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VIA MAIL AND EMAIL

October 8, 2015

Martha King
Executive Director
Board of Correction
1 Centre Street, Room 2207
New York, NY 10007

Re: Audit Preliminary Determination: Review, Evaluation and Monitoring of the Board of Correction Employment Practices and Procedures from July 1, 2012 to June 30, 2015.

Dear Executive Director King:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), 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 July 1, 2012 to June 30, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 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 Board of Correction, 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 EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies’ EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters. 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 *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency’s *Annual EEO Plans* and *Quarterly EEO Reports*; and analysis of workforce and utilization data from the *Citywide Equal Employment Database System (CEEDS)*.

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency’s workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analyses.) 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

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



agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete 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 Board of Correction establishes and ensures compliance with minimum standards regulating conditions of confinement and correctional health and mental healthcare in all City correctional facilities. The BOC monitors conditions in the City's jails, investigates serious incidents, evaluates the performance of the Department of Correction, reviews inmate and employee grievances, and makes recommendations in critical areas of correctional planning.

The agency currently has 16 employees. (See Statistical Profile of Agency Workforce, attached as Appendix-1.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
 - During the period in review the agency did not issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis and advising employees of the names and contact information of EEO professionals. **Corrective action required.**

Corrective Action 1: Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO

professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency’s EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ On August 14, 2014, the agency distributed an electronic copy of *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*; amendments to the applicable anti-discrimination statutes; reasonable accommodation for victims of domestic violence, sex offenses, or stalking; and reasonable accommodation for pregnancy, childbirth or a related medical condition. In February 2014, the agency distributed a memo informing employees of changes in the City Human Rights Law, explaining that it was expanded with regard to reasonable accommodation on the basis of pregnancy, child birth and pregnancy/childbirth related medical conditions. The agency also distributed the booklet *About EEO: What You May Not Know*, wherein there was the policy against sexual harassment, uniform and responsive procedures for investigating discrimination complaints, an up-to-date list of protected classes under NYC and NYS Human Rights Laws, a section concerning reasonable accommodations and contact information for both the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ The agency confirmed that fifteen employees completed *EEO Computer Based Training* between September, 2009 and March, 2013. Additionally, on May 6, 2013, the EEO professionals conducted orientation for new employees, wherein EEO training was provided and the aforementioned EEO booklet (see §I.2) was distributed.

NOTE: On July 7, 2014, the principal EEO Professional instructed employees via electronic mail to complete follow up *EEO Computer Based Training*.

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

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

4. The principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
 - The agency did not demonstrate that annual reviews of the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) or the agency's employment practices and policies were conducted in order to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
Corrective action required.

NOTE: The agency reported that no EEO complaints were filed during the period in review.

Corrective Action 2: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring processes 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 reported that, during the period in review, three individuals were involved in the recruitment and hiring processes: the Deputy Executive Director, the Director of Field Operations, and the Office Manager. The Director of Field Operations, who served as the principal EEO Professional, completed the *Citywide Diversity and Equal Employment Opportunity Basic Training* (October 2013 and July 2015). The Deputy Executive Director also completed the *Citywide Diversity and Equal Employment Opportunity Basic Training*.

- The office manager, who was also involved in the recruitment and hiring processes, did not receive training in EEO and interviewing, selection, and hiring skills. **Corrective action required.**

NOTE: Subsequent to the audit period, in August, 2015, the agency began to develop a structured interview guide.

Corrective Action 3: 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.

6. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
 - The agency did not demonstrate that during the period in review employees were made aware of opportunities for promotion and transfer within the agency, and ensured that employees were considered for such opportunities.

NOTE: Subsequent to the period in review, on August 17, 2015, the agency ensured that employees were made aware of one internal opportunity by distributing the job posting for *General Counsel* via electronic mail.

7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ The agency advertised five vacant positions: *Director of Research and Analysis, Director of Research and Implementation, Office Manager, Director of Field Operations* and *Field Representative*. Each posting included the EEO tagline: *The City of New York is an Equal Opportunity Employer*.
8. 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 use or maintain 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 required.**

NOTE: Subsequent to the period in review, in August 2015, the agency began to develop a new procedure to log/track applicants and candidates. The agency submitted a draft of the log which did not include the applicant's ethnicity, gender, disability or veteran status, interview date, interviewers' names, result or the recruitment source.

Corrective Action 4: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes *ethnicity, gender, disability or veteran status, interview date, interviewers' names and result* 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 not in compliance with the standards for this subject area.

9. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
 - The agency did not designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. **Corrective action required.**

Corrective Action 5: 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.

10. 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.
 - The agency did not demonstrate that the Human Resources Professional ensured that all employees had access to information regarding job responsibilities, performance evaluation standards, examinations or training opportunities (See §III.6 for information regarding job postings.); additionally, the agency did not demonstrate that the Human Resources Professional informed the principal EEO Professional of the number of 55-a program participants or efforts the agency has made to employ,

promote or accommodate qualified individuals with disabilities. Corrective action required.

Corrective Action 6: Ensure that 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 and training opportunities; 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.

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

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

11. 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.

✓ Information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures was available in large print, and the agency was prepared to provide the information in alternative formats upon request. For the period in review, the agency reported it received no requests for information in alternative formats regarding employee rights and obligations, the complaint, investigation and reasonable accommodation procedures.

12. Document reasonable accommodation requests and their outcomes.

✓ The agency reported that procedurally, the “*Request for Reasonable Accommodation (Disability) Form*” was used to request reasonable accommodations. The completed form(s) and accompanying documentation would be stored in a protected section of the agency’s electronic share drive. The agency also reported that there were no requests for reasonable accommodation submitted during the period in review.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

13. 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 the Deputy Executive Director as the principal EEO Professional to implement EEO policies and standards. The Deputy Executive Director/principal EEO Professional was 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. Subsequent to the audit period, on January 21, 2015, the agency appointed the Director of Field Operations as the principal EEO Professional.
14. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
- ✓ The Deputy Executive Director and the Director of Field Operations served consecutive terms as the agency's principal EEO Professionals. The principal EEO Professionals completed EEO training as follows: The Deputy Executive Director completed *Citywide Diversity and Equal Employment Opportunity Basic Training*. The Director of Field Operations completed *Everybody Matters: Diversity and Inclusion* (August 2013), *Equal Employment Opportunity Basic Training* (October 2013), *Everybody Matters: Train the Facilitator* (November 2013) and *Diversity and Equal Employment Opportunity Basic Training* (July 2015).
15. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
- ✓ The agency reported that the principal EEO Professional reported directly to the agency head.
 - The identities and reporting relationships of the EEO professionals were not reflected on the agency's organizational chart. **Corrective action required.**
- Corrective Action 7:** Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
16. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
- The agency did not maintain documentation of meetings or other communications between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **Corrective action required.**

Corrective Action 8: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

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

17. 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 a performance evaluation program for non-managerial employees. A copy of the employee evaluation form was provided.
 - The agency did not demonstrate that performance evaluations were administered for non-managerial positions during the period in review. **Corrective action required.**
 - The agency did not establish a performance evaluation program for managerial employees. **Corrective action required.**

Corrective Action 9: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

- The agency did not establish a performance evaluation program for managerial employees, and ensure the performance evaluation contained a rating for managers on implementing EEO related 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 required.**

Corrective Action 10: 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.

19. 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 did not submit annual plans or quarterly reports on efforts to implement the plans to the EEPC. **Corrective action required.**

Corrective Action 11: 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:

20. 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 11 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 EEPCC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

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

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Nathan P. Conway", written over a horizontal line.

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR
Executive Director

c: Felix Martinez, Director of Field Operations/Principal EEO Professional

Appendix - 1

Board of Correction

Statistical Profile of Agency Workforce
(End of audit period)

Statistical Profile of Agency Workforce

Number of Employees End of Audit Period
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Male	<u>4</u>
Female	<u>12</u>

White	<u>2</u>
Black	<u>9</u>
Hispanic	<u>3</u>
Asian	<u>1</u>
Native American	_____
Unknown	<u>1</u>

Total # of Employees	<u>16</u>
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*As reported by the agency.



Stanley Brezenoff, Chair
Derrick D. Cephas, Vice Chair
Jennifer Jones Austin
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Martha King
Executive Director

VIA EMAIL

October 23, 2015

Nathan P. Conway
EEO Program Analyst
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007
naconway@eepe.nyc.gov

Re: Response to Audit Preliminary Determination: Review, Evaluation and Monitoring of the Board of Correction Employment Practices and Procedures from July 1, 2012 to June 30, 2015.

Dear Mr. Conway:

On behalf of the Board of the Correction, thank you and your agency for completing the audit of our employment practices. We are committed to expediently completing all corrective actions. The Board of Correction is dedicated to compliance with Equal Employment Opportunity throughout our office as well as adherence to standards set forth in the Citywide EEO policy. Following are responses to items listed in the "Audit Preliminary Determination," dated October 8, 2015. Supporting documentation has been provided where necessary.

Corrective Action 1: Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.

On October 23, 2015, I sent an email to all staff, declaring the agency's position against discrimination on any protected basis, advising employees of the name and contact

information of the Board's EEO professional, and providing pertinent electronic links to an EEO Policy and Handbook (attached as Appendix A). The EEO Policy and Handbook had previously been circulated to all staff in August 2014. This email was submitted to the EEPC in response to the audit (Appendix B).

Corrective Action 2: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race, ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.

The Board of Correction is committed to an annual internal review 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. We will consult with the Division of Citywide Diversity and the EEO for guidance on this corrective action. We are currently hiring a new General Counsel and this person will lead the annual review. We plan to submit a summary of this review, as soon as the first one is completed.

Corrective Action 3: 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.

The EEPC correctly noted that the two managers who worked on the recruitment and hiring process completed the appropriate training. The third Board of Correction employee involved, our Office Manager, had solely an administrative role supporting this work. Her tasks include saving applications in the correct place and scheduling interviews. She is fully trained in this area. All future hiring managers will be properly trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.

Corrective Action 4: Use and maintain an applicant; candidate log or tracking system which, at minimum, includes ethnicity, gender, disability or veteran status, interview date, interviewers' names and result 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.

As discussed above, our Office Manager is responsible for recording and maintaining this information. She is not the hiring manager and has no substantive involvement in the hiring process.

In response to this Corrective Action, we have updated our internal applicant log to include ethnicity, gender, disability or veteran status, interview date, interviewers' names,

and result of each applicant, and recruitment source. I have attached the new applicant log as Appendix C.

Corrective Action 5: 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.

Once we hire the General Counsel, this person will serve as the Career Counselor and complete appropriate training in this area, as necessary. We plan to submit documentation of this designation and the notice of designation circulated to staff.

Corrective Action 6: Ensure that 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 and training opportunities; 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.

The Board of Correction is committed to providing all employees access to information regarding the agency Career Counselor, job responsibilities, performance evaluation standards, and examinations and training opportunities. In the next month, we will send an email to each staff member with this information. We plan to submit documentation of these emails, as soon as the process is completed.

On October 23, 2015, I informed the principal EEO Professional of the number of 55-a program participants. I have attached this email as Appendix D.

We will consult with the Division of Citywide Diversity and the EEO for guidance on improving and documenting our efforts to employ, promote, and accommodate qualified individuals with disabilities. We plan to submit documentation of these efforts as well as a record of notice to the EEO Professional of these efforts.

Corrective Action 7: Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.

We have created an updated agency organizational chart. The new chart reflects the identity of the principal EEO Professional and the direct reporting relationship to the agency head. I have attached the new chart as Appendix E.

Corrective Action 8: 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 Board of Correction is committed to maintaining appropriate documentation of meetings between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. We plan to submit agendas and minutes from these meetings.

Corrective Action 9: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

The Board of Correction is committed to establishing and implementing an annual managerial/non-manager performance evaluation program (with timetables) to be used for probationary periods, promotions, assignments, incentives and training. Over the next month, we will develop a performance evaluation program to include probationary reviews in addition to annual reviews. We plan to submit documentation of the plan as well as records showing the plan's implementation.

Corrective Action 10: 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).

The Board of Correction's managerial performance form, developed as part of the plan described above, will contain a rating for EEO. We plan to submit the managerial performance evaluation form, as soon as it is finalized.

Corrective Action 11: 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 Board of Correction is committed to submitting an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan. We will consult with the Division of Citywide Diversity and the EEO for guidance on this corrective action. These plans and reports will be submitted directly to the EEPC.

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.

As soon as the preceding corrective actions are fully and satisfactorily implemented, I will distribute a memorandum to all staff informing of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency

head's dedication to the EEO program. We plan to submit documentation of this memorandum's circulation.

The Board of Correction thanks the EEPC for its time and the recommendations made. We are committed to compliance with the regulatory guidelines set forth. I have directed my staff to implement the corrective actions immediately. As noted above, we will submit documentation to EEPC, as corrective actions are completed.

Sincerely,



Martha King
Executive Director



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

Charise L. Terry, PHR
Executive Director

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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

November 4, 2015

Martha King
Executive Director
Board of Correction
1 Centre Street, Room 2207
New York, NY 10007

RE: Audit Resolution #: **2015/073**: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Board of Correction's Employment Practices and Procedures from July 1, 2012 to June 30, 2015.

Dear Executive Director King:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC) thank you for your October 23, 2015 response to our October 8, 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 standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

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

¹ 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: November 2015 to April 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 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 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,

A handwritten signature in blue ink that reads "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Felix Martinez, Principal EEO Professional

FINAL DETERMINATION

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

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

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

Agree

Regarding your responses² to the following EEPC required corrective actions, we **Agree** based on documentation that is attached to your response.

Corrective Action #1

Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook .

Agency Response: On October 23, 2015, [the agency] sent an e-mail to all staff declaring the agency's position against discrimination on any protected basis, advising employees of the name and contact information of the agency's EEO Professional, and providing pertinent electronic links to an EEO Policy and Handbook.(Pg. 1-2). [The agency submitted a copy of the email sent to staff].

EEPC Response: The EEPC accepts the agency head's email to all employees, attached to the agency's response, as documentation that corrective action #1 has been implemented.

Corrective Action #3

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.

Agency Response: The EEPC correctly noted that the two managers who worked on the recruitment and hiring process completed the appropriate training. The third Board of Correction employee involved, [the] Office Manager, had solely an administrative role supporting this work. [...] All future hiring managers will be properly trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates. (Pg. 2).

² Excerpts are italicized.

EEPC Response: The EEPC accepts the agency's response and the training certificates submitted as documentation that this corrective action has been implemented. The EEPC also recognizes the agency's commitment to ensuring that all future personnel involved in hiring and recruitment will be trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.

Corrective Action #7

Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.

Agency Response: *We have created an updated agency organizational chart. The new chart reflects the identity of the principal EEO Professional and the direct reporting relationship to the agency head. (Pg. 3). [The agency submitted a copy of the agency organizational chart].*

EEPC Response: The EEPC accepts the agency's response as the agency's organizational chart illustrates that the principal EEO Professional reports to the EEO Professional, who reports directly to the agency head.

Monitoring Required

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

Corrective Action #2

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.

Agency Response: *We will consult with the Division of Citywide Diversity and the EEO for guidance on this corrective action. [The agency is] currently hiring a new General Counsel and this person will lead the annual review. [The agency] plan[s] to submit a summary of this review, as soon as the first one is completed. (Pg. 2).*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. A review of the agency's employment practices, policies and programs will be required as well as documentation that substantiates implementation of this corrective action. The EEPC will provide further guidance upon the initiation of the compliance-monitoring period.

Corrective Action #4

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: *We have updated our internal applicant log to include ethnicity, gender, disability or veteran status, interview date, interviewers' names, and the result of each applicant, and recruiting source. [...] The Office Manager is responsible for recording and maintaining this information; she is not the hiring manager and has no substantive involvement in the hiring process (Pg. 2-3). [The agency submitted a copy of its draft applicant/candidate log].*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #4. The applicant/candidate log must include the criteria outlined in the preliminary determination. The EEPC will provide further guidance upon the initiation of the compliance-monitoring period, during which time documentation substantiating the implementation of this corrective action will be reviewed. Implementation of this corrective action will be monitored.

Corrective Action #5

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.

Agency Response: *Once we hire [sic] the General Counsel, this person will serve as the Career Counselor and complete appropriate training in this area, as necessary. We plan to submit documentation of this designation and the notice of designation circulated to staff. (Pg. 3).*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #5. Documentation substantiating the implementation of this corrective action will be reviewed during the compliance-monitoring period.

Corrective Action #6

Ensure that 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 and training opportunities; 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; and involves the principal EEO Professional in EEO-related matters.

Agency Response: *We will send an email to each staff member with this information. We plan to submit documentation of these emails, as soon as the process is completed. On October 23, 2015, [HR Professional] informed the principal EEO Professional of the number of 55-a program*

participants. (Pg. 3.). [The agency submitted a copy of communication informing the principal EEO Professional of the number of 55-a program participants].

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #6. The EEPC will provide further guidance upon the initiation of the compliance-monitoring period, during which time documentation substantiating the implementation of this corrective action will be reviewed. Implementation of this corrective action will be monitored.

Corrective Action #8

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 Board of Correction is committed to maintaining appropriate documentation of meetings between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. We plan to submit agendas and minutes from these meetings. (Pg. 4).*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #8. Documentation substantiating the implementation of this corrective action will be reviewed. Documentation of meetings with regard to decisions that impact the administration and operation of the EEO program will be reviewed during the compliance monitoring period.

Corrective Action #9

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

Agency Response: *Over the next month, [the agency] will develop a performance evaluation program to include probationary reviews in addition to annual reviews. We plan to submit documentation of the plan as well as records showing the plan's implementation. (Pg.4).*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #9. The EEPC will provide further guidance upon the initiation of the compliance-monitoring period, during which time documentation substantiating the implementation of this corrective action will be reviewed. Implementation of this corrective action will be monitored.

Corrective Action #10

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 Board of Correction's managerial performance form, developed as part of the plan described above, will contain a rating for EEO. We plan to submit the managerial performance evaluation form, as soon as it is finalized. (Pg. 4).*



EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#10**. Documentation substantiating the implementation of this corrective action will be reviewed during the compliance-monitoring period. Implementation of this corrective action will be monitored.

Thank you and your staff for your continued cooperation.

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

RESOLUTION # 2015/073: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Board of Correction's *Employment Practices and Procedures* from July 1, 2012 through June 30, 2015.

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

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

Whereas, pursuant to its audit of the Board of Correction's (BOC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 8, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. 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.
4. 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.

5. 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.
6. Ensure that 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 and training opportunities; 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; and involves the principal EEO Professional in EEO-related matters.
7. Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
8. 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.
9. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
10. 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).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on October 23, 2015 with documentation of its actions to rectify required corrective actions nos. 1, 3 and 7; 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 November 4, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos. 2, 4, 5, 6, 8, 9 and 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from

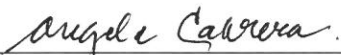
November, 2015 through April, 2016, to determine whether it implemented remaining required corrective actions; and

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 EEP'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 Executive Director King of the Board of Correction.

Approved unanimously on November 5, 2015.



Angela Cabrera
Commissioner



Majini Cadambi Daniel
Commissioner



Arva Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Stanley Brezenoff, Chair
Derrick D. Cephas, Vice Chair
Jennifer Jones Austin
Robert L. Cohen, M.D.
Hon. Bryanne Hamill
Michael J. Regan
Stanley Richards
Steven M. Safyer, M.D.

BOARD OF CORRECTION
CITY OF NEW YORK
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Martha King
Executive Director

VIA EMAIL

December 4, 2015

Charise L. Terry, PHR
Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007
Cterry@eepc.nyc.gov

Re: Response to Audit Resolution #: 2015/073: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Board of Correction's Employment Practices and Procedures from July 1, 2012 to June 30, 2015

Dear Ms. Terry:

On behalf of the Board of the Correction, thank you and your agency for completing the audit of our employment practices. We are committed to expediently completing all corrective actions. The Board of Correction is dedicated to compliance with Equal Employment Opportunity throughout our office as well as adherence to standards set forth in the Citywide EEO policy.

As described further below, the Board of Correction appreciates the EEPC's findings. We look forward to working with the EEPC in the coming months to swiftly and effectively implement the corrective actions recommended. Following are the responses to items listed in the "Final Determination," dated November 4, 2015. Supporting documentation has been provided where necessary.

Corrective Action 1: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether

there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, the Board of Correction is committed to an annual internal review 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. We will consult with the Division of Citywide Diversity and the EEO for guidance on this corrective action. Our recently hired General Counsel will lead the annual review. We plan to submit a summary of this review, as soon as the first one is completed.

Corrective Action 2: 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.

In response to this Corrective Action, we have updated our internal applicant log to include 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. I have attached the new applicant log as Appendix A.

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, our Office Manager is responsible for recording and maintaining this information. She is not the hiring manager and has no substantive involvement in the hiring process.

Corrective Action 3: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

The Board of Correction's newly hired General Counsel has been designated and announced as the agency's Career Counselor. She previously spent close to ten years at the NYC Department of Homeless Services, most recently as Commissioner and General Counsel. She will complete appropriate training in the Career Counseling area, as necessary. I have attached, as Appendix B, an email to staff that designates this role and explains that she is available to provide career counseling to employees upon request. I will send out a similar email at least once each year.

Corrective Action 4: Ensure that 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 and training opportunities; 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; and involves the principal EEO Professional in EEO-related matters.

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, the Board of Correction is committed to providing all employees access to information regarding the agency Career Counselor, job responsibilities, performance evaluation standards, and examinations and training opportunities. In the coming months, we will send an email to each staff member with this information. We plan to submit documentation of these emails, as soon as the process is completed.

We will consult with the Division of Citywide Diversity and the EEO for guidance on improving and documenting our efforts to employ, promote, and accommodate qualified individuals with disabilities. We plan to submit documentation of these efforts as well as a record of notice to the EEO Professional of these efforts.

As noted in the Final Determination, on October 23, 2015, I informed the principal EEO Professional of the number of 55-a program participants.

Corrective Action 5: 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.

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, the Board of Correction is committed to maintaining appropriate documentation of meetings between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. We plan to submit agendas and minutes from these meetings.

Corrective Action 6: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, the Board of Correction is committed to establishing and implementing an annual managerial/non-manager performance evaluation program (with timetables) to be used for probationary periods, promotions, assignments, incentives and training. We are currently developing a performance evaluation program to include probationary reviews in addition to annual reviews. We plan to submit documentation of the plan as well as records showing the plan's implementation.

Corrective Action 7: 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).

As stated in the Board's October 23, 2015 response to the EEPC's October 8, 2015 Preliminary Determination, the Board of Correction's managerial performance form, developed as part of the plan described above, will contain a rating for EEO. We plan to submit the managerial performance evaluation form, as soon as it is finalized.

As soon as the preceding corrective actions are fully and satisfactorily implemented, I will distribute a memorandum to all staff informing of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's dedication to the EEO program. We plan to submit documentation of this memorandum's circulation.

The Board of Correction thanks the EEPC for its time and the recommendations made. We are committed to compliance with the regulatory guidelines set forth. I have directed my staff to implement the corrective actions immediately. As noted above, we will submit documentation to EEPC, as corrective actions are completed.

Sincerely,



Martha King
Executive Director

CC: Nathan Conway, Analyst, EEPC



Stanley Brezenoff, Chair
Derrick D. Cephas, Vice Chair
Gerard W. Bryant, Ph.D.
Robert L. Cohen, M.D.
Hon. Bryanne Hamill
Jennifer Jones Austin
Michael J. Regan
Stanley Richards
Steven M. Safyer, M.D.

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Martha W. King
Executive Director

MEMORANDUM

TO: All Agency Staff
FROM: Martha W. King
DATE: May 5, 2016
SUBJECT: Equal Employment Practices Commission Audit

The New York City Equal Employment Practices Commission (EEPC) recently completed an audit of the Board of Correction's employment practices and procedures. The audit addressed the period from July 1, 2012 to June 30, 2015. This was part of a routine audit, and it was not in response to any incident or concern specific to our agency.

The Board made the following changes pursuant to the EEPC's analysis:

- I issued a general EEO policy statement to all staff on October 23, 2015.
- Executive staff and the EEO Officer conducted an annual review of the agency's statistical information and the number of EEO complaints. We committed to continue this practice going forward.
- We developed a new system to track applicants for Board of Correction job opportunities.
- I designated Michele Ovesey as the agency's Career Counselor.
- We committed to improved documentation of communication and meetings between the EEO Officer and me.
- We committed to developing and implementing a fair and effective performance evaluation program for managers and non-managers that is compliant with EEPC standards. Our Deputy Executive Directors will lead our work in this area.
- We committed to submitting an annual plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan.
- We updated the agency organizational chart which reflects the identity of the EEO Officer and a direct reporting relationship to the agency head.
- All staff completed online EEO training.

As Executive Director of the Board of Correction, I affirm the agency's position against discrimination on any protected basis and reiterate our commitment to equal employment opportunity.

Please address any questions or concerns to our EEO Officer, Nashla, or me.

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

RESOLUTION #2016/073C-10: Determination of **Compliance** (Monitoring Period Required) by the Board of Correction with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2012 to June 30, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Board of Correction's (BOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 8, 2015 setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. 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.
4. 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.

5. 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.
6. Ensure that 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 and training opportunities; 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; and involves the principal EEO Professional in EEO-related matters.
7. Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
8. 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.
9. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
10. 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).

Whereas, the BOC submitted its response to the EEPC's Preliminary Determination letter, on October 23, 2015 with documentation of its actions to rectify required corrective actions nos. 1, 3 and 7; 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 November 4, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions nos. 2, 4, 5, 6, 8, 9 and 10, remaining;

Whereas, the BOC submitted its response to the EEPC's final determination letter, on December 4, 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 July 1, 2012 to June 30, 2015, with no extension of the monitoring period;

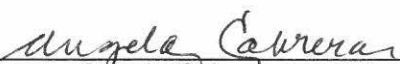
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the BOC submitted a copy of the agency head's memorandum to staff dated May 5, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's 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,

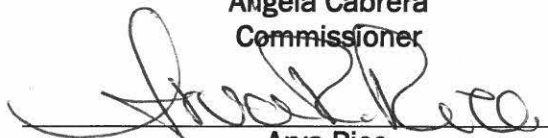
Be It Resolved, that the Board of Correction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Final Determination to Martha King, Executive Director, the Board of Correction.


Approved unanimously on June 16, 2016.



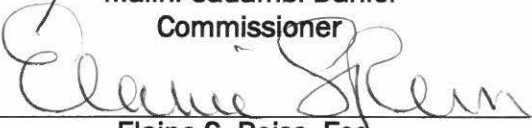
Angela Cabrera
Commissioner



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

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212. 615. 8931 fax

By Mail and Email

June 16, 2016

Martha King
Executive Director
Board of Correction
1 Centre Street, Room 2207
New York, NY 10007

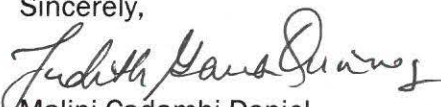
Re: Resolution #2016/073C-10: Determination of Agency Compliance

Dear Executive Director King,

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 Board of Correction. This Commission has determined that the Board of Correction 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, Felix Martinez, for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,


for Malini Cadambi Daniel
Commissioner

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

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

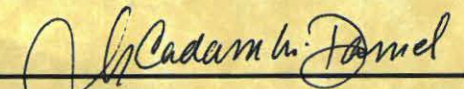
Determination of Compliance

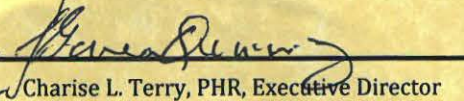
is issued to the

Board of Correction

for successfully implementing 10 of 10 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practices and Procedures Audit from July 2012 to this date.

On this 16th day of June in the year 2016,


Malini Cadambi Daniel, Commissioner


Charise L. Terry, PHR, Executive Director

*In care of Executive Director Martha King and
Principal EEO Professional Felix Martinez*