

Diversity, Equity, Inclusion and Equal Employment Opportunity (DEI-EEO) Plan

Fiscal Year 2023

**Special Commissioner of Investigation for the
New York City School District (SCI)**



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I. Commitment and Accountability Statement by the Agency Head

SCI is committed to creating a diverse and inclusive workforce and is an equal opportunity employer. In accordance with the Citywide Equal Employment Opportunity (“EEO”) Policy, discriminatory treatment of, and employment actions against, City employees, contractors, interns, and applicants for employment based on actual or perceived categories is prohibited. Those categories are race/ethnicity, color, national origin, alienage, citizenship status, religion or creed, gender (including “gender identity” – which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior, or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction (in accordance with state and local law), marital status, partnership status, caregiver status, familial status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and sexual or reproductive health decisions.

I affirm the principles of diversity, equity and inclusion, and equal employment opportunity and would like everyone to be mindful and conduct themselves with these same principles. I share with you the below additional statement so that you are aware of my commitment and accountability to inclusion with the hope that every employee of SCI will be mindful that your words and actions impact others, which we want to be positive.

SCI employees have a responsibility to be respectful of all our co-workers and members of the public, and I will hold all SCI employees accountable to that standard. Recognizing that the people of our agency are one of our greatest assets, we are committed to the recruitment, development, and retention of a diverse and inclusive workforce reflective of our City’s population. We expect all staff to promote a work environment that values equity, inclusion, and respect for all. I will hold all SCI staff accountable for ensuring that the agency does not discriminate against employees or applicants for employment and support diversity and inclusion initiatives by observing EEO regulations and actively working towards attaining those goals. I will drive accountability by integrating the EEO Officer in critical human resources decisions regarding workforce changes that might negatively impact any protected EEO group, including recruitment strategies, vacancy projections, succession planning, selections for training/career development opportunities, and strategic planning. Our leadership team will implement the objectives and actions of this plan, as well as work to create a diversity and inclusion strategy based upon guidance provided by the DCAS Office of Citywide Equity and Inclusion. We will conduct discussions throughout the year and will take steps to review the goals we achieved at the end of the year.

During FY 2023, I disseminated this commitment statement, including a list of EEO professionals in the agency: EEO Officer, Ann Ryan, and EEO Counselors, the Disability Rights Coordinator, Disability Services Coordinator and the Career Counselor and a copy

of the 2021 EEO Policy. These documents and other resources are also available on the agency's computer network.

Our EEO staff is available to provide input on personnel matters in addressing EEO, equity and inclusion, and diversity issues, and to investigate EEO complaints. Our EEO Officer works closely with DCAS's Office of Citywide Equity and Inclusion.

This statement is the same as last year.

This statement was disseminated to all employees in the agency.

II. Recognition and Accomplishments

In the past year, our agency accomplished the following as part of our commitment to DEI and EEO:

1. All SCI staff not on an extended leave completed Sexual Harassment Prevention training — Cycle 4.
2. All SCI staff not on an extended leave completed Everybody Matters: EEO and Diversity & Inclusion Training for New York City Employees.
3. Three individuals anticipated to be involved in the interview process took the DCAS provided Structured Interviewing and Unconscious Bias course as well as the Structured Interviewing: Utilizing Follow Up and Probing Questions course.
4. All new hires attended an EEO and Diversity Orientation as part of the on-boarding process. They also completed the lgbTq: The Power of Inclusion training (as well as, at a minimum), the Sexual Harassment Prevention and Everybody Matters trainings.

III. Workforce Review and Analysis

Please provide the total agency headcount as of 6/30/2022

Total Headcount: 51

In FY 2023, the agency will remind and encourage its employees to update self-ID information regarding race/ethnicity, gender, and veteran status through any of the following means:

- NYCAPS Employee Self Service (by email; strongly recommended every year)
- Agency's intranet site
- On-boarding of new employees
- Employees unable to complete the self-identification form using ESS will be provided an opportunity to submit paper form to the EEO Office.
- In FY 2023, the agency will inform and remind employees of the option to add preferred name in ESS.

1. The employees of SCI are paid through the DOE and therefore, according to DCAS, SCI's information cannot be run separately in CEEDS. As such, we do not receive any CEEDS Dashboard. DCAS was able to develop a substitute ad hoc report identifying our demographics and provided the then most recent DOE utilization report for all but one of the identified job groups. DCAS provided another utilization report for the remaining group, lawyers, not included in the DOE report and that group is too small to determine if underutilization, if any, is statistically significant. SCI is a small agency, and DCAS advised that we might not be able to draw any statistically significant conclusions and the ad hoc report should be used as one factor. Pursuant to SCI's requests, DCAS provides the ad hoc demographic report at least semi-annually and the information provided is reviewed and analyzed by the EEO Officer and then discussed with the agency head and human resource personnel discussed at SCI.

- The agency conducts semi-annual reviews of the summary dashboard sent to the EEO Officer by DCAS to provide demographic data and trends. The review includes an analysis of workforce composition by job title, job group, race/ethnicity, and gender for all employees; new hires, promotions, and separation data; and utilization analysis.

Agency Head

Quarterly Semi-Annually Annually Other _____

Human Resources

Quarterly Semi-Annually Annually Other _____

General Counsel

Quarterly Semi-Annually Annually Other _____

Other (___specify)

Quarterly Semi-Annually Annually Other _____

- The agency review entails a discussion concerning perceived workplace barriers for job groups that may surface in underutilization reports and for factors that may be creating these barriers (e.g., hiring patterns in specific job titles).

Additional Comments:

IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2023

1. Goals and strategies to enhance DEI and EEO in areas of Workforce, Workplace, Community, and Race Relations.

❖ **Workforce:**

Align diversity recruitment, internal employee development and selection practices with current agency employment needs. The EEO Officer, human resource staff, and the Agency Head will continue to meet semi-annually to review and discuss workforce composition data to assess demographic trends.

❖ **Workplace:**

Foster an environment of inclusion and provide ongoing training to SCI employees.

❖ **Community:**

Create opportunities for community outreach in line with SCI's mission to investigate allegations of corruption, fraud, misconduct, and conflicts of interest within the public school system.

❖ **Equity, Inclusion and Race Relations Initiatives:**

Last year, three individuals anticipated to be involved in the interview process took the DCAS provided Structured Interviewing and Unconscious Bias course as well as the Structured Interviewing: Utilizing Follow Up and Probing Questions course. All staff not on an extended leave completed DCAS's Everybody Matters: EEO Diversity & Inclusion Training for New York City Employees course. All available staff also attended Autism Awareness for Law Enforcement in August 2022.

2. Planned Programs, Initiatives, Actions

A. Workforce

We will continue to review and expand internal and external applicant pools to address the underutilization through outreach strategies for broader recruitment. Over the last few years, we have added various affinity groups to our recruitment efforts and will continue to periodically review the information provided by applicants concerning how they heard of the job opportunity to evaluate the various recruitment sources. We regularly forward DCAS's monthly OCR newsletter which usually includes job announcements, civil service exam alerts, and information sessions to all staff.

The EEO Officer will continue to review and analyze trends and meet with human resources and the Agency Head semi-annually to review and discuss workforce composition data to assess demographic trends.

B. Workplace

We are a small agency which instituted exit surveys during 2019. The few surveys which have been completed thus far have not provided sufficient information to support any new initiatives.

Pre-COVID, we offered various in person agency wide trainings and hope to do so again in the future. At this time, we have been offering agency wide trainings using an Internet-based meeting platform.

- Promote employee involvement by supporting Employee Resource Groups (ERGs).

List below the names of existing ERGs:

- 1.
- 2.
- 3.

- Agency will create a Diversity Council to leverage equity and inclusion programs
- Agency Diversity Council is in existence and active
- Agency will sponsor focus groups, Town Halls and learning events on race, equity, and inclusion
- Agency will inform employees of their rights and protections under the New York City EEO Policy
- Agency will ensure that its workplaces post anti-hate or anti-discrimination posters

C. Community

Create opportunities for community outreach in line with SCI's mission to investigate allegations of corruption, fraud, misconduct, and conflicts of interest within the public school system. Last year, we updated our brochure with the anticipation that, during the upcoming academic year, it will be placed in schools – reaching the diversity communities that schools serve – where they will be available to be seen by students, parents, caregivers, and employees.

In FY 2023, the agency will:

- Continue or plan to promote diversity and EEO community outreach in providing government services
- Promote participation with minority and women owned business enterprises (MWBES)
- Conduct a customer satisfaction survey
- Expand language services for the public

V. Recruitment

A. Recruitment Efforts

There is only one job group which contains enough employees to determine if recruitment efforts have statistical significance. We use and will continue to use the ad hoc substitute dashboard to identify underutilization in that group to guide recruitment efforts. As to all job groups, diversity will be a factor to be considered. A member of human resources periodically sends office wide emails reminding staff to check the agency website for current job postings and forwards the DCAS recruitment newsletter.

B. Recruitment Sources

1. Monster Inc., which includes separate postings on the Monster Diversity Network
2. Send, by email, job vacancy notices for the investigative titles to the NYC APOs with a request that they post the notices
3. For the investigative titles, post the job with various professional and/or affinity groups, such as Association of Certified Fraud Examiners (“ACFE”); Association of Inspectors General; National Association of Women in Law Enforcement, and the National Association of Black Law Enforcement Officers and request that the jobs be posted on other affinity group job boards such as National Organization of Black Women in Law Enforcement Inc.; Detective

Endowment Association, Inc.; Haitian American Law Enforcement; Asian Jade Society; and Policewomen’s Endowment Association

4. SCI was added as an agency to the NYC Jobs website and can be searched by agency name or agency name filtered by the categories of “Education” or “Public Safety and Law Enforcement.” If SCI is clicked on, the searcher is taken to the employment page of SCI’s website.

5. The Chief-Leader

We are hopeful that our efforts will allow us to reach a larger diverse population and thereby result in an increasingly diverse workforce. We are also continuing to work on ways to track our efforts more closely.

C. Internships/Fellowships

The agency provided the following internship opportunities in FY 2022:

| Type of Internship\Fellowship | Total | Race/Ethnicity *[#s] * Use self-ID data | Gender * [#s] * Use self-ID data |
|-------------------------------|-------|--|---|
| 1. Urban Fellows | 0 | | M __ F__ Non-Binary __ Other __ Unknown __ |
| 2. Public Service Corps | 0 | | M __ F__ Non-Binary __ Other __ Unknown __ |
| 3. Summer College Interns | 0 | | M __ F__ Non-Binary __ Other __ Unknown __ |
| 4. Summer Graduate Interns | 0 | | M __ F__ Non-Binary __ Other __ Unknown __ |
| 5. Other (specify): | 0 | | M __ F__ Non-Binary __ Other __ Unknown __ |

D. 55-a Program

Section 55-a of the New York State Civil Service Law allows a qualified person with a certified mental or physical disability to be hired into a competitive civil service position without having to take and pass a civil service examination. The City encourages agencies to use the 55-a program as a tool to build a diverse workforce and create greater access to City employment for qualified candidates with disabilities.

- Presently, the agency employs 0 [number] 55-a participants.
- There are 0 [number] participants who have been in the program less than 2 years.

- In the last fiscal year, a total of 0 [number] new applications for the program were received and 0 participants left the program.

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

Agency does not use the 55-a Program and has no participating employees.

If a competitive title job becomes available, the job vacancy notice will include the following language:

NOTE: This position is open to qualified persons with a disability for the 55-a Program. Please indicate in your cover letter that you would like to be considered for the position under the 55-a Program.

VI. Selection (Hiring and Promotion)

A. Career Counselors

Staff is periodically notified to check the website for job vacancy notices which includes notices that could be promotion opportunities.

B. New Hires and Promotions

We publicly post announcements for all positions, including senior level positions. We also review, on a semi-annual basis, the demographics of those who received promotion/salary raises to ensure such practices are equitable and share the information with the Commissioner and Human Resources (by EEO Officer).

We ensure that members of the hiring panel and human resources are trained in structured interviewing techniques to avoid unintentional biases in the hiring process. If barriers are identified, where necessary we will develop action plans to eliminate identified barriers. In conducting job interviews, we ensure nondiscriminatory treatment by conducting a structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.

C. EEO Role in Hiring and Selection Process

In FY 2023, the agency EEO Officer will do the following:

- Ensure that all vacancy announcements include the revised NYC EEO I Anti-Discrimination Statement.
- Review vacancy postings to ensure elimination of language that has the potential for gender and age stereotyping and other unlawful discrimination. (It is recommended to use gender-neutral terms and pronouns and language that is age-inclusive).

- Actively monitor agency job postings and ensure recruitment strategy aligns with the diversity goals of the agency.
- Provide consultation regarding creation/review of objective criteria for evaluating candidates for hire or promotion and applying those criteria consistently to all candidates.
- In collaboration with the Director of Human Resources, review interview questions to ensure that they are EEO-compliant, job-related, and required by business necessity.
- Assist the hiring manager if a reasonable accommodation is requested during the interview.
- Observe interviews, when necessary, especially for underutilized job titles and/or mid- and high-level discretionary positions.
- Advise Human Resources to use candidate evaluation form for uniform assessment and equity.
- Periodically review candidate evaluation forms and conduct a job applicant analysis via the NYCAPS eHire Applicant Interview Log reports to advise Human Resources of any demographic trends and/or EEO concerns based on available self-ID data.
- Review hiring package to evaluate that the selection process was conducted in accordance with EEO best practices.
- Other: _____

D. Layoffs

- The agency will use the DCAS Layoff Procedure as guidance, should there be any layoffs, terminations, and demotions due to legitimate business/operational reasons in FY 2023.
- The agency will analyze the impact of layoffs or terminations on racial, gender, age groups, and people with disabilities.
- Where layoffs or terminations would have a disproportionate impact on any of these groups, the agency will document that the targeted titles or programs were selected based on objective criteria and justified by business necessity.
- The Agency Personnel Officer, EEO Officer and General Counsel will be involved in making layoff or termination decisions. It should be noted that layoffs must be conducted by seniority in compliance with civil service law (for competitive titles) and union contract (for non-competitive and labor class titles).

VII. Training

| Training Topic | Type of Audience (e.g., All Staff, Front-line Employees, Managers, Supervisors, etc.) | Goal Number of Participants | Projected Dates |
|---|--|-----------------------------|-----------------|
| 1. Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees (e-learning) | All employees – Biennially (Cycle 1 must be completed by March 31, 2023.) | As needed for new hires | |
| 2. Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees (classroom/live webinar) | All employees – Biennially (Cycle 1 must be completed by March 31, 2023.) | 0 | |
| 3. Sexual Harassment Prevention (e-learning) | All employees not on an extended leave – Annually (Cycle 5 runs between September 1, 2022 – August 31, 2023) | 50 (all staff) | August 31, 2023 |
| 4. Sexual Harassment Prevention (classroom/live webinar) | All employees – Annually (Cycle 5 runs between September 1, 2022 – August 31, 2023) | 0 | |
| 5. lgbTq – Power of Inclusion (e-learning) | Managers, Supervisors, and Front-line employees All other employees | 50 (all staff) | June 30, 2023 |
| 6. lgbTq – Power of Inclusion (classroom/live webinar) | Managers, Supervisors, and Front-line employees All other employees | 0 | |
| 7. Disability Awareness and Etiquette | All employees | 50 (all staff) | June 30, 2023 |
| 8. Structured Interviewing and Unconscious Bias (classroom/live webinar) | Anyone anticipated to be added to hiring panel | As needed | |
| 9. Other (specify) | | | |
| 10. Other (specify) | | | |

VIII. Reasonable Accommodation

SCI is not on the DCAS tracking system. We internally track the requests. The EEO Officer communicates with the requestor and (where appropriate) the requestor's supervisor to assess the reasonable accommodation request to make a determination about the essential functions of the position, whether the accommodation is needed, and if needed, whether the accommodation would be effective, and if effective, whether providing the reasonable accommodation would impose an undue hardship on the agency. Depending on the nature of the requested accommodation, the EEO Officer might also have conversations with the budget office and/or the Human Resource personnel. After the possible accommodations are considered, the requestor is notified of the decision.

If a request not related to the COVID-19 vaccine mandate is denied, the requestor is notified in writing of the denial. Included in that notification is a notice that the requestor may file an appeal with the Special Commissioner. Within 10 business days of receipt, the Special Commissioner, or her designee, First Deputy Commissioner Daniel Schlachet, will review and evaluate the reasonableness of the request, consult with the requestor, the EEO Officer and anyone else the Special Commissioner considers necessary (including the Law Department and/or DCAS). Within 15 business days of receipt of the appeal, the Special Commissioner will issue a written determination of the request and, if granted, the EEO Officer monitors the implementation of the accommodation.

The agency tracks and analyzes the requests and outcomes.

Describe your agency's practices for analyzing statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals:

- Managers, supervisors, human resources personnel and discipline personnel are required to report to the EEO Office any reasonable accommodation requests and needs that are received, observed, learned about, or suspected, so that the EEO Office may facilitate discussions, research appropriate accommodations, and assist with the resolution of the matter.
- Absent of any undue hardship, the agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth, or a related medical condition.
- The agency follows the City's Reasonable Accommodation Procedure.
- The agency grants or denies request 30 days after submission or as soon as possible.
- The Agency Head or designee must review and grant or deny an appeal fifteen (15) days after submission of appeal.
- If the review and decision on appeal is not done by the Agency Head.
Provide the name and title of the designee¹ : Daniel Schlachet, First Deputy Commissioner

¹ EEO Officer and General Counsel should **NOT** be appointed as agency head designee for review of appeals to reasonable accommodation decisions. Refer to the revised guidelines below. Note the

- The designee reports directly to the Agency Head.
- The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database and update the information as needed.

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

A. Local Law 92 (2018): Annual Sexual Harassment Prevention training

- The agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date.
- The agency will train all current employees on Sexual Harassment Prevention (Cycle 5 – September 1, 2022 – August 31, 2023) as indicated in the Section VII Training above.

B. Local Law 97 (2018): Annual Sexual Harassment and Complaint Reporting

- The agency will ensure that sexual harassment complaints, and all other EEO complaints, are investigated and closed within 90 days.
- The agency will input sexual harassment complaint data, as well as all other types of complaints, on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.

C. Local Law 121 (2020): Age Discrimination Training

- The agency plans to train all new employees on Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees within 30 days of start date.
- The agency will train all current employees on Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees (Cycle 1: April 1, 2021 – March 31, 2023) as indicated in the Section VII Training above.

conflict of interest; in the event of an external challenge to the denial of a reasonable accommodation, the agency's General Counsel would be tasked with defending the agency against a decision in which that office was a decision maker on appeal.

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

Under Executive Order No. 16 of 2016, the agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. Pursuant to Executive Order No. 16, this training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.

- The agency plans to train all new employees within 30 days of start date.
- All managers, supervisors, and front-line employees will be re-trained every two years, no later than the third quarter of the Fiscal Year, as indicated in Section VII Training above.
- In addition, all other employees will be trained or re-trained every two years, as indicated in Section VII Training above.
- The agency will ensure that the Transgender Restroom Access notice/poster is posted where required, e.g., on bulletin boards, near restrooms and, in digital form, where other EEO notices and announcements can be found.

E. Local Law 101 (2018): Climate Survey

While SCI was included in the 2020 Climate Survey, our results were included within the Department of Education's results. Therefore, in August 2022, DCAS confirmed that SCI will not be required to submit a separate action plan for Local Law 101.

The agency, in collaboration with DCAS, has conducted a climate survey in 2020 and:

- Analyzed the 2020 Climate Survey data provided by DCAS.
- Will review or has reviewed the results of the survey with agency head and senior leadership.
- Developed an action plan in consultation with agency head and senior leadership outlining the initiatives and actions that will be adopted by the agency in response to the 2020 Workplace Climate Survey data.

X. Audits and Corrective Measures

- The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.
- The agency is currently being audited or preparing responses to an audit conducted by the EEPC or _____ specific to our EEO practices. Upon forwarding our responses to the recommendations issued by the EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2023 to include and implement EEPC recommendations that will be implemented during the fiscal year.
- The agency is subject to any other oversight or review by a federal, state or city civil rights agency _____.
- Within the last two years the agency was involved in an audit conducted by the EEPC or _____ specific to our EEO practices.
- The agency will continue/be required to implement corrective actions during the year that this plan is in effect
- The agency received a Certificate of Compliance from the auditing agency.

XI. Agency Head Signature

Anastasia Coleman
Print Name of Agency Head

Anastasia Coleman
Signature of Agency Head

11/22/2022
Date

Appendix A: Contact Information for Agency EEO Personnel

| | Title/Function | Name | Email | Telephone |
|-----|---|-------------------------------------|--|------------------------------|
| 1. | Agency EEO Officer | Ann Ryan | annryan@nycsci.org | 212-510-1493 |
| 2. | Agency Deputy EEO Officer | N/A | | |
| 3. | Agency (Chief) Diversity & Inclusion Officer | N/A | | |
| 4. | Chief Diversity Officer/Chief MWBE Officer per E.O. 59 | Valerie Batista | vbatista@nycsci.org | 212-510-1417 |
| 5. | ADA Coordinator | Acting/Interim Ariana Perry | aperry@nycsci.org | 212-510-1402 |
| 6. | Disability Rights Coordinator | Acting/Interim Ariana Perry | | |
| 7. | Disability Services Facilitator | Acting/Interim Ariana Perry | | |
| 8. | 55-a Coordinator | Acting/Interim Ariana Perry | | |
| 9. | EEO Investigator(s) | N/A | | |
| 10. | Career Counselor(s) | Acting/Interim Ariana Perry | | |
| 11. | EEO Training Liaison(s) | Ann Ryan Valerie Batista | | |
| 12. | EEO Counselor(s) | Richard Marin Jessica Villanueva | rmarin@nycsci.org jvillanueva@nycsci.org | 212-510-1436 212-510-1424 |