



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

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

Pauline Toole, Commissioner

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August 10, 2015

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

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

Dear Ms. Terry:

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

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

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

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

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

Thank you for providing us with the audit findings.

Sincerely,

Pauline Toole  
Commissioner

Cc: Ilacia N. Zuell

## Equal Employment Practices Commission's Corrective Action List

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

During the 2012-2014 review period, all key members of the Agency's staff (including the Commissioner, Agency EEO Officer, HR Professional, etc.) reviewed the CEEDs reports provided by the Office of Citywide Diversity and Equal Employment Opportunity quarterly. Moreover, discussions have taken place amongst Agency staff and between the Agency and CD&EEO when clarification was necessary. The Agency recognizes that these discussions need to take place at regular intervals and on-going assessments of the efficacy of the Agency's action plan regarding recruitment efforts must be prioritized in these discussions between the Agency head and the EEO Officer.

The Agency is identifying organizations, message boards, and networks that serve women, minorities and other protected groups in order to post employment opportunities for which there is discretion in hiring.

- 2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies, and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions were required to correct deficiencies.**

Whenever a complaint has been made, the HR Professional and EEO Officer have met and reviewed the complaint. In addition, the HR Professional has referred all staff who have reported something that the HR Professional assessed to be an EEO matter to the EEO Officer. However, prior to the appointment of the new EEO Officer, the HR Professional did not meet to review the program as a whole or implement changes. Going forward, the HR Professional will assess EEO matters and other issues that arise and suggest possible actions to proactively deal with any recurring situations.

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

As a general practice, the Agency strives to ensure that not only are the criteria of each job posting relevant to the tasks involved in the position but that the interview questions used with candidates are crafted around the specific job criteria as well. Every posting for an open position at the agency for the period of January 2014 – to date only includes relevant job duties. Please see the seven job postings attached to the e-mail.

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

In 2014, the Agency posted 7 positions, for which there was discretion in hiring for five of them.

The candidates selected for the positions as discretionary hires break down as follows:

Director of Municipal Archives – (1) Caucasian Female  
Senior IT Manager – (1) Caucasian Male (position re-opened)  
College Aide – (1) Asian Male  
Summer College Aide - (3) Males - Caucasian, Pacific Islander, and Asian  
Grant Assistant – (1) Asian Male

To diversify the hiring pool, the Agency has participated in career fairs/open houses in order to expand upon the current recruitment efforts. Moreover, annually, the Agency provides numerous opportunities for internships by partnering with various programs, including the following: Chinese American Planning Council; Manhattan Borough President Historical Program; DCAS Public Service Corp. Program; Disability Mentoring Day; Summer Youth Employment Program; PENCIL; and City Hall's Internship Program. The majority of the interns provided by these programs are women or members of a minority or protected group. Currently, the Agency has 3 full-time staff who were former interns.

- 5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity.**

The Department of Records and Information Services does not generally play a role in the creation of standards for civil service exams. However, when DCAS has asked for Agency employees belonging to a specific civil service title to participate in test re-development projects, the Agency has always tried to make staff available. DORIS participated in DCAS test development for the Public Record Aide in 2011 or 2012 and the Administrative Manager test development on January 14, 2015, which consisted of a review of the requirements for both titles. DCAS has proposed consolidating the titles of the Associate Public Records Officer Assignments I & II into Public Records Officer I, II, & III. These are titles heavily represented at DORIS and we will ensure that the standards are all appropriately job related.

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

All agency staff receive basic EEO training. In addition, the majority of staff who are involved with interviewing and hiring has received structured interview training. We currently have three staff members who were hired in the past year who have not already had this training. Two of the three are scheduled to attend the DCAS "Selection Interviewing: Hiring Right" training being held on September 17<sup>th</sup>. The third was previously scheduled for another training on the same date but will be scheduled to attend the structured interviewing training when it is next offered by DCAS.

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

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

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

The employees are given tasks and standards (EEPC did not request tasks & standards forms, just blank evaluation forms). No meetings were held in regards to the 55-a program; the Agency does not currently have any 55-a participants. The Agency is launching an Intranet site on which training opportunities and other information regarding job responsibilities and evaluation standards will be posted.

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

The Agency appointed an EEO officer who is a direct report to the Commissioner and this EEO Officer has completed the required EEO training. All prior EEO officers have received the training.

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

The one member of the Agency's EEO team who has not received the 5-day EEO training is the EEO female counselor, Urmi Udeshi, who was unable to attend the last DCAS-scheduled EEO training because it conflicted with Ms. Udeshi's prior-approved vacation time. Her supervisor has been notified to review DCAS' EEO training schedule prior to approving any future vacation time for Ms. Udeshi to ensure that she is able to participate in the next training offered.

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

During the 2012-2014 period under review, the Agency experienced changes in staff. Our HR Professional has reported that there was communication between the previous agency head and previous EEO Officer; however, the regularity of these meetings and content of their discussions is not known. The current Commissioner and EEO Officer will meet no less than monthly to discuss the EEO Program and actions to ensure a diverse workforce

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

Commissioner Toole reinstated evaluations at the Agency upon her appointment to the Department of Records and Information Services. The initial evaluation period was from June-December, 2014. On February 2, 2015, an e-mail (attached) was sent to all division heads regarding evaluations and tasks & standards. Evaluations will continue to be completed on an annual basis. Evaluations of new hires and probationary hires will occur on a quarterly basis for the probationary period.

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

The Agency was not previously informed that it needed to include a rating for EEO. The Agency will include this going forward. Our newly appointed EEO Officer is reviewing relevant research on the subject in order to develop an appropriate assessment tool.

**14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity for 2012 – 2015, or quarterly reports on efforts to implement these plans.**

The Agency has submitted the following reports, with the exception of the draft of the 2015 Annual Plan, which was returned to DORIS on July 31, 2015 and is awaiting Commissioner Approval:

Final Plan 2014

Final Plan 2013

Final Plan 2012

2012 Quarterly Reports: 1, 2, 4

2013 Quarterly Reports: 3

2014 Quarterly Reports: 4

The above documents will also be attached to the e-mail dated 08/10/2015 in response to the EEPC's audit findings.