

2022 Racial and Ethnic Classification Report

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**Equal Employment
Practices Commission**

New York City Equal Employment Practices Commission (EEPC)

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Executive Summary

The Equal Employment Practices Commission (EEOC) is pleased to submit its second report in a series of ten, prepared in accordance with New York City Local Law 13 of 2019. This law requires the EEOC to analyze and report annually on citywide racial and ethnic classification underutilization and submit to the Mayor's Office and New York City Council a report containing its findings and recommendations. This report and the EEOC's first baseline report, may be found on New York City's Government Publications Portal (GPP), located by entity (EEOC), report name (*Racial and Ethnic Classification Report*), or key words (such as underutilization or Local Law 13). Moreover, all EEOC reports may be found on the EEOC's website, <https://www1.nyc.gov/site/eepc/index.page> under the Reports tab.

This report analyzes the underutilization of women and Black/Hispanic/Asian individuals in seven commonly known competitive civil service job titles that constitute a sizeable portion of New York City's municipal workforce. These seven titles are within five job groups: (1) **Police Officer** (*Police and Detectives* job group); (2) **Correction Officer** (*Police and Detectives* job group); (3) **School Safety Agent** (*Guards* job group); (4) **Sanitation Worker** (*Sanitation Workers* job group); (5) **Caseworker** (*Social Workers* job group); (6) **Social Worker** (*Social Workers* job group); and (7) **Firefighter** (*Firefighters* job group).

Underutilization occurs when the number of employees in a job group¹ who belong to a specific racial/ethnic or gender group is less than the number reasonably expected when compared to the availability of qualified persons in the relevant labor pool. The analysis requires comparing the availability of women and Black/Hispanic/Asian individuals in the relevant labor market, by job group, with their actual utilization in the workforce. There are different ways to estimate availability. New York City's Department of Citywide Administrative Services (DCAS) prepares a report, commonly known as the CEEDS availability report,² which incorporates both civil service list data (for internal candidates) and U.S. Census data (for external candidates) to determine availability for a particular job group. By contrast, other jurisdictions simply use the EEO Tabulation from the U.S. Census to determine availability.³

New York City determines underutilization by comparing the available labor pool to the actual workforce, using a statistical tool called a standard deviation. The standard deviation can be used to determine the probability that the underutilization observed in the workforce occurred by chance. If there is a low probability (less than or equal to 5%) the underutilization occurred by chance, then further review is warranted to ensure discrimination or other barriers are identified and rectified.⁴ As the largest city in the nation, New York City employs approximately 330,000 people⁵ organized into 29

¹ A job group is a group of job titles within a workplace that have similar content, wage rates, and opportunities for advancement.

² The official name of this report is the Citywide Equal Employment Database System (CEEDS) Report: EBPPP961 – Workforce Compared with Internal & External Pools at the Entity/Job Group Level.

³ The most recent tabulation is the Equal Employment Opportunity (EEO) Tabulation 2014-2018 (5-year American Community Survey (ACS) data). It is the source for detailed occupational statistics by race, ethnicity, and gender in the labor force for local areas. This data may also include citizenship, educational attainment, industry, age, median and mean earnings for full-time employed workers. The federal agencies sponsoring this data are the Equal Employment Opportunity Commission (EEOC), the Department of Justice's Employment Litigation Section of the Civil Rights Division (CRD), the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), and the Office of Personnel Management (OPM).

⁴ Other metrics can be used. The City University of New York (CUNY) Community Colleges use the fourth-fifths rule. This metric indicates underutilization of protected groups if they are employed at a rate that is less than 80% of the non-protected group.

⁵ In addition to the City's agencies, entities, City University of New York (CUNY) Community Colleges and the offices of elected officials, the City's workforce also includes teachers from the NYC Department of Education, employees of the NYC Board of Election, employees of the School Construction Authority, and all employees from the NYC Health and Hospitals Corporation.

job groups, 17 of which have underutilization of women and/or Black/Hispanic/Asian individuals. Black workers and women, in general, experience higher instances of underutilization than Asian and Hispanic workers.

The focus of this report is to take a closer look at those seven competitive job titles by first examining the availability of workers for these job titles and then looking at the hiring, promotional and separation activities for each title over three fiscal years.

Our analyses have resulted in 4 significant findings and recommendations:

1. The job group availability estimates in the CEEDS availability reports are aged and not consistently aligned with other availability estimates, such as the U.S. Census data and the Civil Service list data. Availability estimates should be periodically reviewed to ensure they are current and accurate.

Availability estimates for some job groups vary considerably depending on the measure (see Figures 2, 6, 10, 14, 18, 22, and 26). Updated and accurate data are critical to assure equal employment opportunity for current and potential employees of the City's municipal workforce. The EEPCC therefore **recommends** the City re-evaluate the accuracy and method of estimating the CEEDS availability estimates. Ideally, these estimates should align with the demographic composition of the relevant Civil Service list(s) and should reflect the relevant labor market.

We also recommend the City re-evaluate the job group structure and assignments to ensure all job titles are assigned to the correct job groups and develop a framework so the City, through DCAS, may easily maintain and update its availability estimates in the future. One example of a job group that should probably be reviewed more closely is the *Managers* job group (this job group is not analyzed in this report). This job group consists of managers from different City entities that have different educational and skill requirements as well as different career paths and opportunities.

Lastly, defining the relevant labor market as being limited to the five (5) New York City boroughs due to the City's residency requirement may not be an accurate reflection of the City's labor market, because applicants who live outside the City do apply for positions. This should be recognized in the City's estimates of availability.

To perform these tasks, we recommend the City engage the services of an expert consulting firm to ensure the availability estimates for the City's workforce are properly calculated and can be regularly updated. This is one way to be certain the City's workforce continues to reflect the multicultural diversity present in the labor market.

2. Underutilization applies to job groups regardless of the number of entities that use the title, the size of the entity, or the number of employees in the title at a particular entity.

If a job group is shown to have underutilization, and the City entity is very small, the City entity will still be required to address this underutilization through its new hire/promotional activities, even if it uses only a minor job title within the job group⁶. Hence, larger entities that use more of the job titles within a job group will have more influence over underutilization through their hiring practices than smaller agencies will. Moreover, in entities with fewer than 30 employees, a determination of underutilization may be unreliable, because the finding of underutilization can change drastically with the addition or subtraction of just a few employees.

⁶ Most of the job groups are comprised of many job titles.

As availability data is connected to its corresponding job group, regardless of the entity, consideration should be given to calculating job group availability on an entity-specific level rather than the aggregated citywide level. This would provide a more accurate assessment of whether the job group within a specific entity has underutilization. Examining underutilization in this way also requires reconsidering the City's current standard for determining underutilization (statistically significant standard deviations).

The EEPCC therefore **recommends** the availability estimates and the underutilization analysis for tiny, extra-small and small entities – at a minimum – be conducted on an individual, case by case basis. The consulting firm recommended above should also be tasked with establishing guidelines for the various-sized agencies, considering the size of the entity, and the number of job titles in the job group used by the entity. The consultant should develop a more effective method of analyzing and remedying underutilization so the hiring and promotional practices of these smaller agencies can have more of a direct impact on the affected job group(s).

3. **Occupational segregation is present and varies by demographics in many titles.**⁷

In general, some job groups contain job titles that have a greater concentration of a singular demographic group than would be expected. For example, White workers tend to be more populous in titles in the higher-level, higher-paid job groups (*Sanitation Worker, Firefighter, and Police Officer*) whereas women and Black/Hispanic/Asian individuals tend to be more populous in titles in the lower-level, lower-paid job groups (*Correction Officer, School Safety Agent, Social Worker, and Caseworker*; see figure 1). Occupational segregation is defined as the concentration of racial groups, gender groups, or other demographic groups, into certain occupations/job groups. Underutilization was identified in 23 of the City's 29 job groups: women were underutilized in 20 of the job groups, Black employees were underutilized in 13 job groups; Hispanics and Asians were each underutilized in 10 job groups (see Table 1, below). The overrepresentation of women and Black employees in the lower paying job titles and job groups suggests the presence of occupational segregation and underscores the need to identify and address all barriers in the workplace that serve to maintain this status quo.

The EEPCC **recommends** the City aggressively offer training for workers in those job groups that are at the lower end of the salary scale (*Caseworker, Food Preparation, Guards, Clerical, etc.*) to encourage those workers who are able and interested in gaining skills to qualify for higher-level jobs, the opportunity to do so. In this way, workers in these job groups may find opportunities for future growth, which may provide career pathways for women and Black/Hispanic/Asian employees to advance their careers into better jobs and higher wages. Targeted training would also provide additional opportunities for new workers interested in starting a career with the City of New York. By investing in its employees, the City can create jobs for new employees and existing employees early in their careers, while encouraging current employees to qualify for higher-level roles within the City's workforce.

4. **In many instances, White male applicants passed Civil Service exams at higher rates than other applicants on Civil Service exams. In some instances, they were also selected for hire in percentages that substantially exceeded their availability estimates, even though considerable numbers of applicants with other demographic characteristics also passed the exam.**

⁷ The EEPCC's 2018 report on occupational segregation, *Exploring Occupational Segregation: Exploring Trends in the Allocation of Labor within the New York City Government Workforce*, was attached as Appendix V to the EEPCC's Annual Report for 2018. <https://www1.nyc.gov/assets/eepcc/downloads/pdf/reports/annual-report-2018.pdf#page=141>

To be selected for hire or promotion, the rules require candidates be ranked in the order of their score on the Civil Service list. In some instances, White male applicants were selected for hire and/or promotion in percentages that exceeded expectations. This could also result in women and Black/Hispanic/Asian individuals not progressing in their careers at the same or similar rates as White males, but without an effective analysis and an understanding of employee demographics within the entity as it relates to new hires, promotions, and separations, it can be difficult to come up with effective solutions.

The EEPC therefore **recommends** the City ensure all potential barriers to employment be explored, identified, and rectified. When underutilization is identified, Human Resource professionals are typically advised to increase their recruitment sources and “cast a wider net,” but that may not always be the barrier causing underutilization in the job group. Certainly, all job postings should cast that wider net,⁸ but there also should be a review of other possible barriers that may be present, and which could be preventing applicants and employees from ranking higher on the Civil Service list. We recommend an examination into whether: 1) Civil Service examinations contain questions based on job qualifications that may not be necessary to perform the job; 2) adequate training is available to all employees and not just the “rising stars” within the organization; 3) employees involved in the hiring process are required to take structured interview training and unconscious bias training; and 4) entities adequately explain the Civil Service process to all potential applicants and provide a mechanism such as a website that provides applicants with periodic updates so they understand the status of the list they may be on.

These recommendations, along with the work currently being performed by the Department of Citywide Administrative Services (DCAS) and the Equal Employment Practices Commission’s (EEPC) Audit Unit, will provide a comprehensive approach toward remedying underutilization in the City’s workforce. Such work is vital for the development of a world-class organization that will likely serve as a model for other public employers across the nation.

As we continue to examine the data and perform the analyses over these next few years, we expect to be able to provide a fuller picture of the City’s workforce with thoughtful and relevant recommendations. We would like to thank the EEPC Board of Commissioners: Chair Aldrin Rafael Bonilla, Vice-Chair Elaine S. Reiss, and Commissioner Minosca Alcantara, for their guidance and valuable feedback. We appreciate the contributions of DCAS Commissioner Dawn M. Pinnock and her team for providing the data used in this report and for their thoughtful review of our first draft.

⁸ Recently, the City announced it was starting a paid media campaign to attract and recruit sanitation workers for its upcoming civil service examination. An online search for any such recruitment materials found a video produced by “CNBC make it” entitled, *Making \$44,000 a year as a sanitation worker in NYC*. The video featured a second-generation, White male sanitation worker and his co-workers talking about the benefits of being a sanitation worker in NYC, but the video failed to show any women, Asians, or Hispanics. Two Black workers briefly appeared on camera but had no speaking role. See: [On the job: Earning \\$44,000 a year as a sanitation worker in New York \(cnbc.com\)](https://www.cnbc.com/2019/05/22/cnbc-make-it-making-44000-a-year-as-a-sanitation-worker-in-nyc.html)

Introduction

In July 2021, the EEPCC published its first of ten annual reports, entitled *2021 Racial and Ethnic Classification Report*, which can be found on the EEPCC's website.⁹ The report was prepared in accordance with New York City's Local Law 13 of 2019, which requires the EEPCC to analyze and report annually on citywide racial and ethnic classification underutilization. A full copy of this Local Law may be found in Appendix A. In summary, the law charges the EEPCC with preparing a report, which shall contain:

- *Information identifying the racial and ethnic groups underutilized, disaggregated by agency, and aggregate citywide results;*
- *Information regarding previously issued corrective action plans or determinations of non-compliance related to underutilization;*
- *Recommendations for correcting underutilization, disaggregated by agency and underutilized group;*
- *Recommendations regarding how the collection of racial and ethnic classification data of city employees, based on a review of the city's racial and ethnic classification categories and an assessment of whether such categories accurately capture the racial and ethnic composition of the city's government workforce, including a review of employee response rates to racial and ethnic classification questions;*
- *Recommendations for strengthening agency affirmative action plan oversight and enforcement, including funding recommendations; and*
- *Recommendations for citywide corrective actions, including legislative, regulatory, and budgetary changes, to:*
 - *Address chronic or systemic underutilization;*
 - *Reach citywide affirmative action objectives; and*
 - *Increase diversity in the recruitment, selection, retention, and promotion of citywide employees.*

Analyses will be undertaken to provide and update recommendations over the course of the 10-year period. However, whenever interim recommendations can be made, such recommendations will be included in the report for that year.

The New York City Department of Citywide Administrative Services (DCAS) is charged with supporting entities in recruiting, hiring, and training the City of New York's workforce. It is also charged with providing oversight of the City's Civil Service system, providing shared personnel-related services, and offering guidance and enforcement on equity and inclusion-related policies and practices for the City's workforce. In this capacity, DCAS provided most of the Civil Service exam data that is heavily relied upon to conduct the analyses in this report.¹⁰ The EEPCC looks forward to continuing to strengthen its relationship with DCAS and other City entities to develop and ensure equal employment opportunity is afforded all current and prospective applicants and employees in the City of New York.

Definitions of key terms can be found in Appendix E, details on the research methodology in Appendix F, and availability sources and limitations in Appendix H.

⁹ The *2021 Racial and Ethnic Classification Report* may be found in its entirety on the EEPCC's website, located at <https://www1.nyc.gov/site/eepcc/reports/reportsllr.page> on the Reports tab.

¹⁰ New York City's Open Data portal was also used: <https://opendata.cityofnewyork.us/>.

Summary of the EEPC's First Year Report: 2021 Racial and Ethnic Classification Report

In its first report, the EEPC determined which entities would be included in its analysis and categorized the City entities by size, which resulted in:

- 6 Extra-Large Entities (10,000+ employees)
- 6 Large Entities (5,000 – 9,999 employees)
- 12 Medium Entities (1,000 – 4,999)
- 7 Small Entities (500 – 999 employees)
- 18 Extra-Small Entities (100 – 499 employees)
- 25 Tiny Entities (0 – 99 employees)

The analyses also included the seven City University of New York CUNY Community Colleges,¹¹ which were classified into their own category.

Relying on data provided by DCAS through its Citywide Equal Employment Database System (CEEDS) Report: *EBPPP961 – Workforce Compared with Internal & External Pools at the Entity/Job Group Level*¹² (commonly referred to as the CEEDS system, CEEDS Report, or CEEDS availability estimate) for the end of the 4th quarter of Fiscal Year (FY) 2021, the primary focus of the baseline report was to identify those job groups for which the City entities had underutilization of Black/Hispanic/Asian employees. Similarly, the same analysis was performed for the CUNY Community Colleges using employment data supplied by the colleges, as well as historical data compiled by the EEPC from its past audits.

Shortly after publishing its first report on underutilization, the EEPC requested the New York City Council amend Local Law 13 to include gender as part of this study.¹³ In anticipation of this amendment to Local Law 13, the EEPC used the CEEDS Report to review entity specific job group underutilization of women. Once women were included in the analysis, the number of job groups with underutilization increased from 17 to 23, out of a total of 29 job groups for 75 City entities.

Table 1 summarizes the number of entities in the 4th quarter of FY 2020 and FY 2021 with underutilization by race/ethnicity and/or gender for the City entities included in the underutilization analysis.

¹¹ See the pages 10 and 11 of the 2021 Racial and Ethnic Classification Report at <https://www1.nyc.gov/site/eepc/reports/reportsllr.page> for more information.

¹² The CEEDS availability data was last updated in Fiscal Year 2014.

¹³ A copy of the request sent to the New York City Council is in Appendix B.

Table 1: Job Groups with Underutilization of Race/Ethnicity & Gender FY20 Q4 & FY21 Q4

JOB GROUP CODE	JOB GROUP	ASIAN		BLACK		HISPANIC		FEMALE	
		FY 2020	FY 2021	FY 2020	FY 2021	FY 2020	FY 2021	FY 2020	FY 2021
001	Administrators	0	0	0	0	0	0	1	0
002	Managers	4	4	12	12	4	3	8	8
003	Management Specialists	0	0	8	10	1	1	2	2
004	Science Professionals	1	1	6	5	0	0	6	7
005	Health Professionals	1	1	3	3	1	1	2	2
006	Social Scientists	0	0	4	4	0	0	1	1
007	Social Workers	0	0	6	5	0	0	4	4
010	Technicians	3	3	5	6	4	4	5	5
012	Clerical Supervisors	0	0	4	4	0	0	0	0
013	Clerical	1	1	13	13	0	0	3	3
018	Police and Detectives	0	0	5	5	0	0	3	3
019	Guards	0	0	1	1	1	1	1	2
020	Food Preparation	2	2	0	0	2	2	0	0
021	Health Services	0	0	0	0	0	0	2	2
022	Building Services	2	2	0	0	2	2	4	4
023	Personal Services	1	1	0	0	0	1	1	1
024	Farming	0	0	0	0	0	0	1	1
025	Craft	0	0	12	11	0	0	13	13
026	Operators	0	0	0	0	0	0	1	1
027	Transportation	0	0	0	0	0	0	2	2
028	Laborers	4	4	0	0	0	2	11	11
030	Teachers	0	0	0	0	0	0	1	1
031	Paraprofessionals	6	4	4	3	4	5	1	3

The paired green cells indicate a decrease in the number of entities with job group underutilization and the paired pink cells indicate an increase in the number of entities with job group underutilization, compared to FY20 Q4. The cells without coloration indicate no change.

As identified in Table 1, there are over three times as many instances of job group underutilization for Black workers as compared to Asian and Hispanic workers. On average, Black workers experienced 83 instances of job group underutilization in the job groups and entities analyzed, female workers experienced 75 instances, Asian workers 24, and Hispanic workers experienced 21 instances of job group underutilization¹⁴.

¹⁴ Averages were rounded to the nearest whole number.

The Civil Service System, Availability, and Underutilization

The Civil Service System

The purpose of the Civil Service system is to ensure that City employees are recruited through open competition, hired, and promoted on the basis of merit, and demoted, suspended, removed from office, or discharged, only for cause. All jobs within City government are assigned a specific civil service title. All titles are either classified or unclassified: classified titles are divided into four classes: competitive, non-competitive, labor, and exempt.

As of December 31, 2022, 81% of the City's workforce holds a competitive title.¹⁵ These positions are subject to the Civil Service system's competitive process. To be considered for appointment into a competitive title, candidates must, at a minimum, pass a Civil Service examination to be considered. Candidates who pass the exam are listed in rank order (according to test score and other credits pursuant to civil service rules, if applicable), and must be considered in descending order by entities seeking to fill their vacancies. Each candidate typically has up to three chances to be considered for selection. Once the civil service list is created and published, it becomes the "pool" from which vacancies are filled. Exams are then scheduled as the list becomes depleted or aged.

Availability

Availability is an estimate of the percentage of Black/Hispanic/Asian individuals in the relevant labor market who are qualified and interested in the positions. Both availability external to the workplace (new hires) as well as internal to the workplace (promotions) are included in the compilation of availability data. New hires "internal" to the workplace include appointments from certified lists resulting from civil service examinations – where appointees may come from the outside or from among candidates already working for the city. This applies to both open-competitive (i.e., open to the public) and promotional examinations, as well as other discretionary appointments (non-civil service), such as non-competitive and labor titles, and provisional appointments to positions in the competitive class.

Underutilization

The determination of underutilization involves comparing the availability of women and Black/Hispanic/Asian individuals with their utilization in the workforce for each of the job groups. Underutilization is typically calculated at the job group level, not on an individual title level. However, in some entities, a job group can consist of a single title, or there can be one or more titles that dominate the job group, as is the case with some of the job titles analyzed in this report. Availability and the utilization of women and Black/Hispanic/Asian group members will be examined in the context of underutilization, which refers to the presence of fewer Black/Hispanic/Asian group members or women in a particular job group than would reasonably be expected from their labor force availability (i.e., the aggregated demographic composition of Civil Service Lists for a given title, or the New York City Labor Metro Area population with comparable skills as calculated by the Census EEO Tabulation file). Underutilization can be calculated by different methods. DCAS's Citywide Equal Employment Database System (CEEDS) calculates underutilization through a binomial test using the Z-score (a standardized measure of dispersion) to determine if underutilization is found and the probability it occurred by chance (i.e., whether it is statistically significant).

¹⁵ The hiring of personnel into a sampling of non-competitive titles will be examined in a subsequent report.

New York City Demographic Data

The US Census population estimates for July 2021 indicate 41.3% of City residents identify their race as White alone, 23.8% identify as Black/African American alone, and 14.3% identify as Asian alone (these figures include those who also identify as Hispanic, which the Census does not consider a racial group). The Census also estimates 28.9% of individuals identify as ethnically Hispanic/Latino (of any race).¹⁶ In this estimate, 31.9% identified as White alone *and* non-Hispanic.

These numbers, compared to the 2010 Census, indicate a small decline in the proportion of the population that identifies as White non-Hispanic, and a modest increase in those who identify as Asian. The proportions of those who identified as Black, or Hispanic, changed minimally.

Demographic Information for the City of New York's Workforce

The New York City government employs approximately 330,000 people, more than any other city in the United States. The New York City municipal workforce is also larger than every state government in the United States, except for the state workforces of California, Texas, and New York.

Given the total population and the percentages of Asian, Black, Hispanic, and women that comprise the population of New York City, should we expect to see similar percentages reflected in New York City's workforce? Perhaps, but the answer to this question lies with the availability of women and Black/Hispanic/Asian group members in the various job groups. As previously noted, the availability of women and Black/Hispanic/Asian group members in a job group reflects the percentage of women and Black/Hispanic/Asian group members in the relevant labor market, along with the internal workforce feeder pools, that have the requisite qualifications to perform the work.

In the EEPC baseline report, *2021 Racial and Ethnic Classification Report, Table 1: Composition of Employees by Entity, Racial/Ethnic Category and Size*, the total number of City employees included in the analysis was 193,651, or approximately 59% of the total workforce (due to the availability of data). For the entities included in the analysis, the demographic breakdown of the City's workforce is as follows:

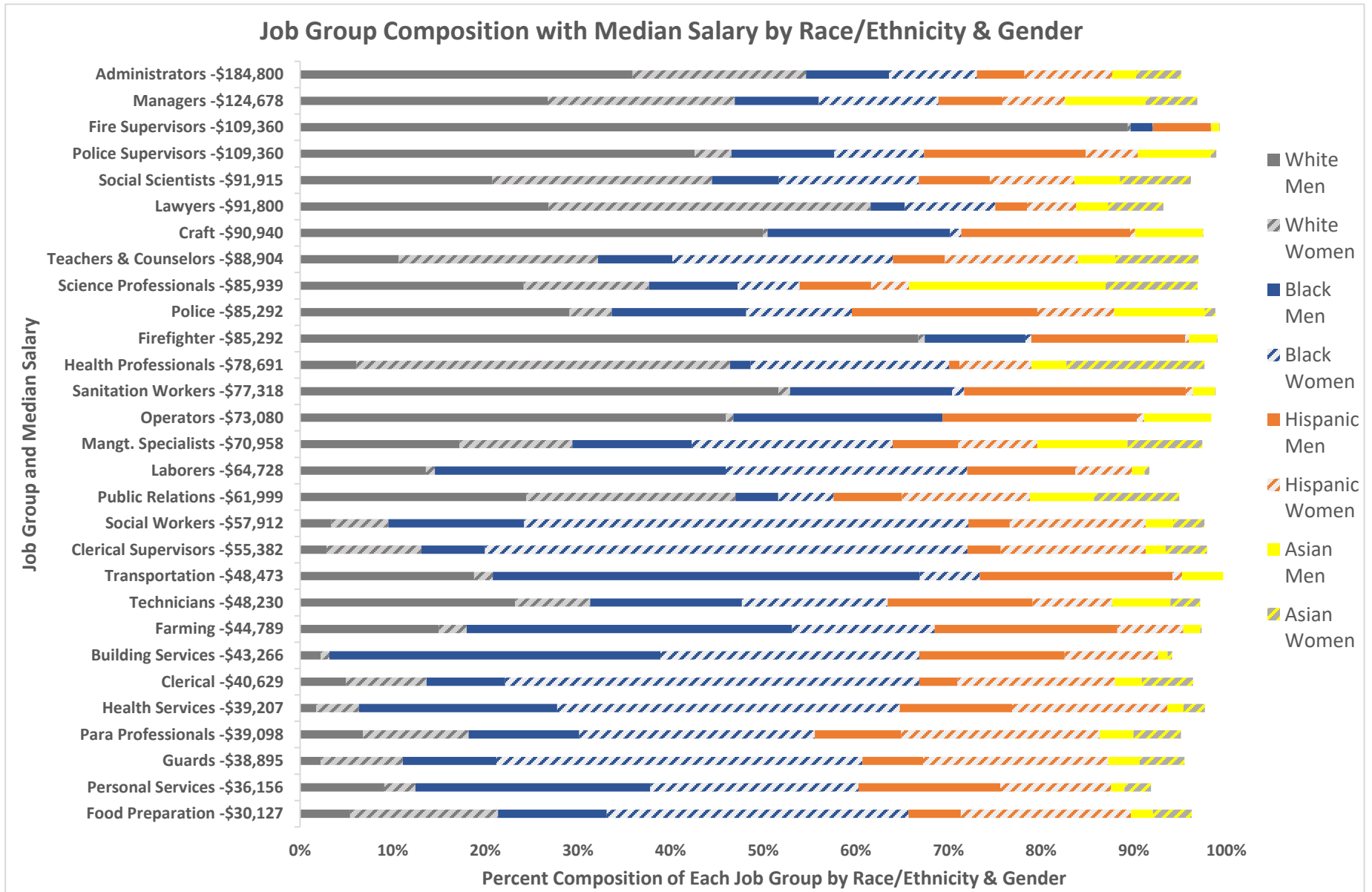
- White employees 33% as compared to 31.9% of the NYC population
- Black employees 33% as compared to 23.8% of the NYC population
- Hispanic employees 22% as compared to 28.9% of the NYC population
- Asian/Pacific Islander 10% as compared to 15.6% of the NYC population
- Women 42% as compared to 51.8% of the NYC population

The Hispanic category and race categories are mutually exclusive in these analyses. If an employee identifies as Hispanic, they are categorized as such and not counted in the other groups.

It is worth noting the composition of a workforce can change, but it generally takes time for the change to come about. As workers retire or separate from employment for other reasons, vacancies are created and filled from the civil service list, which is compiled from the test scores of applicants. Figure 1, below, organizes the City's job groups from highest to lowest median salary, with the percentages of employees by demographic, in each job group.

¹⁶ The Census measures race and Hispanic Origin. Hispanic Origin is independent of race and an individual can identify as a member of a racial group (White, Black/African American, Asian, American Indian/Alaska Native, or Native Hawaiian/Other Pacific Islander) and as Hispanic/Latino. When the Census uses the qualifier "alone" in this context, they mean the respondent does not identify as belonging to multiple racial groups (i.e., multiracial). Because the racial categories and the Hispanic Origin category are not mutually exclusive, one should not expect the percentages listed to total 100.

Figure 1: Job Groups and Median Salary by Race/Ethnicity and Gender



Analysis of Selected Job Titles

The focus of the analysis in this report is to examine Asian, Black, Hispanic, and female workers in seven commonly known job titles that are found in six job groups for six Extra-Large and Large City entities¹⁷. Each of the job titles selected for analysis are in the competitive class and are therefore filled through the civil service examination process. These titles illustrate the rich diversity of talent available for employment through the NYC Civil Service system, with job titles included that are in the uniform and non-uniform service, are higher-paying and lower-paying, and have gender and racial/ethnic demographic compositions that are very different.

Table 2: Entities and Job Groups of Job Titles Reviewed – FY21 Q4

Entity and Job Groups of Job Titles Reviewed - FY21 Q4					
Entity	Job Group (CEEDS)	Job Group Headcount	Title(s) of Interest	Title Headcount	Title % of Job Group Headcount
056 – Police Department	018 – Police and Detectives	31,066	Police Officer	22,671	73%
072 – Department of Correction	018 – Police and Detectives	7,288	Correction Officer	7,288	100%
056 – Police Department	019 – Guards	7,016	School Safety Agent	4,463	64%
827 – Department of Sanitation	029 – Sanitation Workers	6,941	Sanitation Worker	5,900	85%
Department of Social Services (069 – Human Resources Administration & 071 – Department of Homeless Services)	007 – Social Workers	6,114	Caseworker Social Worker	1,266 60	21% 1%
057 – Fire Department	017 – Firefighters	8,500	Firefighter	7,997	94%

Of the 7 titles reviewed, only the *Police Officer* title was in a job group with underutilization. Black workers were underutilized in the *Police and Detectives* job group at the New York Police Department. The *Police Officer* title was held by 73% of the workers in the *Police and Detectives* job group at NYPD. To analyze underutilization, it is important to determine the availability of the workforce by demographics. This determination is not always easy to establish, so this analysis looked at several different possible indicators of availability.

First, the current workforce composition was compared to:

- The demographics of the candidates that took and passed recent civil service exams for the title;
- The current job group availability estimates from the CEEDS reports;
- The general NYC Metro Area labor market availability for the job title or for a comparable title;
- Recent “new hires” activity in the job title.

Next, trends in personnel activity, including hiring, promotions, and separations of employees in the seven (7) titles, were reviewed. Such activity can help identify the employee dynamics, which may be helpful in determining the need for additional review. For competitive titles, a comparison of the personnel activity against the civil service list may offer some insight regarding recent personnel trends and, by extension, impacts on job group underutilization. These are some relevant findings:

¹⁷ The Department of Social Services (DSS) is made of up two entities, the Human Resources Administration (HRA) and the Department of Homeless Services (DHS). The analyses of the Caseworker and Social Workers titles were for both HRA and DHS together.

- **Applicants from certain racial/ethnic groups appear to be more highly concentrated in specific job titles.** For example, White candidates are more prevalent in the *Firefighter* (45%) and *Sanitation Worker* (30%) job titles while *School Safety Agent* (5%) had the smallest proportion of White candidates.
- The titles with the most Hispanic applicants were *Police Officer* (36%) followed by *Correction Officer* (28%) and *School Safety Agent*, *Sanitation Worker* and *Firefighter* at 25% each. *Caseworker* attracted the smallest percentage of Hispanic applicants at 16%.
- Black applicants constituted the largest portion for the following exams: *Caseworker* (53%), *School Safety Agent* (47%), *Social Worker* (43%) and *Correction Officer* (41%). The exam that attracted the lowest percentage of Black applicants was *Police Officer* (21%).
- Asian applicants made up the smallest percentage of all race/ethnicity applying to all exams with *School Safety Agent* (15%) and *Police Officer* (13%) attracting the largest percentage of Asian applicants and *Sanitation Worker* having the smallest percentage of Asian applicants at 3%.
- Apart from the *School Safety Agent* exam, which attracted a mix of applicants (42% male and 57% female), **the examinations for the seven job titles attracted one dominant gender.**
- Women accounted for 83% of the applicants to the *Social Worker* exam and 63% of the *Caseworker* exam.
- Men made up 90% of the applicants to the *Firefighter* exam followed by *Sanitation Worker* at 79%, *Police Officer* at 68%, and 62% of *Correction Officer* exams.

There are also some important findings for Civil Service Exam Pass rates¹⁸:

- In general, white applicants passed the civil service exams at the highest rate – 87% for all the exams – followed by Hispanic applicants at 82%, Black applicants at 78%, and Asian applicants at a 62% pass rate across all exams.
- All applicants across all races and genders had their highest pass rates for the *Police Officer* and *Sanitation worker* exams, while the lowest pass rate was recorded for the *Caseworker* exam.

It must be noted that the current demographic composition of any job group is the result of hiring new workers during the past 30+ years. The current composition of the relevant recruitment pool is likely to be different from the total workforce, which has aggregated over the decades.

Job Title - Police Officer

Title Description and Requirements, in pertinent part:

Police Officers perform general police duties and related work in the New York City Police Department including connecting and building relationships with the community. They patrol an assigned area on foot or in a vehicle to prevent crime; apprehend crime suspects; intervene in various situations...The current minimum salary is \$42,500 per annum. Incumbents will receive salary increments reaching \$85,292 per annum at the completion of five- and one-half years employment. (Police Officer Notice of Examination, Exam No. 2110, Amended Notice - March 2, 2022, and Collective Bargaining Unit (CBU) 079 (02.06.2017)).

- White males comprise the single largest racial/ethnic group in the *Police Officer* title accounting for 37% of the title composition, followed by Hispanic males at 23%. Asian and Black men each

¹⁸ The *Social Worker* exam was an Education and Experience review for which applicants did not have to take a test and was not included as part of this review on pass rates. Data on the firefighter exam was not provided by DCAS and was in a different format and was also excluded from this section.

constitute 10% of the title. Men make up 80% of the title and women comprise 20%. Hispanic women make up the largest percentage of female employees at 9%. The group with the lowest overall percentage composition in the *Police Officer* title was Asian women, accounting for only 1% of the title.

Review of Underutilization – CEEDS (FY21 Q4) – NYPD – *Police and Detectives* Job Group

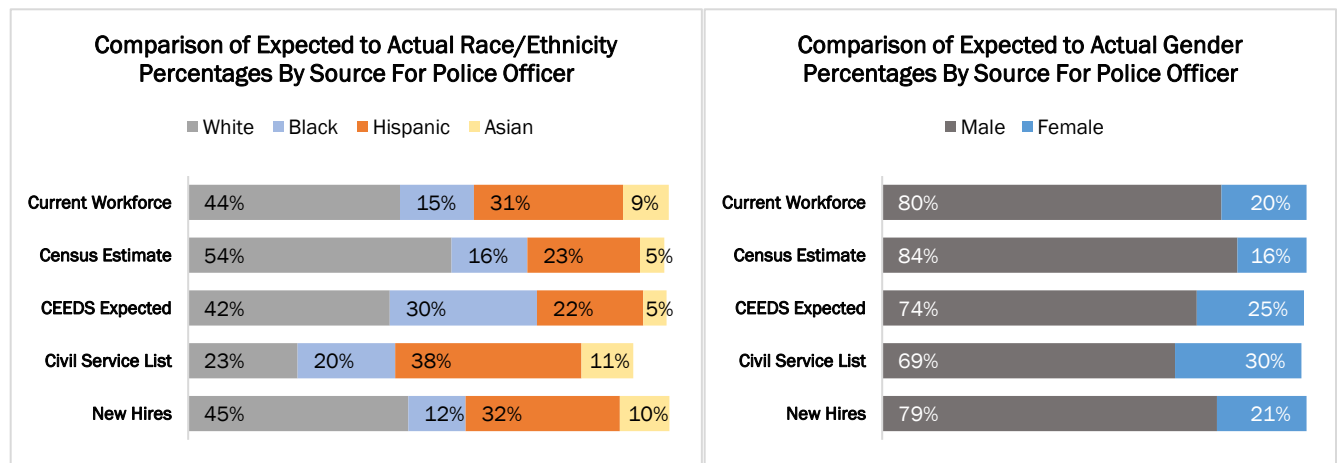
Demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women:

- Black workers in the *Police and Detectives* job group at the New York Police Department were statistically significantly underutilized according to CEEDS. There would need to be 3,993 additional Black workers – a 73% increase – to eliminate the utilization shortfall and for the incumbent workforce to reflect the availability expectation.
- Female workers in the *Police and Detectives* job group at the New York Police Department also experienced a shortfall, however it was not deemed underutilization in CEEDS. A 15% increase in women Police Officers would be needed to address this availability expectation.

Review of Availability Estimates – CEEDS (Q4 FY21) – NYPD – *Police and Detectives* Job Group

The competitive Civil Service list data makes up 98% of the availability estimate (CEEDS) for the *Police and Detectives* job group; therefore, the CEEDS expected availability and the Civil Service list candidate availability should be nearly identical, but they are not. The EEPD reviewed data from the completed and published *Police Officer* examination and list that was certified in 2021 (Exam 1802). A total of 14,541 persons applied to take this exam.¹⁹ It is only one exam, and it is impossible to draw broad conclusions based on a single exam. As such, this analysis can only offer general guidance on availability. It should also be noted that being ranked on a Civil Service list does not necessarily mean that a candidate will be hired; it only represents the available workforce from which candidates may be selected. For the Police Department, there are multiple additional criteria and screenings that must be satisfied before an appointment from the list can be made.

Figure 2: Availability Percentages for Police Officer by Race/Ethnicity and Gender



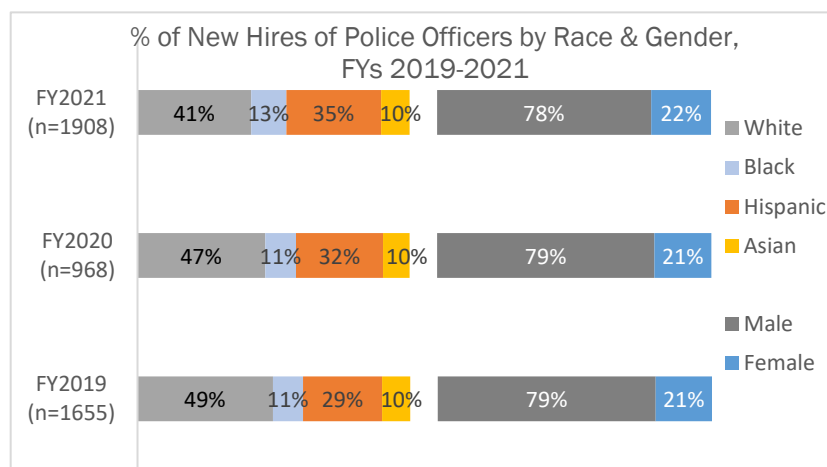
¹⁹ There have been two additional Police Officer exams since this one was held.

The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

- If the candidates for exam 1802 are similar to those from the other 12 Police Officer exams held since 2017, then the CEEDS expected availability estimates (from FY 2014) poorly capture the diversity of potential personnel.
- Figure 2 indicates that for Black workers, the workforce incumbency in the *Police Officer* job title is 15% (and approximately 18% on the job group level), which is similar to the Census EEO Tabulation estimate of 16% for the New York City Metro Area. The CEEDS expected availability estimate for Black workers, however, is almost twice the amount of the workforce and Census estimates, at 30%. In this instance, the Civil Service list availability seems to be more appropriate than the CEEDS estimate and is 10 percentage points less than CEEDS. This suggests the finding of underutilization for Black workers, based on the CEEDS availability report should be reexamined.
- For Asian and Hispanic workers, the CEEDS expected availability estimates for *Police Officers* are nearly identical to the Census EEO Tabulation estimates, and their actual workforce representation was also significantly greater than their expected workforce availability estimates. Unsurprisingly, CEEDS indicated no underutilization of these groups.
- The Civil Service list availability for Asian and Hispanic workers, however, is substantially greater than the actual/current workforce representation, suggesting the demographic pool of available workers may be changing. A review of additional exams would be needed to confirm this.
- For female workers, the CEEDS expected availability (25%) is much higher than the Census availability estimate (16%), while the actual workforce availability is approximately midway between the two estimates (20% on job title level and 22% by job group level). However, the Civil Service list availability is 30%, which is 10 percentage points higher than the current incumbent level and may also suggest a changing labor pool. In addition, the demographic make-up of this exam may also indicate that the efforts of the NYPD, regarding diversifying the title, appears to be working.

Personnel Activity Data – CEEDS – NYPD – *Police and Detectives* Job Group – *Police Officer* title

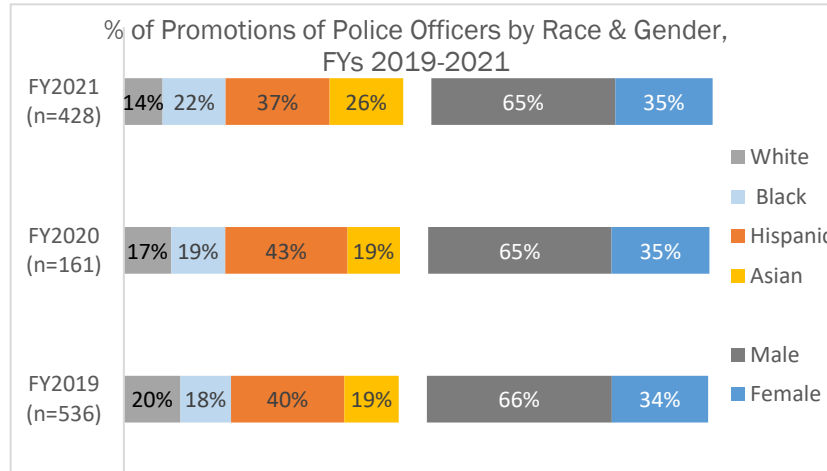
Figure 3: *Police Officer* New Hires FY19-FY21



- A review of the new hire data from the last three fiscal years (FY19 to FY21) revealed that FY20 was an anomaly, as there were substantially less new hires brought on as compared to FY19 and FY21. This appears to be due in large part to the Citywide hiring freeze and other restrictions resulting from the COVID-19 pandemic.

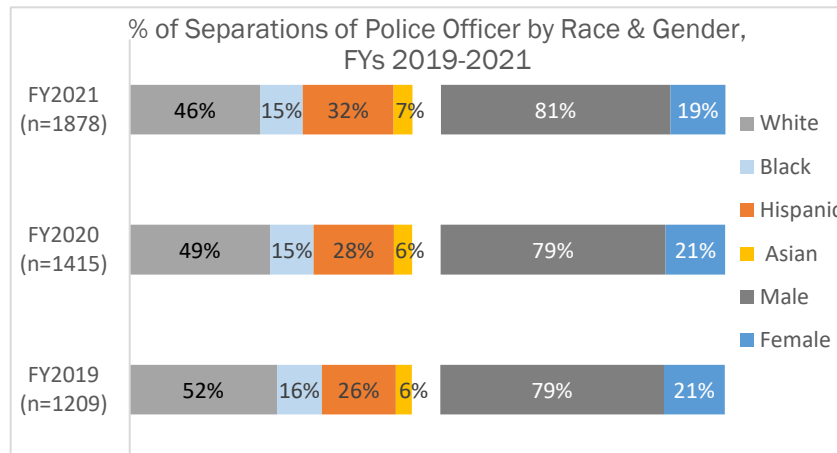
• Despite this, there were some notable trends. The percentage of Hispanic *Police Officers* hired increased in FY21 from FY19. Modest increases were also noted for women and Black *Police Officers*, while a decrease was noted for White *Police Officers*.

Figure 4: Police Officer Promotions FY19-FY21



- Promotions had a marked reduction in FY20.
- Asian and Black *Police Officers* recorded increases from FY19 to FY21 with decreasing percentages noted for Hispanic and White *Police Officers*. The group with the lowest proportion of promotions in FY21 was White *Police Officers*.

Figure 5: Police Officer Separations FY19-FY21



- There was a 55% increase in the total number of separations of Police Officers from FY19 to FY21. Only Hispanic Police Officers recorded an increase in the share of separations from FY19 to FY21 and a decrease in percentage separation was noted for White Police Officers. The other groups recorded no substantial changes.

Job Title - Correction Officer

Title Description and Requirements, in pertinent part:

Correction Officers ... maintain security and are responsible for the care, custody, control, job training and work performance of sentenced and detained inmates within New York City correctional facilities. The current minimum salary is \$47,857 per annum. Incumbents will receive salary increments reaching \$92,073 per annum at the completion of five- and one-half years of employment. (Source: Notice of Examination, Exam No. 2111, (December 2021) and CBU 027 (5.10.2021)).

- Black women comprise the largest single group of *Correction Officers* at 32% followed by Black men at 30%, Hispanic men at 15% and White men and Hispanic women at 9% each. The group with the lowest percentages were Asian men, White women, and Asian women at 4%, 2%, and 1%, respectively.

Review of Underutilization – CEEDS (FY21 Q4) – DOC – Police and Detectives Job Group

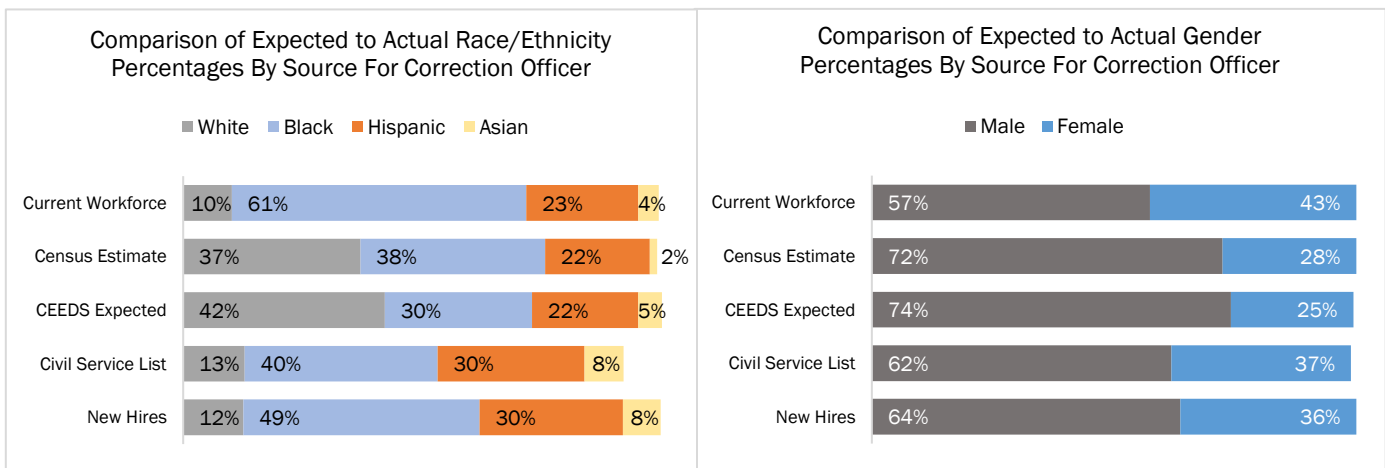
The *Correction Officer* title (like *Police Officer*) is in the *Police and Detectives* Job Group. The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

- There was no underutilization of women or any racial/ethnic Black/Hispanic/Asian group members in the *Police and Detectives* job group at the Department of Correction.
- Asian workers in the *Police and Detectives* job group at the Department of Correction experienced a utilization shortfall, however it was not deemed underutilization in CEEDS. There would need to be 43 additional Asian workers, a 14% increase in the incumbent workforce, to reflect the availability expectation and to eliminate the utilization shortfall with this group.

Review of Availability Estimates – CEEDS (FY21 Q4) – DOC – Police and Detectives Job Group

The competitive Civil Service list data makes up 98% of the availability estimate (CEEDS) for the *Police and Detectives* job group. Therefore, the CEEDS expected availability and the Civil Service list candidate availability should be identical or at least close, but they are not. The EEPC reviewed data from nine (9) exams given between 2018 and 2019. A total of 11,340 persons applied for the nine (9) exams over this two (2) year period.

Figure 6: Availability Percentages for Correction Officer by Race/Ethnicity and Gender



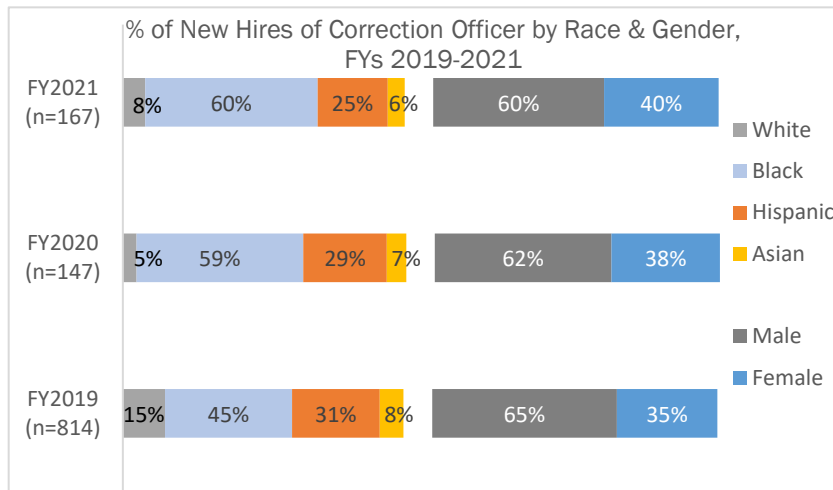
- *Correction Officers* and *Police Officers* are in the same CEEDS job group – *Police and Detectives* – however, these two titles have very different applicant and candidate demographics. The availability estimates should reflect these differences. Unfortunately, the CEEDS system does not capture these labor pool differences and uses the same availability estimates for the job group regardless of the title composition in the job group at the given entity.
- In terms of race/ethnicity, there is substantial variation between the Civil Service list availability and the CEEDS availability, particularly for White applicants. For White workers, the CEEDS availability was 42% while their Civil Service list representation was 13%, a difference of almost 30 percentage points. For Black, Hispanic, and Asian applicants, the difference between the Civil Service list availability and CEEDS was 10%, 8% and 3%, respectively.

- The Civil Service list availability had 12 percentage points more women than the CEEDS expected availability estimate. Surprisingly, the current workforce is comprised of 43% women, which significantly exceeds both the Census and CEEDS expected estimates of availability.
- When the Civil Service list was compared to new hires, the results were remarkably similar. The new hires were selected almost proportionally to their availability on the Civil Service lists, reviewed both in terms of race/ethnicity and gender, except for *Black Correction Officers*, who were hired 9 percentage point over their corresponding list availability.

Personnel Activity Data – DOC – Police and Detectives Job Group – Correction Officer title

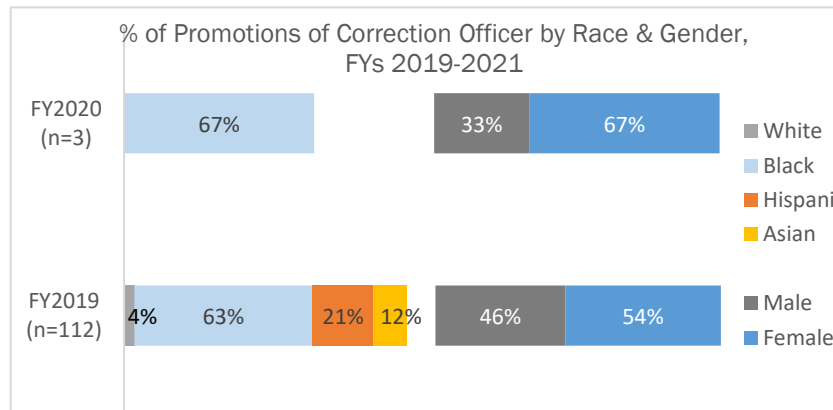
Although FY20 and FY21 had substantially fewer new hires than FY19 – most likely due to the COVID-19 pandemic – the racial/ethnic composition of the new hires in FY21 was very consistent with that in FY 20.

Figure 7: Correction Officer New Hires FY19-FY21



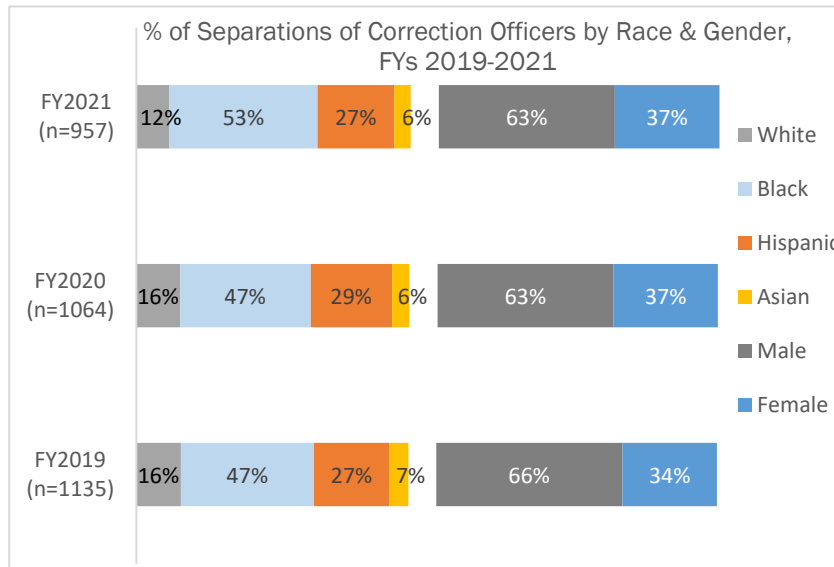
- There was a 79% decrease in new hires from FY19 to FY21 with changes in the composition of employees hired during this 3-year period: there was an increase of 15 percentage points in *Black Correction Officer* and a decrease in the proportion of new hires who were White and Hispanic.
- There was also a decrease in the share of male *Correction Officers* hired.

Figure 8: Correction Officer Promotions FY19-FY21



- It appears the COVID-19 pandemic also significantly impacted promotions for *Correction Officer*. There were 112 promotions in FY19 but only three in FY20, and none in FY21.

Figure 9: Correction Officer Separations FY19-FY21



- There was an overall decrease in separations over the years, contrary to the pattern observed for *Police Officers*.

Job Title – School Safety Agent

Title Description and Requirements, in pertinent part:

School Safety Agents patrol designated areas of school buildings and surrounding areas; identify and prevent infiltration of unlawful or prohibited items through scanning; among other things. The current minimum salary is \$34,834 per annum. Incumbents will receive salary increments reaching \$50,207 per annum at the completion of seven years of employment (Source: Notice of Examination, Exam No. 2044 (February 2022) and CBU 067 (5.28.2020)).

- Black women comprised the largest percentage of *School Safety Agents* and accounted for 49% of the title, followed by Hispanic women at 16% and Black men at 15%. Overall, women account for 70% of employees in the title. White women and men had the lowest representation in the title, accounting for 3% and 2%, respectively.

Review of Underutilization – CEEDS (FY21 Q4) – NYPD – *Guards* Job Group

The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

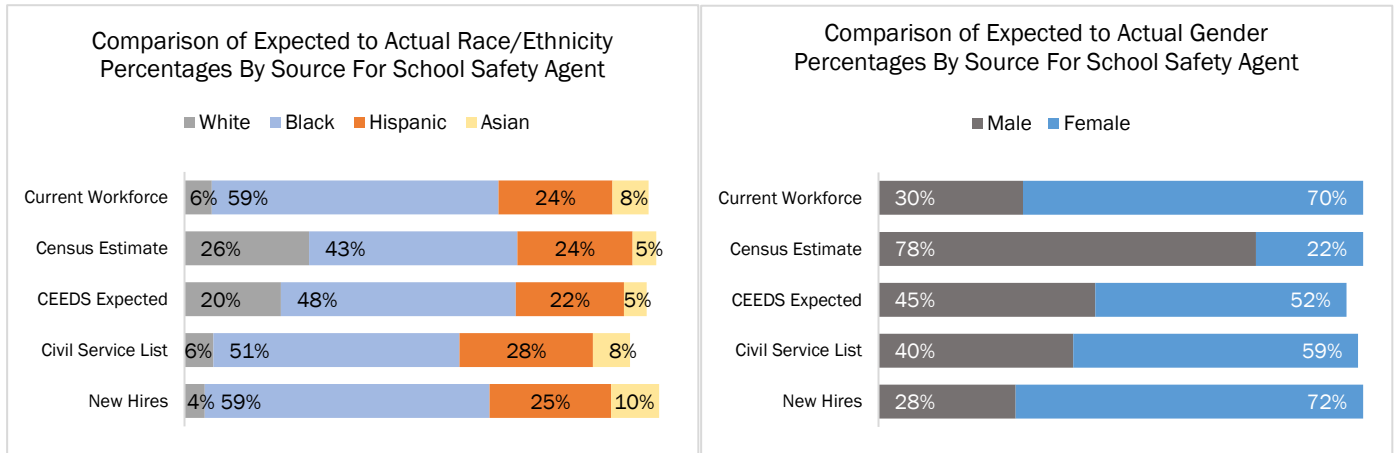
- There was no underutilization of women or racial/ethnic Black/Hispanic/Asian group members in the *Guards* job group at the New York City Police Department.

Review of Availability Estimates – CEEDS (FY21 Q4) – NYPD – *Guards* Job Group

The Civil Service list and the external labor pools comprise 60% and 38%, respectively, of the CEEDS availability estimate for the *Guards* job group. This means the expected availability for the *Guards* job group is a composite of the Civil Service list and an external recruitment source (the US Census EEO

Tabulation data). The *School Safety Agent* title makes up over 65% of the job titles in the *Guards* job group at NYPD. As such, it is reasonable to expect the CEEDS availability for the job group at NYPD to be similar to that of the *School Safety Agent* civil service list data. In fact, the Civil Service list closely mirrors the actual workforce (see Figure 10, below). The EEPD reviewed data from nine exams administered in 2018, 2019 and 2020. A total of 13,942 persons applied for these nine exams over the three-year period.

Figure 10: Availability Percentages for School Safety Agent by Race/Ethnicity and Gender

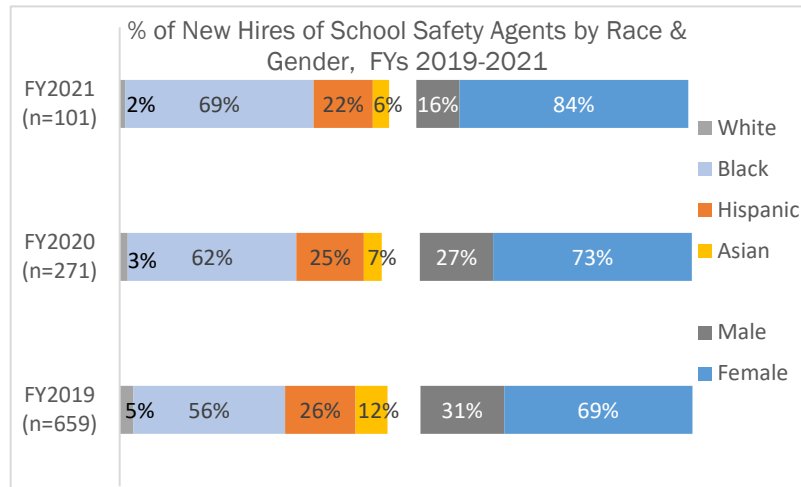


The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

- For women, the CEEDS estimate availability (52%) and the Civil Service list (59%) are very similar. However, there is considerable variation when compared against the current workforce (70%) and the percentage of new hires (72%).
- There is also substantial variation in terms of race/ethnicity, specifically regarding White candidates. The CEEDS availability estimate of White candidates is 20%, however, White *School Safety Agents* comprise 6% of the Civil Service list. There are also variations in the estimate of Hispanic candidates, with CEEDS indicating availability of this group is 22% and the Civil Service list indicating availability at 28%, which is fairly consistent with the other measures of availability of Hispanic workers.
- When the Civil Service list is compared to new hires, there are clear similarities. The new hires – except for Black workers – were in proportion to their availability on the Civil Service list for race/ethnicity. In terms of gender, women new hires exceeded their representation on the Civil Service list and the opposite was indicated for males.

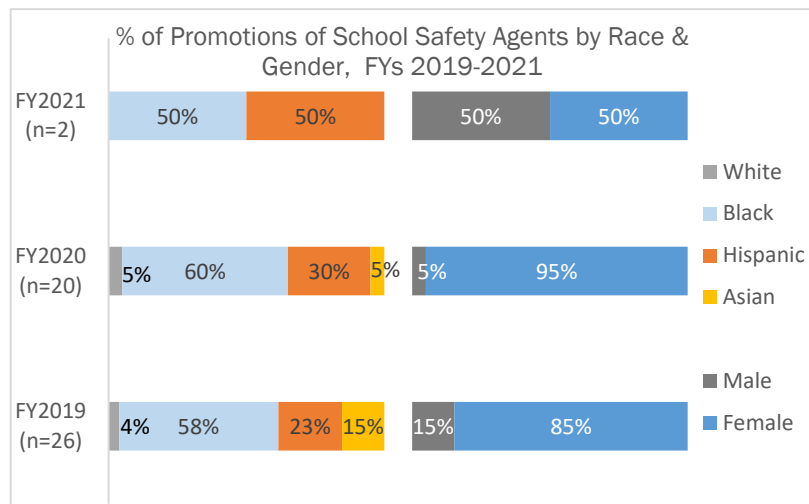
Personnel Activity Data – CEEDS – NYPD – Guards Job Group – School Safety Agent title

Figure 11: School Safety Agent New Hires FY19-FY21



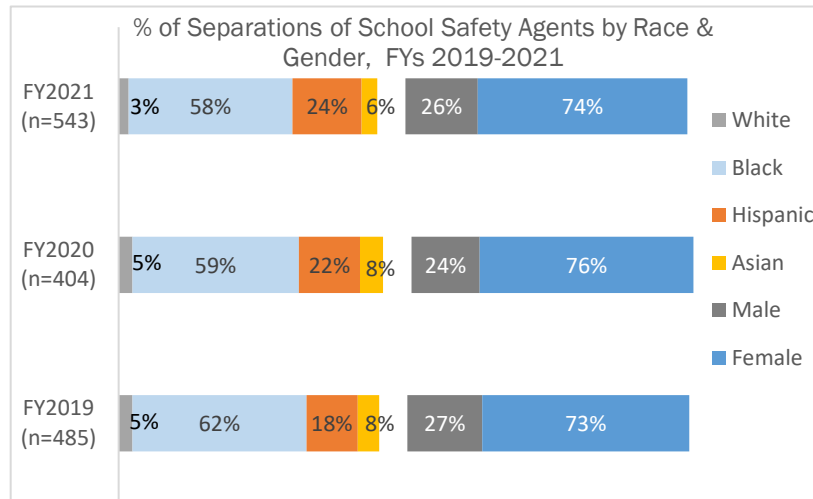
- There were sharp decreases in the number of new hires for FY20 and FY21, most likely due to the COVID-19 pandemic. Two percent of new hires in FY21 were White, and a larger percentage of Black and Female School Safety Agents were hired during this fiscal year as compared to FY19. The shares of Asian and male School Safety Agents hired decreased by half over the 3-year period.

Figure 12: School Safety Agent Promotions: FY19-FY21



- There was a precipitous decrease in the number of employees promoted in FY21 as compared to FY19, with only 2 School Safety Agents promoted in FY21.

Figure 13: School Safety Agent Separations FY19-FY21



- More separations were noted for FY21 as compared to FY19. Only Hispanic School Safety Agents separated at increasing rates from FY19 to FY21.

Job Title – Sanitation Worker

Title Description and Requirements, in pertinent part:

Sanitation Workers ... perform work and operate various types of equipment involved in street cleaning, waste collection, recycling collection, snow removal, encumbrance removal, waste disposal ... The current minimum salary is \$39,439 per annum. Upon completion of 6 months employment, the salary will rise to \$42,781. Incumbents will receive salary increments reaching \$81,034 per annum base salary at the completion of five- and one-half years employment (Source: Notice of Examination, Exam No. 5001 (October 2014) and CBU 049 (07/2020)).

- White men comprise the largest percentage of *Sanitation Workers* at 52% of the title, followed by Hispanic men at 24% and Black men at 18%. Overall, men account for 97% of the title.

Review of Underutilization – CEEDS (FY21 Q4) – DSNY – *Sanitation Workers* Job Group

The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

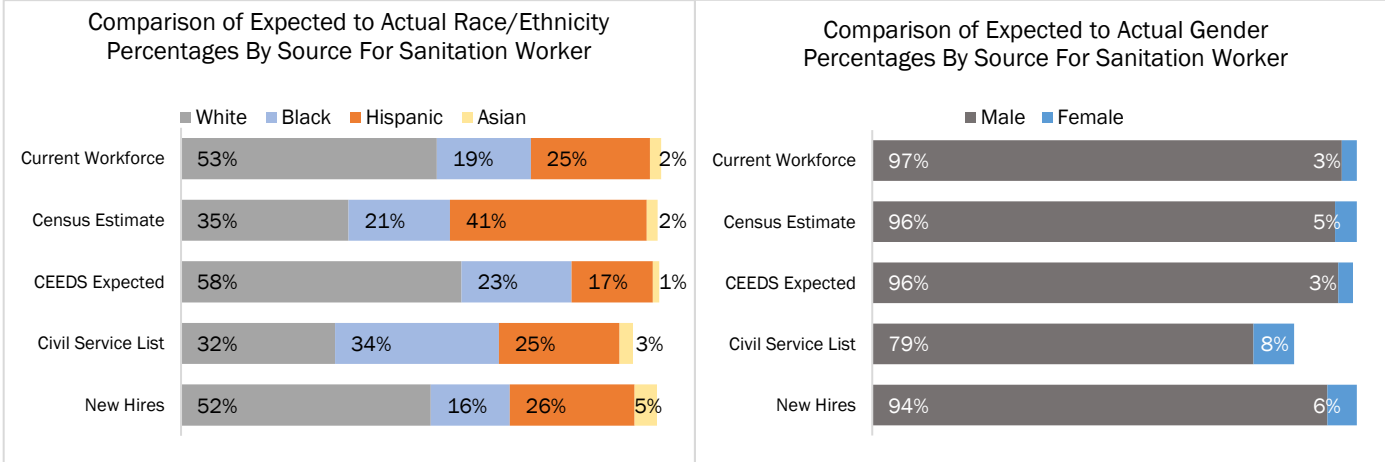
- There was no underutilization of women or racial/ethnic Black/Hispanic/Asian group members in the *Sanitation Workers* job group at the Department of Sanitation.
- Black workers in the *Sanitation Workers* job group at the Department of Sanitation (DSNY) experienced a utilization shortfall, however it was not deemed underutilization in CEEDS. There would need to be 263 additional Black workers – a 20% increase to the incumbent workforce – to achieve the availability expectation and eliminate the utilization shortfall.

Review of Availability Estimates – CEEDS (Q4 FY21) – DSNY – *Sanitation Workers* Job Group

The Civil Service list data is 100% of the availability estimate (CEEDS) for the *Sanitation Workers* job group. This means that the only workers hired into this job title will come from the Civil Service list. It is therefore reasonable for the CEEDS expected availability to be identical to the Civil Service list candidate

data for the Sanitation Worker title at DSNY, which comprises 85% of the titles in the job group. The data are from only one (1) exam, held in 2014. This was provided to the EEPD for analysis because it is the last test given for *Sanitation Worker*; the list is long and has not yet been exhausted. A total of 93,420 persons applied for this exam, which means that only those applicants that scored above, at, or very near to 100%, will be considered. A new exam was in the process of being given at the time this report was published, data for which will not be available for some time.

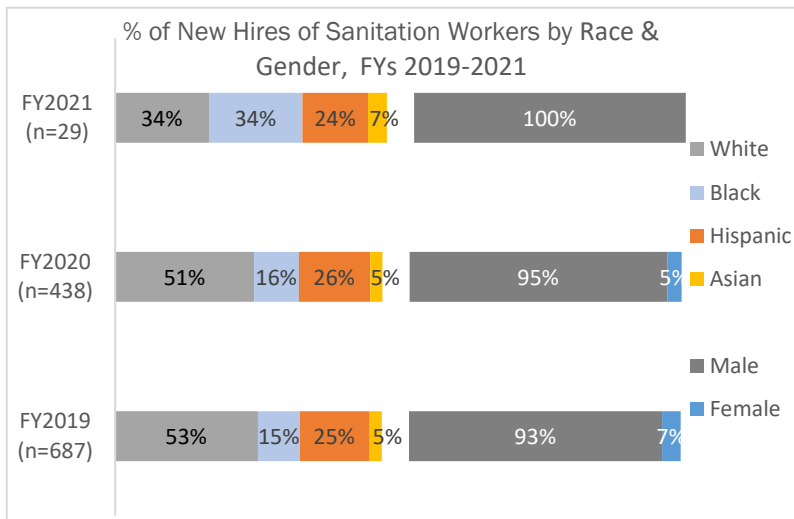
Figure 14: Availability Percentages for Sanitation Worker by Race/Ethnicity and Gender



- The Civil Service List compared to the current workforce illustrates Asian and Hispanic groups are represented in the current workforce consistent with their percentage on the Civil Service list. However, there is a significantly lower percentage of White males on the Civil Service list as compared to their representation in the current workforce and the percentage by which they are hired. Conversely, Black workers are represented on the Civil Service list at 34% but make up only 19% of the current workforce and 16% of the new hires. This could be due to their position on the list. As previously stated, to be considered for a position, the applicant would likely have to score above, at, or very close to 100% on the exam to be reachable on the list.
- Women comprise 3% of the workforce, 8% of the Civil Service list, but were hired at 6%.
- 13% of the list consists of applicants who identify themselves as “Unknown.”
- Women are hired at slightly less than their availability on the Civil Service list and men are hired at 15 percentage points more than their availability.

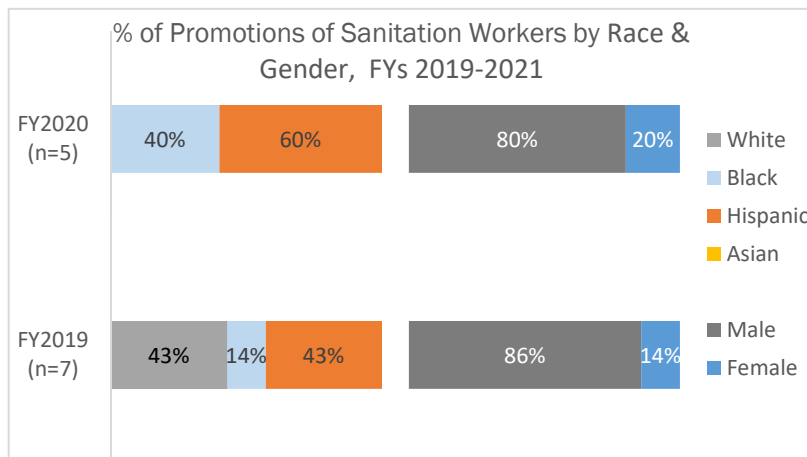
Personnel Activity Data – CEEDS – DSNY – Sanitation Workers Job Group – Sanitation Worker title

Figure 15: Sanitation Worker New Hires FY19-FY21



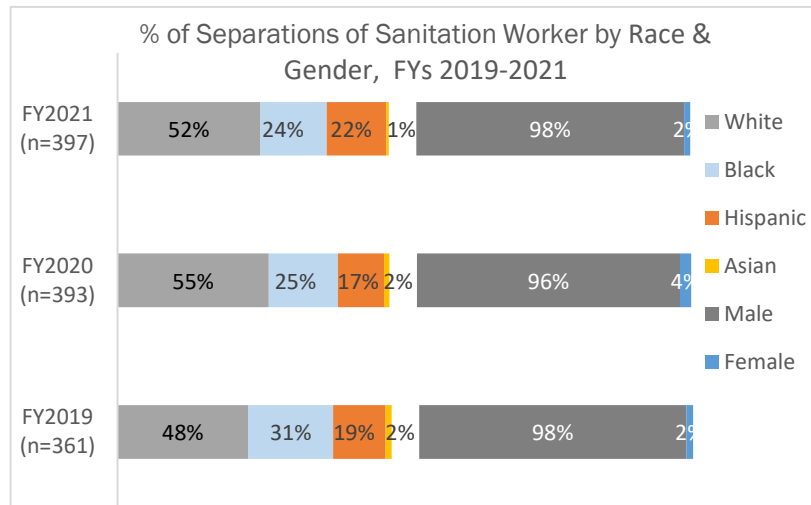
- FY20 had substantially fewer new hires than FY19, and there were only 29 in FY21 (a 96% drop from FY19) most likely due to the COVID-19 pandemic. Of the 29 new hires in FY21 none were women, but for race it was the most diverse group of employees hired for the 3-year period.

Figure 16: Sanitation Worker Promotions FY19-FY21



- There are few promotions each year, with only 7 in FY19, 5 in FY20 and none in FY21.

Figure 17: Sanitation Worker Separations FY19-FY21



- The total number of *Sanitation Workers* separating was consistent over the 3-year period.
- White and Hispanic employees made up a higher proportion of separations in FY21, compared to FY19.
- The separation rate for Black employees was slightly lower in FY20 and FY21 compared to FY19.

Job Titles – Caseworker and Social Worker

Title Description and requirements for Caseworker, in pertinent part:

Caseworkers ... provide social services to clients/patients, such as recipients of public assistance, food stamps, and/or medical assistance, adults receiving or needing institutional care or protective services, and homeless adults/families; identify, develop, and implement social service plans for such individuals; may determine the eligibility for these services; and may perform counseling and investigative activities. The current minimum salary is \$41,483 per annum. (Source: Notice of Examination, Exam No. 1804 (May 2021) and CBU 003 (12.2.2019)).

Title Description and requirements for Social Worker, in pertinent part:

Social Workers ... provide psycho-social services in such settings as social services centers, jails and prisons, healthcare, and shelter facilities; provide services to individual clients/patients, or to families and/or other groups of adults/children, utilizing casework, group work or community organization methodologies; or perform program evaluation or social work planning for the agency. All Social Workers perform related work. The current minimum salary is \$51,079 per annum. (Source: Notice of Examination, Exam No. 1176 (October 2020) and CBU 003 (12.02.2019)).

Review of Availability Estimates – CEEDS (Q4 FY21) – Department of Social Services (DSS): Human Resources Administration (HRA) and the Department of Homeless Services (DHS)– Social Workers Job Group – Caseworker title

Caseworker and Social Worker titles share the same job group (Social Workers job group), the availability estimates for the two titles are identical.

The Civil Service list data is 92% of the CEEDS availability estimate for the *Social Workers* job group. The availability estimate should be a weighted composite of the Civil Service list data of competitive titles in the job group at DSS. It is therefore reasonable to expect the CEEDS availability estimate to be similar to the demographics of those candidates on the Civil Service lists for the few dominant titles in the job

group. The *Caseworker*, *Social Worker*, *Job Opportunity Specialist*, and *Eligibility Specialist* titles, comprise approximately 75% of the titles in the *Social Workers* job group at DSS. The EEPC reviewed data from two (2) *Caseworker* exams held in 2013.²⁰ A total of 2,757 persons applied for the two (2) exams. Data from one (1) *Social Worker* exam (Exam 8021 from 2018) was reviewed, of which there were a total of 594 applicants.

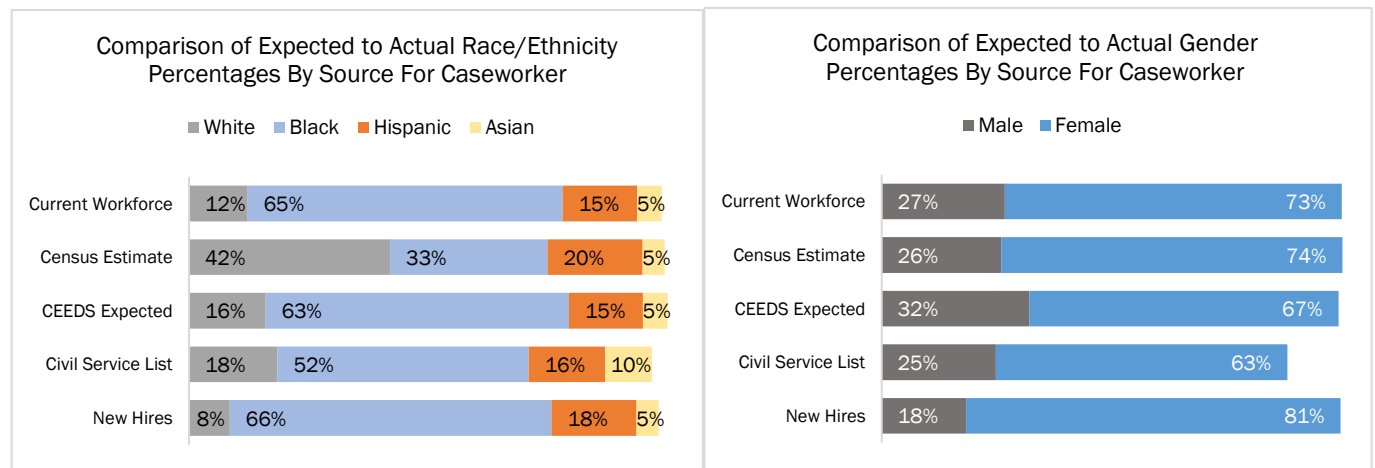
Review of Underutilization – CEEDS (FY21 Q4) – DSS (HRA & DHS) – *Social Workers* Job Group

The *Caseworker* and *Social Worker* titles also share the same entity, in addition to job group, – Department of Social Services (DSS) – which means the utilization analyses for the two titles is identical. Because the CEEDS report has not been updated, the Human Resources Administration (HRA) and Department of Homeless Services (DHS) are listed as separate entities.

The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

- There was no underutilization of women or racial/ethnic Black/Hispanic/Asian group members in the *Social Workers* job groups of the branches of DSS (HRA and DHS).
- Black workers in the *Social Workers* job group at HRA experienced a utilization shortfall, however it was not deemed underutilization in CEEDS. There would need to be 76 additional Black workers, a 2% increase to the incumbent workforce to reflect the availability expectation and eliminate the utilization shortfall.

Figure 18: Availability Percentages for Caseworker by Race/Ethnicity and Gender



- The CEEDS availability estimate and the Civil Service list for the *Caseworker* title were similar for Whites and Hispanics, but not for the Black and Asian groups.
- Comparing the availability on the Civil Service list to new hires, the only demographic hired at comparable percentages was Hispanics. White and Asian *Caseworker* hires were half of their availability on the lists, while Black hires were at 16 percentage points greater than their availability on the list.
- For Black workers, the CEEDS expected availability and actual workforce availability of the *Caseworker* title at DSS (HRA & DHS) are similar. The Census estimate however, is approximately

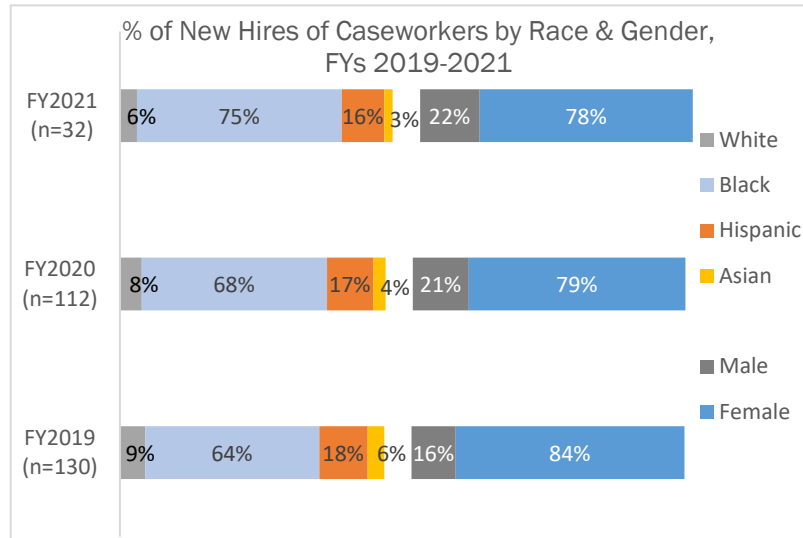
²⁰ A new *Caseworker* exam was opened for filing in May 2021.

thirty (30) points, or 50% less than the CEEDS expected availability and actual workforce availability of the Caseworker job title at DSS (HRA & DHS).

- Women dominate this title at 73% of the current workforce and 81% of the new hires.

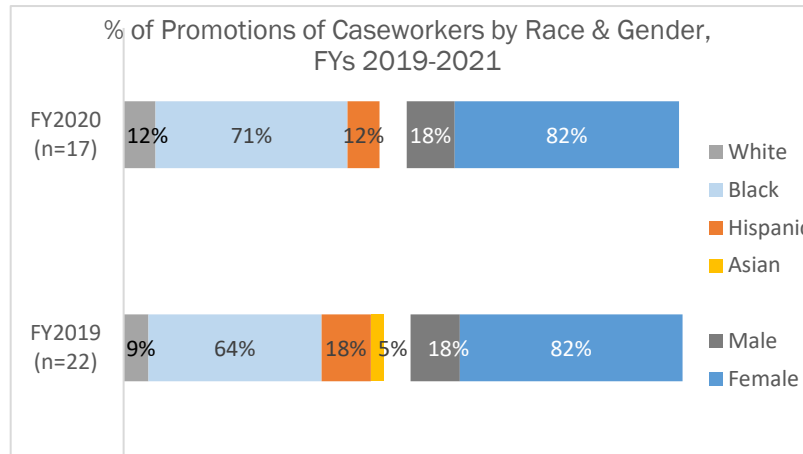
Personnel Activity Data – CEEDS – DSS (HRA & DHS) – Social Workers Job Group - Caseworker title

Figure 19: Caseworker New Hires FY19-FY21



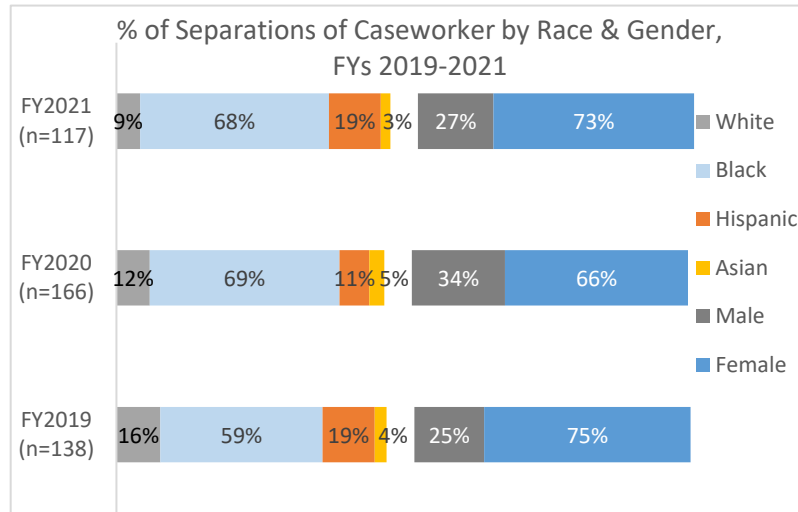
- FY20 and FY21 had substantially fewer new hires than FY19, most likely due to the COVID-19 pandemic. The few new hires from FY21 (32) were in line with the previous years, except for a larger percentage of Black Caseworkers hired in FY21.

Figure 20: Caseworker Promotions FY19-FY21



- The COVID-19 pandemic and the related fiscal measures implemented by the City may have had an impact on promotions during this period, as there were none in FY21.

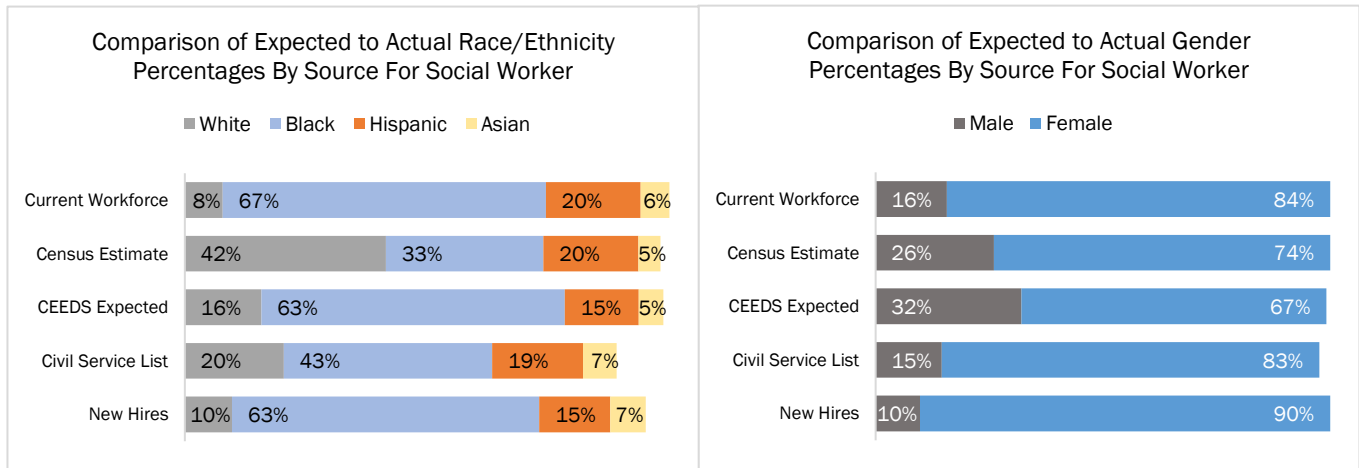
Figure 21: Caseworker Separations FY19-FY21



- FY20 saw a rise in overall separations from FY19 but there was a reduction in FY21.
- There were fluctuations in separations of Caseworkers by race over the 3-year period, with White Caseworkers separating at a lower rate over the years while the opposite happened for Black Caseworkers.

Review of Availability Estimates – CEEDS (Q4 FY21) – DSS (HRA & DHS) – Social Workers Job Group – Social Worker title

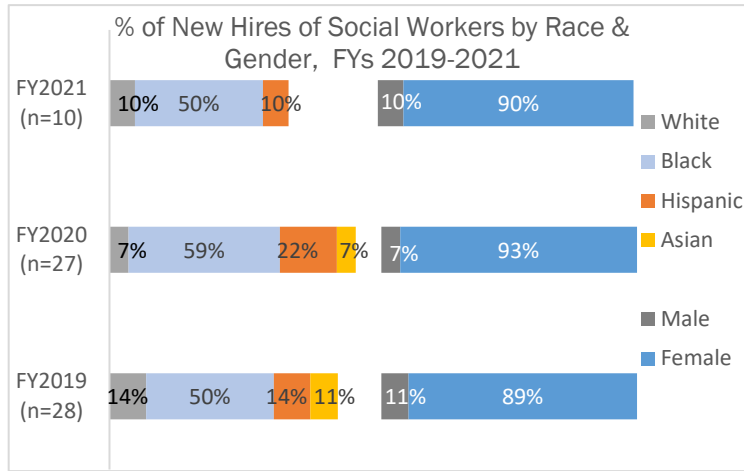
Figure 22: Availability Percentages for Social Worker by Race/Ethnicity and Gender



- The CEEDS expected availability and the current workforce rates were similar for Black and Asian employees. Hispanic employees were employed 5 percentage points more than the CEEDS availability estimate but the CEEDS estimate for White employees was twice the current workforce representation.
- The CEEDS availability estimate of men is double the percentage in the workforce. Women were overrepresented in the incumbent workforce (84%) when compared to the CEEDS estimate (67%).
- For new hires, only Hispanic and Asian employees were hired at a rate similar to their Civil Service list availability. A disproportionate percentage of Black employees were hired (63%) as compared to their availability on the Civil Service list (43%) and there were far fewer new hires of White employees (10%) when compared to their availability on the Civil Service List (20%).
- Both women and men seem to be hired in proportion to their presence on the Civil Service list.

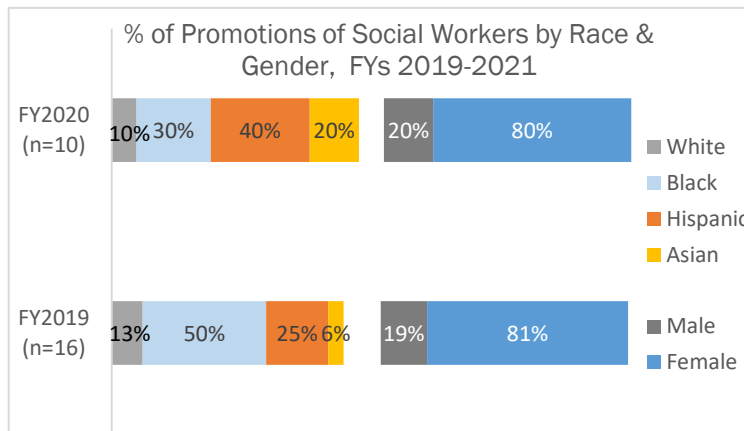
Personnel Activity Data – CEEDS – DSS (HRA & DHS) – Social Workers Job Group –Social Worker title

Figure 23: Social Worker New Hires FY19-FY21



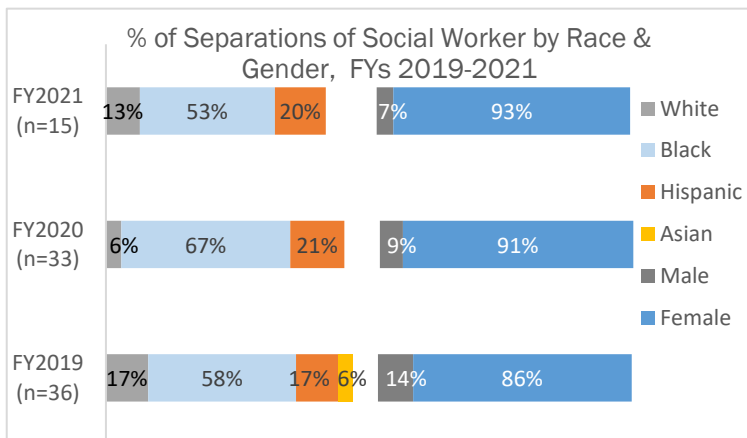
- FY21 saw the fewest new hires (10) over the past three fiscal years.
- Female *Social Workers* accounted for approximately 90% of the new hires in the *Social Worker* field for each fiscal years reviewed.
- FY21 saw no Asian *Social Workers* hired in addition to fewer Hispanic *Social Workers*.

Figure 24: Social Worker Promotions FY19-FY21



- As was the case with the *Caseworkers* title, there were fewer promotions in the *Social Worker* job title in FY20 compared to FY19, and none in FY21.
- FY20 saw fewer promotions overall but more racial diversity, with no one race/ethnicity dominating promotions in the *Social Workers* title.

Figure 25: Social Worker Separations FY19-FY21



- Separations declined overall for the past three fiscal years with substantially fewer workers separating in FY21 as compared to the two previous years.
- No Asian *Social Worker* separated in FY20 and FY21.

Job Title – Firefighter

Title Description and requirements, in pertinent part:

Firefighters assist in the control and extinguishment of fires, in providing pre-hospital emergency medical care, and in the enforcement of laws, ordinances, rules and regulations regarding the prevention, control and extinguishment of fires, as well as perform Fire Safety Education activities, among other things.

Some of the physical activities performed by Firefighters and environmental conditions experienced are: wearing protective clothing, such as bunker suit, helmet, boots and breathing apparatus; crawling, crouching and standing, often for prolonged periods, while extinguishing fires; driving fire apparatus and other Department vehicles; climbing stairs, ladders and fire escapes; raising portable ladders; using forcible entry tools, such as axes, sledge hammers, power saws and hydraulic tools; searching for victims in smoke-filled environments; carrying or dragging victims from dangerous locations; connecting, stretching and operating hose lines; locating hidden fire by feel and smell; providing medical assistance to injured or ill citizens; and providing control and mitigation of hazardous materials incidents while wearing chemical protective clothing. The current minimum salary is \$47,394 per annum. Incumbents will receive salary increments reaching \$92,073 per annum at the completion of five years of employment (Source: Notice of Examination, Exam No. 7001 (May 2017) and CBU 041 (3.10.2022)).

- CEEDS data from Q4 of FY21 reveals *Firefighters* are virtually all men (99%).
- Most *Firefighters* are White men (69%). Black men are 10%, Hispanic men 17%, and Asian men 2% of the workforce.

Consent Decree - Vulcan Society lawsuit

The *United States and The Vulcan Society, et al. v. City of New York* is a class action lawsuit that charged the New York City Fire Department (FDNY) with racially discriminatory hiring practices that violate Title VII of the Civil Rights Act of 1964, the United States Constitution, the New York State Constitution, and New York State and City human rights law. The case focused on the discriminatory impact of written exams used by the FDNY to screen applicants as well as the discriminatory hiring process following the tests. In 2012, after a historic decision finding the City liable for racial discrimination under Title VII and State and City human rights law, the court mandated the creation of a new exam, imposed broad-ranging injunctive relief, and appointed a court monitor to oversee recruitment, hiring and equal employment opportunity at the FDNY. In the spring of 2014, the parties entered a settlement on the constitutional claims of intentional discrimination, which awarded \$98 million to Black and Latino victims of discrimination, imposed new recruitment goals for the FDNY, enhanced educational opportunities for firefighter applicants, and created the position of Chief Diversity Officer to ensure equal opportunity within the FDNY. After the 2014 settlement, promising a new, fairer exam and oversight of the firefighter appointment process, the FDNY appointed the most diverse class in its history with 17% Black *Firefighters* and 24% Latino *Firefighters*.

Local Law 579 Report

The Local Law 579 reports²¹ provide data on the *Firefighter* title's applicant to candidate pipeline for the period between 2012 and 2019. The data tracks the time of application for the exam, those candidates

²¹ The Local Law 579 reports may be found in their entirety on the FDNY's website, located at <https://www1.nyc.gov/site/fdny/about/resources/data-and-analytics/firefighter-demographics-reporting.page>

that passed the physical test, and the percentage representation of the demographic groups. The report found:

- (1) increased representation for White and Male demographic groups,
- (2) representation remained about the same for Asian and Hispanic demographic groups, and
- (3) noticeably decreased representation for Black and Female demographic groups.

The aggregated data indicate higher and more equitable pass rates at stages for the period between 2012 and 2016, compared to 2017 to 2019. That is, the period between 2017 to 2019, as compared to the period 2012 and 2016, appears to have greater racial and gender disparities in candidate advancement rates in the applicant process after the physical exam. It is unclear what caused this recent increase in racial and gender disparities.

Review of Underutilization Estimates – CEEDS (FY21 Q4) – FDNY – Firefighters Job Group

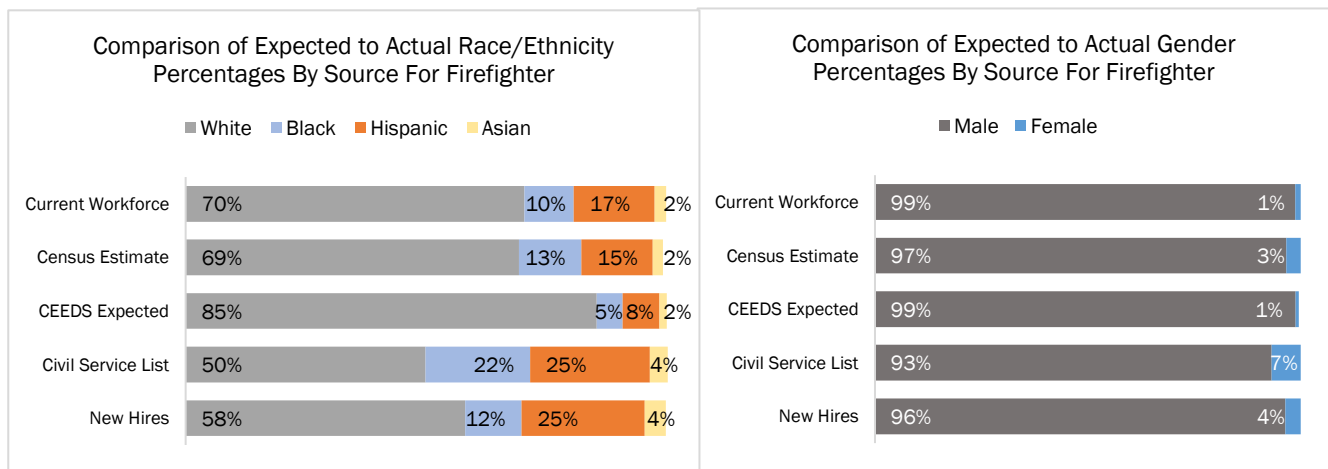
The findings on demographic underutilization in CEEDS of racial/ethnic Black/Hispanic/Asian group members and women are as follows:

- There was no underutilization of women or racial/ethnic Black/Hispanic/Asian group members in the *Firefighters* job group at the New York City Fire Department.

Review of Availability Estimates – CEEDS (Q4 FY21) – FDNY – Firefighters Job Group

The Civil Service list data is 100% of the CEEDS availability estimate for the *Firefighters* job group. It is therefore reasonable to expect the CEEDS availability data to be comparable to the Civil Service list for the *Firefighter* title at FDNY, because it comprises 94% of the titles in this job group.

Figure 26: Availability Percentages for Firefighter by Race/Ethnicity and Gender

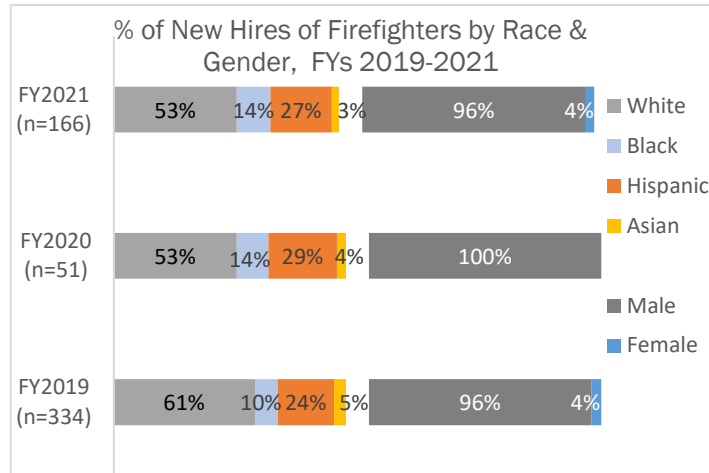


- The number of Black, Asian, and Hispanic workers on the Civil Service list is on average three (3) times the expected availability in CEEDS. The number of women on the Civil Service list is seven (7) times higher than the CEEDS availability estimate for *Firefighter*.
- The CEEDS availability percentage exactly mirrors the current workforce for gender composition. The Census estimate expects three (3) times the percentage of women, but the Civil Service list is seven (7) times higher than the CEEDS availability, which suggests the possibility to increasing the

percentage of women in the *Firefighter* title, depending on where they are on the list and whether they can pass the physical test.

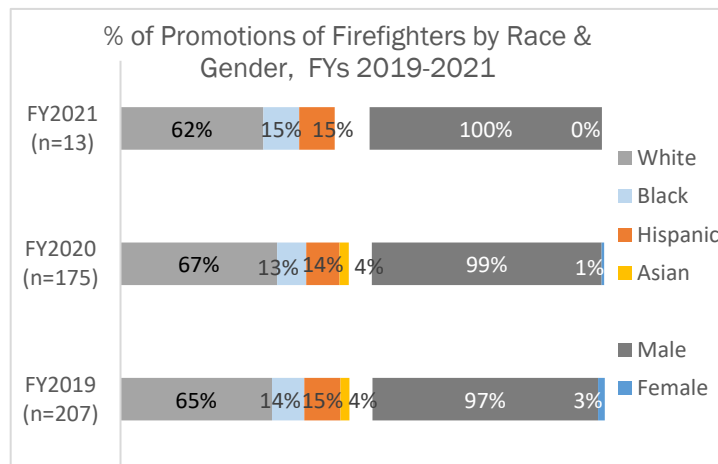
Personnel Activity Data – CEEDS – FDNY – Firefighters Job Group – Firefighter title

Figure 27: Firefighter New Hires FY19-FY21



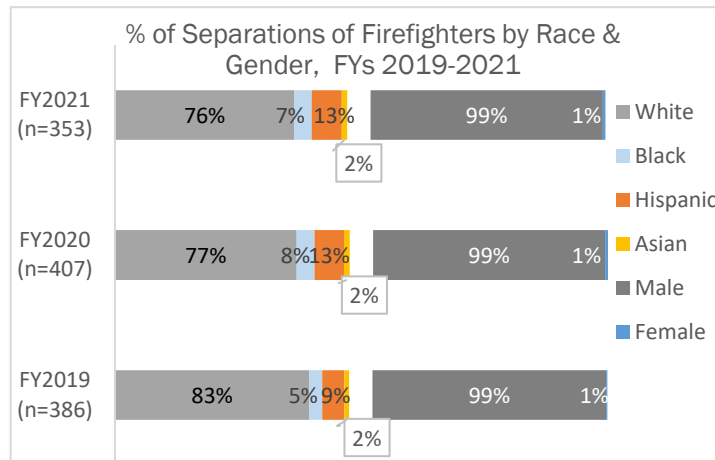
- New hires in the *Firefighter* title were substantially lower in FY20 compared to FY19 (an 85% drop) but rebounded somewhat in FY21.
- FY21 saw increases in the percentages of Hispanic and Black *Firefighters* hired from FY19 and a decrease in the percentage of White *Firefighters* hired for the same period.

Figure 28: Firefighter Promotions FY19-FY21



- There was a decrease in promotions in FY20 when compared to FY19 and a drastic drop in promotions in FY21, most likely due to the ongoing COVID-19 pandemic.
- The racial breakdown of promotions for FY19 and FY20 were similar.

Figure 29: Firefighter Separations FY19-FY21



- There was an increase in separations of *Firefighters* from FY19 to FY20 but a drop in FY21 with all groups separating on average at the same rates over the 3-year period with the exception of Hispanic *Firefighters* who separated at a slightly higher rate.

Summary of Key Findings and Recommendations

The City of New York is the largest city in the United States and employs approximately 330,000 workers, which is a larger workforce than that of any city or state government in the United States, except for the states of California, Texas, and New York. Eighty-one percent of personnel hold a competitive, civil service title. New York City Council passed Local Law 13 in 2019, mandating the EEPC examine underutilization in the municipal workforce and make recommendations for addressing it. In this, our second such report, we highlight the following findings and recommendations.

Finding 1: The job group availability estimates in the CEEDS availability reports are aged and not consistently aligned with other availability estimates, such as the U.S. Census data and the Civil Service list data. Availability estimates should be periodically reviewed to ensure they are current and accurate.

Availability Estimates

The availability estimates used in the determination of underutilization should be a current estimate of the percentage of women and Black/Hispanic/Asian individuals within the relevant labor market and internal workforce feeder pools that have the requisite qualifications to perform the work for those positions included in the job group. For this analysis, availability was determined by the CEEDS availability reports, the U.S. Census availability data, and the Civil Service list. When the seven competitive titles were reviewed, it became evident the availability numbers varied greatly depending on the job title being reviewed.

The Civil Service list is a major factor in determining whether competitive titles will remedy any underutilization found.²² The Civil Service list contributed to at least 92% of the availability estimate for 5 of the 6 job groups reviewed in this analysis.

- The CEEDS availability data, upon which the underutilization calculations are based, was last updated for the first quarter of FY14, which began on July 1, 2013. The age of this availability data is potentially problematic for the accuracy of utilization analyses, and by extension the

²² For some job titles there are additional requirements, such as physical tests and Medical and Psychological Assessments.

accuracy of any findings of underutilization. Alternatively, the U.S. Census data is used widely by other jurisdictions throughout the United States and is sponsored by the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) among others, which are the federal agencies charged with compliance in this area.

- The City's definition of the relevant labor market is currently limited to the five NYC boroughs (Manhattan, Brooklyn, Queens, Bronx, and Staten Island) due to the City's residency requirement. However, in practice, the City recruits candidates from neighboring counties and states, which should impact the City's availability estimates. The U.S. Census data also calculates availability utilizing the more expanded Metropolitan Statistical Area (MSA) for New York City. The availability estimates for candidates on current Civil Service lists must also be used with caution as they may be outdated and inaccurate, because Civil Service lists typically have a 4-year life span (although it is not uncommon to extend them). While some titles frequently offer Civil Service exams and exhaust subsequent candidate lists, other titles have lists that seem to live indefinitely due to the sheer number of applicants that passed the exams. For all job groups, the expected availability estimate should be dynamic to allow the currently static internal availability estimates to reflect changes in the workforce due to personnel activity (new hires, promotions, and separations).

Job Groups

A job group is a group of job titles within a workplace having similar content, wage rates, and opportunities for advancement.

- The City has created 31 job groups, 29 of which are currently used. These job groups should be reviewed periodically to ensure the duties of the job title are still appropriate for the assigned job group. For example, a review of the duties of the job titles in the *Managers* job group show significant differences in the titles in the job group, strongly suggesting different labor pools for *Managers* at different entities. For instance, employees in the *Managers* job group at the Department of Buildings, the Department of Sanitation, and the Department of Finance are clearly employed in different titles, and most likely have different duties. A manager in the Department of Buildings may be required to possess a background in construction, engineering or in the building trades. A manager in the Department of Sanitation may be required to have knowledge of and experience in waste management, while a manager in the Department of Finance may be required to possess experience in financial services or have an accounting background. Hence, although all three positions are *Manager* positions, different skills are required, which may result in different availability numbers for each of these roles.
- The *Police and Detectives* job group consists mainly of *Police Officer* and *Correction Officer*, each of which dominate the job group at the Police Department and the Department of Correction, respectively. Although it is acceptable for *Police Officer* and *Correction Officer* to be in the same job group, both titles have different labor pools and therefore different availabilities.
- A few job groups are homogeneous, such as *Clerical*, *Clerical Supervisors*, *Police and Detectives*, *Police Supervisors*, *Firefighters*, *Fire Supervisors*, and *Sanitation Workers*. They tend to be comprised of a small number of titles that make up the entire job group and are predominately civil service titles. It may be easier to analyze the predominate job titles in these types of job groups to determine availability as it may provide a more accurate representation of availability in these cases.

Underutilization

Underutilization is determined by comparing the availability of women and Black/Hispanic/Asian individuals in the relevant labor market with their actual utilization in the workforce. If the difference is statistically significant, there will be a determination of underutilization for the job group and additional review is warranted to determine whether there is discrimination or other barriers to employment causing this underutilization. Hence, the determination of whether a job group is experiencing underutilization of women and Black/Hispanic/Asian individuals is very much dependent upon the determination of the availability of women and Black/Hispanic/Asian individuals in the relevant labor market who are qualified and interested in the positions. Females and Black/Hispanic/Asian group members tended to represent a larger share of Promotions than New Hires, suggesting internal career pathways advance equal employment opportunity in employment in City government. There were however, approximately five times more New Hires than Promotions, which overshadow these gains.

Recommendation No. 1

The EEPC recommends the City re-evaluate the accuracy and method of estimating the CEEDS availability estimates. Ideally, these estimates should align with the demographic composition of the relevant Civil Service list(s) and should reflect the relevant labor market. We recommend the City re-evaluate the job group structure and assignments to ensure that all job titles are assigned to the correct job groups. We also recommend the development a framework so the City, through DCAS, may easily, accurately, and more frequently, update its availability estimates in the future.

Ideally, availability analyses should be updated quarterly and should match the frequency of utilization analyses, to be a timely reflection of the availability of Civil Service list members and incumbent workers. External availability data should incorporate the most recent EEO Tabulation file from the United States Census, among other relevant data. Internal availability data (generally comprised of qualified incumbents in the present workforce, and Civil Service lists, promotional, training, and other data) should be clearly denoted in detail and updated quarterly. DCAS must ensure that all updated availability data (internal and external) and candidate disposition data be available to all City entities and EEO professionals to ensure that they are aware of the labor pool of available workers and conduct all applicable analyses. A master list of all job titles would provide a basis for analysis of similarly situated positions to establish more accurate job duties and expectations. U.S. Census occupational code assignments should be transparently assigned to each job title. Lastly, EEO professionals should be trained in conducting EEO data analyses to ensure they know how to properly interpret employment data in order to design and implement data-driven initiatives to reach their EEO goals.

To perform these tasks, we recommend the City engage the services of an expert consulting firm to ensure that the availability estimates for the City's workforce are properly calculated and can be regularly updated. This is one way to be certain the City's workforce continues to reflect the multicultural diversity present within the City and its surrounding labor market.

Finding 2: Underutilization applies to job groups regardless of the number of entities that use the title, the size of the entity, or the number of employees in the title at a particular entity.

- The recommendations regarding underutilization apply equally to all entities, regardless of whether the entity is extra-large, with tens of thousands of employees or tiny, with just tens of employees. With that being the case, it is easy to find examples of small agencies that employ few workers of a certain title, a title that may have been determined to be "underutilized." Such determination impacts the recruiting efforts of the small agency, even if that small agency only

employs a few workers in that title and thus cannot realistically be expected to make impactful changes to decrease underutilization through its recruitment and retention efforts.

- Determinations of underutilization for entities with fewer than 30 employees may be unreliable, because a finding of underutilization can change drastically with the addition or subtraction of just a few employees.

Recommendation No. 2

As availability data is connected to its corresponding job group, regardless of the entity, consideration should be given to calculating job group availability on an entity-specific level rather than the aggregated, citywide level. This would provide a more accurate assessment of whether the job group within a specific entity has underutilization.

It is recommended the availability estimates and the underutilization analysis for tiny, extra-small and small entities, at a minimum, be conducted on an individual, case by case basis. The consulting firm recommended above should also be tasked with establishing guidelines for the various-sized agencies, taking into account the size of the entity, and the number of job titles in the job group used by the entity. The consultant should develop a more effective method of analyzing and remedying underutilization so that the hiring and promotional practices of these smaller agencies can have more of a direct impact on the affected job group(s). Examining underutilization in this way also requires reconsidering the City's current standard for determining underutilization (statistically significant standard deviations).

Finding 3: Occupational segregation is present and varies by demographics in many titles.

Occupational segregation is defined as the concentration of individuals from certain groups – typically racial/ethnic and/or gender groups – into certain occupations/job groups. Historically, this has often manifested with White men disproportionately employed in higher-paying jobs, and women and Black/Hispanic/Asian individuals employed in lower-paying jobs.

- In general, some job groups contain job titles that have a greater concentration of a singular demographic group than would be expected. For example, White workers tend to be more populous in titles in the higher-level, higher-paid job groups (*Sanitation Worker, Firefighter, and Police Officer*) and women and Black/Hispanic/Asian individuals tend to be more populous in titles in the lower-level, lower-paid job groups (*Correction Officer, School Safety Agent, Social Worker, and Caseworker*). For FY21 Q4, underutilization was identified in 22 of the City's 29 job groups: women were underutilized in 20 of the job groups, Black employees were underutilized in 13 job groups; Hispanics and Asians were each underutilized in 10 job groups. But the overrepresentation of women and Black/Hispanic/Asian employees in the *Correction Officer, School Safety Agent, Social Worker, and Caseworker* titles suggests the presence of occupational segregation.
- Data on the race/ethnic and gender composition of various job groups, illustrated in *Figure 1: Job Group and Median Salary by Race/Ethnicity and Gender* highlight some of these issues. *Firefighter, Police Officer, Correction Officer* (in the *Police and Detectives* job group) and *Sanitation Workers* are at higher salaries, while *Social Workers* and *Caseworkers* (in the *Social Workers* job group) and *School Safety Agent* (in the *Guards* job group) are on the lower salaried side of the chart, despite the requirement that *Social Workers* have a Master's degree, *Caseworkers* have a Bachelor's degree, and all the other titles analyzed in this report have either a 60-credit requirement or high school diploma.

Recommendation No. 3

The EEPC recommends the City aggressively offer training for workers in those job groups that are at the lower end of the salary scale, such as *Caseworker, Food Preparation, Guards, Clerical, etc.*, to encourage those workers who are able and interested in gaining skills to qualify for higher-level jobs the opportunity to do so. In this way, workers in these job groups may find opportunities for future growth, which may provide career pathways for women and Black/Hispanic/Asian employees to advance their careers into better jobs and higher wages. Targeted training would also provide additional opportunities for new workers interested in starting a career with the City of New York. By investing in its employees, the City can create jobs for new employees who may be at the beginning of their careers, while encouraging current employees to qualify for higher-level roles within the City's workforce.

Finding 4: In many instances, White male applicants passed Civil Service exams at higher rates than other applicants on Civil Service exams. In some instances, they were also selected for hire in percentages that substantially exceeded their availability estimates, even though considerable numbers of applicants with other demographic characteristics also passed the exam.

These are some examples of disparities in the availability and hiring of job candidates:

Police Officer: White males comprise 23% on one of the Civil Service lists but make up 45% of New Hires; they comprise 44% of the workforce.

Sanitation Workers: White males comprise 32% of the Civil Service list but make up 52% of New Hires; they comprise 53% of the workforce.

Firefighters: White males comprise 50% of the Civil Service list but make up 58% of New Hires; they comprise 70% of the workforce.

This could also mean that women and Black/Hispanic/Asian individuals may not be progressing in their careers at the same or similar rates as non-Black/Hispanic/Asian males but without an effective analysis and an understanding of employee demographics within the entity as it relates to new hires, promotions, and separations, it can be difficult to devise effective solutions.

Recommendation No. 4

The EEPC **recommends** the City ensure all potential barriers to employment be explored, identified, and rectified. When underutilization is identified, Human Resource professionals are typically advised to increase their recruitment sources and "cast a wider net," but that may not always be the barrier causing underutilization in the job group. Certainly, all job postings should cast that wider net, but there also should be a review of other possible barriers that may be present, and which could be preventing applicants and employees from ranking higher on the Civil Service list. Such barriers could include (but are not limited to): 1) do Civil Service examinations contain questions based on job qualifications that may not be necessary to perform the job; 2) is there adequate training available to all employees and not just the "rising stars" within the organization; 3) are employees involved in the hiring process required to take structured interview training and unconscious bias training; 4) do entities adequately explain the Civil Service process to all potential applicants and provided a mechanism such as a website that provides applicants with periodic updates so they understand the status of the list they may be on.

In other words, is the City adequately preparing its applicants for success on the Civil Service exams and removing all barriers to employment and advancement? Is the City taking all necessary steps to address underutilization and occupational segregation in its workforce?

Final Considerations

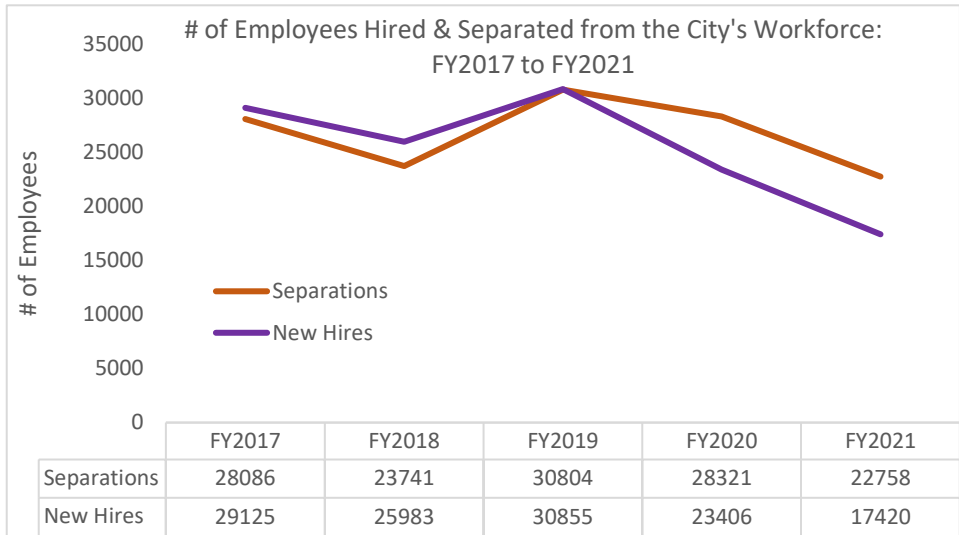
While the EEP's mission is to make recommendations to improve underutilization in New York City entities, we recognize the limitations of competing priorities and budgetary constraints. Additionally, the recommendations being made are not trivial in scope, as they encompass data mining and analysis for the entirety of the City's workforce. The CEEDS Report is the source of EEO data reporting and analyses by New York City entities. Through the advent of Open Data, more entities provide data by job title, agency, and year. This data could provide an informative supplement to the workforce and personnel activity data available in CEEDS, however, it is almost always not a "clean" crosswalk to the CEEDS system. A master listing of the CEEDS job group assignments for each job title may be helpful. In addition, the sharing and adoption of CEEDS job title codes and the inclusion of such codes on reports by those entities that produce employment data on personnel activity, and even payroll data, could prove helpful.

As DCAS continues to monitor entities for underutilization in the aggregate workforce and the entity level, entities should be encouraged to look closely at their workforces from the time applicants apply to specific jobs until the time candidates are hired, to determine if obstacles exist in the hiring pipeline and, if so, what solutions can be crafted to remove those obstacles. DCAS should continue to provide training so that the entities understand the data, the proper way to perform the analyses, and have the proper information on which to base decisions. It is equally important to develop internal sources of candidates through promotional actions as well as through transfers. Development of internal candidates may be achieved through providing training opportunities, career counseling, job shadowing, "mobility assignments," transfers, etc. While there is no "one size fits all" solution, there are different ways to address imbalances in the workforce, to attract more workers, and develop those workers for higher-level positions.

Considering the analyses and findings in this report, it is recommended DCAS continue to work closely with the City entities, review their Annual EEO Plans, and continue to provide guidance and training. As funding is considered during the budget process, the City should ensure that all entities have the resources needed to conduct expanded recruitment activities, conduct training of current employees, and track/monitor all efforts to determine whether these initiatives are, in fact, making a difference.

General trends in hiring may also complicate matters. Figure 30 examines the number of persons hired by the City in the past five fiscal years, along with the number of employees who separated from the City.

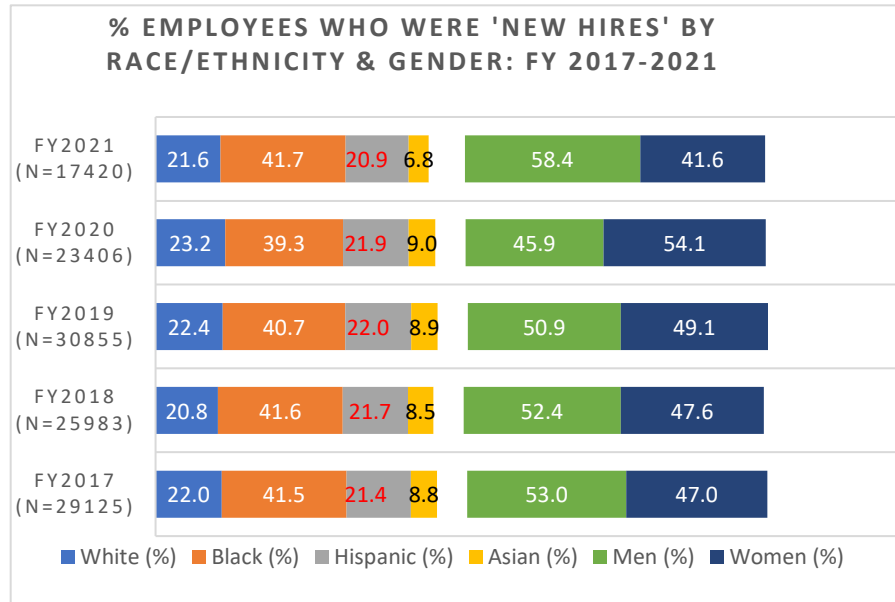
Figure 30: Number of Employees Hired and Separated from the City's Workforce FY17- FY21



Between FY2017 and FY2021 there was a net loss of 6,921 workers. This loss over the past five years is driven by 2020 and 2021; from 2017-2019 there was a net gain in personnel. In FY21, 22,758 employees separated and only 17,420 were hired, a net loss of 5,338. The City's hiring freeze and consequences of the COVID-19 pandemic are factors that likely impacted the decline in new hires during this period. If hiring is down, it could be more challenging for entities to address existing underutilization in their workforce.

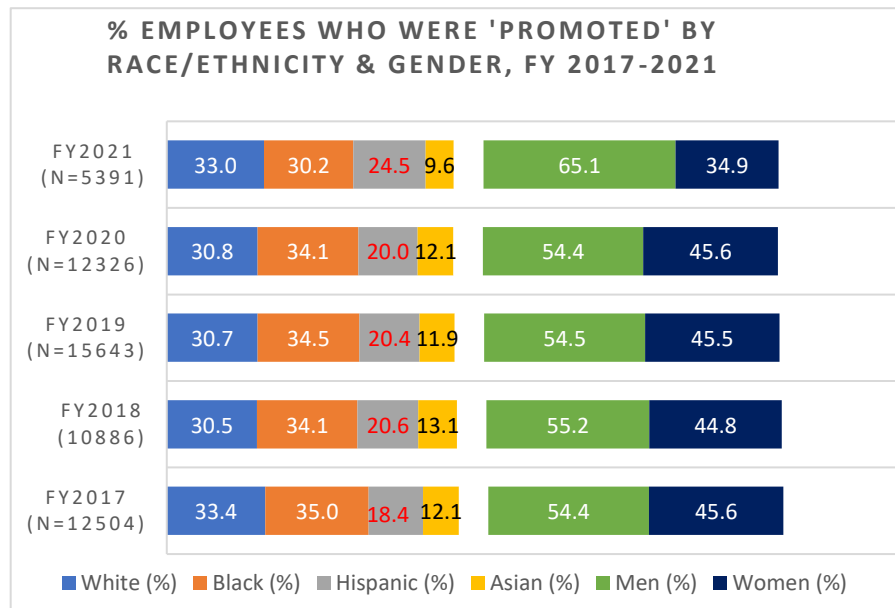
Figures 31 to 33 examine the breakdown by racial/ethnic and gender of the new hires, promotions, and separations over the last 5 fiscal years (FY17 through FY21).

Figure 31: Employees Hired by Racial/Ethnicity and Gender FY17 - FY21



- The percentage composition of newly hired White, Black, and Hispanic employees over the last 5 fiscal years has remained stable, with only minor fluctuations. In FY21, however, there was a marked decrease in the percentage of Asians hired to work for the City.
- The percentage of men hired decreased from FY17 to FY20, but there was a substantial increase in FY21, reversing this trend.

Figure 32: Employees Promoted by Racial/Ethnicity and Gender FY17- FY21

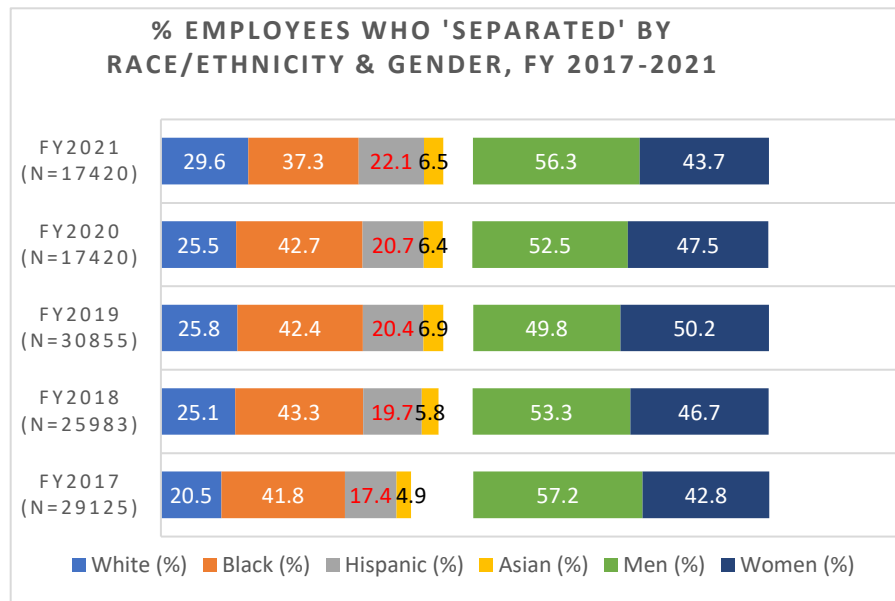


- The percentage breakdown of White, Black, Hispanic, and Asian employees who were promoted from FY18 to FY20 was stable. There were some notable changes in FY21: the percentage of White and Hispanic employees promoted increased while the opposite happened for Black and Asian employees, with Asian employees recording the lowest proportion of promotions in FY21 for the last 5 fiscal

years.

- The percentage of men and women promoted was stable from FY17 to FY20, with a substantial increase in the proportion of promotions of men in FY21.

Figure 33: Employees who Separated by Racial/Ethnicity and Gender FY17 -FY21



- The percentage composition of White, Black, Hispanic, and Asian employees separating from city service was fairly stable from FY18 to FY20. However, FY21 saw a marked increase in separations of White employees, while the opposite was noted for Black employees. Hispanic workers also saw an increase in separations, while the number was stable for Asian employees.

- The percentage of men separating from city service was decreasing from FY17 to FY19. However, the trend was reversed in FY20 and FY21, with more men than women departing.
- FY19 was the only year that recorded almost equal percentages of men and women leaving the City’s workforce.

There is a need for access to more employment data, such as discretionary applicant data and candidate data from additional competitive civil service lists. Historical data and trends should also be compiled and reviewed. The present CEEDS data is a start, but a more thorough workforce analysis, including review of the job title composition of each job group, needs to be conducted. Availability weightings should be reviewed and validated on a regular basis to ensure the appropriate balance of internal, external, and civil service list sources that fill vacancies in each job group at each entity. Internal availability feeder group weightings should be validated with past trends in internal transfers and promotions. There needs to be consistent and regular review of the Civil Service list data, as in some cases, the list may become the availability estimate for the job title. It is recommended this data be published in a manner to both protect the privacy of city workers as well as promote transparency in employment activity and analyses, so that all entities are aware of relevant employment data and utilize it in their recruitment and employment activities. Moreover, exit interviews may provide additional information that could be helpful in identifying obstacles to current efforts to increase diversity in the recruitment and development of City employees.

Contact

Questions regarding the data reported herein may be directed to the EEPC via the “Contact Us” page on the *New York City Open Data Portal* or the EEPC’s website.

The *2022 Racial and Ethnic Classification Report* is available on the EEPC’s website and the *New York City Open Data Portal*.

Appendices

Appendix A: Local Law 13 of 2019

Appendix B: Letter to City Council

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Appendix A: Local Law 13 of 2019

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2019

No. 13

Introduced by Council Members Eugene, Kallos, Rosenthal, Chin, Cumbo and Levin.

A LOCAL LAW

In relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization

Be it enacted by the Council as follows:

Section 1. City agency racial and ethnic underutilization assessment and reporting. a. In furtherance of local, state and federal equal employment requirements and objectives, the equal employment practices commission shall conduct a citywide analysis of racial and ethnic classification underutilization and submit to the mayor and the speaker of the council, and to make available to the public, a report containing its findings and recommendations.

b. Data collection. The commission shall obtain from the office of data analytics the report it shall publish pursuant to subchapter 7 of chapter 1 of title 3 of the administrative code of the city of New York, as well as directly from city agencies, including the department of citywide administrative services, any information necessary to comply with the assessment and reporting requirements of this section, other than information that is required by law to be kept confidential, or is privileged as attorney-client communications, attorney work product or material prepared for litigation.

c. Reporting. The commission shall issue a report to the mayor and the speaker of the council no later than February 15, 2021, and no later than February 15 annually thereafter, and shall make such report available to the public. Such report shall include, but not be limited to the following:

(1) information identifying the racial and ethnic groups underutilized, disaggregated by agency, and aggregate, citywide results. If a racial or ethnic category to be reported with respect to a job category in an agency contains between 0 and 5 individuals, or contains an amount that would allow another category that contains between 0 and 5 individuals to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression;

(2) information regarding previously issued correction action plans or determinations of non-compliance related to underutilization;

(3) recommendations for correcting underutilization, disaggregated by agency and by underutilized group;

(4) recommendations regarding how the collection of racial and ethnic classification data of city employees, based on a review of the city's racial and ethnic classification categories and an assessment of whether such categories accurately capture the racial and ethnic composition of the city's government workforce, including a review of employee response rates to racial and ethnic classification questions;

(5) recommendations for strengthening agency affirmative employment plan oversight and enforcement, including funding recommendations; and

(6) recommendations for citywide corrective actions, including legislative, regulatory and budgetary changes, to address:

(a) chronic or systemic underutilization;

(b) reach citywide affirmative employment objectives; and

(c) increase diversity in the recruitment, selection, retention and promotion of city employees.

d. All city agencies shall cooperate with the commission and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of employee information.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York in relation to reporting of pay and employment equity data, as proposed in introduction number 633-A for the year 2018, takes effect, and is deemed repealed ten years after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 13 of 2019, Council Int. No. 755-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel

Appendix B: Letter to City Council



Aldrin Rafael Bonilla
Chair

Minosca Alcantara
Elaine S. Reiss, Esq.
Commissioners

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

August 16, 2021

Mathieu Eugene
Chair, Committee on Civil and Human Rights New York City Council
City Hall
New York, New York 10007

Re: Equal Employment Practices Commission (EEPC) 2021 Racial and
Ethnic Classification Report

Dear Chair Eugene:

On July 21, 2021, the Equal Employment Practices Commission (EEPC) submitted its *2021 Racial and Ethnic Classification Report* (Report), prepared in accordance with Local Law 13 (2019). The Report is the first of ten (10) annual reports that will identify areas of underutilization of minorities by job group in New York City (City) government and at the seven (7) City University of New York (CUNY) Community Colleges, as well as make recommendations for resolving any significant underutilization found.

As you are aware, Local Law 19 requires the EEPC to focus on the underutilization of racial and ethnic groups among City governmental entities. Noticeably absent from the reporting requirements of Local Law 19 are analyses of underutilization based on gender. As such, the EEPC's first Report did not include baseline data, on which the EEPC plans to conduct future, more focused analyses, regarding gender.

The EEPC is an independent, non-mayoral oversight entity tasked with auditing, reviewing, and monitoring the practices and procedures of City entities and their efforts to ensure fair and effective equal employment opportunity (EEO) for *women and minority* employees and applicants seeking employment. To that end, the EEPC respectfully requests that the Local Law 13 reporting requirements be amended to include analyses of, and recommendations to reduce, underutilization based on gender. Such an amendment will align the goals of Local Law 13 with the overall mission of the EEPC to provide EEO to all City employees and applicants.



We welcome the opportunity to discuss this matter in more detail and to provide suggested edits to Local Law 13 at your request. The EEPC looks forward to working with you and the New York City Council to ensure that all City governmental entities follow best practices for reducing or eliminating underutilization across all job groups within their entity, resulting in increased equal employment opportunities for all applicants and employees within the City of New York.

Sincerely,

A handwritten signature in black ink that reads "Jeanne M. Victor". The signature is written in a cursive style.

For Aldrin Rafael
Bonilla Chair

- c: Helen K. Rosenthal, Council Member, New York City Council
- Ben Kallos, Council Member, New York City Council
- Margaret S. Chin, Council Member, New York City Council
- Laurie A. Cumbo, Council Member, New York City Council
- Stephen T. Levin, Council Member, New York City Council
- Jeanne M. Victor, Executive Director, EEPC
- Letizia Gambrell-Boone, Director of Research Initiatives and Public Hearings, EEPC

Appendix C: Table 1 from the 2021 Racial and Ethnic Classification Report (Updated to Include Women)

APPENDIX C:										
Table 1: Composition of Employees by Entity, Racial/Ethnic Category and Size:										
FY 2021 Q4										
Entity	ASIAN	BLACK	ETH UNK	HISPANIC	NAT AMER	WHITE	Grand Total	MALE	FEMALE	Entity Size Category
Administration for Children's Services	337	4259	151	1246	38	842	6873	1952	4919	Large
Department of Correction	507	5774	116	2074	61	1226	9758	5477	4279	Large
Department of Environmental Protection	940	1242	107	816	16	2819	5940	4401	1534	Large
Department of Health & Mental Hygiene	1063	2681	236	1151	18	1570	6719	1944	4769	Large
Department of Parks & Recreation	400	3813	360	1869	46	2180	8668	5234	3419	Large
Department of Transportation	654	1710	105	908	22	2263	5662	4204	1457	Large
Department of Buildings	276	516	59	253	10	563	1677	1070	605	Medium
Department of Citywide Administrative Services	259	764	59	555	15	608	2260	1388	872	Medium
Department of Design & Construction	355	281	20	183	5	366	1210	752	458	Medium
Department of Finance	388	753	40	249	6	564	2000	954	1046	Medium
Department of Information Technology & Telecommunications	333	432	58	241	4	585	1653	1028	623	Medium
Department of Probation	38	664	18	217	5	121	1063	325	738	Medium
NYC Department of Homeless Services	83	1284	45	399	3	191	2005	1006	999	Medium
NYC Housing Preservation & Development	299	889	65	486	5	585	2329	1140	1187	Medium
NYC Law Department	157	494	83	231	2	809	1776	657	1114	Medium
Office of the Bronx County District Attorney	68	286	22	332	5	373	1086	414	672	Medium
Office of the Kings County District Attorney	87	326	54	221	1	448	1137	511	626	Medium
Office of the New York County District Attorney	138	224	52	293	1	866	1574	667	906	Medium
Department for the Aging	170	293	36	190	3	101	793	200	592	Small
Department of Youth & Community Development	68	211	23	114	2	108	526	193	333	Small
NYC Council	76	162	29	164	2	306	739	359	379	Small
NYC Taxi & Limousine Commission	86	201	11	143	5	123	569	339	230	Small

Office of Administrative Trials & Hearings	56	181	24	79	0	324	664	256	407	Small
Office of the NYC Comptroller	173	197	40	122	0	269	801	341	458	Small
Office of the Queens County District Attorney	86	127	51	151	1	409	825	345	480	Small
Board of Correction	3	9	0	4	0	7	23	9	14	Tiny
Board of Standards & Appeals	1	9	1	4	0	10	25	13	12	Tiny
Business Integrity Commission	14	14	3	15	0	34	80	38	42	Tiny
Civil Service Commission	1	5	0	1	0	5	12	5	7	Tiny
Conflicts of Interest Board	5	1	2	4	0	11	23	11	12	Tiny
Department of Cultural Affairs	9	15	4	14	0	25	67	28	39	Tiny
Department of Records & Information Services	14	12	2	8	1	23	60	26	34	Tiny
Department of Veterans' Services	4	15	1	11	0	5	36	17	19	Tiny
Equal Employment Practices Commission	2	5	2	1	0	2	12	4	8	Tiny
Landmarks Preservation Commission	5	7	5	6	0	48	71	21	50	Tiny
NYC Independent Budget Office	5	4	3	3	0	23	38	19	18	Tiny
NYC Office of the Actuary	13	3	1	3	0	20	40	23	17	Tiny
Office of Administrative Tax Appeals	12	11	1	5	0	26	55	28	27	Tiny
Office of Collective Bargaining	0	2	1	3	0	11	17	5	12	Tiny
Office of the Bronx Borough President	0	11	2	25	1	13	52	21	31	Tiny
Office of the Bronx County Public Administrator	0	0	0	7	0	0	7	2	5	Tiny
Office of the Brooklyn Borough President	2	29	3	10	0	22	66	28	38	Tiny
Office of the City Clerk	14	7	0	29	1	13	64	22	42	Tiny
Office of the Kings County Public Administrator	0	4	1	3	0	3	11	4	7	Tiny
Office of the Manhattan Borough President	4	18	2	13	0	16	53	24	29	Tiny
Office of the New York County Public Administrator	2	4	1	1	0	2	10	6	4	Tiny
Office of the Public Advocate	3	23	8	12	1	14	61	29	31	Tiny
Office of the Queens Borough President	7	17	4	14	1	25	68	31	37	Tiny
Office of the Queens County Public Administrator	0	1	0	1	0	6	8	2	6	Tiny
Office of the Richmond Borough President	0	4	2	4	0	30	40	19	21	Tiny
Office of the Richmond County Public Administrator	0	1	0	1	0	3	5	2	3	Tiny
Department of Education	1702	3909	236	2922	74	4397	13240	3949	9291	X-Large

Department of Sanitation	459	2452	627	2127	39	4799	10503	9521	981	X-Large
NYC Fire Department	722	2277	187	3140	46	10659	17031	15146	1885	X-Large
NYC Housing Authority	609	5981	492	2740	54	1811	11687	7169	4514	X-Large
NYC Human Resources Administration/Department of Social Services	1166	6650	201	2130	49	1637	11833	3468	8363	X-Large
NYC Police Department	5451	12864	501	13863	341	18284	51304	33433	17870	X-Large
Campaign Finance Board	29	14	9	16	0	45	113	52	61	X-Small
Civilian Complaint Review Board	20	42	19	42	0	82	205	96	108	X-Small
Department of City Planning	56	43	10	41	0	157	307	161	144	X-Small
Department of Consumer & Worker Protection	69	81	10	99	2	103	364	151	213	X-Small
Department of Emergency Management	18	36	17	22	0	104	197	98	98	X-Small
Department of Investigation	34	87	15	54	1	138	329	150	179	X-Small
Department of Small Business Services	46	90	6	51	1	85	279	114	165	X-Small
Financial Information Services Agency	180	55	9	28	1	144	417	274	143	X-Small
NYC Commission on Human Rights	22	31	10	26	0	34	123	53	68	X-Small
NYC Employees' Retirement System	106	167	11	52	1	140	477	185	292	X-Small
NYC Police Pension Fund	26	41	2	25	1	45	140	63	77	X-Small
Office of Labor Relations	19	50	5	18	1	61	154	47	107	X-Small
Office of Management & Budget	98	48	12	56	0	177	391	212	177	X-Small
Office of Payroll Administration	28	48	2	29	1	38	146	56	90	X-Small
Office of Special Narcotics Prosecutor	21	39	14	34	1	108	217	108	108	X-Small
Office of the Mayor	57	81	19	73	1	193	424	145	279	X-Small
Office of the Richmond County District Attorney	6	21	11	31	0	142	211	88	123	X-Small
Teacher's Retirement System	88	97	8	47	0	128	368	156	212	X-Small
TOTALS	18249	63199	4346	40555	895	62527	189771	110489	79215	

Appendix D: Job Groups with Underutilization in FY21

JOB GROUP	JOB GROUP DESCRIPTION
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.
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.
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.
	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 hand working occupations and kindred workers.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
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.

Appendix E: Key Terms

Applicant – A person who applies for a job.

Applicant Pool – All of the people who have applied for a particular job over a period of time who form the collection of applicants from which selection decisions are made.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Availability Estimate – The availability of minority group members and women for a job group. It is an estimate of the percentage of minority group members and women among persons in the relevant labor market and internal workforce feeder pools that have the requisite qualifications to perform the work for those positions included in the job group.

Black – An individual, not of Hispanic origin, with origins in any of the black racial groups of Africa.

Candidate – A person regarded as suitable for or likely to receive a position. A candidate is a person who has the minimum qualifications and progresses through the hiring process. To be a candidate for a competitive Civil Service List title, one must score 70 points or greater on the Computer-Based Exam for the title.

CEEDS Availability Estimates – Compound constructions that are comprised of three weighted constituent parts, namely, candidates on the applicable civil service lists for competitive titles, the internal workforce available for discretionary appointments, and the applicable external labor pool for discretionary titles. that come from the working population at large. Census estimates are relevant to the external availability pool.

Census Availability Estimate – The U.S. Census Bureau American Community Survey (ACS) calculates EEO tabulations primarily broken down by demographic (i.e., race/ethnicity and gender), occupation, and geography. The EEO tabulation measures external labor pools, by occupation and geographic area, that are used for the availability estimate and utilization analyses.

Certified List - The Civil Service List or portion of the Civil Service List officially sent to City agencies and from which they can hire.

Collective Bargaining Agreement – Is a written contract negotiated through collective bargaining for employees represented by a trade union with company management that regulates the terms and conditions of employees at work. The agreement usually sets out issues such as employees' pay, working hours, training, health and safety, and rights to participate in workplace affairs.

Competitive Title – A class of civil service title that requires candidates to first qualify for, take, and pass a Civil Service Examination. Candidates who pass the exam are listed in rank order and must be considered in list order when entities seek to fill vacancies in the competitive title. Once the Civil Service list is created and published, it becomes the source of availability to fill vacancies for the respective title.

Discretionary Title – A class of civil service title that does not require taking the Civil Service Examination. Candidates to discretionary titles apply to job vacancies and are appointed after an

examination of qualifications (Non-Competitive Class), at the policy making level at the discretion of an agency (Exempt Class), or to perform unskilled labor (Labor Class).

EEO Tabulation – The EEO tabulation was created by the US Census to measure the population availability of workers by occupation and geography. The EEO tabulation measures the external availability for the weighted availability estimate that is essential to the utilization analysis.

Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Incumbent Worker/Workforce – An individual (or group of individuals) currently employed. The current workforce.

Job Group – A group of job titles within a workplace having similar content, wage rates, and opportunities for advancement.

Job Title – A job title is a name that describes a job or position. The job title can imply the level of the job as well as the responsibilities included in the job.

Minorities – Persons who are Black, Hispanic, and/or Asian. The term may refer to these groups in the aggregate or to an individual group.

One in Three Rule – Under New York State Civil Service Law, this rule provides City agencies with the discretion when hiring to select one of the three eligible candidates scoring highest on the ranked eligible list of exam passers.

Open Competitive Exam – Exams open to anyone meeting the minimum qualifications as described in the official Notice of Examination.

Promotional Exam – Exams open to permanent Civil Service employees, i.e., those who have been appointed from a Civil Service exam and passed the mandated probationary period.

Selection Process – Any step, combination of steps, or procedure used as a basis for any employment decision, including but not limited to: informal or casual interviews, unscored application forms, paper and pencil tests, performance tests, training programs, probationary periods, and physical, education, and work experience requirements, as well as the decision-making process used in determining whether to hire or promote.

Underutilization - Underutilization occurs when the number of employees in a job group who belong to a specific racial/ethnic or gender group is less than the number reasonably expected when compared to the availability of qualified persons in the relevant labor pool.

White – An individual not of Hispanic origin (unless otherwise noted), with origins in any of the original peoples of Europe, North Africa, or the Middle East.

Woman – An individual who identifies as a woman (and may sometimes be referred to as a female) and can be of any race and/or ethnicity.

Appendix F: Research Methodology

- 1) Employees who identify ethnically as Hispanic are considered Hispanic only, regardless of whether they also identify a race, unless otherwise noted.
- 2) Agencies, offices, boards, colleges, mayoral and non-mayoral agencies, and the like may be referred to generically as “entities” throughout this report, unless otherwise noted.
- 3) The employment data used in the analyses in this report includes both full- and part-time employees in City government.
- 4) The EEPIC recognizes the conflation and confusion in using terms related to gender and sex interchangeably. In this report the EEPIC continues the conflation due to the format of the demographic data provided. The EEPIC recognizes that for some individuals these two identity characteristics (sex and gender) are not the same, and these four identities (men, males, women, females) do not cover the spectrum of genders.
- 5) Unless otherwise specified, the US Census data estimates referenced in this report were extracted from the EEO Tabulation 2014-2018 (5-year ACS Data), Table EEOALL1R for the New York-Newark-Jersey City, NY-NJ-PA Metro Area (GEOID 31000US35620).²³
- 6) The Civil Service exam pass rates for all job titles analyzed in this report, except for the *Firefighter* title, include only relevant applicants. Applicants were included in the total applicant count for the pass rate if they passed the exam or met one of the following criteria:
 - a. took the test but scored a zero (0),
 - b. tested but did not pay or have the application fee waved,
 - c. did not have a valid photograph I.D., or
 - d. failed the multiple-choice test or physical test.Applicants who were absent from an exam were excluded from the total applicant count.
- 7) Candidates include all applicants that scored 70 points or higher on the initial exam.

²³ Table Set: EEOALL1R - EEO 1R. *Detailed Census Occupation by Sex and Race/Ethnicity for Residence Geography*. US Census Data was accessed February 10, 2022 via https://www2.census.gov/EEO_2014_2018/EEO_Tables_By_Geographic_Area/Core_Based_Statistical_Areas/EEOALL1R_310.csv.

Appendix G: Underutilization, Availability, and the City of New York's Workforce

To determine underutilization, we compare the actual percentages of Black/Hispanic/Asian and women employees in the City's workforce with the availability of Black/Hispanic/Asian and women workers in the relevant labor pools. The relevant labor pool can be defined by the Certified Civil Service lists and incumbent workforce used to fill vacancies (by promotion or transfer), or the relevant labor market (i.e., those with the requisite skills in the New York City metropolitan area).

Each job title is classified into non-overlapping job groups. After determining the job group assignments for each job title in the workforce, we determine the expected availability for each job group by race/ethnicity and gender. **Availability is an estimate of the proportion of qualified Black/Hispanic/Asian and women workers available for employment, derived of internal and external sources.** The City of New York also accounts for the Civil Service System exam candidates by including Civil Service list data in its availability estimates. When determining the availability of qualified Black/Hispanic/Asian and women workers available for employment for each job group, an employer must consider both the percentage of Black/Hispanic/Asian and women workers with requisite skills in the reasonable external recruitment area, and the percentage of Black/Hispanic/Asian and women employees among those promotable, transferable, and trainable within the organization. The US Department of Labor requires federal contractors, all of which have discretion in hiring, to "use the most current and discrete statistical information available to derive availability figures." 41 CFR 60-2.14(d).

An availability estimate is first calculated for each title, and then weighted according to the representation of the job title in the job group. The job title availability estimates are then weighted according to the representation of the title in the job group. For job titles subject to discretionary hiring processes, the EEO Tabulation file from the US Census is the standard source for availability data. To assess external availability when there is discretion in hiring, each job title is assigned an occupational code as found in the US Census' most current EEO Tabulation data files, and availability estimates are calculated by geographic area. **For job titles subject to the competitive Classified Civil Service hiring process – held by approximately 81% of the New York City's workforce – the Civil Service Lists are the primary source of availability data.** Care should also be taken to ensure the accuracy of availability estimates, such as tailoring the availability calculation for each job group on an entity specific basis, and only incorporating data pertinent to the specific workforce at hand. The availability estimate is the product of the availability analyses, and subsequently is used in utilization analyses which determine if statistically significant underutilization is present. Underutilization itself does not mean discrimination occurred; it is an indicator that it may be present.

The expected availability estimate used by the City of New York in the CEEDS system is calculated for each job group on a Citywide basis. The expected availability estimates are composite estimates of Civil Service List candidate availability, internal availability (those employees eligible for promotion and transfer), and external US Census availability data. Due to the composite nature of the CEEDS availability estimate, comparing the CEEDS availability estimates to availability metrics may result in opposite conclusions pertaining to underutilization.

Table G-1, below, compares the CEEDS Report expected availability percentages (last updated for FY14) against the actual employee availability percentages of its incumbent workforce for FY14 and

FY21, broken out by job group, race/ethnicity, and gender. The composition of the City's workforce as of FY14 (Actual '14) was also included as a baseline reference, because the CEEDS job group availability estimates were last updated in FY14. The fluctuations in the workforce composition between FY14 and FY21 suggest the stagnant **CEEDS expected availability estimates must be updated.**

Table G-1: Black/Hispanic/Asian Race/Ethnicity and Women Availability Percentages as per CEEDS and Actual Incumbency for FY21 Q4

Comparison of Race/Ethnicity and Gender Availability Percentages to Actual Incumbents by Job Group: FY21 Q4*												
JOB GROUPS	ASIAN %			BLACK %			HISPANIC %			FEMALE %		
	AVAIL ('14)	ACTUAL ('14)	ACTUAL ('21)	AVAIL ('14)	ACTUAL ('14)	ACTUAL ('21)	AVAIL ('14)	ACTUAL ('14)	ACTUAL ('21)	AVAIL ('14)	ACTUAL ('14)	ACTUAL ('21)
Administrators	11%	4%	7%	17%	20%	21%	15%	14%	14%	38%	41%	45%
Building Services	7%	2%	1%	32%	60%	63%	34%	33%	26%	32%	38%	42%
Clerical	7%	6%	8%	53%	59%	53%	15%	18%	21%	68%	81%	79%
Clerical Supervisors	5%	5%	6%	56%	64%	59%	13%	14%	19%	78%	86%	84%
Craft	7%	6%	7%	32%	19%	21%	13%	16%	18%	10%	2%	3%
Farming	5%	2%	2%	32%	42%	50%	27%	27%	27%	28%	21%	26%
Fire Supervisors	0%	0%	1%	1%	2%	2%	2%	3%	6%	0%	0%	0%
Firefighters	2%	2%	3%	5%	7%	11%	8%	10%	17%	1%	1%	2%
Food Preparation	14%	4%	6%	25%	80%	45%	35%	10%	24%	39%	34%	74%
Guards	5%	5%	8%	48%	44%	46%	22%	27%	27%	52%	67%	72%
Health Professionals	14%	13%	18%	36%	38%	24%	10%	8%	9%	76%	84%	87%
Health Services	6%	4%	4%	45%	56%	60%	21%	28%	27%	73%	62%	65%
Laborers	8%	2%	2%	30%	44%	54%	23%	14%	16%	24%	33%	31%
Lawyers	7%	8%	9%	13%	14%	14%	10%	6%	9%	47%	58%	59%
Management Specialists	13%	14%	17%	30%	37%	35%	13%	14%	16%	40%	51%	52%
Managers	10%	12%	14%	19%	21%	22%	13%	11%	13%	42%	42%	47%
Operators	5%	9%	7%	17%	32%	23%	14%	14%	22%	12%	3%	2%
Paraprofessionals	10%	9%	9%	27%	41%	37%	24%	24%	30%	58%	64%	66%
Personal Services	9%	3%	5%	26%	50%	51%	29%	33%	24%	40%	44%	39%
Police and Detectives	5%	7%	10%	30%	30%	27%	22%	25%	28%	25%	25%	26%
Police Supervisors	3%	5%	8%	15%	20%	21%	13%	18%	23%	14%	20%	20%
Public Relations	9%	14%	17%	15%	15%	12%	12%	20%	21%	34%	53%	55%
Sanitation Workers	1%	2%	2%	23%	22%	19%	17%	20%	24%	3%	3%	3%
Science Professionals	23%	26%	31%	18%	18%	16%	10%	10%	12%	31%	36%	36%
Social Scientists	10%	14%	12%	17%	19%	22%	9%	8%	17%	49%	50%	58%
Social Workers	5%	6%	6%	63%	65%	63%	15%	17%	19%	67%	74%	74%
Teachers	9%	10%	13%	34%	60%	31%	11%	16%	20%	57%	78%	71%
Technicians	10%	9%	9%	33%	37%	33%	19%	21%	24%	37%	39%	37%
Transportation	4%	4%	4%	49%	48%	51%	17%	22%	23%	14%	9%	9%

*Availability percentages are from the CEEDS Report and the Actual percentages from the DCAS' CEEDS 210-Workforce Composition Report

Appendix H: Availability Comparisons by Selected Titles

Although only a partial assessment due to data limitations, the EEPc assessed the demographic composition across the following data sources: the actual workforce, CEEDS availability estimates, Civil Service List candidates for the selected exams and titles, and the US Census Equal Employment Opportunity (EEO) Tabulation 2014-2018 file for the New York City Metro Area (New York-Newark-Jersey City, NY-NJ-PA Metro Area, GEOID: 31000US35620). These analyses demonstrate the wide variation in availability estimates from different sources.

Although the Metro Area is larger than New York City's primary recruitment area (with the inclusion of several suburban counties in upstate New York, Long Island, New Jersey, and Pennsylvania), it was used for multiple reasons:

1. The US Census EEO Tabulation's occupation code **availability estimates are more precisely measured with smaller margins of error** for the New York City Metro Area, relative to New York City, due to its derivation from a larger population than just New York City.
2. **Residency in counties surrounding New York City is permitted for many City job titles** after two (2) years of service. Some of the selected titles (i.e., *Police Officer* and *Firefighter*) allow for residency in some of the surrounding counties in the Metro Area upon appointment.
3. The EEO Tabulation's **availability estimates may be more conservative by race and ethnicity** due to the inclusion of additional suburban counties. This potentially means the race/ethnicity underutilization found by CEEDS is overstated for *Police Officers* and understated for *Firefighters*.

The seven City job titles analyzed in this report are represented in Figures H-1 and H-2. Each job title is matched between CEEDS and the correlating US Census EEO occupation code as reflected below:²⁴

- CEEDS job title: *Police Officer*;
 - US Census EEO occupation code: Police officers (3870)
- CEEDS job title: *Corrections Officer*;
 - US Census EEO occupation code: Bailiffs, correctional officers, and jailers (3801)
- CEEDS job title: *School Safety Agent*;
 - US Census EEO occupation code: Private detectives, investigators, security guards and gaming surveillance officers (3910)
- CEEDS job title: *Sanitation Worker*;
 - US Census EEO occupation code: Other material moving workers (9510)
- CEEDS job titles: *Social Worker* and *Caseworker*;
 - US Census EEO occupation code: Counselors, social workers, and other community and social service specialists (2001)
- CEEDS job title: *Firefighter*;
 - US Census EEO occupation code: Firefighting and prevention workers (3740)

To validate our approach in using US Census data in our availability analyses, the EEPc reviewed the data sources and practices used by other large cities in the US to calculate their labor pool availability. The EEPc confirmed that the next 8 largest cities in the US each used comparable US Census data in their EEO Utilization Reports required by government reporting of EEO Utilization.

²⁴ As based on the US Census 2014-2018 EEO Tabulation 2014-2018 (5-year ACS Data), EEOALL1R - EEO 1R. Detailed Census Occupation by Sex and Race/Ethnicity for Residence Geography tabulation file for the New York-Newark-Jersey City, NY-NJ-PA Metro Area.

Generally, the US Census EEO Tabulation's occupational codes are appropriate for titles not subject to competitive Civil Service examinations. The titles in our analysis are all filled by the Civil Service List which makes the comparison to US Census data somewhat moot. The US Census data best serves as a general benchmark of the labor market availability for the specific titles in the New York City Metro Area. In addition, some divergence of the actual workforce availability and the US Census EEO Tabulation estimates is likely due to the imperfect matching of the occupational code to the job title in the City's workforce. Most exemplary of this are the occupational codes for *Sanitation Workers* and *School Safety Agents*. The current (2014-2018) US Census EEO tabulation occupational code that best fits the *Sanitation Worker* title is *Other material moving workers (9510)*. This occupation code, however, is the product of aggregating the former relevant occupational code, *Refuse and recyclable material collectors (9720)* with four (4) other industrial operator occupational codes. As such, the appropriate external labor pool for the *Sanitation Worker* title is less precisely represented in the most current occupational codes. The US Census availability estimate should be considered cautiously due to the labor force the occupational code attempts to measure.

The CEEDS Report availability estimates were calculated on the citywide job group level and were reported to have been derived from a combination of promotable internal feeder groups, Competitive Civil Service Lists, and US Census 2006-2010 EEO Tabulation file. In our analyses in Figures H-1 and H-2, the workforce and CEEDS demographic data is on the job group level, the Census and Civil Service list exam data is on the job title level.

Figure H-1: Comparison of Race/Ethnicity Availability Estimates from Workforce, CEEDS, US Census, and Civil Service Exams

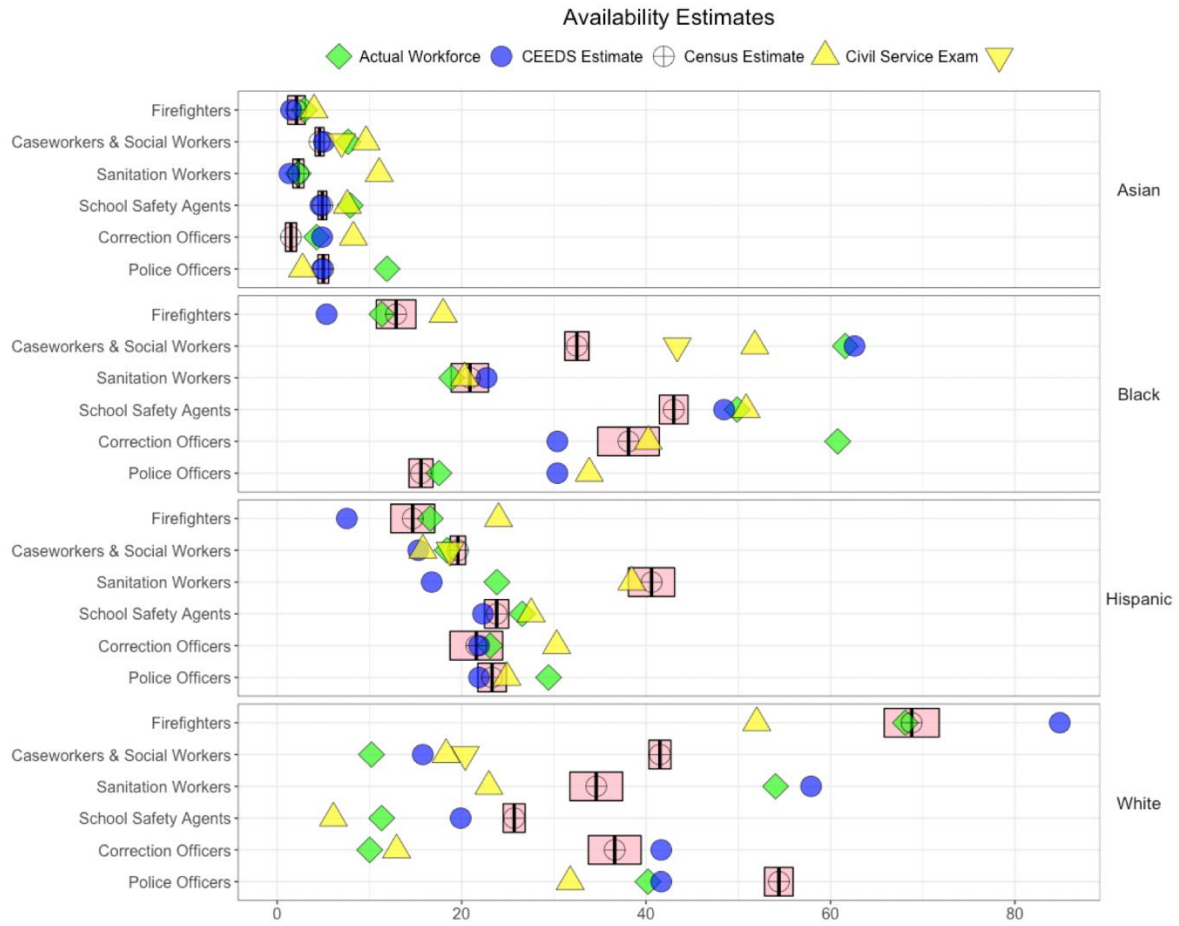
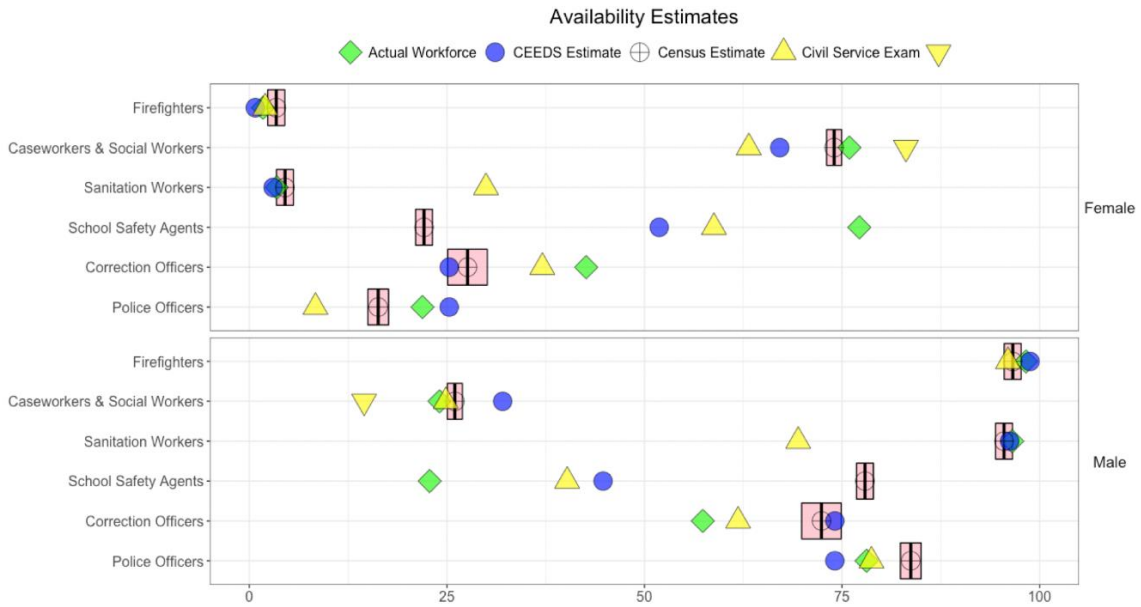


Figure H-2: Comparison of Gender Availability Estimates from Workforce, CEEDS, US Census, and Civil Service Exams



Figures H-1 and H-2 plot the actual percentages of employees in the job group of the selected job titles at the selected entity (from Q4 FY 2021) as green diamonds, the CEEDS job group availability estimates as blue circles, the US Census EEO Tabulation point estimates for each job title as sun crosses centered within pink boxes, and the Civil Service Exam candidate data as yellow triangles. The pink boxes represent the 95% confidence intervals for the EEO tabulation estimates and represent the range likely to contain the true external population availability for the US Census EEO Tabulation occupation code. The US Census Estimate for the occupation code is at the center of each confidence interval range.

Clearly there is wide variation in the fit of availability estimates by title and demographic. There are some instances where the actual workforce and the CEEDS availability estimates are essentially identical. However, there are other instances where the actual workforce availability percentages vary greatly from CEEDS estimates and the US Census EEO Tabulation estimates.

In Figures H-1 and H-2, the availability estimates appear to be most similar for Asian workers across all titles, while least similar for Black and White workers. For Hispanic workers, the availability estimates are generally similar except for the *Sanitation Worker* and *Firefighter* titles. For the *Sanitation Worker*, *Firefighter*, *Police Officer*, and *Correction Officer* titles, Civil Service candidate data should comprise 98% or more of the availability estimate for the job group. These titles are also the dominant titles in their job group at their entities. As such we expected the CEEDS and Civil Service Exam candidate data to be somewhat similar. The *Caseworker*, *Social Worker*, and *School Safety Agent* titles represent less than 70% of their job group at their entities, and therefore the differences in availabilities are less definitive and should be evaluated loosely.

For Asian workers, the Civil Service exam data is the highest availability estimate across almost every job title reviewed. This suggests Asian workers are more underutilized than reported by CEEDS in 5 of the 6 job groups reviewed. The exception is with the *Police Officer* candidate data which is lower than the CEEDS availability estimate for the *Police and Detectives* job group at NYPD. This suggests that Asian workers are more overutilized than previously thought in that one job group.

For Black workers in the *Firefighters* job group at FDNY, the Civil Service exam candidate data (of Black candidates that passed the CPAT) appears almost 3 times greater than the CEEDS availability estimate. This suggests CEEDS utilization analyses missed finding underutilization of Black workers, which possibly allowed underutilization to continue unchecked. The Civil Service Exam candidate data for *Police Officers* is greater than the job group availability expectation, suggesting underutilization of Black workers in the *Police and Detectives* job group at NYPD is more extreme than reported in CEEDS. This conclusion must be caveated as the candidate data is from a recent *Police Officer* exam which was not hired from in the time of analysis. The Civil Service Exam data for *Corrections Officers* and *Sanitation Workers* suggests the availability estimates in CEEDS overstate availability of Black workers in the *Sanitation Workers* job group at DSNY, and understate expected availability of Black *Corrections Officers* at DOC.

For Hispanic workers in the *Firefighters* job group at FDNY, the Civil Service exam candidate data appears to be over 3 times greater than the CEEDS availability estimate. Just like for Black workers, this suggests CEEDS utilization analyses missed finding underutilization of Hispanic workers, which possibly allowed underutilization to continue unchecked. The Civil Service exam candidate data for *Sanitation Workers*, *Corrections Officers*, and *School Safety Agents* suggests the availability estimates in CEEDS understate the availability of Hispanic workers, and therefore understate any potential underutilization. The Civil Service exam candidate data is 20 percentage points greater, and over twice the size of the CEEDS availability estimate for Hispanic workers for the *Sanitation Workers* job group at DSNY. The exam data for *Correction Officer* title, is 10 percentage points greater, 1.5 times the

CEEDS expected availability for Hispanic *Police and Detectives* at DOC. The Civil Service exam candidate data is marginally greater than the incumbent workforce, which appear to be about 5 percentage points greater than the CEEDS expected availability for the *Guards* job group at NYPD. The Civil Service exam candidate data for *Police Officers* is greater than the job group availability expectation, but less than the workforce availability, suggesting no underutilization of Hispanic workers in the *Police and Detectives* job group at NYPD. The Civil Service exam candidate data for the *Caseworker* and *Social Worker* titles is nearly identical to the CEEDS estimate and the actual workforce, suggesting no underutilization of Hispanic workers in the *Social Workers* job group at DSS.

Along gender lines, the CEEDS and Civil Service candidate data are quite similar for *Firefighters* suggesting a good fit, but increasingly divergent for *Police Officers*, *Correction Officers*, and *Sanitation Workers*. The figures suggest gender underutilization might not be appropriate for females in the *Police and Detectives* job group at NYPD but understated for females in the *Sanitation Worker* job group at DSNY. The figures also suggest the overutilization of females reported in CEEDS might be overstated for *Correction Officer* (the sole title in the *Police and Detectives* job group) at DOC. The analyses suggest females may be less overutilized in the *Guards* job group at NYPD (which contains the *School Safety Agent* title) but possible more overutilized in the *Social Workers* job group at DSS, as the Civil Service exam candidate data for females in the populous *Caseworker* title is lower than the relevant CEEDS job group estimate.

There is a clear and broad divergence across availability estimates, including where the CEEDS and Civil Service list candidate data should be approximately equal. It seems probable for the divergence in the fit of estimates, between CEEDS, the Civil Service List and US Census, is in part due to the CEEDS system's broad calculation of job group availability estimates on the citywide level. The *Police Officer* and *Correction Officer* titles have identical availability estimates in CEEDS because both titles are in the same job group. The resulting utilization analyses factor in extraneous labor pool availabilities which undermine the validity of any utilization findings including underutilization. Unsurprisingly, the Civil Service list candidate data and US Census EEO Tabulation data estimates differ for each of these job titles. The broad citywide job group approach to estimate availability is insensitive to individual entity workforce compositions. The resulting availability estimates are skewed by the inclusion of other titles not used by, and therefore irrelevant to, the entity at hand.

The issue of job title comparisons to irrelevant labor pools in CEEDS Reports has been relayed to the EEPC by multiple entities, including District Attorney Offices and the New York City Commission on Human Rights (CCHR). District Attorney (DA) offices have noted that the *Assistant District Attorney* (ADA) title is assigned to the *Managers* job group despite CEEDS having a *Lawyers* job group. It is the DA offices' position that the *Lawyers* job group is more appropriate for the ADA title, since its placement in the *Managers* job group results in findings of underutilization, despite the entities' efforts to hire increased numbers of Black/Asian/Hispanic and female ADAs than externally available.

In 2022, the CCHR relayed:

"In the EEPC Report, the NYC Commission on Human Rights (CCHR) was categorized as extra-small (100-499 employees). In the EEPC audit, CCHR was shown to have under-utilization meaning significantly less individuals employed than expected based on availability, of African Americans in the Social Worker title. Due to the Civil Service Availability used by the NYC Department of Citywide Administrative Services (DCAS), derived from the certified eligibility lists using the Social Worker title, CCHR believes the analysis is flawed (as repeatedly articulated to DCAS & EEPC). This is evidenced by CCHR (an extra-small agency) only possessing 6 out of 134 titles – 4 of which are specific to the agency. Just wanted to again call your attention to this issue and ask that the EEPC & DCAS change the analysis."

It must also be noted that for the selected titles in our analysis, new hires must first be candidates on competitive Civil Service lists, which are derived from Civil Service examinations. Some titles, such as *Firefighter*, *Police Officer*, *Correction Officer* and *Sanitation Worker*, also require additional tests and/or certifications, which further reduce the count of candidates on the Civil Service list. Another consideration to be aware of is that while a candidate must exceed a minimum test score of 70% to be placed on a certified Civil Service list, their credentials are not verified at the time the list is created. In most instances, after the certified Civil Service list is established, it is the hiring entity, not DCAS, that is responsible for verifying the candidate's credentials (e.g., minimum education requirements) and performing additional testing (such as physical fitness tests, drug testing, and criminal background checks). That means some unqualified and unfit persons may still exist in the Civil Service Exam candidate data. It is unclear how impactful such individuals are in the aggregated Civil Service Exam candidate availability data estimates.

Regardless of the cause, the **differences in availability estimates for the selected job titles offer a compelling reason for a detailed and considered review of the City's current availability estimates and underlying data sources.**