



**BOARD OF EDUCATION RETIREMENT SYSTEM
OF THE CITY OF NEW YORK
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**BERS
DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PLAN
FISCAL YEAR 2021**

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

BERS is committed to a diverse workforce and fair employment practices. We believe that a diverse workforce will expand BERS base of knowledge, skills and cross-cultural understanding. Our overall commitment is to provide an environment of mutual respect where equal employment opportunities are available to all applicants and team members without regard to race, color, religion, sex, ethnicity, age, physical/mental disability, marital status, sexual orientation, gender identity, gender expression and any other characteristic protected by applicable law.

BERS believes that diversity and inclusion among our staff members is critical to our success. With the EEO Officer serving as the lead, we will continually seek to recruit, develop and retain the most talented people from a diverse candidate pool. The EEO Officer will be intricately involved in critical human resources decisions, including recruitment and selection strategies, workforce projections, succession planning, promotion of training/career development opportunities, and strategic planning.

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, Equity, Diversity, and Inclusion:

1. 100% compliance on DCAS' LGBT: The Power of Inclusion training *NOTE: several of the training records are being reconciled with the DCAS OCEI team as we found discrepancies in the DCAS reports provided to BERS
2. 100% compliance on DCAS' Sexual Harassment Prevention training *NOTE: several of the training records are being reconciled with the DCAS OCEI team as we found discrepancies in the DCAS reports provided to BERS
- 3.
- 4.

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: __Ongoing employee recognition via our Town Halls, all Staff meetings or email communications from the Executive or Leadership Teams.

** 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 2021.

Additional Comments:

III. Workforce Review and Analysis

**Please provide the total agency headcount as of 6/30/2020
(available in the EBEP210 CEEDS report): 122**

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 2021, 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; strongly recommended every year)
- Agency's intranet site
- Newsletters and internal Agency Publications
- On-boarding of new employees

Additional Comments:

(We need additional guidance from DCAS on how this should be handled based on the sensitivity of the ask as most employees may not wish to self-identify.)

2. Describe the review process of the quarterly CEEDS reports on 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 Agency Head work together to review demographic trends. These reports must be reviewed regularly with the Agency Head.

NOTE: If necessary, the agency can reach out to DCAS OCEI for guidance on interpreting their underutilization reports. However, it is the agency's responsibility to use that data to inform the formulation of its recruitment plans and efforts.

- The agency conducts regular reviews of the CEEDS workforce reports and the summary 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 type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input checked="" type="checkbox"/> Annually <input checked="" type="checkbox"/> Other <u> BERS Runs internal EEO reports and does not use CEEDS </u>
General Counsel	<input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input checked="" type="checkbox"/> Annually <input checked="" type="checkbox"/> Other <u> BERS Runs internal EEO reports and does not use CEEDS </u>

Agency Head	<input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input checked="" type="checkbox"/> Annually <input checked="" type="checkbox"/> Other _____ BERS Runs internal EEO reports and does not use CEEDS_____
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:

The agency will continue to perform an annual review of new hires, promotions, separations and utilization analysis, in conjunction with Human Resources, General Counsel team and the BERS Executive Office.

IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2021

1. Proactive Strategies to Enhance Diversity, EEO and Inclusion

State below the central goals of your strategy for FY 2021 focused on promoting equity, increasing diversity, assuring equal employment opportunity, and enhancing the value of inclusion at your agency. Include initiatives that your agency will implement in FY 2021.

1. Workforce: We will continue to evaluate the diversity of applicant pools to determine if BERS outreach efforts are reaching all segments of society. We will participate at career fairs of CUNY and private colleges and reach out to the populations that we feel our under-represented and draw from all segments of society. We will foster partnerships with a diverse range of colleges, and organizations and recruit top talent from every background and community.

2. Workplace: We will offer opportunities for eligible interns/temps and hire them for permanent employment. We will offer internal employees opportunities to advance and promote from within. We will implement or encourage staff members to attend courses offered at DCAS or take on-line training courses and develop them towards leadership roles within the organization.

3. Community:

For our BERS pension members we will continue to provide multilingual support in the following languages: Spanish, Haitian-Creole, Arabic, Chinese, Korean and other Southeast Asian Languages.

BERS also administers a member satisfaction survey to our 55K BERS members.

2. Describe the ongoing and new programs, actions, and initiatives planned for FY 2021, that are aimed toward innovative enhancement and expansion of the three foundations of Diversity and EEO strategy: **WORKFORCE, WORKPLACE, and COMMUNITY.**

A. WORKFORCE:

In addition to the strategic goals above, please indicate here specific action planned with respect to Workforce.

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

The actions listed below require internal agency collaboration and are not necessarily executed by the EEO Office.

The agency will address underutilization in FY 2021 by:

- Expanding internal and external applicant pools to address the underutilization through outreach strategies for broader recruitment.
- Using the quarterly workforce report and dashboard to identify specific job groups where underutilization exists and 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.
- 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

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

- Identification of Ready Now & High Potential Talent.
- Institute coaching, mentoring and cross training programs.
- Institute succession planning for top managerial positions.
- Implement initiatives to improve the personal and professional development of employees by
 - Incorporating a Competency Model with agency Leadership
 - Goal setting with entire agency

Additional Initiatives, Programs, or Comments:

B. WORKPLACE:

In addition to the strategic goals above, please indicate here specific actions planned with respect to 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.
- Promote employee involvement by supporting Employee Resource Groups (ERGs).
- The agency will create a Diversity Council to leverage equity and inclusion programs.
- In FY 2020, 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)
 - New Hire Survey
 - Workplace Insight Survey for Exiting (WISE) Managers
 - Exit interview or surveys developed by the agency
- **Employee Wellbeing survey under the COVID-19 pandemic
- The agency will adopt in FY 2021 the following initiatives based on the analysis of the results of these survey(s):
 1. Action Plan for Employee/Organizational Engagement
 - 2.

Additional Initiatives, Programs, or Comments:

In FY21 the agency has continued their partnership with an independent consulting firm that can assist with talent development, employee engagement and succession planning activities for the agency.

C. COMMUNITY:

In addition to the strategic goals above, please indicate here specific actions planned with respect to Community.

In FY 2021, 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:

The agency will continue to issue a member satisfaction survey to ensure every member has a stellar customer service experience that ensures their financial security and for their beneficiaries both during and after employment ends

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.

The agency will implement the following recruitment strategies and initiatives in FY 2021:

- Review policies, procedures, and practices related to targeted outreach and recruitment.
- Review underutilization in job groups to inform recruitment efforts.
- Identify resources to bolster efforts aimed at increasing the effectiveness of diversity recruitment.
- Put in place an operating, up-to-date, accessible website, mobile application and social media presence related to EEO protection and rights.
 - Currently in operation.
- Assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.
- 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.
- Reach out to the DCAS Office of Citywide Recruitment (OCR) as a resource at citywiderecruitment@dcas.nyc.gov
- If your agency is an eHire agency, post ALL vacancies on NYC Careers.
- Ensure that agency personnel involved in both the discretionary and the civil service hiring process have received:
 - Structured Interviewing training
 - Unconscious Bias training
- Assess recruitment efforts to determine whether such efforts adversely impact any particular group.

Additional Strategies, Initiatives and Comments:

Our leaders who are involved in both the discretionary and the civil service hiring process will receive communications to attend Structured Interviewing training and Unconscious Bias Training.

Diverse Recruitment Source(s)

What sort of return do you expect to see from the effort?
Indicate if this source yielded sufficiently large and diverse applicant pools.

1. National Association of Securities Professionals (NASP)-NY Chapter	1. We hope to continue to hire our summer interns through NASP as we have done in the past <input checked="" type="checkbox"/> Previous hires (interns) from this source
2. CUNY Baruch	2. 2 temporary staff members were recruited from this school. <input checked="" type="checkbox"/> Previous hires from this source
3.	3. <input type="checkbox"/> Previous hires from this source
4.	4. <input type="checkbox"/> Previous hires from this source
5.	5. <input type="checkbox"/> Previous hires from this source

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 2020 and their demographic profiles, based on self-ID data. Indicate your plans to provide internship/fellowship opportunities in FY 2021.

The agency provided the following internship opportunities in FY 2020:

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			M __ F__ Non-Binary __ Other __ Unknown __
4. Summer Graduate Interns			M __ F__ 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 2021.

Additional Comments:

Due to the pandemic, BERS did not host interns during the summer of 2020.

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.

Agency uses mostly non-competitive titles which are not eligible for the 55-a Program.

2. Indicate the goals of your 55-a Program Coordinator for FY 2021. 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 2021.

Currently, there are __0__ [number] 55-a participants.

There are ____ [number] participants who have been in the program less than 2 years.

Last year, a total of ____ [number] new applications for the program were received

and __ participants left the program due to [state reasons] _____.

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.

__All of our postings include language to solicit 55a employees. _____

The agency will actively educate hiring managers about the 55-a program and the benefits of hiring individuals with disabilities.

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 Civil Service Law § 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 2021 are:

- 1.
- 2.
- 3.
- 4.

These goals are the same as last year.

Additional Goals, Initiatives, and Comments:

All BERS positions are posted online with the following message regarding the 55a program:

“This position is open to qualified persons with a disability who are eligible for the 55-a program. Please indicate in your cover letter that you would like to be considered for the position under the [55-a program](#)”.

VI. Selection (Hiring and Promotion)

NOTE: This section must be prepared in consultation with the Agency Personnel Officer.

1. For FY 2021, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties of the agency Career Counselor(s) with regard to advising employees of opportunities for promotion as well as overall career development.

In FY 2021, 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.
- Arrange for 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 applying for upcoming civil service exams.
- Provide agency staff with citywide vacancy announcements, civil service exams notices and other career development information.
- Assist employees and Job Training Program participants in assessing and planning to develop career paths.
- Provide resources and support for:
 - Targeted job searches
 - Development job search strategies
 - Resume preparation
 - Review of effective interview techniques
 - Review of techniques to promote career growth and deal with change
 - Internship exploration

Additional Initiatives and Comments:

2. Monitoring, review, and assessment of the current new hire and promotional procedures for selection, especially for mid- and high-level discretionary positions.

In FY 2021, the agency will do the following:

- Review, revise and/or develop a protocol for in-title promotions and salary increases.
- Assess the criteria for selecting persons for mid-level to high level positions.

- Publicly post announcements for all positions, including senior level positions.
- Actively reach out to networks of underrepresented groups as part of its outreach.
- 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, 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.
- Ensure promotion justification is included in all promotion requests.
- Review the demographics race\ethnicity and gender for those who received the promotion\salary raises.
- 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. Identify the steps that are taken to ensure that selection process is objective and job related.

During FY 2021, the agency will do the following:

- Engage in a collaborative effort between EEO, HR and managers where necessary, develop action plans to eliminate identified barriers.
- Recommend 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.
- Consult with EEO in creating/reviewing 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.
- Consult with the EEO Officer to review the interview questions.
- Where possible, include the EEO Officer as an observer of interviews with applicants.
- Use the NYCAPS eHire applicant tracking system for external and internal applicants.
- 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:

4. For FY 2021, what steps will your agency take to review the positions filled during the year?

- A. Discuss your current practice in utilizing the NYCAPS Applicant Interview Log reports to identify applicants by gender and race/ethnicity.
- The agency will use the NYCAPS Applicant Interview Log Report to track applicant sources and identify the best sources of applicants.
 - The agency does not use the NYCAPS Applicant Interview Log Report.
 - The agency will schedule orientation with NYCAPS Central.
- B. 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.
- C. When identifying groups of subject matter experts to assist the DCAS test development team in creating civil service exams, please describe efforts that will be taken to select a diverse and inclusive group of individuals in the test development process:
- 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:

BERS houses all applicant information such as selection interviewing guide notes and resumes in our HR shared drive. The DOE maintains demographic reports in the Applicant Tracking System that we shared with the DOE. BERS does not have access to said reports.

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

In FY 2021, 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 based on available self-ID data.
- Review hiring package to evaluate that the selection process was conducted in accordance with EEO best practices.
- Other: _____

Additional Comments:

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 General 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 2021.
- The agency will analyze the impact of layoffs or terminations on racial, gender, age groups, and people with disabilities.

- 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. All Staff, Front-line Employees, Managers, Supervisors, etc.)	Target Number of Participants	Targeted Dates
1. EEO Awareness (e-learning)			
2. EEO Awareness (classroom)			
3. Everybody Matters (D&I) (e-learning)			
4. Everybody Matters (D&I) (classroom)			
5. Sexual Harassment Prevention (e-learning)	All employees	126	October 2020
6. Sexual Harassment Prevention (classroom)	All employees		
7. lgbTq – Power of Inclusion (e-learning)	Managers, Supervisors, and Front-line employees All other employees	126	October 2020
8. lgbTq – Power of Inclusion (classroom)	Managers, Supervisors, and Front-line employees All other employees		
9. Disability Etiquette			
10. Structured Interviewing and Unconscious Bias (classroom)			
11. Other (specify)			
12. 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.

- 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.
- The agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth or a related medical condition.
- The agency follows the City's Reasonable Accommodation Procedure.
- The agency grants or denies request 30 days after submission or as soon as possible.
- The agency head or designee must review and grant or deny the appeal fifteen (15) days after submission of appeal.
- If the review and decision on appeal is NOT by the Agency Head, please provide the name and title of the designee¹ :

- The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database and update the information as needed.
- The agency analyzes the reasonable accommodation data and trends.
- The agency has posted/will circulate the *Reasonable Accommodations at a Glance* sheet for the workforce.

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?

_____ <https://www.bers.nyc.gov/site/bers/about/equal-opportunity-office.page> See RA process posted on our BERS EEO website. _____

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

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

¹ EEO Officer and General Counsel should **NOT** be appointed as agency head designee for review of appeals to reasonable accommodation decisions. Refer to the revised guidelines below. Note the conflict of interest; in the event of an external challenge to the denial of a reasonable accommodation, the agency's General Counsel would be tasked with defending the agency against a decision in which that office was a decision maker on appeal.

<http://extranet.dcas.nycnet/eo/diversityeoo/media/19647/reasonable-accommodation-procedural-guidelines-lc-12116.pdf> (p17).

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, this 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 managers, supervisors, and front-line employees were re-trained prior to FY 2021.
- All managers, supervisors, and front-line employees will be re-trained every two years, no later than the third quarter of the Fiscal Year, as indicated in Section VII Training above.
- In addition, all other employees will be trained or re-trained every two years, as indicated in Section VII Training above.
- 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. 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.
- The agency will train all current employees on Sexual Harassment Prevention (Cycle 3) as indicated in the Section VII Training above.

Additional Comments:

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

- The agency will input sexual harassment complaint data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will input **all types of complaint** data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, 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:

D. Local Law 101 (2018): Climate Survey

The agency, in collaboration with DCAS, will conduct a climate survey in FY 2021 by proceeding to do the following:

- Distribute questionnaire electronically to agency employees.
- Designate computers with internet/intranet access to enable employees without computers or internet/intranet access to complete survey during work hours.
- Analyze results of the response data sent by DCAS.
- Continue to implement initiatives identified in the 2018 Climate Survey Action Plan which was submitted to DCAS and reported to City Council Speaker in 2020.

Additional Comments:

BERS will issue its own action planning process from our Employee Engagement survey and implement positive work environment strategies.

X. Audits and Corrective Measures:

Please check the statement(s) that apply to your agency.

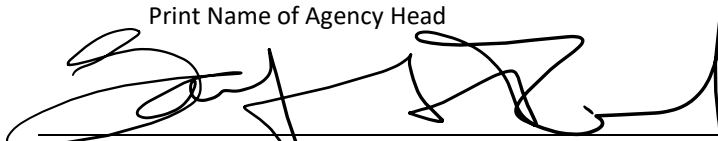
- The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.
- The agency is currently being audited or preparing responses to an audit conducted by the EEPC specific to our EEO practices. **Upon forwarding our responses to the recommendations issued by the EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2021 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 _____].
Please attach a copy of the document setting out the oversight parameters and the agency's most recent report to the oversight agency.
- Within the last two years the agency was involved in an audit conducted by the EEPC or _____ [another governmental agency – **please specify**] specific to our EEO practices.
- The 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.)
- The agency received a Certificate of Compliance from the auditing agency.
Please attach a copy of the Certificate of Compliance from the auditing agency.

XI. Agency Head Signature

NOTE: Agency Head's signature and date should be provided for final submission only after the agency receives approval of the plan by DCAS.

Sanford Rich

Print Name of Agency Head

A handwritten signature in black ink, appearing to read 'Sanford Rich', written over a horizontal line.

Signature of Agency Head

March 10, 2021

Date

APPENDIX

Contact Information for Agency EEO Personnel

Please provide contact information (name, title, e-mail, telephone number and full office address) for the following EEO roles at your agency. If several roles are performed by the same individual, you may list that person once but include all assigned EEO functions:

1. Agency EEO Officer- **Michelle Pyram, HR Director, mpyram@bers.nyc.gov, 929-305-3854**
2. Agency Deputy EEO Officer – **Tene Williams, Deputy Director HR, twilliams24@bers.nyc.gov, 929-305-3856**
3. Agency Diversity & Inclusion Officer [if designated]
4. ADA Coordinator
5. Disability Rights Coordinator
6. Disability Services Facilitator
7. 55-a Coordinator
8. Career Counselor(s)
9. Training Liaison(s)
10. EEO Counselor(s)