



**Equal Employment  
Practices Commission**

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July 27, 2015

Pauline Toole  
Commissioner  
Department of Records and Information Services  
31 Chambers Street, Room 305  
New York, NY 10007

Re: Audit Preliminary Determination: Review, Evaluation and  
Monitoring of the Department of Records and Information  
Services' Employment Practices and Procedures from January 1,  
2012 to December 31, 2014.

Dear Commissioner Toole:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's employment practices and procedures for the period covering January 1, 2012 to December 31, 2014.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Department of Records and Information Services, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation,

authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

The purpose of this audit and analysis is to evaluate the agency's employment practices and procedures. This Commission has adopted Uniform Standards for EEOC Audits<sup>[1]</sup> and Minimum Equal Employment Opportunity Standards for Community Boards to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1; the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7), the Americans with Disabilities Act and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters. This Commission does not issue findings of discrimination pursuant to the New York City Human Rights Law.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

### **Scope and Methodology**

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEOC Document and Information Request Form*; responses to the *EEOC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and if applicable, analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews data from CEEDS to understand the concentrations of race and gender groups within an agency's workforce. EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

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



EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete their individual questionnaires and return any items requested. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

### **Description of the Agency**

The Department of Records and Information Services preserves and provides public access to historical and contemporary records and information about New York City government through the Municipal Archives, the Municipal Library, and the Visitor Center. The Municipal Records Management Division operates records storage facilities in two locations with a combined capacity of 700,000 cubic feet, and provides records management services to fifty City agencies, ten courts, and the five district attorneys' offices. Records services include scheduling, off-site storage and retrieval, and overall guidance on management of records in all media. The Grants Administration Unit assists mayoral agencies in obtaining and managing grants from the New York State Archives' Local Government Records Management Improvement Fund. (<http://www.nyc.gov/html/records>, July 2015.)

## **PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS**

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

### **I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:**

**Determination:** The agency is in compliance with the standards for this subject area.

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to an EEO Policy/Handbook.
- ✓ The agency issued an EEO Policy statement via email on July 15, 2014 to all staff. The memorandum states that *"the Department of Records and Information Services is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy."* The memorandum includes the name, address, and phone number of the agency's EEO Officer, and principal Human Resources Professional (who also served as the agency's Career Counselor, Disability Rights Coordinator and 55-a Coordinator). The memorandum also emphasized that managers and supervisors must conduct documented meetings with staff, at least once per year, to reaffirm their commitment to the agency's EEO Policy.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as an addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency followed the City of New York's EEO Policy: *Standards and Procedures to be Utilized by City Agencies (2014, Citywide EEOP)*, which includes a policy against Sexual Harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations that conform to city, state and federal laws; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination. The policy was distributed on July 15, 2014 via email to all employees and is also included in the agency's new hire package.

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

**Determination:** The agency is in compliance with the standard for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ In 2013, the agency conducted several trainings sessions: *Structured Interviewing/ Diversity/ Career Development* (6 supervisors /managers were in attendance), *Diversity/ Career Development* (10 employees at various levels were in attendance) and *Sexual Harassment* (which 33 employees attended). In addition, 43 employees (or 83% of the agency staff) completed *EEO Computer Based Training* provided by the Department of Citywide Administrative Services' Office of Citywide Diversity and EEO in April 2013.

## **III. EMPLOYMENT PRACTICES (Recruitment, Hiring &Promotion):**

**Determination:** The agency is in partial compliance with the standards for this subject area.

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

- The agency did not provide documentation that it assessed its recruitment efforts to determine whether such efforts adversely impact any particular group. Corrective action is required.

**Corrective Action 1:** Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The principal Human Resources Professional reviewed CEEDs (Citywide Equal Employment Database System) reports which included workforce, hires, promotions, and separations by race/ethnicity and gender on an as needed basis.
  - During the period in review the agency did not have a General Counsel on staff. The agency did not ensure that the principal EEO Professional reviewed the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions were required to correct deficiencies. Corrective action is required.

**Corrective Action 2:** Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
  - The agency did not provide documentation that it assessed the manner in which candidates are selected for employment, to determine whether there was any adverse impact upon any particular racial, ethnic, disability, or gender group during the period in review. In addition, data from the 2nd Quarter, 2015 CEEDS Report- *Work Force Compared with Internal and*

*External Pools* indicates underutilization of protected classes in two job groups. **Corrective action is required.**

**Corrective Action 3:** Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

➤ The 2<sup>nd</sup> Quarter, 2015 *CEEDS* Report - *Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicates underutilization of protected classes in two job groups which may include discretionary titles (see appendix 1). **Corrective action is required.**

**Corrective Action 4:** If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in ***civil service*** (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

➤ The aforementioned *CEEDS* Report (2<sup>nd</sup> Quarter, 2015), indicates underutilization of protected classes in two job groups which may also include civil service (list) titles, however; the agency did not provide documentation that it conducted a review of the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in *civil service* (list) titles to ensure that these standards are updated, job-related and required by business necessity. **Corrective action is required.**

**Corrective Action 5:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these

with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
- ✓ The agency's *Annual Diversity and EEO Plan* for fiscal year 2013 included a plan to conduct *Structured Interview/ Diversity/ Career Development* trainings for 6 Human Resources personnel, and 10 Managers/ Supervisors. The agency's 3<sup>rd</sup> quarter, 2013 *Report on EEO Activity* indicated the attendance of 6 Supervisors/Managers in *Structured Interviewing/ Diversity/ Career Development* training conducted by the agency in May 2013.
  - The agency did not submit documentation that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process were trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates. **Corrective action is required.**

**Corrective Action 6:** Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
  - ✓ The Career Counselor's responsibilities included posting and circulating civil service exam and job vacancy notices internally, and meeting with staff, interns and volunteers regarding job opportunities.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
  - ✓ The agency advertised several vacant positions during the period in review including; *College Aide, Public Records Officer, Community Assistant, and Administrative Manager-Non-Managerial*. Each job vacancy notice included the EEO tagline: "*The City of New York is an Equal Opportunity Employer.*".
12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the

appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- The agency did not provide documentation or information which indicated that it maintained an applicant/candidate log or tracking system which, at minimum, included the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. **Corrective action is required.**

**Corrective Action 7:** Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

#### **IV. CAREER COUNSELING:**

**Determination:** The agency is in **partial compliance** with the standards for this subject area.

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ In November 2006, the agency appointed the Director of Administrative Operations, as its principal Human Resources Professional. The principal Human Resources Professional also served as the agency's Career Counselor, Disability Rights Coordinator and 55-a Coordinator. The Director of Administrative Operations completed *Basic Training for EEO Representatives* in April 2006 and *Computer Based Training* in June 2009; both provided by the Department of Citywide Administrative Services' Office of Citywide Diversity and EEO. The name, email address and phone number for the Director of Administrative Operations along with the agency's other EEO professionals was distributed by the agency head via email memorandum to all staff on April 11, 2014, June 30, 2014, September 22, 2014 and November 21, 2014.
14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.
- ✓ The principal Human Resources Professional's (Director of Operations) responsibilities included posting and circulating civil service exam and job vacancy notices internally, and meeting with



staff, interns and volunteers regarding job opportunities. The agency provided cross-training and cross divisional assignments to ensure operational continuity in the event of absenteeism.

- The agency did not provide documentation that all employees had access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Additionally, the agency did not provide documentation that the principal Human Resources Professional kept the principal EEO Professional abreast of 55-a program participants or the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities. Corrective action is required.

**Corrective Action 8:** Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding; 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/  
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

**Determination:** The agency is in partial compliance with the standards for this subject area.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
  - ✓ The agency provided information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures in the alternate format large print upon request. This information was also available in several languages: Haitian Creole, Italian, Korean, Russian, Chinese and Spanish.
16. Document reasonable accommodation requests and their outcomes.
  - ✓ The principal Human Resources Professional oversees the reasonable accommodation process, which includes sending, receiving and reviewing request forms. When approvals are given the principal Human Resources Professional is also charged with implementation. A copy of each request and their outcomes were maintained in a file.

**NOTE:** Accommodation requests and any accompanying medical records should be maintained in separate confidential files, apart from other personnel files.

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

Determination: The agency is in partial compliance with the standards for this subject area.

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
- ✓ The agency appointed a Procurement Analyst as the principal EEO Professional in August 2014. The principal EEO Professional attended the Division of Citywide Diversity and Equal Employment Opportunity's *Basic Training for EEO Representatives* in June, 2014. Subsequent to the audit period, in July 2015, the agency appointed the *Special Assistant to the Commissioner* as principal EEO Professional to implement EEO policies and standards within the agency.
- The currently appointed EEO Professional has not received formal EEO training to ensure relevant knowledge of city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. Corrective action is required.

**Corrective Action 9:** Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
- ✓ In addition to the principal EEO Professional, the agency also appointed an EEO Professional of each gender (a male and a female EEO Counselor) to receive discrimination complaints and conduct investigations. One EEO Counselor completed Division of Citywide Diversity and Equal Employment Opportunity *EEO Computer Based Training* in June 2009. The Commissioner informed all employees of the names, location and phone numbers of the EEO Counselors via agency wide memoranda on April 11, 2014, June 30, 2014 and September 22, 2014.
- The agency did not provide documentation that both EEO Counselors were trained in EEO laws and procedures. Corrective action is required.

**Corrective Action 10:** Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

Promptly attend training for EEO professionals by DCAS or another appropriate agency/school and obtain a certificate of completion.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
- ✓ The principal EEO Professional reported directly to the agency head, this reporting relationship was reflected in the agency's organization chart.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
- The agency did not provide documentation that it maintained appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **Corrective action is required.**

**Corrective Action 11:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

**Determination:** The agency is **not in compliance** with the standards for this subject area.

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ The agency established an annual managerial/non-managerial performance evaluation program.
- The agency did not provide documentation that it administered annual managerial/non-managerial performance evaluations during the period in review. **Corrective action is required.**

**Corrective Action 12:** Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

- The agency's *Managerial Employee Performance Evaluation* did not contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). Corrective action is required.

**Corrective Action 13:** Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

#### **VIII. REPORTING STANDARD FOR AGENCY HEAD:**

**Determination:** The agency is not in compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

- The agency did not submit its Annual Plans of measures and programs to provide equal employment opportunity for 2012- 2015, or quarterly reports on efforts to implement these plans. Corrective action is required.

**NOTE:** On July 16, 2015 the agency submitted Annual Plans of measures and programs to provide equal employment opportunity for fiscal years 2012 and 2013, as well as quarterly reports on efforts to implement its 2012 plan.

**Corrective Action 14:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

#### **After implementation of the EEPC's corrective actions, if any:**

24. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

**Final Action:** Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

#### **Conclusion**

The agency has 14 required corrective action(s) at this time.



Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

*Optional Response to preliminary determination:* If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

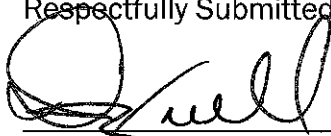
*(Optional Conference)* During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

*(No Response Option)* If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

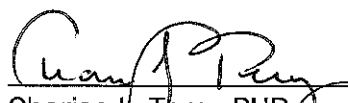
*Mandatory Response to Final Determination:* Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

  
Ilacia N. Zuell, EEO Program Analyst

Approved by,

  
Charise L. Terry, PHR  
Executive Director

c: Naomi Pacheco, principal Human Resources Professional  
Joseph Mathis, principal EEO Professional

## **Appendix - 1**

### **Department of Records and Information Services**

**Workforce Compared with Internal & External Pools**

2<sup>nd</sup> quarter of fiscal year 2015

(end of audit period)

RUN DATE: 01/05/15  
 RUN TIME: 8:19:56  
 FY2015 Q2

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

PAGE: 109  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/14

AGENCY: 860 DEPT. OF RECORDS AND INFORMATION SERVICE  
 BEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT I	BLACK OBSRV	EXPCT I	HISPANIC OBSRV	EXPCT I	ASIAN / OBSRV	EXPCT I	NATIVE A OBSRV	EXPCT I	ETH UNKN OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	2	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
003 MNGMNT SPECS	16	10	7	2	5 U	1	2 U	1	2 U	1	0 O	1	0
004 SCIENCE PROFNS	2	0	1 N	2	0 N	0	0 N	0	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	5	3	1 N	1	3 N	0	1 N	1	0 N	0	0 N	0	0 N
013 CLERICAL	16	3	3	4	9 U	6	2 O	3	1	0	0 N	0	1 N
027 TRANSPORTATION	1	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	7	2	2 N	3	2 N	0	2 N	1	1 N	0	0 N	1	0 N

RUN DATE: 01/05/15  
 RUN TIME: 8:19:56  
 FY2015 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
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PAGE: 110  
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 EEO VARIABLE: GEN GENDER

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

JOB GROUP		INCMB TOTAL	MALE OBSRV EXPCT I		FEMALE OBSRV EXPCT I		GENDER U OBSRV EXPCT I	
001	ADMINISTRATORS	1	0	1 N	1	0 N	0	0 N
002	MANAGERS	2	2	1 N	0	1 N	0	0 N
003	MNGMNT SPECS	16	3	9 U	13	6 O	0	0 N
004	SCIENCE PROFNS	2	0	1 N	2	1 N	0	0 N
012	CLERICAL SUPS	5	2	1 N	3	4 N	0	0 N
013	CLERICAL	16	9	5 O	7	11 U	0	1 N
027	TRANSPORTATION	1	1	1 N	0	0 N	0	0 N
031	PARA PROFESSION	7	6	3 N	1	4 N	0	0 N





**The New York City Department of Records and Information Services**

31 Chambers Street, Room 305, New York, NY 10007

Pauline Toole, Commissioner

[ptoole@records.nyc.gov](mailto:ptoole@records.nyc.gov); (212) 788-8607

August 10, 2015

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

Re: Audit Preliminary Determination: Review, Evaluation and Monitoring of the Department of Records and Information Services' Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Ms. Terry:

I am writing in response to the Equal Employment Practices Commission's (EEPC) preliminary audit determination for the Department of Records and Information Services (DORIS) for the above-stated period.

The EEPC identified fourteen corrective actions for DORIS to complete. In this optional response to the preliminary determinations, we indicate steps that either have been completed or will be completed to bring the agency into compliance.

The audit was helpful in identifying areas for improvement, particularly around the lack of documentation in certain areas. This was primarily the result of turnover in EEO professionals at DORIS and the passing away of a staff member. Going forward, we will document activity and ensure oversight of the documentation.

We recognize that there is room for continued development and hope the EEPC sees the steps that have been taken towards that goal.

Please let me know if the EEPC would like to discuss these matters further and/or offer additional guidance.

Thank you for providing us with the audit findings.

Sincerely,

Pauline Toole  
Commissioner

Cc: Ilacia N. Zuell



**Angela Cabrera**  
**Malini Cadambi Daniel**  
**Elaine S. Reiss, Esq.**  
**Arva R. Rice**  
Commissioners

**Charise L. Terry, PHR**  
Executive Director

**Judith Garcia Quiñonez, Esq.**  
Executive Agency Counsel/  
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**253 Broadway**  
**Suite 602**  
**New York, NY 10007**

212. 615. 8939 tel.  
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## **BY MAIL AND EMAIL**

September 11, 2015

Pauline Toole  
Commissioner  
Department of Records and Information Services  
31 Chambers Street, Room 305  
New York, NY 10007

RE: Resolution #: 2015/860: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Department of Records and Information Services' Employment Practices and Procedures from January 1, 2012 to December 31, 2014

Dear Commissioner Toole:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your August 10, 2015 response to our July 27, 2015 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards<sup>1</sup> to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced audit and analysis of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

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<sup>1</sup> Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: October 2015 to March 2016.

**If corrective actions remain:** Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Thereafter, your agency will be monitored monthly until all corrective actions have been implemented. Compliance-monitoring instructions will be provided. Upon your agency's completion of the final corrective action, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. Once received, a *Determination of Compliance* will be issued.

**If no corrective actions remain:** Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry, PHR  
Executive Director

c: Naomi Pacheco, principal Human Resources Professional

## FINAL DETERMINATION

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans* and *Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable), our Final Determination is as follows:

### Monitoring Required

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

#### Corrective Action #1

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

Agency Response: *During the 2012-2014 review period, all key members of the Agency's staff (including the Commissioner, Agency EEO Officer, HR Professional, etc.) reviewed the CEEDs reports provided by the Office of Citywide Diversity and Equal Employment Opportunity quarterly. [...]The Agency is identifying organizations, message boards, and networks that serve women, minorities and other protected groups in order to post employment opportunities for which there is [sic] discretion in hiring. (Response, pg. 2)*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #1. An agency assessment of the impact of its efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

#### Corrective Action #2

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



Agency Response: *Whenever a complaint has been made, the HR Professional and EEO Officer have met and reviewed the complaint. Going forward, the HR Professional will assess EEO matters and other issues that arise and suggest possible actions to proactively deal with any recurring situations. (Response pg. 2)*

EEPC Response: A review of the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

### **Corrective Action #3**

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: *...the agency strives to ensure that not only are the criteria of each job posting relevant to the tasks involved in the position but that the interview questions used with candidates are crafted around the specific job criteria as well. Every posting for an open position at the agency for the period of January 2014 - to date only includes relevant job duties. (Response, pg. 3)*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #4. An agency assessment of the selection procedures will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

### **Corrective Action #4**

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *In 2014, the Agency posted 7 positions, for which there was discretion in hiring for five of them. [...] To diversify the hiring pool, the Agency has participated in career fairs/open houses in order to expand upon the current recruitment efforts. [...]The Agency provides numerous opportunities for internships by partnering with various programs. The majority of the interns provided by these programs are women or members of a minority protect group. Currently, the Agency has 3 full-time staff who were former interns. (Response, pg. 3)*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action **#4**. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #5**

If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *DORIS participated in DCAS test development for the Public Records Aide in 2011 or 2012 and the Administrative Manager test development on January 14, 2015, which consisted of a review of the requirements for both titles. DCAS has proposed consolidating the titles of the Associate Public Records Officer Assignments I & II into Public Records Officer I, II, & III. These are titles heavily represented at DORIS and we will ensure that the standards are all appropriately job related. (Pg. 3)*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action **#5**. The agency's review of the competencies, skills and abilities required will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

**Corrective Action #6**

Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

Agency Response: *The majority of staff who are involved with interviewing and hiring has received structured interview training. We currently have three staff members who were hired in the past year who have not already had this training. Two of the three are scheduled to attend the DCAS "Selection Interviewing: Hiring Right" training being held on September 17<sup>th</sup>. The third... will be scheduled to attend the structured interviewing training when it is next offered by DCAS. (Response, pg. 4)*

EEPC Response: The EEPC accepts the agency's response to corrective action **#6** pending receipt of documentation which verifies training.

**Corrective Action #7**

Use and maintain an applicant candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or

veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: *The Agency does utilize the candidate evaluation section in NYCAPS and manual candidate logs. Unfortunately, this has not been utilized for every hire. Going forward, the logs will be used for every hire and the H. R. professional will ensure that all information is recorded and entered by someone other than the hiring manager. (Response, pg. 4)*

EEPC Response: The EEPC recognizes the agency's efforts to implement correction action #7 pending receipt of documentation which confirms implementation.

**Corrective Action #8**

Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding; 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

Agency Response: *The employees are given tasks and standards. The agency does not currently have any 55-a participants. The agency is launching an intranet site on which training opportunities and other information regarding job responsibilities and evaluation standards will be posted. (Response, pg. 4)*

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #8 during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #9**

Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.

Agency Response: *The Agency appointed an EEO officer who is a direct report to the Commissioner and this EEO Officer has completed the required EEO training. All prior EEO officers have received the training. (Response, pg. 5)*

EEPC Response: The EEPC accepts the agency's response to corrective action #9 pending receipt of documentation which verifies EEO training.

**Corrective Action #10**

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

Agency Response: *The agency will ensure the one member of the Agency's EEO team who has not received EEO training will participate in the next training offered. (Response, pg. 5)*

EEPC Response: The EEPC accepts the agency's response to corrective action **#10** pending receipt of documentation which verifies EEO training.

**Corrective Action #11**

Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: *The current Commissioner and EEO Officer will meet no less than monthly to discuss the EEO Program and actions to ensure a diverse workforce. (Response, pg. 5)*

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action **#11**. Documentation of meetings and other communications where decisions that impact the administration and operation of the EEO program are discussed will be required during the compliance-monitoring period.

**Corrective Action #12**

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

Agency Response: *Commissioner Toole [established an annual managerial/non-managerial performance evaluation program]. The initial evaluation period was from June - December, 2014. On February 2, 2015, an e-mail was sent to all division heads regarding evaluations and tasks & standards. Evaluations will continue to be completed on an annual basis. Evaluations of new hires and probationary hires will occur on a quarterly basis for the probationary period. (Response, pg. 5)*

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action **#12** during the compliance-monitoring period.

**Corrective Action #13**

Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response: *[The agency agreed to include an EEO rating in its managerial performance evaluation in the future.] ... Our newly appointed EEO Officer is reviewing relevant research on the subject in order to develop an appropriate assessment tool. (Response, pg. 5)*

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action **#13** during the compliance-monitoring period.



**Corrective Action #14**

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: *The Agency has submitted [several previously omitted] reports, with the exception of the draft of the 2015. Annual Plan, which was returned to DORIS on July 31, 2015 and is awaiting Commissioner. (Response, pg. 6)*

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action **#14** during the compliance-monitoring period. The agency's implementation of this practice will be monitored.

Thank you and your staff for your continued cooperation.

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2015/860:** Final Determination pursuant to the Audit and Analysis of the Department of Records and Information Services' Employment Practices and Procedures from January 1, 2012 through December 31, 2014

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

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

**Whereas,** pursuant to its audit and analysis of the Department of Records and Information Services' Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 10, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which indicated that corrective actions Nos., 1 through 14 require compliance monitoring; and

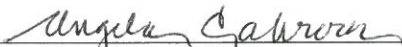
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

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

**Be It Resolved**, that the Commission will forward this Final Determination to the Department of Records and Information Services.

Approved unanimously on December 17, 2015.



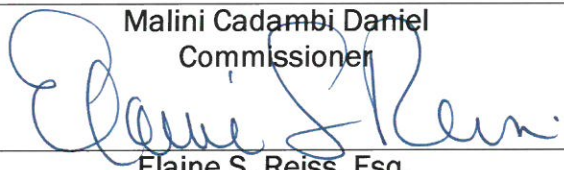
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner

Absent

Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



**The New York City Department of Records and Information Services**

31 Chambers Street, Room 305, New York, NY 10007

Pauline Toole, Commissioner

[ptoole@records.nyc.gov](mailto:ptoole@records.nyc.gov); (212) 788-8607

October 14, 2015

Marie E. Giraud, Esq.  
Agency Attorney/Director of Compliance Monitoring  
253 Broadway, Suite 602  
New York, NY 10007

**Re: Final Determination Pursuant to the Review, Evaluation and Monitoring of the  
Department of Records and Information Services' Employment Practices and Procedures  
(dated September 11, 2015)**

Corrective Action #1

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

Agency Response: During the 2012-2014 review period, all key members of the Agency's staff (including the Commissioner, Agency EEO Officer, HR Professional, etc.) reviewed the CEEDs reports provided by the Office of Citywide Diversity and Equal Employment Opportunity quarterly. [...]The Agency is identifying organizations, message boards, and networks that serve women, minorities and other protected groups in order to post employment opportunities for which there are discretion in hiring. (Response, pg. 2)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #1. An agency assessment of the impact of its efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

**Agency Response: The Agency is continuing in their efforts to assess recruitment efforts and expand our pool of applicants in positions where there is an identified underutilization. The EEO Officer meets no less than monthly with the HR Professional, as well as separately with the Agency Head to review hiring/EEO practices. The EEO Professional is continuing to search for additional forums for agency job postings.**



### Corrective Action #2

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

Agency Response: Whenever a complaint has been made, the HR Professional and EEO Officer have met and reviewed the complaint. Going forward, the HR Professional will assess EEO matters and other issues that arise and suggest possible actions to proactively deal with any recurring situations. (Response pg. 2)

EEPC Response: A review of the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Agency Response: We will respond accordingly once guidance is provided.**

### Corrective Action #3

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: ...the agency strives to ensure that not only are the criteria of each job posting relevant to the tasks involved in the position but that the interview questions used with candidates are crafted around the specific job criteria as well. Every posting for an open position at the agency for the period of January 2014 - to date only includes relevant job duties. (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #4. An agency assessment of the selection procedures will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Agency Response: We will respond accordingly once guidance is provided.**

### Corrective Action #4

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or

use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: In 2014, the Agency posted 7 positions, for which there was discretion in hiring for five of them. [...] To diversify the hiring pool, the Agency has participated in career fairs/open houses in order to expand upon the current recruitment efforts. [...] The Agency provides numerous opportunities for internships by partnering with various programs. The majority of the interns provided by these programs are women or members of a minority protect group. Currently, the Agency has 3 full-time staff who were former interns. (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #4. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Agency Response: We will respond accordingly once guidance is provided.**

#### Corrective Action #5

If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: DORIS participated in DCAS test development for the Public Records Aide in 2011 or 2012 and the Administrative Manager test development on January 14, 2015, which consisted of a review of the requirements for both titles. DCAS has proposed consolidating the titles of the Associate Public Records Officer Assignments I & II into Public Records Officer I, II, & III. These are titles heavily represented at DORIS and we will ensure that the standards are all appropriately job related. (Pg. 3)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #5. The agency's review of the competencies, skills and abilities required will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

**Agency Response: We will respond accordingly once guidance is provided.**

#### Corrective Action #6

Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to

enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

Agency Response: The majority of staff who are involved with interviewing and hiring has received structured interview training. We currently have three staff members who were hired in the past year who have not already had this training. Two of the three are scheduled to attend the DCAS "Selection Interviewing: Hiring Right" training being held on September 17th. The third... will be scheduled to attend the structured interviewing training when it is next offered by DCAS. (Response, pg. 4)

EEPC Response: The EEPC accepts the agency's response to corrective action #6 pending receipt of documentation which verifies training.

**Agency Response: The agency has scheduled the HR Professional and the EEO Professional for the "Structured Interviewing and Unconscious Bias: Train-the-Trainer training so that they will be able to provide the training to staff as needed. The training is scheduled for October 28<sup>th</sup> to 29<sup>th</sup>. We are attaching the registration confirmation received from DCAS.**

#### Corrective Action #7

Use and maintain an applicant candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: The Agency does utilize the candidate evaluation section in NYCAPS and manual candidate logs. Unfortunately, this has not been utilized for every hire. Going forward, the logs will be used for every hire and the H. R. professional will ensure that all information is recorded and entered by someone other than the hiring manager. (Response, pg. 4)

EEPC Response: The EEPC recognizes the agency's efforts to implement correction action #7 pending receipt of documentation which confirms implementation.

**Agency Response: Since drafting this response, the Agency has conducted two rounds of interviews for two open positions at the Agency. We are attaching the logs from both sets of those interviews.**

#### Corrective Action #8

Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.



Agency Response: The employees are given tasks and standards. The agency does not currently have any 55-a participants. The agency is launching an intranet site on which training opportunities and other information regarding job responsibilities and evaluation standards will be posted. (Response, pg. 4)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #8 during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Agency Response: We will respond accordingly once guidance is provided.**

Corrective Action #9

Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.

Agency Response: The Agency appointed an EEO officer who directly reports to the Commissioner and this EEO Officer has completed the required EEO training. All prior EEO officers have received the training. (Response, pg. 5)

EEPC Response: The EEPC accepts the agency's response to corrective action #9 pending receipt of documentation which verifies EEO training.

**Agency Response: We are attaching the training certificate for new EEO Officer LaTonya C. Jones.**

Corrective Action #10

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

Agency Response: The agency will ensure the one member of the Agency's EEO team who has not received EEO training will participate in the next training offered. (Response, pg. 5)

EEPC Response: The EEPC accepts the agency's response to corrective action #10 pending receipt of documentation which verifies EEO training.

**Agency Response: The EEO Professional e-mailed the head of Citywide Diversity and EEO on 9/22/15 and asked for DCAS' next training date and is awaiting a response.**

### Corrective Action #11

Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: The current Commissioner and EEO Officer will meet no less than monthly to discuss the EEO Program and actions to ensure a diverse workforce. (Response, pg. 5)

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action #11. Documentation of meetings and other communications where decisions that impact the administration and operation of the EEO program are discussed will be required during the compliance-monitoring period.

**Agency Response: The Agency will provide the requested records during the compliance period.**

### Corrective Action #12

Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training. Agency Response: Commissioner Toole [established an annual managerial/non-managerial performance evaluation program]. The initial evaluation period was from June - December, 2014. On February 2, 2015, an e-mail was sent to all division heads regarding evaluations and tasks & standards. Evaluations will continue to be completed on an annual basis. Evaluations of new hires and probationary hires will occur on a quarterly basis for the probationary period. (Response, pg. 5)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #12 during the compliance-monitoring period.

**Agency Response: The Agency will provide the requested records during the compliance period.**

### Corrective Action #13

Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response: [The agency agreed to include an EEO rating in its managerial performance evaluation in the future.] ... Our newly appointed EEO Officer is reviewing relevant research on the subject in order to develop an appropriate assessment tool. (Response, pg. 5)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #13 during the compliance-monitoring period.

**Agency Response: The Agency will provide the requested records during the compliance period.**

Corrective Action #14

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: The Agency has submitted [several previously omitted] reports, with the exception of the draft of the 2015. Annual Plan, which was returned to DORIS on July 31, 2015 and is awaiting Commissioner. (Response, pg. 6)

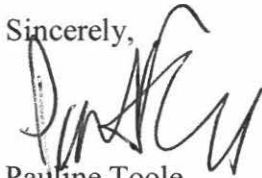
EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #14 during the compliance-monitoring period. The agency's implementation of this practice will be monitored.

**Agency Response: The Agency will provide the requested records during the compliance period.**

We look forward to working with the EEPC during the compliance period to complete all of the corrective actions described.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pauline Toole', written over the word 'Sincerely,'.

Pauline Toole  
Commissioner

attachments



**The New York City Department of Records and Information Services**

31 Chambers Street, Room 305, New York, NY 10007

Pauline Toole, Commissioner

[ptoole@records.nyc.gov](mailto:ptoole@records.nyc.gov); (212) 788-8607

To: DORIS Staff  
From: Pauline Toole, Commissioner  
Subject: Responses to the Equal Employment Practices Commission  
Date: December 31, 2015

The New York City Equal Employment Practices Commission (EEPC) audited the practices of the Department of Records and Information Services (DORIS) for the period between January 1, 2012 and December 31, 2014. The auditors determined that there were thirteen corrective actions DORIS needed to implement and set a six-month timeframe to make the required changes (October, 2015 – March, 2016). As of today, DORIS has implemented all of the corrective actions.

This memo explains the changes DORIS implemented in response to the EEPC audit and is the last action required. Broadly speaking, the EEPC Corrective Actions fell into five categories: Reviewing agency practices around hiring and possible barriers to equal opportunity; Ensuring a robust Equal Employment Opportunity (EEO) practice at the agency; Broadening recruitment efforts; Training personnel involved in hiring decisions; Documenting practices; and Reporting on EEO practices.

**Assess Any Adverse Impacts in Recruitment, Broaden Outreach and Use Internships to Expand the Talent Pool**

- DORIS developed a list of entities with diverse membership. The EEO Officer and HR staff expanded distribution of job postings to include organizations with more diverse audiences.
- DORIS participates in career fairs and provides internship opportunities.

**Appoint an EEO Professional and Ensure EEO training**

- I appointed an EEO Officer, LaTonya Jones, who directly reports to me. The EEO Officer completed all training. All EEO Counselors have received training.
- In addition, DORIS required all staff to complete online EEO training by 12/31/15.
- I meet monthly with the EEO Officer to discuss our EEO program and actions to increase diversity. The EEO Officer also meets regularly with the Director of Administrative Operations to discuss EEO concerns, including reviewing agency statistics and hiring practices.
- We distributed "About EEO: What You May Not Know" to all staff at all-day staff training.

**Review Agency Practices around EEO Complaints and Possible Barriers/Hiring/Reviewing Skills and Abilities Required for Civil Service Positions**

- The EEO Officer and H.R. Professional review EEO complaints to identify any barriers and document findings.

- DORIS' job postings only contain criteria relevant to a position's tasks, the hiring process follows a structured interview approach, and the EEO Officer is included in the interview process.
- DORIS will review the pertinence of skills/abilities required for Civil Service titles utilized by the agency and offer any suggestions to DCAS.

#### **Train Personnel Involved in Hiring**

- All agency personnel currently or potentially involved in hiring process have undergone Structured Interviewing and Unconscious Bias training **or** received training materials (to be followed up in February 2016 by training) and have received EEO training.
- In addition, DORIS developed new structured interviewing and hiring process, which incorporates EEO Officer at **each** stage on **all** hires.
- We have drafted an agency on-boarding policy to be distributed to staff in first week of January 2016.

#### **Document EEO Practices**

- DORIS improved documentation of EEO efforts.
- We posted 55-A information in administrative offices for staff.
- All employees have tasks and standards.
- DORIS is developing an intranet that will include information on training opportunities, job responsibilities and evaluation standards.
- DORIS uses the NYCAPS candidate evaluation section and manual candidate logs to document demographic information on candidates for positions.
- We have updated Managerial Performance Evaluation to include EEO ratings and updated Staff Performance Evaluation to include elements under EEO.
- Developing policy for agency-covered expenses relating to professional development with aim of equitability.
- DORIS developed timetable for performance evaluation program, including rules for the probationary period of new hires.

As previously stated at our all-staff training meeting and in an all-agency email, the agency and I are committed to providing equal employment opportunities and adhering to the City's EEO policies. A copy of the City policy is at this site: <http://www.nyc.gov/html/dcas/downloads/pdf/misc/eoo.pdf>

I am proud of the work that has been done to so quickly bring DORIS into compliance with, and exceed, best practices around Equal Employment Opportunity. Ms. LaTonya Jones, the Special Assistant to the Commissioner and our EEO Officer led the effort and is largely responsible for the speedy and appropriate resolution.



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

**RESOLUTION #2016/860C -06** Determination of **Compliance** (Monitoring Period Required) by the Department of Records and Information Services' with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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

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

**Whereas**, pursuant to its audit and analysis of the Department of Records and Information Services (Records) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses;

or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding; 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the Records submitted its response to the EEPC's Preliminary Determination letter, dated August 10, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with 14 corrective actions remaining;

**Whereas**, the Records submitted its response to the EEPC's final determination letter, on dated October 14, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 with no extension of the monitoring period;


**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Records submitted a copy of the agency head's memorandum to staff dated December 31, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and


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


**Be It Resolved**, that the Department of Records and Information Services has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

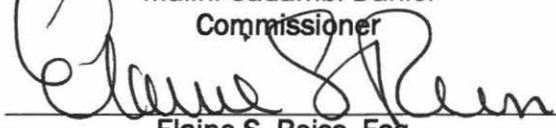
**Be It Resolved**, that the Commission will forward this Final Determination to the Commissioner Pauline Toole, of the Department of Records and Information Services.

Approved unanimously on March 24, 2016.

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

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

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

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





Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Deputy Director

Marie Giraud, Esq.  
Agency Attorney/  
Director of Compliance Monitoring

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Suite 602  
New York, NY 10007

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

March 24, 2016

Pauline Toole  
Commissioner  
Department of Records and Information Services  
31 Chambers Street, Room 305  
New York, NY 10007

Re: Resolution #2016/860C-06: Determination of Agency Compliance

Dear Commissioner Toole:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally inform you that the Commission has issued the attached Determination of Compliance to the Department of Records and Information Services. This Commission has determined that the Department of Records and Information Services has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and principal EEO Professional LaTonya Jones for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is fluid and cursive, with a large initial "E".

Elaine S. Reiss, Esq.  
Commissioner

c: LaTonya Jones, Principal EEO Professional  
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance



This  
**Determination of Compliance**

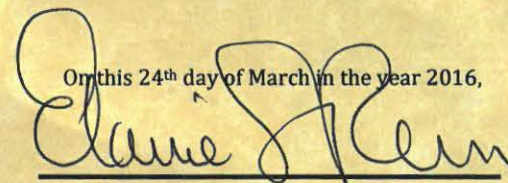
is issued to

**Department of Records & Information Services**

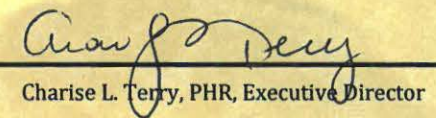
*for successfully implementing 13 of 13 corrective actions pursuant to the Equal Employment Practices Commission's Equal Employment Opportunity Standards for the period from January 1, 2012 to this date.*

*In care of Commissioner Pauline Toole  
and Principal EEO Professional Naomi Pacheco*

On this 24<sup>th</sup> day of March in the year 2016,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director