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BY MAIL AND EMAIL

August 10, 2016

Carmelyn P. Malalis, Esq.
Chair/Commissioner
City Commission on Human Rights
100 Gold Street, Suite 4600
New York NY 10038

Re: Preliminary Determination for the Audit: Review, Evaluation, and Monitoring of the City Commission on Human Rights' Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear Chair Malalis:

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, 2013 to December 31, 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 832.c 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 City Commission on Human Rights, 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, not to issue findings of discrimination pursuant to the New York City Human Rights Law. 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.

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

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

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



as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. 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 New York City Commission on Human Rights is charged with the enforcement of the Human Rights Law, Title 8 of the Administrative Code of the City of New York, and with educating the public and encouraging positive community relations. The Commission is divided into two major bureaus – Law Enforcement and Community Relations: The Law Enforcement Bureau is responsible for the intake, investigation, and prosecution of complaints alleging violations of the Law. The Community Relations Bureau provides public education about the Human Rights Law and helps cultivate understanding and respect among the city's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs.

The New York City Commission on Human Rights had 80 employees at the end of the period in review. (See workforce composition, attached as Appendix 5.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
 - ✓ On April 8, 2015, the agency head issued, via electronic mail, the "*New York City Commission on Human Rights Equal Employment Opportunity Policy Statement*" wherein the agency head reiterated the agency's commitment to EEO, and declared its position against discrimination on any protected basis. The agency reported that the aforementioned EEO Policy statement was prominently displayed on bulletin boards within the agency's central office, as well as its Community Service Centers. Posted with the agency's EEO policy statement was a copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies (2014)* (see §I.2), as well as the names and contact information of the agency's EEO professionals.

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 March 25, 2015, the principal EEO professional distributed, via electronic mail, a copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies (2014)*, the *New York City Reasonable Accommodation Procedural Guidelines*, the agency’s *Reasonable Accommodation Policy*, *EEO Complaint Investigation Procedures*, *Sexual Harassment Policy*, *Disability Policy*, a copy of the Department of Citywide Administration Service’s *EEO Handbook: About EEO: What You May Not Know* (which contained an up to date list of protected classes), and a list of the names and contact information of the agency’s EEO staff. Additionally, on April 25, 2015 and April 27, 2015, the agency distributed the aforementioned documents to some employees in-person. The agency reported that, during the period in review, copies of the aforementioned documents were posted on the agency’s bulletin board, both - in the agency’s central office, as well as in its Community Service Centers.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City’s Human Rights Law: “*caregiver status*” (effective May 4, 2016); and “*pregnancy*” (enforcement guidance released on May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

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 did not implement an EEO training plan for new and existing employees.

NOTE: Subsequent to the period in review, on February 22, 2016, the agency informed all employees, via electronic mail, that they would be required to complete EEO training within the next year. Included with the email were the dates, times, and registration information for the Department of Citywide Administration Services (DCAS) EEO training “*Everybody Matters.*”

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
 - The agency did not assess recruitment efforts to determine whether such efforts adversely impact any particular group. In addition, a review of the *Work Force Compared with Internal and External Pools* CEEDS reports at the start/end of the audit period as well as the most recent quarter available indicated underutilization of women and minorities in some job groups. (See Section III.7-8 and Appendices 2-4.) **Corrective Action Required.**

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

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
 - ✓ The agency reported that, during the period in review, the principal EEO professional reviewed the agency's quarterly CEEDS reports; the agency's employment practices, policies, and programs in order to assess whether there was underutilization, and to ensure that they complied with the City's policies and procedures, and the Civil Service rules and regulations. Additionally, the agency reported no EEO complaints during the period in review.
6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
 - ✓ The agency reported that the EEO professionals conducted a review of the competencies, skills and abilities required for available positions in civil service (list) titles. The review led to the standardized use of the "*Restructured Civil Service Questions*" for all civil service

positions (which incorporated specific questions such as: previous experience including reports, software, projects etc., knowledge obtained from previous experiences, previous work-related tasks, preferred type of work – independent or collaborative, and supervisory experience).

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
 - The agency did not demonstrate that it advertised in minority or female-oriented publications; contacted organizations serving women, minorities, and other protected groups; participated in career fairs/open houses; or used internships to attract interested persons and to develop and hire interested and qualified candidates for discretionary titles. In addition, the *Work Force Compared with Internal and External Pools - CEEDS* reports for the beginning and the end of the audit period (Qtr. 1 FY 2014 and Qtr. 2 FY 2016) showed underutilization in groups which may include discretionary titles. The aforementioned CEEDS data indicated underutilization of women in the *Social Workers* job group and *Hispanics* in the *Lawyers* job group. The CEEDS data for the most recent quarter (Qtr. 4 FY 2016) indicates – underutilization in the aforementioned areas as well as underutilization of *Blacks* in the *Managers* and *Social Workers* job groups. (See Appendices 2-4.) **Corrective Action required.**

Corrective Action #3: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
 - ✓ The agency reported that the EEO professionals reviewed the competencies, skills and abilities required for available positions in civil service (list) titles, which resulted in the standardized use of the “*Restructured Civil Service Questions*” for civil service positions. (See §III.6.)

- Although the agency reviewed the competencies, skills and abilities required for civil service positions, the agency did not demonstrate that it advertised in minority- or female-oriented publications, contacted organizations serving women, minorities, and other protected groups; participated in career fairs or open houses; or used internships to attract interested persons and to develop and hire interested and qualified candidates. Additionally, a review of the *Work Force Compared with Internal and External Pools* CEEDS reports at the start/end of the audit period as well as the most recent quarter available indicated underutilization of women/minorities in job groups which may include civil service titles. (See § III.7 and Appendices 2-4.) **Corrective Action Required.**

Corrective Action #4: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
 - ✓ The agency reported that in a September 17, 2015, EEO meeting, it instituted a policy which required the use of the “*Restructured Civil Service Questions*” which included specific questions for interviews, including: previous experience (including reports, software, projects etc.), knowledge obtained from previous experiences, previous work related tasks, preferred type of work (independent/collaborative), and supervisory experience; in order to identify, interview and select the most capable candidates.
10. Promote employees’ awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
 - ✓ The agency reported that, “*in order to ensure equal opportunities for promotions and transfers, all promotional opportunities are advertised via job vacancy notices which are posted on the agency website and on www.nyccareers.gov.*” (See §III.11.) Additionally, during the period in review, the agency distributed job vacancy notices to employees via electronic mail on September 23, 2015, November 25, 2015, and December 14, 2015.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ During the period in review, the agency advertised for several positions, including: *Investigator, Human Resources Director, Agency Attorney, Human Rights Specialist, Agency Chauffeur, and Press Secretary.* All job vacancy notices contained the EEO tagline “*The City Commission on Human Rights is an Equal Opportunity Employer*”; additionally, each job posting advertised in print media contained the EEO tagline “*AA/EEO*”.

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
- ✓ The agency used and maintained a *Candidate Tracking Log* for each position advertised during the period in review; the Candidate Tracking Log captured the following information: *Candidate Name, Date of Interview, Type of Interview (in person or phone), Observed Gender, Observed Ethnicity, and Overall Rating*.
 - The agency's Candidate Tracking Log did not capture the *position, identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition)* and *recruitment source* for each applicant. In addition, the agency did not demonstrate that alternative measures were used to track and maintain such data.
Corrective action required.

Corrective Action #5: Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ During the period in review, the agency designated the *Director of Peer Mediation Program* as the Career Counselor. The agency reported that the name and contact information of the Career Counselor was distributed to new employees upon hire, as well as to all employees on March 25, 2015.
 - The agency did not demonstrate that the Career Counselor had appropriate training, knowledge, and familiarity with career opportunities in City government to provide career counseling to employees upon request.

Corrective Action #6: 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.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.

- ✓ The agency reported that the Human Resources Director distributed the identity and contact information for the agency's principal EEO professional and the Career Counselor to new employees upon hire; and distributed information regarding various exam schedules, and job posting to all employees via email in September, October and November, 2015. The principal EEO professional advised all new employees of the EEO policies, their rights and responsibilities under such policies, and the discrimination complaint procedures upon hire. During the September 17, 2015, EEO agency planning meeting, the Disability Rights Coordinator informed the principal EEO professional of the number of 55-a program participants, as well as efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities. In addition, subsequent to the audit period, on February 22, 2016, the principal EEO professional informed all employees, via electronic mail, that EEO training would be required within the next year; included with the email were the dates, times, and registration information for the DCAS EEO training: "Everybody Matters".
- The agency did not demonstrate that all employees had access to information regarding job responsibilities and performance evaluation standards. **Corrective action required.**

Corrective Action #7: Ensure that employees have access to information regarding job responsibilities and performance evaluation standards.

**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.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

- ✓ The agency reported that it adheres to the City's EEO Policy (*Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*) which provides that the EEO

Officer shall ensure that the Policy, standards, and procedures are available in alternative formats upon request by an employee or applicant. The agency reported that there were no requests for alternative formats regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures were made during the period in review.

16. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported five (5) requests for reasonable accommodation during the period in review. Additionally, the agency reported that, during the period in review, requests for reasonable accommodation, as well as their outcomes, were documented via the *Reasonable Accommodation Request Form*.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

- ✓ During the period in review, the agency appointed the *Director of Peer Mediation Program* as the principal EEO professional. The principal EEO professional completed the DCAS *Basic Training for Equal Employment Opportunity Professionals*, on June 4, 2004.

NOTE: Subsequent to the period in review, the agency appointed the *Supervising Attorney* as the principal EEO professional. The principal EEO professional completed the DCAS training *Everybody Matters* on February 4th 2016, as well as the DCAS *Computer Based Training* on February 18, 2016. Employees were informed of this designation on February 22, 2016 via electronic mail.

- The agency did not demonstrate that the current principal EEO professional was trained in city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. **Corrective action required.**

Corrective Action: #8: Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.

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

- ✓ In addition to the principal EEO professional, the agency appointed an auxiliary EEO professional. Employees were informed of this designation on February 22, 2016 via electronic mail.
- The agency did not demonstrate that the auxiliary EEO professional was trained in EEO laws and procedures. **Corrective action required.**

Corrective Action: #9: Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ During the period in review, the principal EEO Professional reported directly to the agency head in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. The agency's organizational chart reflected this reporting relationship.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

- ✓ The agency maintained documentation (including emails, monthly EEO reports, and EEO meeting agendas) of communication between the agency head and the principal EEO professional, as well the auxiliary EEO professional, regarding decisions that impacted the administration and operation of the EEO program. Specifically, the agency documented that EEO policies were to be displayed on the agency's bulletin board, and distributed to employees; and that the DCAS *EEO Computer Based Training* was to be completed by all employees within the upcoming year (2016).

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:
Determination: The agency is not in compliance with the standards for this subject area.

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

- The agency did not demonstrate that it established or administered performance evaluations annually for managerial or non-managerial employees. **Corrective action required.**

Corrective Action #10: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

- The agency did not demonstrate that, during the period in review, managers were rated on their EEO responsibilities. **Corrective action required.**

Corrective Action #11: 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 in partial compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- ✓ The agency submitted to the EEPC Annual Plans of measures and programs to provide equal employment opportunity for fiscal years 2013, 2014, 2015 and 2016.
- The agency did not submit its quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan. **Corrective action required.**

Corrective action #12: Submit to the EEPC quarterly reports³ (up to 30 days following each quarter) on efforts to implement the Annual Plan.

²Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

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

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



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

Respectfully Submitted by,

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

Charise L. Terry, PHR
Executive Director

c: Srinivasan, Sudarsana, Esq. Supervising Attorney/Principal EEO Professional

Appendix - 1
City Commission on Human Rights
EEO Job Group Descriptions

**CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY
DATABASE SYSTEM (CEEDS) DESCRIPTION OF JOB
GROUP CATEGORIES**

- 001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.
- 002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.
- 003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.
- 004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.
- 005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.
- 006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.
- 007 Social Workers:** Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: Caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.
- 008 Lawyers:** Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes:

Attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

- 009 Public Relations:** Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: Technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.
- 010 Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.
- 011 Sales:** Not applicable.
- 012 Clerical Supervisors:** Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: Chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.
- 013 Clerical:** Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: Cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.
- 014 Household Services:** Not applicable.
- 015 Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.
- 016 Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.
- 017 Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

- 018 Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.
- 019 Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.
- 020 Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.
- 021 Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: Dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.
- 022 Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.
- 023 Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.
- 024 Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.
- 025 Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.
- 026 Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers and kindred workers.
- 027 Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

- 028 Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.
- 029 Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.
- 030 Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/ vocational counselors, education analysts, education officers, institutional instructors and kindred workers.
- 031 Paraprofessionals:** Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: Administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Appendix - 2

CEEDS: *Workforce Compared with Internal and External Pools*

1st Quarter of Fiscal Year 2014

(Beginning of audit period)

RUN DATE: 10/11/13
 RUN TIME: 14:29:29
 FY2014 Q1

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

PAGE: 71
 PROGRAM: EBP961
 EXTRACT DATE: 09/30/13

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	3	1	2 N	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	2	2	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
003 MNGMT SPECS	2	1	1 N	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	1	0	0 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
007 SOCIAL WORKERS	29	7	5	14	18 U	7	4	1	1 N	0	0 N	0	0 N
008 LAWYERS	14	4	8 U	5	2 O	0	1 U	1	1	0	0 N	4	0 O
009 PUBLIC REL	1	0	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	5	0	1 N	2	3 N	3	1 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	4	0	1 N	4	2 N	0	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	4	1	1 N	2	1 N	1	1 N	0	0 N	0	0 N	0	0 N

RUN DATE: 10/11/13
 RUN TIME: 14:29:29
 FY2014 Q1

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

PAGE: 72
 PROGRAM: EBP961
 EXTRACT DATE: 09/30/13

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	3	2	2 N	1	1 N	0	0 N
002 MANAGERS	2	1	1 N	1	1 N	0	0 N
003 MNGMT SPECS	2	0	1 N	2	1 N	0	0 N
004 SCIENCE PROFNS	1	0	1 N	1	0 N	0	0 N
007 SOCIAL WORKERS	29	18	9 O	11	19 U	0	0 N
008 LAWYERS	14	8	6	6	7	0	0 N
009 PUBLIC REL	1	0	1 N	1	0 N	0	0 N
012 CLERICAL SUPS	5	0	1 N	5	4 N	0	0 N
013 CLERICAL	4	0	1 N	4	3 N	0	0 N
031 PARA PROFESSION	4	3	2 N	1	2 N	0	0 N

Appendix - 3

City Commission on Human Rights

CEEDS: *Workforce Compared with Internal and External Pools*

2nd Quarter of Fiscal Year 2016

(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 71
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	7	1	4 N	3	1 N	2	1 N	1	1 N	0	0 N	0	0 N
002 MANAGERS	8	3	4 N	0	2 N	1	1 N	2	1 N	1	0 N	1	0 N
003 MNGMNT SPECS	1	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	2	1	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
007 SOCIAL WORKERS	29	5	5	16	18	6	4	1	1 N	0	0 N	1	0 N
008 LAWYERS	21	10	12	3	3	1	2 U	4	2 O	0	0 N	3	0 O
009 PUBLIC REL	1	0	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	2	0	0 N	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	5	0	1 N	4	3 N	1	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	4	1	1 N	1	1 N	2	1 N	0	0 N	0	0 N	0	0 N

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 72
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	7	1	4	N	6	3	N	0	0	N
002 MANAGERS	8	3	4	N	5	3	N	0	0	N
003 MNGMT SPECS	1	0	1	N	1	0	N	0	0	N
004 SCIENCE PROFNS	2	1	1	N	1	1	N	0	0	N
007 SOCIAL WORKERS	29	19	9	O	10	19	U	0	0	N
008 LAWYERS	21	10	9		11	10		0	0	N
009 PUBLIC REL	1	0	1	N	1	0	N	0	0	N
012 CLERICAL SUPS	2	0	0	N	2	2	N	0	0	N
013 CLERICAL	5	1	1	N	4	3	N	0	0	N
031 PARA PROFESSION	4	2	2	N	2	2	N	0	0	N

Appendix - 4

City Commission on Human Rights

CEEDS: *Workforce Compared with Internal and External Pools*

4th Quarter of Fiscal Year 2016

(Most recent quarter available)

RUN DATE: 07/06/16
 RUN TIME: 15:12:40
 FY2016 Q4

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

PAGE: 71
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/16

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	9	2	5 U	3	2	3	1	1	1	0	0 N	0	0 N
002 MANAGERS	10	4	5 U	1	2 U	1	1 N	2	1	1	0 O	1	0
003 MNGMNT SPECS	1	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	2	1	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
007 SOCIAL WORKERS	32	4	5 N	16	20 U	7	5	3	2	0	0 N	2	0 O
008 LAWYERS	21	9	12 U	3	3	1	2 U	6	2 O	0	0 N	2	0 O
009 PUBLIC REL	1	0	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	2	0	0 N	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	4	0	1 N	3	2 N	1	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	7	2	2 N	2	2 N	2	2 N	1	1 N	0	0 N	0	0 N

RUN DATE: 07/06/16
 RUN TIME: 15:12:40
 FY2016 Q4

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

PAGE: 72
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/16

AGENCY: 226 COMMISSION ON HUMAN RIGHTS
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	9	2	5	U	7	3	O	0	0	N
002 MANAGERS	10	2	5	U	8	4	O	0	0	N
003 MNGMT SPECS	1	0	1	N	1	0	N	0	0	N
004 SCIENCE PROFNS	2	1	1	N	1	1	N	0	0	N
007 SOCIAL WORKERS	32	21	10	O	11	21	U	0	0	N
008 LAWYERS	21	9	9		12	10		0	0	N
009 PUBLIC REL	1	0	1	N	1	0	N	0	0	N
012 CLERICAL SUPS	2	0	0	N	2	2	N	0	0	N
013 CLERICAL	4	1	1	N	3	3	N	0	0	N
031 PARA PROFESSION	7	4	3	N	3	4	N	0	0	N

Appendix – 5
City Commission on Human Rights
CEEDS: *Workforce Composition Summary*
2nd Quarter of Fiscal Year 2016
(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 226 COMMISSION ON HUMAN RIGHTS

PAGE: 141
 REPORT: EBEP210

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
06490	DEPUTY COMMISSIONER FOR CO	0	0	0	0	0	0	1	1	0	0	0	0	0	2
10173	EXECUTIVE DIRECTOR	0	0	1	0	0	0	0	1	1	0	0	0	0	3
12986	CHAIRMAN, COMMISSION ON HU	0	0	0	0	0	0	0	0	0	1	0	0	0	1
30148	COUNSEL (COMMISSION ON HUM	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	0	1	3	1	1	0	0	0	7
		0.02	0.00	14.29	0.00	0.00	0.00	14.29	42.86	14.29	14.29	0.00	0.00	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	1	0	0	0	1	0	0	0	0	2
30108	HEARING DIRECTOR (COMMISSI	0	0	0	0	0	0	1	0	0	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	1	0	0	1	0	0	1	0	0	1	0	1	0	5
EEO JOB GROUP TOTAL.....:		1	0	0	1	1	0	2	0	1	1	0	1	0	8
		12.50	0.00	0.00	12.50	12.50	0.00	25.00	0.00	12.50	12.50	0.00	12.50	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
1002D	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	1	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13621	COMPUTER ASSOCIATE (OPERAT	0	0	0	0	0	0	0	0	0	1	0	0	0	1
13632	COMPUTER SPECIALIST (SOFTW	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	0	0	0	1	0	0	0	2
		50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	100.00

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 226 COMMISSION ON HUMAN RIGHTS

PAGE: 142
 REPORT: EBEP210

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 007 SOCIAL WORKERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
55016	HUMAN RIGHTS SPECIALIST	0	2	0	0	0	0	1	1	0	0	0	0	0	0	4
55018	HUMAN RIGHTS SPECIALIST (C	1	5	1	0	0	1	0	1	0	0	0	0	0	0	9
55037	SUPERVISING HUMAN RIGHTS S	0	1	0	0	0	0	0	1	0	0	0	0	0	2	
55038	ASSOCIATE HUMAN RIGHTS SPE	2	0	3	0	0	0	1	3	1	0	0	0	0	10	
55077	PRINCIPAL HUMAN RIGHTS SPE	0	1	1	1	0	0	0	1	0	0	0	0	0	4	
EEO JOB GROUP TOTAL.....:		3	9	5	1	0	1	2	7	1	0	0	0	0	29	
		10.34	31.03	17.24	3.45	0.00	3.45	6.90	24.14	3.45	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
30085	*ATTORNEY AT LAW	2	0	0	0	0	0	0	0	0	0	0	0	0	2
30086	AGENCY ATTORNEY INTERNE	0	0	0	0	0	0	0	0	2	0	0	0	0	2
30087	AGENCY ATTORNEY	1	3	1	1	0	2	7	0	0	1	0	1	0	17
EEO JOB GROUP TOTAL.....:		3	3	1	1	0	2	7	0	0	3	0	1	0	21
		14.29	14.29	4.76	4.76	0.00	9.52	33.33	0.00	0.00	14.29	0.00	4.76	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 009 PUBLIC RELATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
91415	GRAPHIC ARTIST	0	0	0	0	0	0	0	0	0	1	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	0	1	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	0	0	0	0	0	0	1	1	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	1	0	0	0	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	100.00

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.2

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 226 COMMISSION ON HUMAN RIGHTS

PAGE: 143
 REPORT: EBEP210

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN			
10251	CLERICAL ASSOCIATE	0	0	1	0	0	0	0	1	0	0	0	0	0	0	2
10252	SECRETARY	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	0	0	4	0	0	0	0	0	0	5
		0.00	0.00	20.00	0.00	0.00	0.00	0.00	80.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 226 COMMISSION ON HUMAN RIGHTS
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN			
10209	COLLEGE AIDE	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
56057	COMMUNITY ASSOCIATE	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
56058	COMMUNITY COORDINATOR	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	1	0	0	0	0	0	0	2	0	0	0	0	0	4
		25.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY TOTAL.....:

9	13	8	3	1	3	12	15	7	7	0	2	0	80
11.25	16.25	10.00	3.75	1.25	3.75	15.00	18.75	8.75	8.75	0.00	2.50	0.00	100.00

Nathan P. Conway
EEO Program Analyst
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: Response to EEPC's Preliminary Determination for the Audit and Analysis of the City Commission on Human Right's Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear Mr. Conway,

In response to the Corrective Actions recommended by the Equal Employment Practices Commission ("EEPC") in its preliminary audit and analysis of the Commission on Human Rights' ("Commission") employment practices and procedures for the period July 1, 2013 to December 31, 2015, please find our responses below.

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

Response: The Commission prioritizes the values of diversity, EEO, and inclusion in the workforce, the workplace, and the community, respectively. In order to ensure that our recruitment efforts promote diversity within the agency and support an environment of tolerance and inclusion, the Commission intends to:

- discuss underutilization identified in the CEEDS diversity dashboard and work with DCAS to ensure the accuracy of such reports by identifying whether all positions have the appropriate civil service designations;
- implement targeted recruitment efforts in areas where underutilization is identified;
- ensure that job vacancies are advertised in minority-oriented publications, and sent to professional and community organizations serving minorities, women, people with disabilities, and people with personal experience with the criminal justice system;
- utilize connections staff members have to local community based organizations to build on outreach and recruitment efforts and systematize such efforts in order to evaluate efficacy;
- offer internships that allow students to earn academic credit for their work with the Commission;

In FY 2016, the Commission implemented many of the strategies discussed above and as a result of such efforts, Commission staff now speaks 26 languages across its different departments and is able to provide in-house cultural competency trainings for all staff, created and implemented by members of its Community Relations Bureau. In an effort to broaden outreach and recruitment, the Commission also spent 77% (approximately \$462,000) of the Commission's total newspaper and radio advertisement budget in FY 2016 in media outlets serving ethnic, minorities, and other underserved communities. The Commission will continue to build on our relationships with community based organizations that serve underserved communities in New York City in order to promote partnerships, establish credibility, and strengthen our recruitment and outreach.

The preliminary audit notes that the *Work Force Compared with internal and External Pools – CEEDS* reports showed underutilization of women and minorities in some job groups. The Commission is concerned that the metric used to evaluate potential underutilization may reflect the misclassification of certain job titles and positions at the Commission. The Commission intends to reach out to DCAS to review how each position is classified and ensure that all classifications accurately account for the actual job description and duties specific to each position. Regardless of the outcome, the Commission intends to continue implementing the strategies highlighted above in order to promote a diverse workforce.

2. **Corrective Action #3¹**: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: See response to Corrective Action #1. In FY 2016 the Commission posted outreach materials in various minority and female oriented publications. In FY 2017, the Commission will ensure that outreach materials include job vacancies and other available opportunities to collaborate or partner with the Commission in order to broaden recruiting efforts to reach underserved communities. The Commission also offered internship opportunities, however, it was constrained by limited office space. Despite that, the Commission was able to accommodate three interns in FY 2016. In FY 2017 we intend to offer internships to a larger number of students, many of whom will receive academic credit in exchange for the work they do with the Commission. By collaborating with law schools to offer internships that allow students to earn academic credit, we ensure that we are accessible to those students unable to participate in unpaid internships. In FY 2017 the Commission plans to reach out to various New York City student affinity groups in order to participate in outreach events and ensure their members are educated about job opportunities at the Commission. We will plan to investigate whether low cost opportunities exist within the City to participate in career fairs or other educational outreach events. We are already planning to attend the Fordham Public Interest Legal Career Reception in September 2016.

¹ The EEPC Preliminary Audit does not have a "Corrective Action #2."

3. **Corrective Action #4:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: See response to Corrective Action #3.

4. **Corrective Action #5:** Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *identification number, disability or veteran status, 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 Commission will continue to utilize our candidate tracking system to gather information about the applicants for our open positions and postings. To this end, we currently collect the following with regard to each candidate interviewed: name of person interviewed; names of interviewers; date and time of interview; whether the interview was in-person or telephonic; and the disposition of each applicant. The Commission also informally notes the recruitment sources for candidates interviewed.

Though Corrective Action #5 also recommends that the Commission capture information relating to candidates' disability or veteran status, the Commission is concerned that requesting such information from candidates could expose the agency to scrutiny or liability under state, federal and local anti-discrimination laws, including the New York City Human Rights Law, which is enforced by the Commission. We are currently thinking through other ways to collect diversity-related information from candidates.

5. **Corrective Action #6:** 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.

Response: In FY 2016 the Commission addressed the recommendation suggested in Corrective Action #6 by designating Lakisha Skrine to serve as the agency's Career Counselor. As the Commission's Director of Human Resources, Ms. Skrine has the appropriate training, knowledge, and familiarity with civil service positions to advise staff on employment possibilities, opportunities, and options. In FY 2016, much of Ms. Skrine's work in this capacity was spent advising long-standing Commission staff about new opportunities presented by growth of our personnel lines and restructuring of the agency's different departments. Ms. Skrine also participated in multiple trainings offered by the Department of Citywide Administrative Services ("DCAS") to assist her in this

role, including: (1) “Reasonable Accommodations Procedural Guidelines,” (2) “Building an Inclusive Culture: Understanding Unconscious Bias,” (3) “Workplace Realities: Responding to People with Disabilities,” (4) and “Structured Interviewing and Unconscious Bias.” In FY 2017, she will continue to advise employees of promotional opportunities and strategies for career development and participate in her own career development trainings.

6. **Corrective Action #7:** Ensure that employees have access to information regarding job responsibilities and performance evaluation standards.

Response: In FY 2017, the Commission will continue to inform staff of all open positions across the agency and evaluate internal applicants consistently with external applicants, i.e. in an objective, consistent, and transparent manner. The Commission is also working to create transparent guidelines that outline job responsibilities, expectations and performance evaluation standards, and opportunities for promotion and/or career development. In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives, and training that include an EEO rating for all managerial positions.

6. **Corrective Action #8:** Appoint a principal EEO Professional -- who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints -- to implement EEO policies and standards within the agency.

Response: In FY 2016, the Commission established an EEO Team to assist in the process of revamping its EEO Office, so that rather than having just a single EEO Professional, Commission staff had several points of contact with the agency’s EEO operations. The Commission’s team of EEO professionals, which include: Lakisha Skrine (the Commission’s Human Resources Director), Darsana Srinivasan, and Alexander Korkhov, are responsible for helping me implement the EEO Policy within the agency. They report directly to me on EEO matters and work with staff in my office, the Office of the Chairperson, on diversity goals. Mses. Srinivasan and Skrine and Mr. Korkhov will also serve as EEO Representatives to receive EEO complaints and conduct investigations. Ms. Skrine, the Commission’s Director of HR, also serves as our 55-a Program Coordinator and our Career Counselor. Ted Finkelstein will continue to serve as our agency’s Disabilities Rights Coordinator. Vanessa Ramos, the Director of Training within our Community Relations Bureau (“CRB”), will continue to serve as our training liaison. Members of our agency’s EEO Team have and will continue to receive EEO training from the Department of Citywide Administrative Services (“DCAS”) Office of Citywide Diversity and EEO (“Citywide Diversity and EEO”).

All EEO professionals received EEO training, including the EEO training *Everybody Matters* and EEO Computer Based Training. Ms. Srinivasan has recently gone on

parental leave. In her absence, Lauren Elfant, the Policy Counsel, will take on the role of EEO officer as well. Ms. Elfant completed both the DCAS EEO training *Everybody Matters* and the DCAS Computer Based Training on April 21, 2016. In FY 2017, EEO officers will participate in the five (5) day EEO training provided by DCAS.

7. **Corrective Action #9:** Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

Response: *See response to Corrective Action #8.*

8. **Corrective Action #10:** Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Response: In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives and training that include an EEO rating for all managerial positions.

9. **Corrective Action #11:** 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).

Response: *See response to Corrective Action #10.*

If you have any questions, please contact me at 212-416-0155.

Very truly yours,



Lauren Elfant, Esq.
Policy Counsel



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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

September 7, 2016

Carmelyn P. Malalis, Esq.
Chair/Commissioner
City Commission on Human Rights
22 Reade Street, 2nd Floor
New York, NY 10007

RE: Audit Resolution #2016/226: Final Determination Pursuant to the Review, Evaluation and Monitoring of the City Commission on Human Rights' Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear Chair Malalis:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for the agency Policy Counsel's August 24, 2016 response to our August 9, 2016 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: September 2016 TO February 2017.


If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload 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. Upon receipt of the final memorandum, the EEPC will issue a *Determination of Compliance*.

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,


Charise L. Terry, PHR
Executive Director

c: Srinivasan, Sudarsana, Esq. Supervising Attorney/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 response² to the EEPC's preliminary Determination, our Final Determination is as follows:

Monitoring Required

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

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

Agency Response: *"The Commission prioritizes the values of diversity, EEO, and inclusion in the workforce, the workplace, and the community, respectively. In order to ensure that our recruitment efforts promote diversity within the agency and support an environment of tolerance and inclusion, the Commission intends to:*

- *discuss underutilization identified in the CEEDS diversity dashboard and work with DCAS to ensure the accuracy of such reports by identifying whether all positions have the appropriate civil service designations;*
- *implement targeted recruitment efforts in areas where underutilization is identified;*
- *ensure that job vacancies are advertised in minority-oriented publications, and sent to professional and community organizations serving minorities, women, people with disabilities, and people with personal experience with the criminal justice system;*
- *utilize connections staff members have to local community based organizations to build on outreach and recruitment efforts and systematize such efforts in order to evaluate efficacy;*

² Excerpts are italicized.

- offer internships that that allow students to earn academic credit for their work with the Commission;

In an effort to broaden outreach and recruitment, the Commission also spent 77% [...] of the Commission's total newspaper and radio advertisement budget in FY 2016 in media outlets serving ethnic, minorities, and other underserved communities. The Commission will continue to build on our relationships with community based organizations that serve underserved communities in New York City in order to promote partnerships, establish credibility, and strengthen our recruitment and outreach.

The Commission is concerned that the metric used to evaluate potential underutilization may reflect the misclassification of certain job titles and positions at the Commission. The Commission intends to reach out to DCAS to review how each position is classified and ensure that all classifications accurately account for the actual job description and duties specific to each position. Regardless of the outcome, the Commission intends to continue implementing the strategies highlighted above in order to promote a diverse workforce.”(Response p. 1-2.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #1. An assessment of the agency’s recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #3 [sic]: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: “[...] In FY 2016 the Commission posted outreach materials in various minority and female oriented publications. In FY 2017, the Commission will ensure that outreach materials include job vacancies and other available opportunities to collaborate or partner with the Commission in order to broaden recruiting efforts to reach underserved communities. The Commission also offered internship opportunities [...] the Commission was able to accommodate three interns in FY 2016. In FY 2017 we intend to offer internships to a larger number of students, many of whom will receive academic credit in exchange for the work they do with the Commission. By collaborating with law schools to offer internships that allow students to earn academic credit, we ensure that we are accessible to those students unable to participate in unpaid internships. In FY 2017 the Commission plans to reach out to various New York City student affinity groups in order to participate in outreach events and ensure their members are educated about job opportunities at the Commission. We will plan to investigate whether low cost opportunities exist within the City to participate in career fairs or other educational outreach events.” (Response p. 2-3.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #3. Documentation that demonstrates implementation of corrective action #3 will be required

during the compliance monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #4: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *“In FY 2016 the Commission posted outreach materials in various minority and female oriented publications. In FY 2017, the Commission will ensure that outreach materials include job vacancies and other available opportunities to collaborate or partner with the Commission in order to broaden recruiting efforts to reach underserved communities. The Commission also offered internship opportunities. [...] the Commission was able to accommodate three interns in FY 2016. In FY 2017 we intend to offer internships to a larger number of students, many of whom will receive academic credit in exchange for the work they do with the Commission. By collaborating with law schools to offer internships that allow students to earn academic credit, we ensure that we are accessible to those students unable to participate in unpaid internships. In FY 2017 the Commission plans to reach out to various New York City student affinity groups in order to participate in outreach events and ensure their members are educated about job opportunities at the Commission. We will plan to investigate whether low cost opportunities exist within the City to participate in career fairs or other educational outreach events.”* (Response p. 2-3.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #4. Documentation that demonstrates implementation of corrective action #4 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #5: Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, interviewers’ names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: *“The Commission will continue to utilize our candidate tracking system to gather information about the applicants for our open positions and postings. To this end, we currently collect the following with regard to each candidate interviewed: name of person interviewed; names of interviewers; date and time of interview; whether the interview was in-person or telephonic; and the disposition of each applicant. The Commission also informally notes the recruitment sources for candidates interviewed. Corrective Action #5 also recommends that*

the Commission capture information relating to candidates' disability or veteran status. [...] We are currently thinking through other ways to collect diversity-related information from candidates.” (Response p. 3.)

EEPC Response: Documentation that demonstrates implementation of corrective action #5 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #6: 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: *In FY 2016 the Commission...designat[ed] Lakisha Skrine to serve as the agency's Career Counselor. As the Commission's Director of Human Resources, Ms. Skrine has the appropriate training, knowledge, and familiarity with civil service positions to advise staff on employment possibilities, opportunities, and options. In FY 2016, much of Ms. Skrine's work in this capacity was spent advising long-standing Commission staff about new opportunities presented by growth of our personnel lines and restricting of the agency's different departments. Ms. Skrine also participated in multiple trainings offered by the Department of Citywide Administrative Services ("DCAS") to assist her in this role, including: (1) "Reasonable Accommodations Procedural Guidelines," (2) "Building an Inclusive Culture: Understanding Unconscious Bias," (3) "Workplace Realities: Responding to People with Disabilities," (4) and "Structured Interviewing and Unconscious Bias." In FY 2017, she will continue to advise employees of promotional opportunities and strategies for career development and participate in her own career development trainings. (Response p. 3-4.)*

EEPC Response: The EEPC recognizes the agency's commitment to implement Corrective Action #6. Documentation that demonstrates that employees were notified of the identity/type of guidance available from the Career Counselor at least once each year will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #7: Ensure that all employees have access to information regarding performance evaluation standards.

Agency Response: *“The Commission is [...] working to create transparent guidelines that outline job responsibilities, expectations and performance evaluation standards, and opportunities for promotion and/or career development.” (Response p. 4.)*

EEPC Response: The EEPC recognizes the agency's commitment to implement Corrective Action #7. Documentation that demonstrates implementation of the corrective action will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #8: 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.

Agency Response: "In FY 2016, the Commission established an EEO Team to assist in the process of revamping its EEO Office, so that rather than having just a single EEO Professional, Commission staff had several points of contact with the agency's EEO operations. The Commission's team of EEO professionals [is] responsible for helping implement the EEO Policy within the agency. They report directly to [the Commissioner] on EEO matters and work with staff in my office, the Office of the Chairperson, on diversity goals. [The EEO office consists of three] EEO Representatives [who] receive EEO complaints and conduct investigations. Members of our agency's EEO Team have and will continue to receive EEO training from the Department of Citywide Administrative Services ("DCAS") Office of Citywide Diversity and EEO ("Citywide Diversity and EEO")."

All EEO professionals received EEO training, including the EEO training Everybody Matters and EEO Computer Based Training.[...] In FY 2017, EEO officers will participate in the five (5) day EEO training provided by DCAS."(Response p.4-5.)

EEPC Response: The EEPC recognizes the agency's commitment to implement Corrective Action #8. Documentation that demonstrates implementation of the corrective action will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #9: Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

Agency Response: "All EEO professionals received EEO training, including the EEO training Everybody Matters and EEO Computer Based Training. [...] In FY 2017, EEO officers will participate in the five (5) day EEO training provided by DCAS." (Response p. 4-5.)

EEPC Response: The EEPC recognizes the agency's commitment to implement Corrective Action #9. Documentation that demonstrates implementation of corrective action #9 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #10: 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: "In In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions,

assignments, incentives and training that include an EEO rating for all managerial positions.”
(Response p. 5.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #10. Documentation that demonstrates implementation of corrective action #10 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #11: 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: *“In In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives and training that include an EEO rating for all managerial positions.”*
(Response p. 5.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement Corrective Action #11. Documentation that demonstrates implementation of the corrective action will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #12: Submit to the EEPC quarterly reports (up to 30 days following each quarter) on efforts to implement the Annual Plan.

Agency Response: No response submitted.

EEPC Response: Documentation that demonstrates implementation of corrective action #12 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2016/226: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the City Commission on Human Rights' Employment Practices and Procedures from January 1, 2013 through December 31, 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 of the City Commission on Human Rights' (CCHR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 10, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- 3.[sic] If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

6. 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.
7. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards.
8. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
11. 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).
12. Submit to the EEPC quarterly reports (up to 30 days following each quarter) on efforts to implement the Annual Plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 24, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on **September 7, 2016**, which indicated that corrective action(s) nos. 1 through 12 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 September 2016 through February 2017, to determine whether it implemented the required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Carmelyn P. Malalis, Esq., Chair/Commissioner of the City Commission on Human Rights.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

Nathan P. Conway
EEO Program Analyst
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: Response to EEPC's Final Determination Pursuant to the Review, Evaluation and Monitoring of the City Commission on Human Right's Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear Mr. Conway,

In response to the Corrective Actions recommended by the Equal Employment Practices Commission ("EEPC") in its Audit Resolution #2016/226, please find our responses below.

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

Response: The Commission prioritizes the values of diversity, EEO, and inclusion in the workforce, the workplace, and the community, respectively. In order to ensure that our recruitment efforts promote diversity within the agency and support an environment of tolerance and inclusion, the Commission intends to:

- discuss underutilization identified in the CEEDS diversity dashboard and work with DCAS to ensure the accuracy of such reports by identifying whether all positions have the appropriate civil service designations;
- implement targeted recruitment efforts in areas where underutilization is identified;
- ensure that job vacancies are advertised in minority-oriented publications in areas where underutilization is identified, and sent to professional and community organizations serving minorities, women, people with disabilities, and people with personal experience with the criminal justice system;
- utilize connections staff members have to local community based organizations to build on outreach and recruitment efforts and systematize such efforts in order to evaluate efficacy;
- offer internships that allow students to earn academic credit for their work with the Commission;

In FY 2016, the Commission implemented many of the strategies discussed above and as a result of such efforts, Commission staff now speaks 26 languages across its different departments and is able to provide in-house cultural competency trainings for all staff,

created and implemented by members of its Community Relations Bureau. In an effort to broaden outreach and recruitment, the Commission also spent 77% (approximately \$462,000) of the Commission's total newspaper and radio advertisement budget in FY 2016 in media outlets serving ethnic, minorities, and other underserved communities. The Commission will continue to build on our relationships with community based organizations that serve underserved communities in New York City in order to promote partnerships, establish credibility, and strengthen our recruitment and outreach.

The preliminary audit notes that the *Work Force Compared with internal and External Pools – CEEDS* reports showed underutilization of women and minorities in some job groups. The Commission is concerned that the metric used to evaluate potential underutilization may reflect the misclassification of certain job titles and positions at the Commission. The Commission has reached out to DCAS to review how each position is classified and ensure that all classifications accurately account for the actual job description and duties specific to each position. Regardless of the outcome, the Commission intends to continue implementing the strategies highlighted above in order to promote a diverse workforce.

2. **Corrective Action #3¹:** If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: See response to Corrective Action #1. In FY 2016 the Commission posted outreach materials in various minority and female oriented publications. In FY 2017, the Commission will ensure that outreach materials include job vacancies and other available opportunities if underutilization is identified, and to collaborate or partner with community based organizations in order to broaden recruiting efforts to reach underserved communities. The Commission also offered internship opportunities, however, it was constrained by limited office space. Despite that, the Commission was able to accommodate three interns in FY 2016. In FY 2017 we intend to offer internships to a larger number of students, many of whom will receive academic credit in exchange for the work they do with the Commission. By collaborating with law schools to offer internships that allow students to earn academic credit, we ensure that we are accessible to those students unable to participate in unpaid internships. In FY 2017 the Commission plans to reach out to various New York City student affinity groups in order to participate in outreach events and ensure their members are educated about job opportunities at the Commission. We will plan to investigate whether low cost opportunities exist within the City to participate in career fairs or other educational outreach events. We have already attended the Fordham Public Interest Legal Career Reception in September 2016.

3. **Corrective Action #4:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, advertise in minority- or female-oriented

¹ The EEPC Preliminary Audit does not have a "Corrective Action #2."

publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: See response to Corrective Action #3.

4. **Corrective Action #5:** Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures *identification number, disability or veteran status, 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 Commission will continue to utilize our candidate tracking system to gather information about the applicants for our open positions and postings. To this end, we currently collect the following with regard to each candidate interviewed: name of person interviewed; names of interviewers; date and time of interview; whether the interview was in-person or telephonic; and the disposition of each applicant. The Commission also informally notes the recruitment sources for candidates interviewed.

Though Corrective Action #5 also recommends that the Commission capture information relating to candidates' disability or veteran status, the Commission is concerned that requesting such information from candidates could expose the agency to scrutiny or liability under state, federal and local anti-discrimination laws, including the New York City Human Rights Law, which is enforced by the Commission. We are currently thinking through other ways to collect diversity-related information from candidates.

5. **Corrective Action #6:** 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.

Response: In FY 2016 the Commission addressed the recommendation suggested in Corrective Action #6 by designating Lakisha Skrine to serve as the agency's Career Counselor. As the Commission's Director of Human Resources, Ms. Skrine has the appropriate training, knowledge, and familiarity with civil service positions to advise staff on employment possibilities, opportunities, and options. In FY 2016, much of Ms. Skrine's work in this capacity was spent advising long-standing Commission staff about new opportunities presented by growth of our personnel lines and restricting of the agency's different departments. Ms. Skrine also participated in multiple trainings offered by the Department of Citywide Administrative Services ("DCAS") to assist her in this role, including: (1) "Reasonable Accommodations Procedural Guidelines," (2) "Building an Inclusive Culture: Understanding Unconscious Bias," (3) "Workplace Realities: Responding to People with Disabilities," (4) and "Structured Interviewing and

Unconscious Bias.” In FY 2017, she will continue to advise employees of promotional opportunities and strategies for career development and participate in her own career development trainings.

6. **Corrective Action #7:** Ensure that employees have access to information regarding job responsibilities and performance evaluation standards.

Response: In FY 2017, the Commission will continue to inform staff of all open positions across the agency and evaluate internal applicants consistently with external applicants, i.e. in an objective, consistent, and transparent manner. The Commission is also working to create transparent guidelines that outline job responsibilities, expectations and performance evaluation standards, and opportunities for promotion and/or career development. In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives, and training that include an EEO rating for all managerial positions.

6. **Corrective Action #8:** Appoint a principal EEO Professional -- who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints -- to implement EEO policies and standards within the agency.

Response: In FY 2016, the Commission established an EEO Team to assist in the process of revamping its EEO Office, so that rather than having just a single EEO Professional, Commission staff had several points of contact with the agency’s EEO operations. The Commission’s team of EEO professionals, which include: Lakisha Skrine (the Commission’s Human Resources Director), Darsana Srinivasan, and Alexander Korkhov, are responsible for helping me implement the EEO Policy within the agency. They report directly to me on EEO matters and work with staff in my office, the Office of the Chairperson, on diversity goals. Mses. Srinivasan and Skrine and Mr. Korkhov will also serve as EEO Representatives to receive EEO complaints and conduct investigations. Ms. Skrine, the Commission’s Director of HR, also serves as our 55-a Program Coordinator and our Career Counselor. Ted Finkelstein will continue to serve as our agency’s Disabilities Rights Coordinator. Vanessa Ramos, the Director of Training within our Community Relations Bureau (“CRB”), will continue to serve as our training liaison. Members of our agency’s EEO Team have and will continue to receive EEO training from the Department of Citywide Administrative Services (“DCAS”) Office of Citywide Diversity and EEO (“Citywide Diversity and EEO”).

All EEO professionals received EEO training, including the EEO training *Everybody Matters* and EEO Computer Based Training. Ms. Srinivasan has recently gone on parental leave. In her absence, Lauren Elfant, the Policy Counsel, will take on the role of EEO officer as well. Ms. Elfant completed both the DCAS EEO training *Everybody Matters* and the DCAS Computer Based Training on April 21, 2016. In FY 2017, EEO

officers will participate in the five (5) day EEO training provided by DCAS. Currently EEO staff is unable to attend the October 5-day training, however we plan to attend the Spring session. In the interim, the Commission is coordinating with DCAS to participate in a targeted EEO training designed to provide an overview of the 5-day training, that will likely take place in November 2016.

7. **Corrective Action #9:** Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

Response: See response to Corrective Action #8.

8. **Corrective Action #10:** Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Response: In FY 2017, the Commission intends to establish managerial and non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives and training that include an EEO rating for all managerial positions.

9. **Corrective Action #11:** 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).

Response: See response to Corrective Action #10.

10. **Corrective Action # 12:** Submit to the EEPC quarterly reports (up to 30 days following each quarter) on efforts to implement the Annual Plan.

Response: The Commission intends to submit our quarterly reports to EEPC in addition to DCAS and has already implemented this by submitting our most recent quarterly report to both DCAS and EEPC.

If you have any questions, please contact me at 212-416-0155.

Very truly yours,



Lauren Elfant, Esq.
Policy Counsel



TO: All Commission Staff

FROM: Commissioner and Chair Carmelyn P. Malalis

DATE: March 10, 2017

RE: Implementation of Equal Employment Practices Commission (“EEPC”) Recommendations Pursuant to the Review, Evaluation, and Monitoring of the New York City Commission on Human Rights’ Employment Practices and Procedures for the Period July 1, 2013 to December 31, 2015.

The New York City Commission on Human Rights is responsible for enforcing the City’s anti-discrimination and anti-harassment laws in employment, housing and public accommodations, as well as addressing discriminatory harassment and biased-based profiling by law enforcement throughout the City. Given its mandates, the Commission has a special commitment to promoting diversity and inclusion, and ensuring equal employment opportunity practices within the agency. The Commission is dedicated to recruiting, developing, and retaining a diverse and inclusive workforce reflective of New York City’s population. When we value our differences in the workforce, we build stronger teams that drive the best performance. As such, the Commission expects all its managers and supervisors to promote a work environment that values equity, inclusion, and respect for all.

The Equal Employment Practices Commission (“EEPC”) has adopted uniform standards 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. Consistent with its responsibility to perform periodic audits of City agencies’ employment practices, EEPC conducted an audit of the Commission’s employment practices and procedures for the period starting July 1, 2013 and ending December 31, 2015. Following the audit, EEPC issued recommendations to the Commission and assigned the agency a compliance-monitoring period which ran from September 2016 to February 2017. As recommended by EEPC, the Commission has implemented the following actions:

1. The Commission has created a Diversity and Recruitment Committee (“DRC”) that will work to address underutilization in our workforce and identify recruitment strategies that focus on specific communities in which we face underutilization at this agency. The DRC has created a recruitment plan that addresses current underutilization at the agency and has developed a recruitment strategy to recruit from communities that are underutilized. The DRC will also consider diversity needs beyond what is identified by DCAS. For example, the DRC will consider how to continue expanding the agency’s language capacity to meet the needs of underserved communities in NYC.

2. To ensure that the hiring process is fair and equitable and that the Commission is appropriately tracking and processing applicants, the Commission has required that all applicants be processed and tracked through the NYCAPS e-hire system. Going forward the Commission will use NYCAPS to its fullest capacity to ensure consistency across the agency. All hiring managers have now been trained on how to access and utilize NYCAPS e-hire.
3. The Commission has formally designated Cynthia Ingram, the Commission's new Director of Human Resources, as the Commission's Career Counselor. Ms. Ingram has the appropriate training, knowledge and familiarity with career opportunities in City government and can provide career counseling to employees upon request. An email was sent on February, 21, 2017 to inform staff of this service
4. The Commission will ensure that all staff be provided a copy of the Tasks and Standards relevant to their specific title on or before June 30, 2017, with an opportunity for review and questions. All Tasks and Standards have currently been submitted and are being reviewed by the Office of General Counsel, the Office of the Chair, and Human Resources. Once completed they will be distributed to Staff with notice of the evaluation period and each employee will receive annual evaluations based on their Tasks and Standards. The next evaluation period based on these Tasks and Standards will be July 1, 2017-June 30, 2018.
5. The Commission has appointed Lauren Elfant, Senior Policy Counsel, as the Principle EEO Officer. Ms. Elfant has completed the Diversity Matters training and the EEO Computer Based Training and will participate in the DCAS 5-day EEO training offered in April, 2017.
6. All members of the EEO team have now participated EEO trainings provided by DCAS.
7. All managerial staff will be evaluated based on Tasks and Standards specific to their title on a yearly basis. All management evaluations will include an EEO rating to assess their ability to make employment decisions based on merit and equal consideration, and to evaluate whether they treat others in an equitable and impartial manner.
8. The Commission will ensure that all quarterly reports are submitted to EEPC and any other necessary parties.

If you have any questions, please reach out to Lauren Elfant, Senior Policy Counsel/EEO Officer at lelfant@cchr.nyc.gov or (212) 212-0155.

Very Truly Yours,



Carmelyn P. Malalis
Commissioner and Chair
New York City Commission on Human Rights

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

RESOLUTION #2016AP/226C-36: Determination of **Compliance** (Monitoring Period Required) by the New York City Commission on Human Rights with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the New York City Commission on Human Rights' Employment Practices and Procedures from July 1, 2013 to December 31, 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 EEPCC 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 New York City Commission on Human Rights' (CCHR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated August 10, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. [sic] If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, 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.

6. 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.
7. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards.
8. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
11. 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).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 24, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 7, 2016, which indicated that corrective action nos. 1 through 12 require compliance monitoring; and

Whereas, the New York City Commission on Human Rights submitted its response to the EEPC's final determination letter, on October 4, 2016; 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 September 2016 through February 2017, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the New York City Commission on Human Rights submitted a copy of the agency head's memorandum to staff dated March 10, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; 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 New York City Commission on Human Rights 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 approves issuance of this Determination of Compliance to Commissioner and Chair Carmelyn P. Malalis, Esq., of the New York City Commission on Human Rights.

Approved unanimously on March 30, 2017.




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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

March 30, 2017

Carmelyn P. Malalis, Esq.
Chair/Commissioner
City Commission on Human Rights
100 Gold Street, Suite 4600
New York NY 10038

Re: Resolution #2016AP/226C-36: Determination of Agency Compliance.

Dear Chair Malalis:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the New York City Commission on Human Rights. This Commission has determined that the New York City Commission on Human Rights 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 Senior Policy Counsel Lauren Elfant, Esq., for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read "Arva R. Rice". The signature is fluid and cursive.

Arva R. Rice
Commissioner

c: Lauren Elfant, Esq., Senior Policy Counsel \Principal EEO Professional



This
Determination of Compliance

is issued to

New York City Commission on Human Rights

for successfully implementing 12 of 12 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit From July 1, 2013 to this date.

In care of Chair Carmelyn P. Malalis, Esq., and
Principal EEO Professional Lauren Elfant, Esq.

On this 30th day of March in the year 2017,

Arva R. Rice, Commissioner

Charise L. Terry, DHR, Executive Director