



**Aldrin Rafael Bonilla**  
Chair/Commissioner

**Elaine S. Reiss, Esq.**  
Vice-Chair/Commissioner

**Minosca Alcantara, Ed.D.**  
**Ngozi Okaro, Esq.**  
**Nicole Yearwood, MPA**  
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**

December 21, 2022

Ashwin Vasam  
Commissioner  
Department of Health and Mental Hygiene  
42-09 28th Street, 7th Floor  
Long Island City, New York 11101

**Audit Status:**

Evaluation of Employment Practices with a Focus on Underutilization for  
Audit Period July 1, 2019 to December 31, 2021.

**Determination: FINAL**

**Resolution #: 2022AP/263-816-(2022)**

Dear Commissioner Vasam:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: November 17, 2022

Response Received: December 2, 2022

**Purpose**

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Department of Health and Mental Hygiene's efforts to eliminate areas of non-compliance, if any; and (2) the Department of Health and Mental Hygiene respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

**This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Department of Health and Mental Hygiene's Employment Practices with a Focus on Underutilization.** Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

### Next Steps

#### ***Mandatory Final Determination Response***

Within thirty (30) calendar days of the issuance of this Final Determination, the Department of Health and Mental Hygiene is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

### Compliance Monitoring Period

**The assigned compliance monitoring period is: January 1, 2023 to April 30, 2023. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.**

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

#### ***If No Corrective Actions Remain:***

The Department of Health and Mental Hygiene must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Department of Health and Mental Hygiene will be exempt from a compliance monitoring period.

#### ***If Corrective Actions Remain:***

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Department of Health and Mental Hygiene intends to implement it, and (2) what steps the Department of Health and Mental Hygiene has taken, or will take, to correct it during the designated compliance monitoring period.

The Department of Health and Mental Hygiene will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

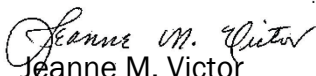
***Determinations of Non-Compliance or Partial-Compliance***

If Department of Health and Mental Hygiene is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Department of Health and Mental Hygiene was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Department of Health and Mental Hygiene to the next year's audit plan for a follow-up audit.

**Conclusion**

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,

  
Jeanne M. Victor  
Executive Director

c: Jorge Martinez, Principal EEO Professional and EEO Director, Department of Health and Mental Hygiene  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
Menelik Allsop, Manager, EEO Analysis and Audit Unit, EEPC  
Imani Bowen, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

## FINAL DETERMINATION

After reviewing the optional response<sup>1</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

### Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

#### Corrective Action #1:

Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.

#### Agency Response:

*"The agency currently uses a complaint tracking database which captures the status and length of time elapsed in the complaint investigation process, the bases for complaints, and the names of complainants and respondents. The EEO Office uses this information in order to analyze complaint activity and identify trends. A screenshot of the EEO Complaint Tracking Database is attached."* The entity provided a redacted screenshot of its EEO Complaint Tracking Database.

#### EEPC Response:

The EEPC accepts the agency's response and documentation provided as confirmation that Corrective Action #1 has been implemented. A screenshot of the entity's EEO Complaint Tracking Database demonstrated that the entity captured the [Complaint Number]; *Protected Class* (which provided the issue and basis of the complaint); *Division*; *Complainant*; *Respondent*; *Complaint Date*; *Counselor*; *Final Disposition*; *Date* (which identified the length of time in the complaint investigation process); *Status*; and *Request Comment* (which identified other information necessary to analyze complaint activity and identify trends).

### Monitoring Required

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

#### Corrective Action #2:

Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter.

#### Agency Response:

*"The EEO [Office] previously submitted to EEPC an EEO plan which includes a training plan. In addition, on December 27, 2019, the agency submitted to EEPC its Quarter 1, Fiscal Year 2020 Diversity and EEO*

---

<sup>1</sup> Excerpts are italicized.

Quarterly Report. On May 28, 2021, the agency submitted to EEPC its Quarter 2, Fiscal Year 2021 Diversity and EEO Quarterly Report. Both quarterly reports were resubmitted to EEPC on November 28, 2022. Some quarterly reports were not timely submitted because they covered a period of time during the height of COVID when the EEO Office was both understaffed and inundated with reasonable accommodation requests for which it was not able to input data in DCAS's system sufficient to allow the ae [sic] to respond to certain questions in these reports when they were due. However, all remaining outstanding quarterly reports will be submitted to EEPC by December 28, 2022. In addition, the agency will submit quarterly reports documenting efforts to implement its EEO plan within 30 days following each quarter." The entity also provided two November 28, 2022, emails that contained the entity's Agency Quarterly Diversity and EEO Report for the first quarter of fiscal year 2020 and the second quarter of fiscal year 2021.

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #2. November 28, 2022, emails demonstrate that the entity submitted its Agency Quarterly Diversity and EEO Reports for the first quarter of fiscal year 2020 and the second quarter of fiscal year 2021 to the EEPC's Agency Head. To demonstrate compliance, please provide the entity's Agency Quarterly Diversity and EEO Reports for the first, third, and fourth quarters of fiscal year 2021, and the first and second quarters of fiscal year 2022. Going forward, all Annual Plans and Agency Quarterly Reports should be submitted to the EEPC via email to [DiversityEEOPlansQuarterlyReports@eepc.nyc.gov](mailto:DiversityEEOPlansQuarterlyReports@eepc.nyc.gov).

**Corrective Action #3:**

Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.

Agency Response:

"All employees are required to complete mandatory biannual EEO training which covers unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training. A copy of the agency's EEO Training slides are attached herein. Training requirements are listed in each employee's intranet Healthnet page. The agency also monitors and tracks compliance with mandatory trainings and managers/ supervisors are notified whenever an employment [sic] is non-compliant with mandatory trainings. In addition, newly hired employees receive EEO training which covers the same areas as part of the agency's New Hire Orientation Training. A copy of the agency's relevant New Hire Orientation Training slides are attached herein. Both trainings include a segment on age discrimination sufficient to satisfy Local Law 121 (2020)." The entity provided a screenshot of its employee intranet page and a PDF copy of its EEO & Diversity/Inclusion computer-based training.

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #3. A screenshot of the entity's employee intranet page indicates that all employees were required to take Equal Employment Opportunity (EEO) and Diversity and Gender Identity and Expression Awareness trainings. A PDF copy of the entity's EEO & Diversity/Inclusion computer-based training demonstrated that the course contained information regarding unlawful discriminatory practices under local, state, and federal EEO laws, and EEO rights and responsibilities. To demonstrate compliance, provide documentation (such as a training

completion log) to demonstrate that all employees completed sexual harassment prevention, EEO awareness, LGBTQ and age discrimination training.

**Corrective Action #4:**

Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

**Agency Response:**

*"The agency has posted on to its intranet EEO site a copy of the New York City Reasonable Accommodation Procedural Guidelines (2021) accessible to all employees. Starting in February 2023, these guidelines will be attached to the Commissioner's annual EEO and Accountability Statement distributed to all employees via an agency announcement. A copy of the one-page 'Reasonable Accommodation at a Glance' has also been added as a permanent segment to the Commissioner's Weekly Newsletter Digest issued to all employees via an agency announcement.*

**EEPC Response:**

The EEPC recognizes the agency's commitment to implement Corrective Action #4. To demonstrate compliance, provide documentation that all employees received a copy of the *New York City Reasonable Accommodation Procedural Guidelines* and/or were advised that it is located on the entity's intranet.

**Corrective Action #5:**

Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

**Agency Response:**

*"EEO and HR Central will partner to review underutilization data to make recommendations on changes to current employment practices and policies. Steps to be taken by EEO and HR in partnership are as follows:*

- *Quarterly review of promotions across our diversified populations to ensure we are able to inform agency leadership of any need to take corrective action steps.*
- *Conduct yearly pay equity audits with guidance provided by Local Law 18 to determine if any pay disparities exist and if the disparity is limited to any specific employee population. EEO and HR Central will work with agency leadership to take corrective action.*
- *Continue to implement mandatory training for all managers and supervisors on performance evaluations to ensure consistent standards of assessing employees on tasks and standards. Currently all managers and supervisors must take performance evaluation training every two years.*
- *Mandate Structured Interviewing Training for all newly hired managers and supervisors. For existing managers and supervisors, continue to mandate training every two years.*
- *EEO will meet with HR Central quarterly to review the CEEDS Report to strategize on the following:*
  - o *Determine which populations are impacted by underutilization.*



- o Identify Divisions within the agency that may have a direct impact on reversing underutilization.*
  - o Develop recruitment strategies to address the underutilization.*
- *EEO and HR Central will work with DCAS to work on strategies on how to promote civil service opportunities to underutilized populations.”*

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #5. To demonstrate compliance, provide documentation to demonstrate that EEO and HR Central reviewed the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Documentation provided should include: the data reviewed; the issues/barriers identified (if any); and the entity's strategy or actions taken to address each barrier. This review should also include the Agency Head.

Corrective Action #6:

Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, disability status, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

Agency Response:

*“The agency utilizes both NYCAPS and DOHMH's Personnel Action Triggering System (PATS) to track the application-to-hiring lifecycle, from the initial process. We also utilize a Talent Recruitment Form that collects information on the applicant/candidate, position, race/ethnicity, gender, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and to the hiring decision. NYCAPS systems electronic CPD captures from the applicant their veteran status and disability along with SS# and identification numbers and other information. We also use a[n] EEO Self Identification confidential form during the hiring process that also captures race, veteran status, and ethnicity. Attached-EEO Self Identification form[.] Attached is the PDF document of the lifecycle of the hiring process for both NYCAPS and PATS.”* The entity also provided screenshots of its PATS and NYCAPS systems, and a blank copy of its *Bureau of Human Resources and Labor Relations Recruitment Form*.

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #6. Screenshots from NYCAPS indicated that the system captured the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, disability status, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source. In addition, screenshots of the entity's PATS applicant/candidate log indicated that the system documented the information obtained from the entity's *Bureau of Human Resources and Labor Relations Recruitment Form*. To demonstrate compliance, provide (redacted) documentation of the entity's use of NYCAPS and its PATS to track the application-to-hiring lifecycle.

**Corrective Action #7:**

Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

**Agency Response:**

*"DOHMH has a designated Director of Workforce Development/Career Counselor: [Career Counselor name], in place since 2017. He is assigned to inform staff of career development opportunities, provide info and access to professional opportunities, provide access to civil service exams, assist with creating mentoring programs and provide workshops for resumes. He also has one-on-one sessions with employees on career planning and personal development plans, skill building and mock interview practices, and civil service exams and promotional pathways. To facilitate these requests, there is an intake form, an email account, and a SharePoint intranet page with resources on internal jobs, CS exams, and Training opportunities. Info on how to contact [the Career Counselor] is posted on our site. This information is also shared in the Commissioner Weekly Newsletter Digest sent to the entire agency via email and at our monthly meetings with our Division DHRLs (Designated Human Resources Liaisons) whose primary responsibility is to share this information with all the staff in their division. This is also shared with our Employee Resource Groups. In performance management training, managers/supervisors are trained to remind staff that there is a Career Counselor in the agency. Managers/supervisors are advised to have this conversation at least annually with staff during the evaluation period. Attached is the Tasks and Standards for Career Counselor."*

The entity also provided a March 12, 2021, Weekly Digest email containing a copy of the NYC DOHMH Weekly Digest March 12, 2021.

**EEPC Response:**

The EEPC recognizes the agency's commitment to implement Corrective Action #7. The entity's NYC DOHMH Weekly Digest March 12, 2021, and accompanying email demonstrate that in 2021, all employees were advised of the identity and contact information of the Career Counselor. To demonstrate compliance, provide documentation that, in 2022, all employees were advised of the identity/type of guidance available from the Career Counselor.

**Corrective Action #8:**

Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

**Agency Response:**

*"The Bureau of Human Resources and Labor Relation (HR Central) Civil Service Unit share[s] upcoming civil service exams as they are published/open for filing via email. This is also shared in our monthly meetings with division leaders to share with their staff. We also have in place a dedicated intranet page with info to all DCAS exams for staff to access. HR Central has a 55a liaison [name] who is responsible for guidance on how to hire staff into these positions. She is the lead HR representative who assists onboarding 55a-qualified candidates. On our HR Intranet page, we have posted info on how to start the accommodation process with EEO. HR and EEO also present through the year info to the agency at monthly division meetings so this info can be shared with all employees. This info is shared with DHRLs/Division personnel. The DHRLs*



*(Designated Human Resource Liaisons) are responsible for supporting staff and sharing agency information on job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and career counseling.”*

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #8. The EEPC recognizes that the entity's HR Central, and more specifically, its DHRL's are responsible for providing information regarding civil service examinations, training opportunities, job postings, job responsibilities, performance evaluation standards, and career counseling. To demonstrate compliance, provide documentation that, in 2022, the entity's DHRL's provided all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor). The entity should also provide documentation to demonstrate that the principal EEO Professional is involved in efforts to employ, promote, or accommodate qualified individuals with disabilities (or has the responsibility to be involved when opportunities arise).

Corrective Action #9:

Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Agency Response:

*“HR Central and EEO review entails discussions on workplace barriers for job groups noted in the underutilization reports. These reports are reviewed quarterly and shared with all necessary stakeholders.*

*#1: The HR Central Recruitment Team has specific recruitment sources to assist with the agency's effort to reduce underutilization in specific job groups and to diversify our workforce. The agency will use CEEDS reports to inform recruitment efforts for the specific underutilized job categories for building services, craft, and guards. To address this, HR Central's Recruitment Team circulates DCAS-published Notices of Exams for specific underutilized job titles to the faculty of our academic partners—CUNY/SUNY/Private educational institutions—that have a student population consisting of women and minorities, community-based organizations, elected officials, and their constituents. For the past several years, we have reached out to targeted populations, and our recruitment sources are HBCUConnect.com, Hispano.com, Diversityjobs.monter.com, Vetjobs.com and Careercenter.SACNAS.org.*

*#2: HR Central has a Classification Specialist [Name] who is responsible for updating current title specifications for civil service titles and requesting amendments/modifications of existing title specifications for submission to DCAS.*

*#3: Candidates that have successfully passed civil service exams for underutilized job titles, such as Special Officer, Senior Stationary Engineer, Motor Vehicle Operator etc. These are selected from Civil Service Lists that are published by DCAS. While this process limits our opportunity to have prior knowledge of how many women and/or minorities are on the actual civil service list, the agency is aware of the underutilization in*



*these job categories and will make every effort to ensure that appropriate candidates are chosen. This is an ongoing practice in our agency. HR Central is fully committed and has sources to target staff by informing them to apply for upcoming civil service exams and promotional civil service examinations.”*

EEPC Response:

The EEPC recognizes the agency's commitment to implement Corrective Action #9. The EEPC also recognizes that the entity's EEO and HR Central are responsible for reviewing workplace barriers for job groups that experience underutilization. To demonstrate compliance, provide documentation that EEO and HR Central assessed the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Documentation should also be submitted to demonstrate steps the entity has taken to assess selection criteria and address adverse impact where identified.

The EEPC thanks you and your staff for your continued cooperation.