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**Via Mail and Electronic Mail**

May 12, 2016

Richard Briffault  
Chair  
Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Conflicts of Interest Board Employment Practices and Procedures from January 1, 2013 – December 31, 2015.

Dear Chair Briffault:

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 equal employment opportunity program for the period covering January 1, 2013 – December 31, 2015.

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 832.c 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 Conflicts of Interest 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 equal employment opportunity program, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> 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 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.

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 analysis.) 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 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 and

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



return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

To encourage response, the EEPC requests that the head or deputy of each agency send emails to employees and to supervisors/managers that provide links to our questionnaires.

### **Description of the Agency**

The Conflicts of Interest Board is the independent New York City agency tasked with administering, enforcing and interpreting Chapter 68 of the New York City Charter, the City's Conflicts of Interest Law, and Section 12-110 of the Administrative Code, the City's Annual Disclosure Law. Through a combination of engaging training, confidential advice, and vigorous enforcement, the Board seeks to prevent ethics questions from becoming ethics problems for public servants.

The Conflicts of Interest Board had 21 employees at the end of the period in review (see Appendix 4).

### **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 partial 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 did not issue an EEO Policy statement/memo reiterating commitment to EEO, and declaring the agency's position against discrimination on any protected basis.  
**Corrective action required.**

**NOTE:** The agency advised employees of the names and contact information of EEO professionals via the *Conflicts of Interest Board EEO Policy (2014)* (see §I.2)

**Corrective Action #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.

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 reported that new hires were given *Conflict of Interest Board EEO Policy [2014]*, a list of COIB's EEO personnel, and the EEO Handbook: About EEO "What You May Not Know" upon hire. The *Conflict of Interest Board EEO Policy [2014]* included the following sections: *Purpose and Policy, Nondiscrimination in City Employment, The Law, Assignment of Responsibility in Support of the Program, Equal Employment Opportunity Officer, Reasonable Accommodation for People With Disabilities, 55-a Program, Equal Employment Opportunity Complaint and Investigation System, and Sexual Harassment*. Additionally, the EEO Policy included an up-to-date list of protected classes under NYC and NYS Human Rights Laws; current contact information for the agency’s EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination. The agency also reported that new employees were directed to the COIB's bulletin board, where the aforementioned documents were posted prominently.

## **II. EEO TRAINING FOR AGENCY:**

**Determination: The agency is in partial 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, upon being hired, employees were required to complete the *Department of Citywide Administrative Services (DCAS): Citywide Diversity and Equal Employment Opportunity Computer-Based Training*. During the period in review, the agency had five (5) new hires; two (2) of which completed the aforementioned training.
  - The agency did not demonstrate implementation of its plan to provide training to all new employees upon hire. **Corrective action required.**

**NOTE:** The agency reported that one (1) of the aforementioned new hires resigned after a month of employment with the agency.

**Corrective action #2:** Implement an EEO training plan to ensure that all new and existing employees, 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.

### 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.
- ✓ During the period in review the agency conducted recruitment via *New York City Jobs* and the agency's website/intranet. Vacancies were also circulated via email to agency employees and personnel officers (citywide) - legal positions were also sent to twenty-nine (29) law schools. CEEDs Reports – *Work Force Compared with Internal and External Pools* (for the period in review) indicate no underutilization of protected classes (**see appendix #2**).
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 agency did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the agency's statistical information, 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. **Corrective action required.**

NOTE: The agency reported that no EEO complaints were received during the period in review. Additionally, the CEEDs Reports – *Work Force Compared with Internal and External Pools* (for the period in review) indicated no underrepresentation of protected classes (**see appendix #2**).

Corrective Action #3: Ensure that 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), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

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.
- ✓ Since the CEEDs Reports – *Work Force Compared with Internal and External Pools*, for each quarter of the period in review, indicated the agency had no underutilization of protected classes (**see appendix #2**), no further analysis was conducted in this area.
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: Since the CEEDs reports for the period in review indicated no underutilization of women, minorities, or other protected classes in discretionary positions (**see appendix #2**), no further analysis was conducted in this area.

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: Since the CEEDs reports for the period in review indicated no underutilization of women, minorities, or other protected classes in civil service positions (**see appendix #2**), no further analysis was conducted in this area.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ The agency reported that, prior to the period in review (July, 2012), managers involved in the interview process received structured interview training, which was conducted by the former principal EEO professional. Included in the structured interview training were the following topics: *What Structured Interviewing Is Preparing/Planning the Interview* (including sections on *Preparing Questions, Probing for More Information*), *The Interview (Atmosphere, Effective Communication, Closing)*, *Interviewing – Legal Aspects (Validity, Reliability, Protected Bases, Documenting the Process, Evaluating the Candidate, Potential Pitfalls)* and *Resources (Sample questions, How to interview people with disabilities and Federal and state guides)*. In



addition, during the period in review, the agency conducted interviews for five (5) positions using uniform interview questions for each job title.

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

✓ The agency reported that job vacancy notices were posted on the New York City Jobs website, the agency's website, intranet, and circulated via email to agency employees, and Citywide to agency personnel officers. The Director of Administration also informed employees of job vacancies via electronic mail.

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

✓ During the period in review, the agency advertised for five (5) positions: *Ethics Training Coordinator (Community Associate)*, *Annual Disclosure Analyst (Confidential Investigator)*, *Agency Attorney*, *Deputy General Counsel (Executive Agency Counsel)*, and *Director of Enforcement (Executive Agency Counsel)*. Each job vacancy notice stated that "[t]he City of New York is an Equal Opportunity Employer."

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.

✓ During the period in review, the agency maintained an "Interview Tracking Log" for the job titles of *Executive Agency Counsel, Agency Attorney, Confidential Investigator, and Community Associate*. The *Interview Tracking Log* captured the following candidate information: *position, candidates' name, date and time of the interview, type of interview, gender, observed ethnicity and an overall rating*.

➤ The agency did not demonstrate that it maintained an applicant/candidate log or tracking system which included the *identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. **Corrective action required.**

**Corrective Action #4:** Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *identification number, disability or veteran status, 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.

#### 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.
- ✓ The agency reported that the Director of Administration (the agency's principal HR professional) functioned as the agency's career counselor during the period in review; and was responsible for directing and managing all administrative functions related to personnel matters within the agency (see §IV.14). The Director of Administration completed the following Department of Citywide Administration Services (DCAS) training: *Preparing for Layoffs and Conducting Adverse Impact Analysis* (completed January 20, 2011), *Diversity and Inclusion Train the Facilitator Program* (March 8, 2013), *Resolving Interpersonal Conflict Webinar* (April 2, 2014), *Cross Agency Language Access Training* (January 21, 2015), *PMS Personal Maintenance* (April 21, 2015), and *Civil Service 101 – Training Session for HR Partners* (October 1, 2015).
    - The agency did not provide documentation, or correspondence, which identifies the principal HR professional as the individual providing career counseling to employees upon request. **Corrective action is required.**

Corrective Action #5: Remind 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; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO professional in EEO-related matters; and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The Director of Administration (the agency's principal HR professional and career counselor) was responsible for directing and managing all administrative functions related to personnel matters within the agency; including promotions and new employee orientation. The Director of Administration provided new employees with the *Conflict of Interest Board's EEO Policy [2014]*, a list of COIB's EEO personnel, and the EEO Handbook "*About EEO: What You May Not Know*"; informed employees of job vacancies (via electronic mail) (see §III.10), Department of Administrative Services *EEO Computer Based Training* (to be scheduled by the principal EEO professional), and informed employees that EEO related documents were posted on the COIB's bulletin board. The agency reported that the Director of Administration and the principal EEO professional conducted ad hoc meetings regarding EEO related matters.



NOTE: The agency reported no 55-a program participants.

- The agency did not demonstrate that employees had access to information regarding job responsibilities, performance evaluation standards, and examinations. **Corrective action required.**

Corrective Action #6: Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.

**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.

- ✓ The agency reported that, during the period in review, information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures were available in large print. The agency also indicated its commitment to providing the aforementioned documents, in all appropriate alternative formats (i.e., large print, audio tape and/or Braille), upon request, to employees and applicants for employment with disabilities.

16. Document reasonable accommodation requests and their outcomes.

- ✓ The agency's reasonable accommodation policy states that "[t]he employee or job applicant should complete a Reasonable Accommodation Request form, and submit it to his or her immediate supervisor or, if the employee prefers, to that supervisor's supervisor"; and that "[o]ne copy is to be returned to the applicant or employee and a second copy is to be filed with the EEO Officer, who is responsible for monitoring the process and for noting its outcome on the form." The agency reported that no requests for reasonable accommodation were received during the period in review.

**VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:**

**Determination:** The agency is in partial 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 appointed the *Assistant Counsel* as the principal EEO Professional, as well as Disability Rights Coordinator. The principal EEO professional was 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's principal EEO professional completed the New York City Law Department's "Diversity and EEO Basic Training" on June 27, 2014.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

✓ During the period in review, the agency appointed two (2) EEO Officers to assist the principal EEO professional with EEO-related duties; the *Advice Attorney*, as well as the *Director of Training and Education*. The EEO Professionals completed the Department of Citywide Administration's *Citywide Diversity and Equal Employment Training* on December 8, 2010 and August 30, 2012, respectively.

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 agency did not demonstrate that, during the period in review, the principal EEO professional reported 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. **Corrective action required.**

NOTE: Subsequent to the period in review, on May 3, 2016, the agency reported that the *Assistant Counsel* (agency's principal EEO professional) reports directly to the Commissioner in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship is reflected in the agency's updated organizational 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 agency did not maintain documentation of meetings or other communications between agency head and the principal EEO Professional, regarding decisions that impact the administration and operation of the EEO program. **Corrective action required.**

Corrective Action #7: 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.

**VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:**

**Determination: The agency is in not in 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, the agency demonstrated that it established a non-managerial performance evaluation program.

- The agency did not provide documentation that it had established a managerial performance evaluation program. Additionally, the agency did not provide documentation that it administered performance evaluations for non-managerial employees during the period in review. **Corrective action required.**

**Corrective Action #8:** Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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 did not establish a managerial performance evaluation program, and therefore did not rate managers on implementing EEO related 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 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<sup>2</sup> (up to 30 days following each quarter) on efforts to implement the plan.

- The agency did not submit to the EEPC Annual Plans of measures and programs to provide equal employment opportunity of measures and programs to provide equal employment opportunity or quarterly reports for the years in the period in review.

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<sup>2</sup>Submission of Quarterly Reports on EEO Activity is *optional* for non-Mayoral agencies.



Corrective Action #10: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>2</sup> (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 black ink, appearing to read "Nathan P. Conway".

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR  
Executive Director

c: Amber Gonzalez, Principal EEO Professional

**Appendix - 1**  
**Conflict of Interest Board**  
**EEO Job Group Descriptions**



**DESCRIPTION OF  
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)  
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.

## **Appendix - 2**

**Conflict of Interest Board**

**2nd Quarter of Fiscal Year 2016 CEEDs Report**

**Work Force Compared with Internal and External Pools**

RUN DATE: 01/05/16  
 RUN TIME: 8:35:10  
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 77  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/15

AGENCY: 312 CONFLICTS OF INTEREST BOARD  
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	7	5	4 N	0	1 N	0	1 N	2	1 N	0	0 N	0	0 N
003 MNGMNT SPECS	2	2	1 N	0	1 N	0	0 N	0	0 N	0	0 N	0	0 N
008 LAWYERS	4	2	2 N	0	1 N	1	0 N	0	0 N	0	0 N	1	0 N
010 TECHNICIANS	2	1	1 N	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	2	0	0 N	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	1	0	0 N	0	1 N	1	0 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	2	2	1 N	0	1 N	0	0 N	0	0 N	0	0 N	0	0 N

RUN DATE: 01/05/16  
 RUN TIME: 8:35:10  
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 78  
 PROGRAM: EBPPP961  
 EXTRACT DATE: 12/31/15

AGENCY: 312 CONFLICTS OF INTEREST BOARD  
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB	MALE		FEMALE		GENDER U	
	TOTAL	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N
002 MANAGERS	7	3	4 N	4	3 N	0	0 N
003 MNGMNT SPECS	2	1	1 N	1	1 N	0	0 N
008 LAWYERS	4	2	2 N	2	2 N	0	0 N
010 TECHNICIANS	2	0	1 N	2	1 N	0	0 N
012 CLERICAL SUPS	2	0	0 N	2	2 N	0	0 N
013 CLERICAL	1	0	0 N	1	1 N	0	0 N
031 PARA PROFESSION	2	1	1 N	1	1 N	0	0 N



## **Appendix - 3**

### **Conflict of Interest Board Workforce Composition Summary 2nd Quarter of Fiscal Year 2016**

RUN DATE: 01/05/16  
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2016 AGENCY 312 CONFLICTS OF INTEREST BOARD

PAGE: 151  
 REPORT: EBEP210

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
30151	COUNSEL (CONFLICTS OF INTE	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
10074	COMPUTER OPERATIONS MANAGE	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	2	0	0	0	0	0	3	0	0	0	0	0	0	0	5
EEO JOB GROUP TOTAL.....:		28.56	0.00	0.00	14.29	0.00	0.00	42.86	0.00	0.00	14.29	0.00	0.00	0.00	0.00	7

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
1002D	ADMINISTRATIVE STAFF ANALY	1	0	0	0	0	0	1	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		50.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
30087	AGENCY ATTORNEY	2	0	0	0	0	0	0	0	1	0	0	1	0	4
EEO JOB GROUP TOTAL.....:		50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	25.00	0.00	4

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

RUN DATE: 01/05/16  
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2016 AGENCY 312 CONFLICTS OF INTEREST BOARD

PAGE: 152  
 REPORT: EBEP210

06547 CONFIDENTIAL INVESTIGATOR	0	0	0	0	0	0	0	1	1	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:	0	0	0	0	0	0	0	1	1	0	0	0	0	0	2
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	0	0	0	0	0	0	1	1	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	1	0	0	0	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
12799	SECRETARY TO THE CONFLICTS	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	1	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 312 CONFLICTS OF INTEREST BOARD  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
56057	COMMUNITY ASSOCIATE	0	0	0	0	0	0	1	0	0	0	0	0	0	1
56058	COMMUNITY COORDINATOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	1	0	0	0	0	0	0	2
		50.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY TOTAL.....:	7	0	0	1	0	0	6	2	3	1	0	1	0	21
	33.34	0.00	0.00	4.76	0.00	0.00	28.57	9.52	14.29	4.76	0.00	4.76	0.00	100.00

**Conway, Nathan (EEPC)**

---

**From:** [REDACTED]  
**Sent:** Monday, May 23, 2016 12:38 PM  
**To:** Conway, Nathan (EEPC)  
**Subject:** EEPC AUDIT

Hi Nathan:

Per our conversation earlier, please confirm that the printout below will satisfy Corrective Action #4: Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source*. Ensure that the process .....hiring manager.

Thank you.

Varuni



**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

**BY MAIL AND E-MAIL**

June 14, 2016

Richard Briffault  
Chair  
Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007

RE: Final Determination #2016/312: Pursuant to the Audit: Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Chair Briffault:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for the May 23, 2016 email from the Conflicts of Interest Board's Director of Administration (Principal HR Professional), with documents to satisfy corrective action #4, in lieu of the agency's response to our May 12, 2016 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 standards<sup>1</sup> 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.**

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<sup>1</sup> 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.



**Equal Employment  
Practices Commission**

The assigned compliance-monitoring period is: July 2016 to December 2016.

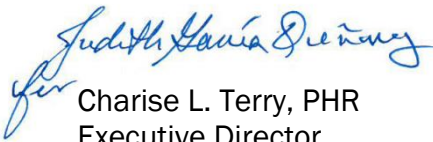
**If corrective actions remain:** Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPCC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload 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. Upon receipt of the final memorandum, the EEPCC will issue a Determination of Compliance.

**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, PHR  
Executive Director

c: Amber Gonzalez, Esq., Principal EEO Professional



**FINAL DETERMINATION**

Agency response indicating corrective action taken with documentation is due within 30 days.

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 response (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

**Agree**

Regarding your responses<sup>2</sup> to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

**Corrective Action #4**

Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

Agency Response: The agency submitted documentation demonstrating the use and maintenance of an applicant/candidate log.

EEPC Response: The EEPC accepts the applicant log, attached to the agency's response, as documentation that corrective action #4 has been implemented.

**Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

**Corrective Action #1**

Issue a 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.

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<sup>2</sup> Excerpts are italicized.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #1. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #2**

Implement an EEO training plan to ensure that all new and existing employees, 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.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #2. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #3**

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

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #3. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #5**

Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #5. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #6**

Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #6. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #7**

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.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #7. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #8**

Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Agency Response: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #8. The EEPC will provide further guidance at the initiation of 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: (No response was submitted.)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #9. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

**RESOLUTION #2016/312:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures through from July 1, 2012 to December 31, 2015.

**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 Conflicts of Interest Board's (COIB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 12, 2016, setting forth findings and the following required corrective actions:

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.
2. Implement an EEO training plan to ensure that all new and existing employees, 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.
3. Ensure that 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), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

5. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.
7. 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.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
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. 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 reemphasizing the agency head's commitment to the EEO program.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 23, 2016 with documentation of its actions to rectify required corrective action no. 4.

**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 June 13, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 1, 2, 3, 5, 6, 7, 8, 9, and 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 July, 2016 through December, 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 will forward this Final Determination to Richard Briffault Chair of the Conflicts of Interest Board.

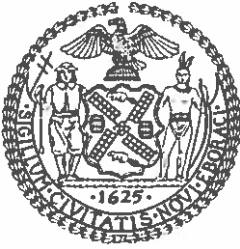
Approved unanimously on June 16, 2016.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner



**CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD**

2 Lafayette Street, Suite 1010  
New York, New York 10007  
(212) 442-1400  
Fax: (212) 437-0705

August 12, 2016

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

RE: Final Determination #2016/312: Pursuant to the Audit: Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Executive Director Terry,

On June 14, 2016, the NYC Equal Employment Practices Commission ("EEPC") sent the Conflicts of Interest Board (the "Board") a final determination of EEPC's audit of the Board's Equal Employment Opportunity ("EEO") Program for the period July 1, 2012, to December 31, 2015. The EEPC, in its final determination, found that the Board was not in compliance in eight areas and recommended a corrective action plan. The Board has taken measures to implement the EEPC's corrective action plan as shown in the attachments to this letter.

The Board expresses its appreciation to the EEPC Board and its staff for its courtesy and professionalism during this audit process.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Carolyn Lisa Miller".

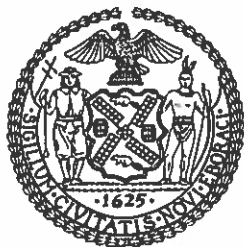
Carolyn Lisa Miller  
Executive Director

cc: Amber Gonzalez  
Varuni Bhagwant

Enclosures

Visit our home page at <http://nyc.gov/ethics>





CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010  
New York, New York 10007  
(212) 442-1400  
Fax: (212) 437-0705

To: All Employees

From: Carolyn Lisa Miller  
Executive Director

Date: December 15, 2016

Re: Findings of the July 1, 2012, to December 31, 2015, audit by the Equal Employment Practices Commission

The Equal Employment Practices Commission ("EEPC") conducts audits of City agencies to ensure implementation of federal, state, and local laws, regulations, policies, and procedures which are designed to increase equality of employment opportunity in municipal government.

The EEPC recently completed an audit of the Conflicts of Interest Board for the period stated above and made several recommendations in a report dated June 14, 2016. Most of these recommendations have been implemented, namely: using and maintaining candidate logs for all agency interviews; distributing the updated EEO policy to all staff and posting it on the agency's EEO bulletin board and intranet; scheduling regular meetings among the EEO Officer, Executive Director, and Director of Administration and maintaining documentation of those meetings; organizing and completing EEO training for all staff; planning structured interview training and questions for employees involved in job interviewing; establishing an agency Career Counselor; ensuring that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations; ensuring that the managerial performance evaluation form contains a rating for EEO; and implementing an annual evaluation for all employees.

I reaffirm the agency's commitment to the agency's EEO program and to establishing measures and programs, to effectuate fair and effective employment practices for all employees.

A handwritten signature in blue ink, appearing to read "CLM", written over a circular stamp.

Carolyn Lisa Miller  
Executive Director

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

**RESOLUTION #2016/312C-20:** Determination of **Compliance** (Monitoring Period Required) by the Conflicts of Interest Board with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Conflicts of Interest Board's (COIB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 12, 2016, setting forth findings and the following required corrective actions:

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.
2. Implement an EEO training plan to ensure that all new and existing employees, 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.
3. Ensure that 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), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

5. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.
7. 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.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
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 COIB submitted its response to the EEPC's Preliminary Determination letter, on May 23, 2016, with documentation of its actions to rectify required corrective action no. 4; 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 June 14, 2016, with corrective actions #1, #2, #3, #5, #6, #7, #8, #9 and #10, remaining;

**Whereas**, the COIB submitted its response to the EEPC's final determination letter, on August 12, 2016, 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 July, 2016 to December, 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 COIB submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

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

**Be It Resolved**, that the Conflicts of Interest 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.

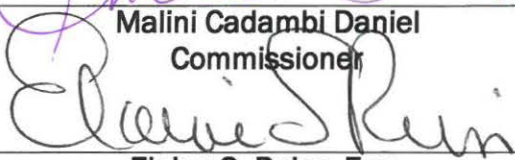
**Be It Resolved**, that the Commission approves issuance of this Determination of Compliance to Executive Director Carolyn Lisa Miller of the Conflicts of Interest Board.

Approved unanimously on December 15, 2016.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
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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

253 Broadway  
Suite 602  
New York, NY 10007

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

December 21, 2016

Carolyn Lisa Miller  
Conflicts of Interest Board  
Executive Director  
2 Lafayette Street, Suite 1010  
New York, New York 10007


Re: Resolution **#2016/312C-20**: Determination of Agency  
Compliance

Dear Executive Director Miller:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Conflicts of Interest Board. This Commission has determined that the Conflicts of Interest 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 Principal EEO Professional Amber Gonzalez, Esq. for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

  
for Elaine S. Reiss, Esq.  
Commissioner

c: Amber Gonzalez, Esq. Principal EEO Professional



**EEPC**

EQUAL EMPLOYMENT PRACTICES COMMISSION

*This*

# *Determination of Compliance*

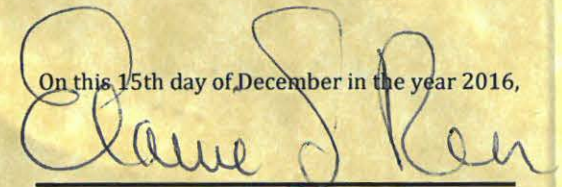
*is issued to the*

# *Conflicts of Interest Board*

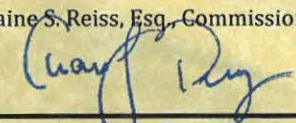
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*for successfully implementing 10 of 10 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit From July 1, 2012 to on this day.*

On this 15th day of December in the year 2016,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Executive Director Carolyn Lisa Miller and  
Principal EEO Professional Amber Gonzalez, Esq.*