that the request is not made solely to avoid the consequences of CSL § 65(3). In addition, the agency will reiterate to provisional staff that 55-a certification should not be used as a substitute for passing a civil service exam. The agency will encourage 55-a participants to take civil service examinations.

The agency plans to participate in career and job fairs and use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants.

The goals of the 55-a Coordinator for FY 2020 are:

1. Participate in Job Fairs when they are organized by DCAS or MOPD
2. Periodically provide MOPD with current vacancies that would qualify under 55-A
3. Continue to keep abreast of all 55-A initiatives and required trainings.

- These goals are the same as last year.
- *Goal number 1 is the same as last year.

Additional Goals, Initiatives, and Comments:

VI. Selection (Hiring and Promotion)

1. For FY 2020, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties for your career counselor specific to advising employees of opportunities for promotion as well as overall career development.

In FY 2020, the agency's Career Counselor will perform the following tasks:

- Review policies, procedures, and practices related to hiring (including vacancy announcements, use of certification lists, and the selection process for mission critical occupations).
- Promote employee awareness of opportunities for promotion and transfer within the agency.
- Inform employees on promotional and transfer opportunities.
- Arrange agency wide notification of promotional and transfer opportunities.
- Encourage the use of training and development programs to improve skills, performance and career opportunities.
 - Provide information to staff on both internal and external Professional Development training sources.
 - Explain the civil service process to staff and what it means to become a permanent civil servant.
 - Provide technical assistance in filing for upcoming civil service exams.

<input checked="" type="checkbox"/> Provide agency staff with citywide vacancy announcements, civil service exams notices and other career development information.
<input checked="" type="checkbox"/> Continue to facilitate the use of training to improve skills and access to career opportunities of all employees in its Leadership Program and via referrals to DCAS.
<input checked="" type="checkbox"/> Assist employees and Job Training Program participants (if applicable) assess and develop career paths.
<input type="checkbox"/> Provide resources and support for: <ul style="list-style-type: none"> <input type="checkbox"/> Targeted job searches <input type="checkbox"/> Development job search strategies <input checked="" type="checkbox"/> Resume preparation <input checked="" type="checkbox"/> Review of effective interview techniques <input checked="" type="checkbox"/> Review of techniques to promote career growth and deal with change <input checked="" type="checkbox"/> Internship exploration
<p><i>Additional Initiatives and Comments:</i></p>

2. What are your current new hire and promotional procedures for selection, especially for mid- and high-level discretionary positions?

<p>In FY 2020, the agency will do the following:</p> <input checked="" type="checkbox"/> Review and develop a protocol for in-title promotions and salary increases.
<input checked="" type="checkbox"/> Promote employee awareness of opportunities for promotion and transfer within the agency.
<input checked="" type="checkbox"/> Assess the criteria for selecting persons for mid-level to high level positions.
<input checked="" type="checkbox"/> Publicly post announcements for all positions, including senior level positions.
<input checked="" type="checkbox"/> Actively reach out to networks of underrepresented groups as part of its outreach.
<input checked="" type="checkbox"/> Reach out to the Mayor’s Office of Appointments for help to identify diverse pools of talent and additional networks for finding qualified candidates.

- Ensure that hiring managers are trained in structured interviewing techniques to avoid unintentional biases in the hiring process.
- 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.
- If adverse impact is discovered, the agency head will determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method.
- Compare the demographics of current employees to the placements.
- Revise the promotion request form to include the various reasons why a promotion may be necessary.
- Review the demographics race\ethnicity and gender for those who received the promotion\salary raises.
- Submit the resumes for the second- and third-choices for the position.
- Review the demographics of the senior leadership regularly (by Agency Head).
- Review on a quarterly basis the demographics of those who received promotion and share the information with the Commissioner and Human Resources (by EEO Officer).

Additional Comments:

3. For FY 2020, indicate how your agency will review the methods by which candidates are selected for new hiring and promotion. Identify the steps that are taken to ensure that selection process is objective and job related. For instance, have you explored/implemented structured interviewing and/or training, panel interviews, etc.?

During FY 2020, the agency will do the following:

- Review policies, procedures, and practices related to hiring (including vacancy announcements, use of certification lists, and the selection process for mission critical occupations) for possible barriers that have a negative impact on minority employees and applicants.
- Use a collaborative effort between EEO, HR and managers where necessary, develop action plans to eliminate identified barriers.
- Develop specific, job-related qualification standards for each position that reflect the duties, functions, and competencies of the position and minimize the potential for gender stereotyping and other unlawful discrimination. Make sure these standards are consistently applied when choosing among candidates.
- Establish written objective criteria for evaluating candidates for hire or promotion and applying those criteria consistently to all candidates.
- In conducting job interviews, ensure nondiscriminatory treatment by conducting a structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.
- Use a diverse panel of interviewers to conduct the interview.
- Have the EEO Officer review the interview questions.
- Have the EEO Officer observe interviews, where possible.
- Use the NYCAPS eHire applicant tracking system for external and internal applicants.
- Make adjustments to agency outreach and recruitment efforts where necessary.
- Monitor the results of action plans for any changes in the agency workforce including increases or decreases in applications of qualified applicants and selection rates.

Additional Comments:

In FY 2020, OATH will institute panel interviews structured to include a wide variety of senior managers to observe and partake in interviews.

4. For FY 2020, what steps will your agency take to review the positions filled through a civil service list?

- A. Detail planned actions specific to review of title specification, job description, interview procedures, and selection procedures.
- Reach out to DCAS' Classification at 212-386-0344 to ensure that the job description and specification is current.
 - Review and develop specific, job-related qualification standards for each position that reflect the duties, functions, and competencies of the position and minimize the potential for gender stereotyping and other unlawful discrimination.
 - Use structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.
- B. Discuss your current protocol for use of the NYCAPS Applicant Interview Log reports to identify applicants by gender and race/ethnicity.
- The agency does not use the NYCAPS Applicant Interview Log Report.
 - The agency will schedule orientation with NYCAPS Central.
 - The agency will use the Applicant Interview Log Report to track applicant sources and identify the best sources of applicants.
- C. Discuss all planned steps taken to identify barriers to entry for positions and actions under consideration to address such barriers.
- Identify at least two or three people from diverse gender and racial\ethnic backgrounds to review received applications and conduct the interviews.
- D. When identifying groups of subject matter experts to assist the DCAS test development team, please describe efforts that will be taken to select a diverse and inclusive group of individuals.
- The agency will identify a diverse group of subject matter experts (e.g. race, gender, age, assignments location, etc.) when requested by DCAS.
 - The agency will use objective job-related criteria to identify the subject matter experts who will participate in test development.

- The agency will make an effort to ensure different staff members are given the opportunity to participate in test development.

Additional Comments:

5. Briefly detail which stages of selection involve your EEO Officer (pre- and post-selection).

In FY 2020, the agency EEO Officer will do the following:

PRE-SELECTION:

- Collaborate with the Director of Human Resources to ensure that an updated listing of sources for diverse applicants, including schools and professional organizations, is maintained.
- Actively monitor agency job postings.
- In collaboration with the Director of Human Resources, review interview questions to ensure that they are EEO-compliant, job-related, and required by business necessity.
- Provide feedback to the hiring manager after the EEO Officer's assessment.
- Assist the hiring manager if a reasonable accommodation is requested during the interview.
- May observe interviews when necessary, especially for underutilized job titles and/or mid- and high-level discretionary positions.

Other: _____

POST-SELECTION:

- Periodically review candidate evaluation forms and conduct a job applicant analysis via the NYCAPS eHire Applicant Interview Log reports to advise Human Resources of any demographic trends and/or EEO concerns.
- Review hiring package for review and approval.

Other: _____

Additional Comments: In 2020, the EEO Officer will work more closely with the HR department to review candidate evaluation forms and advise on any demographic trends or EEO concerns

6. During periods of layoffs, terminations and demotions due to legitimate business/operational reasons, what is your protocol for analyzing the impact of such actions based upon gender, race and age? It is most useful to conduct this analysis prior to finalizing the list of titles that will be impacted. Ensure that the agency Counsel and the Law Department are involved in the review.

- The agency will use the DCAS Layoff Procedure as guidance, should there be any layoffs, terminations and demotions due to legitimate business/operational reasons in FY 2020.
- The agency will analyze the impact of layoffs or terminations on racial, gender and age groups.
- Where layoffs or terminations would have a disproportionate impact on any of these groups, the agency will document that the targeted titles or programs were selected based on objective criteria and justified by business necessity.
- The Agency Personnel Officer, EEO Officer and General Counsel will be involved in making layoff or termination decisions. It should be noted that layoffs must be conducted by seniority in compliance with civil service law (for competitive titles) and union contract (for non-competitive and labor class titles).

VII. Training

Training Topic	Type of Audience (e.g. Front-Line Staff, Managers, Supervisors, etc.)	Target Number of Participants	Targeted Dates
1. EEO Awareness (e-learning)	New Employees	All New Hires	Within 30 days of Hire
LgbTq-Power of Inclusion	All Staff	All Employees	Spring 2020

2. Sexual Harassment Prevention (e-learning)	All Staff	All Employees	October 2020
3. Structured Interviewing and Unconscious Bias (classroom)	Interview Panels/Managers/Supervisors	Varies	Spring/Summer/Winter 2020
4. Other (specify)			

VIII. Reasonable Accommodation

Please indicate the actions your agency will take to ensure that the process of reviewing reasonable accommodation requests is compliant with the EEO Policy as well as the applicable federal, state, and local laws. Additionally, please detail any best practices currently implemented in this area. Lastly, please describe your current appeal protocol.

<p><input checked="" type="checkbox"/> Managers, supervisors, human resources personnel and discipline personnel are required to report to the EEO Office any reasonable accommodation requests and needs that are received, observed, learned about or suspected, so that the EEO Office may facilitate discussions, research appropriate accommodations, and assist with the resolution of the matter.</p> <p><input checked="" type="checkbox"/> The agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth or a related medical condition.</p> <p><input checked="" type="checkbox"/> The agency grants or denies request 30 days after submission or as soon as possible.</p> <p><input checked="" type="checkbox"/> The agency head or designee^a must review and grant or deny the appeal fifteen (15) days after submission of appeal. If NOT the agency head, please provide the name and title of the designee: _____</p> <p><input checked="" type="checkbox"/> The agency follows the City's Reasonable Accommodation Procedure.</p> <p><input checked="" type="checkbox"/> The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation Tracking System and update the information as they occur.</p>

^a EEO Officer and General Counsel should **NOT** be appointed as agency head designee. Note conflict of interest, i.e., that in the case of an external challenge to the denial of a reasonable accommodation, the agency's GC would be tasked with defending the agency against a decision in which that office was a decision maker on appeal. Refer to the revised Guidelines indicating that neither the EEO Officer nor GC may serve as the agency head's designee found at: <http://extranet.dcas.nycnet/eo/diversityeeo/media/19647/reasonable-accommodation-procedural-guidelines-lc-12116.pdf> (p17).

The agency analyzes the reasonable accommodation data made at the agency.

Describe procedures and speed of resolution, including the protocol for deciding appeals of Reasonable Accommodation decisions. Does the agency analyze statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals?

All Reasonable Accommodation Requests are handled expeditiously. In the rare event that an accommodation cannot be granted within the required time frame, the EEO Officer communicates this to the employee and informs them of their reason for the delay.

IX. Compliance and Implementation of Requirements Under Executive Orders and Local Laws

A. Executive Order 16: Training on Transgender Diversity and Inclusion

Under Executive Order No. 16 of 2016, the agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. Pursuant to Executive Order No. 16, the training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.

- The agency plans to train all new employees within 30 days of start date.
- All the front-line supervisors, managers and employees were re-trained during FY 2019.
- All managers\supervisors will be re-trained by March 7, 2021.
- All front-line employees will be re-trained by March 7, 2020.

Training Topic	Type of Audience	Target Number of Participants	Targeted Dates
lgbTq - Power of Inclusion (classroom)	Supervisors	All	3/2021
	Front Line Staff	All	3/2021

- The agency will ensure that the Transgender Restroom Access notice/poster is posted where required, e.g., on bulletin boards, near restrooms and, in digital form, where other EEO notices and announcements can be found.

Additional Comments:

B. Executive Order 21 (2016): Prohibition on Inquiry regarding Job Applicant's Pay History

- The agency has reviewed its practices (including application and interview forms) with regards to prohibition on inquiry regarding pay history.
- All personnel involved in job interviews will be required to go through Structured Interviewing and Unconscious Bias Training.

Additional Comments:

C. Local Law 92 (2018): Annual Sexual Harassment Prevention training

- The agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date. Current employees will be trained annually.

Training Topic	Type of Audience	Target # of participants	Targeted Dates
1. Sexual Harassment Prevention (classroom)			
2. Sexual Harassment Prevention (e-learning)	All Employees	700	October 2020

Additional Comments: OATH completed the 2nd training cycle which began on September 3, 2019. As of 11/5/19, 625 Employees completed the SH Prevention Training.

D. Local Law 93 (2018): Risk Assessment Survey & Initiatives to reduce/minimize risk of sexual harassment.

Please provide a summary of agency initiatives to address the risk of sexual harassment and devise responsive strategies to minimize such risk. Please refer to the risk assessment survey conducted in 2018 and indicate if the initiatives were completed or are continuing.

	Initiative(s)	Who is Responsible for implementing the initiative(s)?	Timeframe\Timeline
Risk 1 Homogenous Workplace	N/A		<u>Ongoing</u> <input type="checkbox"/> <u>Completed</u> <input type="checkbox"/>
Risk 2 Cultural and Language Differences in the workplace	The vast majority of OATH employees have received Anti Sexual Harassment Training in FY 2018. This training is ongoing and a link is provided to new employees as they come on board. Bulletin Boards have been updated to include “Stop Sexual Harassment Act Notice,” and “Stop Sexual Harassment Act Factsheet” which were created by the NYC Commission on Human Rights. In addition, on May 22, 2018, the Commissioner disseminated OATH’s	<u>EEO Officer</u> <u>EEO Liaisons</u>	<u>Ongoing</u> <input checked="" type="checkbox"/> <u>Completed</u> <input type="checkbox"/>

Sexual Harassment Policy Statement to all employees which includes information on who in the Agency to contact if they are subjected to sexual harassment or any unwelcome sexual attention. The statement also includes links to the City's EEO Policy, and the EEO Complaint Procedural Guidelines.

**Risk 3
Workplaces
with
Significant
Power
Disparities**

At least once a year, during staff meetings, OATH Managers and Supervisors emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office.

EEO Officer
Managers/Supervisor
s

Ongoing

Completed

On a yearly basis, the Commissioner disseminates OATH's Sexual Harassment Policy Statement to all employees which includes specific language as to the responsibilities of managers and supervisors when they receive a complaint of sexual harassment, or if they observe, learn about, or suspect any violation of the City's EEO policy. Managers and supervisors are also encouraged to communicate to their subordinates their right to consult with the EEO Officer during work hours.

Risk 4

N/A

Ongoing

**Isolated
Workplaces**

Completed

**Risk 5
Decentralize
d Workplaces**

Each location at OATH has an EEO Liaison who is responsible for receiving preliminary information from employees regarding any instance of a violation of the City's EEO Office. The EEO Liaison then passes that information to the EEO Officer for further handling. EEO Liaisons are also responsible for keeping bulletin boards up to date with EEO Information which includes recent publications from the City's Commission on Human Rights regarding sexual harassment.

Ongoing

Completed

Other Findings

Ongoing

Completed

E. Local Law 97 (2018): Annual Sexual Harassment Reporting

- The agency will input sexual harassment complaint data on the DCAS Citywide Complaint Tracking System, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will input **all types of complaints** in the complaint data on the DCAS Citywide Complaint Tracking System, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will ensure that complaints are closed within 90 days.

Additional Comments:

F. Local Law 101 (2018): Climate Survey

Describe how additional insights gained from the analysis of the citywide Climate Survey will influence your agency workforce/workplace/community initiatives.

The agency, in collaboration with DCAS, has conducted a climate survey and:

- analyzed results of the response data sent by DCAS.
- implemented the following initiatives to address concerns raised in the Climate Survey:

OATH will continue to increase EEO awareness by disseminating information to new employees during the on-boarding process and all employees via our monthly newsletter. Employees will be kept abreast of any changes in the EEO Policy including new protected categories. The updated EEO Policy will be made available to all employees once it has been revised by DCAS as well as the newly revised complaint form.

The agency will provide a report to DCAS on the above initiatives by January 31, 2020.

[NOTE: DCAS is mandated to submit a report on Action Plan to the Mayor and the Speaker of the Council].

Additional Comments:

X. Audits and Corrective Measures:

Please choose the statement that applies to your agency.

The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.

The agency is currently being audited or preparing responses to an audit conducted by the EEPC] specific to our EEO practices. Upon forwarding our responses to the recommendations issued by the EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2020 to include and implement EEPC recommendations that will be implemented during the fiscal year.

The agency is subject to any other oversight or review by a federal, state or city civil rights agency [please specify ____].

Attach a copy of the document setting out the oversight parameters and the agency's most recent report to the oversight agency.

The agency was involved in an audit conducted by the EEPC or [____ **another governmental agency - please specify**] specific to our EEO practices. This agency will continue/be required to implement measures during the year that this plan is in effect (please attach a copy of the audit findings.)

NOTE: Final Agency Head's signature and date should be set only after you receive DCAS' approval of the plan.

Joni Kletter

Print Name of Agency Head

Joni Kletter

Signature of Agency Head

6/1/2020

Date

APPENDIX
Contact Information

Please provide contact information (name, title, office address, telephone number and e-mail address) for the following individuals at your agency:

1. Sharina DeRoberts, Administrative Labor Relations Analyst
Agency EEO Officer, ADA Coordinator, Disability Rights Coordinator, Disability Services Facilitator, & 55-a Coordinator
100 Church Street, 12th Floor
New York, NY 10007
(212)-933-3058
sderoberts@oath.nyc.gov

2. Karen Livingston, Assistant Commissioner for Employee Services
Career Counselor
100 Church Street, 12th Floor
New York, NY 10007
(212) 933-3044
klivingston@oath.nyc.gov

3. Jason Roldan, Human Resources Recruitment Supervisor
Training Liaison
100 Church Street – 12th Floor
New York, NY 10007
(212) 933-3049
JRoldan2@oath.nyc.gov