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BY MAIL AND EMAIL

May 8, 2017

Letitia James
Public Advocate
Office of the New York City Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of the New York City Public Advocate's Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

Dear Public Advocate James:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2014 to December 31, 2016.

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The Office of the New York City Public Advocate, 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 EEPD 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 EEPD 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 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

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



additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Office of the New York City Public Advocate represents the consumers of City services. The New York City Public Advocate, an independently elected public official, was most recently elected at the general election held on November 5, 2013 for a term of four years (January 1, 2014 to December 31, 2017). The Public Advocate reviews and investigates complaints about City services, assesses whether agencies are responsive to the public, and recommends improvements in agency programs and complaint handling procedures; serves as ombudsman, or go-between, for individuals who are having trouble getting the service, help or answer they need from City agencies; and monitors the effectiveness of the City's public information and education efforts. The Public Advocate has the right to participate in the discussions of the City Council, is an *ex officio* member of all Council committees and can sponsor local legislation. The Public Advocate also monitors compliance of City officers and agencies with the New York City Charter. The Public Advocate succeeds the Mayor in the event that the Mayor resigns, is removed, dies or otherwise is unable to discharge his or her powers and duties. A vacancy in the office of Public Advocate will be filled by popular election. At the end of the period in review, the agency's headcount was 45 employees. (See Appendix 2.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

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

➤ During the period in review, the agency did not issue an EEO Policy statement. Corrective Action Required.

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

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human

resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ During the period in review, the agency adopted the City's EEO Policy: *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*. The City's EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination compliant investigations; and links to the City's *Reasonable Accommodation Procedural Guidelines* and *EEO Compliant Procedural Guidelines*. The EEO Policy stated, "[t]he City of New York is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" –which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction/ marital status, partnership status, genetic information or predisposing genetic characteristic/ sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status....The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation)." The agency reported that hard copies of the EEO Policy were distributed to all employees' agency mailboxes and to new employees during orientation. Contact information for the agency's EEO professionals was distributed to all employees via memorandum on December 20, 2016. The EEO Policy also identified the New York City Commission on Human Rights; New York State Division of Human Rights; United States Equal Employment Opportunity Commission; and United States Department of Justice as the "federal, state and local agencies that enforce laws against discrimination...Information about how to contact these agencies can be found in the [City's] EEO Policy Handbook: About EEO: What You May Not Know"–links to the aforementioned agencies and the EEO Policy Handbook were provided.
- The agency did not demonstrate that it distributed or posted the EEO Policy that included or attached as addenda: an up-to-date list of protected classes (specifically *caregiver status* "consumer credit history" and "pregnancy") under NYC and NYS Human Rights Law. Corrective Action Required.

Corrective Action #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: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in partial 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's *EEO Training Activity* report indicated that twenty-one (21) employees (46% of the workforce²) completed the Department of Citywide Administrative Services' (DCAS) *Everybody Matters Diversity & Inclusion* training in September 2016.
- The agency did not demonstrate that it established and implemented an EEO training plan to ensure that all individuals who work within the agency were trained 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. Corrective Action Required.

Corrective Action #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.

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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter fiscal year (FY) 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities. (See Appendices 3 – 5.)
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

² Based on workforce headcount at the end of the period in review, December 31, 2016. (See Appendix 2.)

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, Principal Human Resources (HR) Professional and General Counsel informally met to discuss EEO matters.
- The agency did not demonstrate that 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 were reviewed on an annual basis to identify barriers to equal opportunity within the agency and determine what, if any, corrective actions were required in order to correct deficiencies.
Corrective Action Required.

Corrective Action #4: Ensure that 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 are reviewed on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

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

The CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 the Department of Citywide Administrative Services (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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 ten (10) human resources professionals, managers, supervisors, and other personnel were involved in recruiting and hiring during the period in review. Subsequently, in January 2017, seven (7) managers completed DCAS' *Structured Interviewing and Unconscious Bias* training.
 - The agency did not demonstrate that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were 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). Corrective Action Required.

Corrective Action #5: 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).

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
 - ✓ During the period in review, job postings of internal opportunities for promotion and transfer were posted to the agency's intranet site and accessible by all employees.

- During the period in review, the agency did not demonstrate that it promoted employees' awareness of opportunities for advancement and transfer within the agency. The agency did not administer incentive programs; publicize promotions into, or changes in, the managerial ranks; and/or use other methods to communicate internal opportunities. Corrective Action Required.

Corrective Action #6: Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

- ✓ The agency reported that cross divisional training was common and job transfers were available via job postings to the agency's intranet site accessible by all employees, as an example of agency efforts to provide opportunities to develop their professional skills and establish internal talent pools.

- The agency did not demonstrate that employees were encouraged or considered for training to develop their professional skills. Additionally, the agency did not administer development or mentorship programs, or identify internal successors with applicable knowledge, skills and abilities. Corrective Action Required.

Corrective Action #7: Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

12. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- The agency advertised two vacant positions during the period in review including: *Speechwriter* (April 2016) and *Policy Associate* (October 2016). The agency did not demonstrate that the job advertisements indicated that the agency was an equal opportunity employer. Corrective Action Required.

Corrective Action #8: At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

13. 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.

- ✓ During the period in review, the agency tracked – via an electronic database – the following information for applicants: “*Applicant*”, “*Email*” (in lieu of *identification number*), “*1st Interview*”, “*Second Interv*”, “*Position*”, “*Disposition*” and “*Status*”. The agency reported that the Principal HR Professional recorded the “*1st Interview*”, “*Second Interv*”, “*Disposition*” and “*Status*” fields.
- The agency’s did not demonstrate that it used and maintained an applicant/candidate tracking system which captured the *ethnicity, gender, disability or veteran status, interviewers’ names, and recruitment source* of each applicant. Corrective Action Required.

Corrective Action #9: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants’/candidates’ names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers’ names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source.* Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

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

- The agency did not designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Corrective Action Required.

Corrective Action #10: 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.

15. 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 *HR Manager* (the agency's Principal Human Resources Professional) provided new employees with the EEO Policy and 55-a Program packet to advise them of their rights and responsibilities under such policies and the discrimination complaint procedures. The agency also reported that the Principal HR Professional and principal EEO Professional informally met on a regular basis to discuss EEO and HR matters.
- The agency did not demonstrate that employees had access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; or that the principal EEO Professional was informed of the number of 55-a program participants and efforts the agency made to employ, promote or accommodate qualified individuals with disabilities; or that the Principal Human Resources Professional promptly consulted with the principal EEO Professional if informed of, or suspected that a violation of the EEO Policy occurred. Corrective Action Required.

NOTE: Subsequent to the period in review, in March 2017, the Principal Human Resources Professional was designated as the principal EEO Professional.

Corrective Action #11: Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

**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.

16. 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 and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported it was prepared to and committed to provide its EEO Policies in large print, audio and/or Braille upon request.
17. Document reasonable accommodation requests and their outcomes.
- ✓ The Disability Rights Coordinator was responsible to document reasonable accommodation requests and their outcomes via the agency's reasonable accommodation requests policy, form and log. The agency reported no requests for reasonable accommodation were made during the period in review.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

18. 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.

- ✓ On February 12, 2015, the *Deputy Counsel for Litigation* was designated as the principal EEO Professional. The principal EEO Professional received a certificate for completion of DCAS's *Diversity and Equal Employment Opportunity Basic Training and Conflict Resolution: Achieving Best Practices* in November 2012.

Subsequent to the period in review, on March 6, 2017, the agency reported that Principal HR Professional was designated the principal EEO Professional.

- The agency did not demonstrate that the newly designated principal EEO Professional (as of March 6, 2017) was trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. Corrective Action Required.

Corrective Action #12: Ensure that the principal EEO Professional is trained and knowledgeable regarding city, state and 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.

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

- ✓ In December 2016, in addition to the principal EEO Professional, the *Deputy Counsel* was designated as Co-EEO Officer.

- The agency did not demonstrate that the Co-EEO Officer (*Deputy Counsel*) was trained and knowledgeable in EEO laws and procedures and knew how to carry out the responsibilities under the EEO Policy. Corrective Action Required.

Corrective Action #13: 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.

20. 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.

- ✓ As reflected on the agency's December 2016 organizational chart, both Co-EEO Officers (the *Deputy Counsel for Litigation* and the *Deputy Counsel*) reported to the *Chief of Staff*, a direct report to the agency head.

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

- The agency did not demonstrate that it maintained appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the Co-EEO Officers regarding decisions that impact the administration and operation of the EEO program. Corrective Action Required.

Corrective Action #14: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

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

22. 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 establish and administer an annual managerial/non-managerial performance evaluation program. Corrective Action Required.

Corrective Action #15: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

23. 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 managerial employees were evaluated on their EEO responsibilities. Corrective Action Required.

Corrective Action #16: 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 non-compliance with the standards for this subject area.

24. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports³ (up to 30 days following each quarter) on efforts to implement the plan.

- During the period in review, the agency did not submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity. Corrective Action Required.

Corrective Action #17: Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

After implementation of the EEPD'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 EEPD'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 EEPD's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 17 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).

³Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



(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 cursive script, appearing to read "William Peterson", written over a horizontal line.

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in cursive script, appearing to read "Judith García Quiñonez", written over a horizontal line.

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

c: Bianca Wheeler, Principal EEO Professional

Appendix - 1

Office of the New York City Public Advocate
EEO Job Group Descriptions

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

Office of the New York City Public Advocate
Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

PAGE: 110
REPORT: EBEPR210

AGENCY CODE : 101 PUBLIC ADVOCATE
EEO JOB GROUP : 001 ADMINISTRATORS

AGENCY CODE : 101 PUBLIC ADVOCATE
EEO JOB GROUP : 002 MANAGERS

AGENCY CODE : 101 PUBLIC ADVOCATE
EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

AGENCY CODE : 101 PUBLIC ADVOCATE
EEO JOB GROUP : 008 LAWYERS

[illegible]

RUN DATE: 01/04/17
RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2017 AGENCY 101 PUBLIC ADVOCATE

PAGE: 111
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....: 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 1
0.00 100.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 101 PUBLIC ADVOCATE
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		
94500	EXECUTIVE SECRETARY TO THE	0	0	0	0	0	0	0	0	0	0	0	1	0	1
94507	OFFICE ASSISTANT (PUBLIC A	0	0	1	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	0	0	0	0	0	0	1	0	2
		0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	100.00

AGENCY TOTAL.....: 3 4 3 2 0 8 4 5 4 0 0 12 0 45
6.66 8.89 6.67 4.44 0.00 17.78 8.89 11.11 8.89 0.00 0.00 26.67 0.00 100.00

Appendix - 3

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2014
(Start of Audit Period)

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 291
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	3	5	.5092	2.55	-0.55	-0.49	0.313	N - N<=8
ETH	BLACK	1	4	5	.1745	0.87	0.13	0.15	0.440	N - N<=8
ETH	HISPANIC	0	5	5	.1543	0.77	-0.77	-0.96	0.170	N - N<=8
ETH	ASIAN / PAC ISL	0	5	5	.1123	0.56	-0.56	-0.80	0.213	N - N<=8
ETH	NATIVE AMERICAN	0	5	5	.0068	0.03	-0.03	-0.19	0.427	N - N<=8
ETH	ETH UNKNOWN	2	3	5	.0247	0.12	1.88	5.41	<.01	N - N<=8
GEN	MALE	3	2	5	.5906	2.95	0.05	0.04	0.483	N - N<=8
GEN	FEMALE	2	3	5	.3841	1.92	0.08	0.07	0.471	N - N<=8
GEN	GENDER UNKNOWN	0	5	5	.0046	0.02	-0.02	-0.15	0.440	N - N<=8

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 292
PROGRAM: EBP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	4	4	.5133	2.05	-2.05	-2.05	0.020	N - N<=8
ETH	BLACK	1	3	4	.1889	0.76	0.24	0.31	0.377	N - N<=8
ETH	HISPANIC	1	3	4	.1297	0.52	0.48	0.72	0.237	N - N<=8
ETH	ASIAN / PAC ISL	0	4	4	.1017	0.41	-0.41	-0.67	0.250	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0018	0.01	-0.01	-0.08	0.466	N - N<=8
ETH	ETH UNKNOWN	2	2	4	.0402	0.16	1.84	4.68	<.01	N - N<=8
GEN	MALE	2	2	4	.5345	2.14	-0.14	-0.14	0.445	N - N<=8
GEN	FEMALE	2	2	4	.4206	1.68	0.32	0.32	0.374	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0197	0.08	-0.08	-0.28	0.388	N - N<=8

RUN DATE: 04/01/14
 RUN TIME: 10:47:05
 FY2014 Q3

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: 293
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	4	8	12	.4094	4.91	-0.91	-0.54	0.296	
ETH	BLACK	2	10	12	.2958	3.55	-1.55	-0.98	0.164	U-80%RUL
ETH	HISPANIC	3	9	12	.1295	1.55	1.45	1.24	0.107	
ETH	ASIAN / PAC ISL	0	12	12	.1301	1.56	-1.56	-1.34	0.090	U-80%RUL
ETH	NATIVE AMERICAN	0	12	12	.0022	0.03	-0.03	-0.16	0.435	N-05%RUL
ETH	ETH UNKNOWN	3	9	12	.0207	0.25	2.75	5.58	<.01	O
GEN	MALE	6	6	12	.5718	6.86	-0.86	-0.50	0.308	
GEN	FEMALE	6	6	12	.4032	4.84	1.16	0.68	0.247	
GEN	GENDER UNKNOWN	0	12	12	.0126	0.15	-0.15	-0.39	0.348	N-05%RUL

RUN DATE: 04/01/14
 RUN TIME: 10:47:05
 FY2014 Q3

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: 294
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.1867	0.19	-0.19	-0.48	0.316	N - N<=8
ETH	BLACK	0	1	1	.5347	0.53	-0.53	-1.07	0.142	N - N<=8
ETH	HISPANIC	0	1	1	.1509	0.15	-0.15	-0.42	0.337	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0716	0.07	-0.07	-0.28	0.391	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0039	0.00	-0.00	-0.06	0.475	N - N<=8
ETH	ETH UNKNOWN	1	0	1	.0478	0.05	0.95	4.46	<.01	N - N<=8
GEN	MALE	0	1	1	.2820	0.28	-0.28	-0.63	0.265	N - N<=8
GEN	FEMALE	1	0	1	.6776	0.68	0.32	0.69	0.245	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0359	0.04	-0.04	-0.19	0.423	N - N<=8

Appendix - 4

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
 FY2017 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: 292
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	3	4	7	.5092	3.56	-0.56	-0.43	0.335	N - N<=8
ETH	BLACK	1	6	7	.1745	1.22	-0.22	-0.22	0.413	N - N<=8
ETH	HISPANIC	0	7	7	.1543	1.08	-1.08	-1.13	0.129	N - N<=8
ETH	ASIAN / PAC ISL	0	7	7	.1123	0.79	-0.79	-0.94	0.173	N - N<=8
ETH	NATIVE AMERICAN	0	7	7	.0068	0.05	-0.05	-0.22	0.413	N - N<=8
ETH	ETH UNKNOWN	3	4	7	.0247	0.17	2.83	6.88	<.01	N - N<=8
GEN	MALE	3	4	7	.5906	4.13	-1.13	-0.87	0.192	N - N<=8
GEN	FEMALE	4	3	7	.3841	2.69	1.31	1.02	0.154	N - N<=8
GEN	GENDER UNKNOWN	0	7	7	.0046	0.03	-0.03	-0.18	0.429	N - N<=8

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
 FY2017 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: 293
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	8	10	.5133	5.13	-3.13	-1.98	0.024	U
ETH	BLACK	3	7	10	.1889	1.89	1.11	0.90	0.185	
ETH	HISPANIC	2	8	10	.1297	1.30	0.70	0.66	0.254	
ETH	ASIAN / PAC ISL	0	10	10	.1017	1.02	-1.02	-1.06	0.144	U-80%RUL
ETH	NATIVE AMERICAN	0	10	10	.0018	0.02	-0.02	-0.13	0.447	N-05%RUL
ETH	ETH UNKNOWN	3	7	10	.0402	0.40	2.60	4.18	<.01	O
GEN	MALE	3	7	10	.5345	5.35	-2.35	-1.49	0.069	U-80%RUL
GEN	FEMALE	7	3	10	.4206	4.21	2.79	1.79	0.037	
GEN	GENDER UNKNOWN	0	10	10	.0197	0.20	-0.20	-0.45	0.327	N-05%RUL

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 294
PROGRAM: EBP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	23	25	.4094	10.24	-8.24	-3.35	<.01	U
ETH	BLACK	4	21	25	.2958	7.40	-3.40	-1.49	0.068	U-80%RUL
ETH	HISPANIC	4	21	25	.1295	3.24	0.76	0.45	0.325	
ETH	ASIAN / PAC ISL	2	23	25	.1301	3.25	-1.25	-0.74	0.228	U-80%RUL
ETH	NATIVE AMERICAN	0	25	25	.0022	0.06	-0.06	-0.23	0.407	N-05%RUL
ETH	ETH UNKNOWN	13	12	25	.0207	0.52	12.48	17.53	<.01	O
GEN	MALE	12	13	25	.5718	14.30	-2.30	-0.93	0.177	
GEN	FEMALE	13	12	25	.4032	10.08	2.92	1.19	0.117	
GEN	GENDER UNKNOWN	0	25	25	.0126	0.32	-0.32	-0.56	0.286	N-05%RUL

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 295
PROGRAM: EBP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 008 LAWYERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.5889	0.59	-0.59	-1.20	0.116	N - N<=8
ETH	BLACK	1	0	1	.1310	0.13	0.87	2.58	<.01	N - N<=8
ETH	HISPANIC	0	1	1	.1020	0.10	-0.10	-0.34	0.368	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0721	0.07	-0.07	-0.28	0.390	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0011	0.00	-0.00	-0.03	0.487	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0200	0.02	-0.02	-0.14	0.443	N - N<=8
GEN	MALE	1	0	1	.4396	0.44	0.56	1.13	0.129	N - N<=8
GEN	FEMALE	0	1	1	.4738	0.47	-0.47	-0.95	0.171	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0010	0.00	-0.00	-0.03	0.487	N - N<=8

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
 FY2017 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: 296
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	2	2	.1867	0.37	-0.37	-0.68	0.249	N - N<=8
ETH	BLACK	0	2	2	.5347	1.07	-1.07	-1.52	0.065	N - N<=8
ETH	HISPANIC	1	1	2	.1509	0.30	0.70	1.38	0.084	N - N<=8
ETH	ASIAN / PAC ISL	0	2	2	.0716	0.14	-0.14	-0.39	0.347	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0039	0.01	-0.01	-0.09	0.465	N - N<=8
ETH	ETH UNKNOWN	1	1	2	.0478	0.10	0.90	3.00	<.01	N - N<=8
GEN	MALE	1	1	2	.2820	0.56	0.44	0.69	0.247	N - N<=8
GEN	FEMALE	1	1	2	.6776	1.36	-0.36	-0.54	0.296	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0359	0.07	-0.07	-0.27	0.392	N - N<=8

Appendix - 5

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2017
(Most Recent Quarter Available)

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 295
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	3	4	7	.5092	3.56	-0.56	-0.43	0.335	N - N<=8
ETH	BLACK	1	6	7	.1745	1.22	-0.22	-0.22	0.413	N - N<=8
ETH	HISPANIC	0	7	7	.1543	1.08	-1.08	-1.13	0.129	N - N<=8
ETH	ASIAN / PAC ISL	0	7	7	.1123	0.79	-0.79	-0.94	0.173	N - N<=8
ETH	NATIVE AMERICAN	0	7	7	.0068	0.05	-0.05	-0.22	0.413	N - N<=8
ETH	ETH UNKNOWN	3	4	7	.0247	0.17	2.83	6.88	<.01	N - N<=8
GEN	MALE	3	4	7	.5906	4.13	-1.13	-0.87	0.192	N - N<=8
GEN	FEMALE	4	3	7	.3841	2.69	1.31	1.02	0.154	N - N<=8
GEN	GENDER UNKNOWN	0	7	7	.0046	0.03	-0.03	-0.18	0.429	N - N<=8

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 296
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	7	9	.5133	4.62	-2.62	-1.75	0.040	U-80%RUL
ETH	BLACK	3	6	9	.1889	1.70	1.30	1.11	0.134	
ETH	HISPANIC	2	7	9	.1297	1.17	0.83	0.83	0.204	
ETH	ASIAN / PAC ISL	0	9	9	.1017	0.92	-0.92	-1.01	0.156	U-80%RUL
ETH	NATIVE AMERICAN	0	9	9	.0018	0.02	-0.02	-0.13	0.449	N-05%RUL
ETH	ETH UNKNOWN	2	7	9	.0402	0.36	1.64	2.78	<.01	O
GEN	MALE	3	6	9	.5345	4.81	-1.81	-1.21	0.113	U-80%RUL
GEN	FEMALE	6	3	9	.4206	3.79	2.21	1.50	0.067	
GEN	GENDER UNKNOWN	0	9	9	.0197	0.18	-0.18	-0.43	0.335	N-05%RUL

RUN DATE: 04/04/17
 RUN TIME: 13:01:38
 FY2017 Q3

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: 297
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	23	25	.4094	10.24	-8.24	-3.35	<.01	U
ETH	BLACK	4	21	25	.2958	7.40	-3.40	-1.49	0.068	U-80%RUL
ETH	HISPANIC	4	21	25	.1295	3.24	0.76	0.45	0.325	
ETH	ASIAN / PAC ISL	2	23	25	.1301	3.25	-1.25	-0.74	0.228	U-80%RUL
ETH	NATIVE AMERICAN	0	25	25	.0022	0.06	-0.06	-0.23	0.407	N-05%RUL
ETH	ETH UNKNOWN	13	12	25	.0207	0.52	12.48	17.53	<.01	O
GEN	MALE	12	13	25	.5718	14.30	-2.30	-0.93	0.177	
GEN	FEMALE	13	12	25	.4032	10.08	2.92	1.19	0.117	
GEN	GENDER UNKNOWN	0	25	25	.0126	0.32	-0.32	-0.56	0.286	N-05%RUL

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 298
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 008 LAWYERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.5889	0.59	-0.59	-1.20	0.116	N - N<=8
ETH	BLACK	1	0	1	.1310	0.13	0.87	2.58	<.01	N - N<=8
ETH	HISPANIC	0	1	1	.1020	0.10	-0.10	-0.34	0.368	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0721	0.07	-0.07	-0.28	0.390	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0011	0.00	-0.00	-0.03	0.487	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0200	0.02	-0.02	-0.14	0.443	N - N<=8
GEN	MALE	1	0	1	.4396	0.44	0.56	1.13	0.129	N - N<=8
GEN	FEMALE	0	1	1	.4738	0.47	-0.47	-0.95	0.171	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0010	0.00	-0.00	-0.03	0.487	N - N<=8

RUN DATE: 04/04/17
 RUN TIME: 13:01:38
 FY2017 Q3

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: 299
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
 JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	2	2	.1867	0.37	-0.37	-0.68	0.249	N - N<=8
ETH	BLACK	0	2	2	.5347	1.07	-1.07	-1.52	0.065	N - N<=8
ETH	HISPANIC	1	1	2	.1509	0.30	0.70	1.38	0.084	N - N<=8
ETH	ASIAN / PAC ISL	0	2	2	.0716	0.14	-0.14	-0.39	0.347	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0039	0.01	-0.01	-0.09	0.465	N - N<=8
ETH	ETH UNKNOWN	1	1	2	.0478	0.10	0.90	3.00	<.01	N - N<=8
GEN	MALE	1	1	2	.2820	0.56	0.44	0.69	0.247	N - N<=8
GEN	FEMALE	1	1	2	.6776	1.36	-0.36	-0.54	0.296	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0359	0.07	-0.07	-0.27	0.392	N - N<=8



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BY MAIL AND EMAIL

May 25, 2017

Letitia James
Public Advocate
Office of the New York City Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007

RE: Audit Resolution #2017/210-101: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the New York City Public Advocate's Employment Practices and Procedures from January 1, 2014 to December 31, 2016

Dear Public Advocate James:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit.

As the EEPC did not receive the Office of the New York City Public Advocate's response to our May 8, 2017 Preliminary Determination within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the attached Determination is now Final.

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

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.



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.

The assigned compliance-monitoring period is: June 2017 to November 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 contact Judith Garcia Quiñonez, Esq., Executive Agency Counsel/Deputy Director at jquinonez@eepc.nyc.gov.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Bianca Wheeler, Principal EEO Professional, Office of the New York City Public Advocate



FINAL DETERMINATION
5/25/2017

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BY MAIL AND EMAIL

May 8, 2017

Letitia James
Public Advocate
Office of the New York City Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of the New York City Public Advocate's Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

Dear Public Advocate James:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2014 to December 31, 2016.

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The Office of the New York City Public Advocate, 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 EEPD 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 EEPD 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 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

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

additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Office of the New York City Public Advocate represents the consumers of City services. The New York City Public Advocate, an independently elected public official, was most recently elected at the general election held on November 5, 2013 for a term of four years (January 1, 2014 to December 31, 2017). The Public Advocate reviews and investigates complaints about City services, assesses whether agencies are responsive to the public, and recommends improvements in agency programs and complaint handling procedures; serves as ombudsman, or go-between, for individuals who are having trouble getting the service, help or answer they need from City agencies; and monitors the effectiveness of the City's public information and education efforts. The Public Advocate has the right to participate in the discussions of the City Council, is an *ex officio* member of all Council committees and can sponsor local legislation. The Public Advocate also monitors compliance of City officers and agencies with the New York City Charter. The Public Advocate succeeds the Mayor in the event that the Mayor resigns, is removed, dies or otherwise is unable to discharge his or her powers and duties. A vacancy in the office of Public Advocate will be filled by popular election. At the end of the period in review, the agency's headcount was 45 employees. (See Appendix 2.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

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

➤ During the period in review, the agency did not issue an EEO Policy statement. Corrective Action Required.

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

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human

resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ During the period in review, the agency adopted the City's EEO Policy: *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*. The City's EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination compliant investigations; and links to the City's *Reasonable Accommodation Procedural Guidelines* and *EEO Compliant Procedural Guidelines*. The EEO Policy stated, "[t]he City of New York is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" –which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction/ marital status, partnership status, genetic information or predisposing genetic characteristic/ sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status....The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation)." The agency reported that hard copies of the EEO Policy were distributed to all employees' agency mailboxes and to new employees during orientation. Contact information for the agency's EEO professionals was distributed to all employees via memorandum on December 20, 2016. The EEO Policy also identified the New York City Commission on Human Rights; New York State Division of Human Rights; United States Equal Employment Opportunity Commission; and United States Department of Justice as the "federal, state and local agencies that enforce laws against discrimination...Information about how to contact these agencies can be found in the [City's] EEO Policy Handbook: About EEO: What You May Not Know"–links to the aforementioned agencies and the EEO Policy Handbook were provided.
- The agency did not demonstrate that it distributed or posted the EEO Policy that included or attached as addenda: an up-to-date list of protected classes (specifically *caregiver status* "consumer credit history" and "pregnancy") under NYC and NYS Human Rights Law. Corrective Action Required.

Corrective Action #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: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in partial 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's *EEO Training Activity* report indicated that twenty-one (21) employees (46% of the workforce²) completed the Department of Citywide Administrative Services' (DCAS) *Everybody Matters Diversity & Inclusion* training in September 2016.
 - The agency did not demonstrate that it established and implemented an EEO training plan to ensure that all individuals who work within the agency were trained 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. Corrective Action Required.

Corrective Action #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.

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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter fiscal year (FY) 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities. (See Appendices 3 – 5.)
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

² Based on workforce headcount at the end of the period in review, December 31, 2016. (See Appendix 2.)

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, Principal Human Resources (HR) Professional and General Counsel informally met to discuss EEO matters.
- The agency did not demonstrate that 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 were reviewed on an annual basis to identify barriers to equal opportunity within the agency and determine what, if any, corrective actions were required in order to correct deficiencies.
Corrective Action Required.

Corrective Action #4: Ensure that 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 are reviewed on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

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

The CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 the Department of Citywide Administrative Services (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 CEEDS Reports: *Work Force Compared with Internal and External Pools*, for all quarters from the period in review (3rd quarter FY 2014 – 2nd quarter FY 2017) and the most recent quarter available (3rd quarter FY 2017), indicated no underutilization of women or minorities; therefore, no further analysis was conducted in this area. (See Appendices 3 – 5.)

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 ten (10) human resources professionals, managers, supervisors, and other personnel were involved in recruiting and hiring during the period in review. Subsequently, in January 2017, seven (7) managers completed DCAS' *Structured Interviewing and Unconscious Bias* training.
- The agency did not demonstrate that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were 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). Corrective Action Required.

Corrective Action #5: 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).

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
- ✓ During the period in review, job postings of internal opportunities for promotion and transfer were posted to the agency's intranet site and accessible by all employees.

- During the period in review, the agency did not demonstrate that it promoted employees' awareness of opportunities for advancement and transfer within the agency. The agency did not administer incentive programs; publicize promotions into, or changes in, the managerial ranks; and/or use other methods to communicate internal opportunities. Corrective Action Required.

Corrective Action #6: Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

- ✓ The agency reported that cross divisional training was common and job transfers were available via job postings to the agency's intranet site accessible by all employees, as an example of agency efforts to provide opportunities to develop their professional skills and establish internal talent pools.

- The agency did not demonstrate that employees were encouraged or considered for training to develop their professional skills. Additionally, the agency did not administer development or mentorship programs, or identify internal successors with applicable knowledge, skills and abilities. Corrective Action Required.

Corrective Action #7: Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

12. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- The agency advertised two vacant positions during the period in review including: *Speechwriter* (April 2016) and *Policy Associate* (October 2016). The agency did not demonstrate that the job advertisements indicated that the agency was an equal opportunity employer. Corrective Action Required.

Corrective Action #8: At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

13. 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.

- ✓ During the period in review, the agency tracked – via an electronic database – the following information for applicants: “Applicant”, “Email” (in lieu of *identification number*), “1st Interview”, “Second Interv”, “Position”, “Disposition” and “Status”. The agency reported that the Principal HR Professional recorded the “1st Interview”, “Second Interv”, “Disposition” and “Status” fields.
- The agency’s did not demonstrate that it used and maintained an applicant/candidate tracking system which captured the *ethnicity, gender, disability or veteran status, interviewers’ names, and recruitment source* of each applicant. Corrective Action Required.

Corrective Action #9: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants’/candidates’ names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers’ names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source.* Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

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

- The agency did not designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Corrective Action Required.

Corrective Action #10: 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.

15. 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 *HR Manager* (the agency's Principal Human Resources Professional) provided new employees with the EEO Policy and 55-a Program packet to advise them of their rights and responsibilities under such policies and the discrimination complaint procedures. The agency also reported that the Principal HR Professional and principal EEO Professional informally met on a regular basis to discuss EEO and HR matters.
- The agency did not demonstrate that employees had access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; or that the principal EEO Professional was informed of the number of 55-a program participants and efforts the agency made to employ, promote or accommodate qualified individuals with disabilities; or that the Principal Human Resources Professional promptly consulted with the principal EEO Professional if informed of, or suspected that a violation of the EEO Policy occurred. Corrective Action Required.

NOTE: Subsequent to the period in review, in March 2017, the Principal Human Resources Professional was designated as the principal EEO Professional.

Corrective Action #11: Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

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.

16. 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 and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported it was prepared to and committed to provide its EEO Policies in large print, audio and/or Braille upon request.
17. Document reasonable accommodation requests and their outcomes.
- ✓ The Disability Rights Coordinator was responsible to document reasonable accommodation requests and their outcomes via the agency's reasonable accommodation requests policy, form and log. The agency reported no requests for reasonable accommodation were made during the period in review.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

18. 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.

- ✓ On February 12, 2015, the *Deputy Counsel for Litigation* was designated as the principal EEO Professional. The principal EEO Professional received a certificate for completion of DCAS's *Diversity and Equal Employment Opportunity Basic Training and Conflict Resolution: Achieving Best Practices* in November 2012.

Subsequent to the period in review, on March 6, 2017, the agency reported that Principal HR Professional was designated the principal EEO Professional.

- The agency did not demonstrate that the newly designated principal EEO Professional (as of March 6, 2017) was trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. Corrective Action Required.

Corrective Action #12: Ensure that the principal EEO Professional is trained and knowledgeable regarding city, state and 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.

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

- ✓ In December 2016, in addition to the principal EEO Professional, the *Deputy Counsel* was designated as Co-EEO Officer.

- The agency did not demonstrate that the Co-EEO Officer (*Deputy Counsel*) was trained and knowledgeable in EEO laws and procedures and knew how to carry out the responsibilities under the EEO Policy. Corrective Action Required.

Corrective Action #13: 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.

20. 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.

- ✓ As reflected on the agency's December 2016 organizational chart, both Co-EEO Officers (the *Deputy Counsel for Litigation* and the *Deputy Counsel*) reported to the *Chief of Staff*, a direct report to the agency head.

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

- The agency did not demonstrate that it maintained appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the Co-EEO Officers regarding decisions that impact the administration and operation of the EEO program. Corrective Action Required.

Corrective Action #14: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

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

22. 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 establish and administer an annual managerial/non-managerial performance evaluation program. Corrective Action Required.

Corrective Action #15: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

23. 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 managerial employees were evaluated on their EEO responsibilities. Corrective Action Required.

Corrective Action #16: 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 non-compliance with the standards for this subject area.

24. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports³ (up to 30 days following each quarter) on efforts to implement the plan.

- During the period in review, the agency did not submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity. Corrective Action Required.

Corrective Action #17: Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

After implementation of the EEPD'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 EEPD'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 EEPD's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 17 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).

³Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



FINAL DETERMINATION 5/25/2017

(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 cursive script, appearing to read "William Peterson", written over a horizontal line.

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in cursive script, appearing to read "Judith García Quiñonez", written over a horizontal line.

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

c: Bianca Wheeler, Principal EEO Professional

Appendix - 1

Office of the New York City Public Advocate
EEO Job Group Descriptions

5/25/2017

DESCRIPTION OF
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)
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

5/23/2017

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.

5/23/2017

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

Office of the New York City Public Advocate
Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

PAGE: 110
REPORT: EBEPR210

AGENCY 101 PUBLIC ADVOCATE

[illegible]

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2017 AGENCY 101 PUBLIC ADVOCATE

PAGE: 111
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....: 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 1
0.00 100.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 101 PUBLIC ADVOCATE
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		
94500	EXECUTIVE SECRETARY TO THE	0	0	0	0	0	0	0	0	0	0	0	1	0	1
94507	OFFICE ASSISTANT (PUBLIC A	0	0	1	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	0	0	0	0	0	0	1	0	2
		0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	100.00

AGENCY TOTAL.....: 3 4 3 2 0 8 4 5 4 0 0 12 0 45
6.66 8.89 6.67 4.44 0.00 17.78 8.89 11.11 8.89 0.00 0.00 26.67 0.00 100.00

Appendix - 3

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2014
(Start of Audit Period)

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 291
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	3	5	.5092	2.55	-0.55	-0.49	0.313	N - N<=8
ETH	BLACK	1	4	5	.1745	0.87	0.13	0.15	0.440	N - N<=8
ETH	HISPANIC	0	5	5	.1543	0.77	-0.77	-0.96	0.170	N - N<=8
ETH	ASIAN / PAC ISL	0	5	5	.1123	0.56	-0.56	-0.80	0.213	N - N<=8
ETH	NATIVE AMERICAN	0	5	5	.0068	0.03	-0.03	-0.19	0.427	N - N<=8
ETH	ETH UNKNOWN	2	3	5	.0247	0.12	1.88	5.41	<.01	N - N<=8
GEN	MALE	3	2	5	.5906	2.95	0.05	0.04	0.483	N - N<=8
GEN	FEMALE	2	3	5	.3841	1.92	0.08	0.07	0.471	N - N<=8
GEN	GENDER UNKNOWN	0	5	5	.0046	0.02	-0.02	-0.15	0.440	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 292
PROGRAM: EBP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	4	4	.5133	2.05	-2.05	-2.05	0.020	N - N<=8
ETH	BLACK	1	3	4	.1889	0.76	0.24	0.31	0.377	N - N<=8
ETH	HISPANIC	1	3	4	.1297	0.52	0.48	0.72	0.237	N - N<=8
ETH	ASIAN / PAC ISL	0	4	4	.1017	0.41	-0.41	-0.67	0.250	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0018	0.01	-0.01	-0.08	0.466	N - N<=8
ETH	ETH UNKNOWN	2	2	4	.0402	0.16	1.84	4.68	<.01	N - N<=8
GEN	MALE	2	2	4	.5345	2.14	-0.14	-0.14	0.445	N - N<=8
GEN	FEMALE	2	2	4	.4206	1.68	0.32	0.32	0.374	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0197	0.08	-0.08	-0.28	0.388	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 293
PROGRAM: EBP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	4	8	12	.4094	4.91	-0.91	-0.54	0.296	
ETH	BLACK	2	10	12	.2958	3.55	-1.55	-0.98	0.164	U-80%RUL
ETH	HISPANIC	3	9	12	.1295	1.55	1.45	1.24	0.107	
ETH	ASIAN / PAC ISL	0	12	12	.1301	1.56	-1.56	-1.34	0.090	U-80%RUL
ETH	NATIVE AMERICAN	0	12	12	.0022	0.03	-0.03	-0.16	0.435	N-05%RUL
ETH	ETH UNKNOWN	3	9	12	.0207	0.25	2.75	5.58	<.01	O
GEN	MALE	6	6	12	.5718	6.86	-0.86	-0.50	0.308	
GEN	FEMALE	6	6	12	.4032	4.84	1.16	0.68	0.247	
GEN	GENDER UNKNOWN	0	12	12	.0126	0.15	-0.15	-0.39	0.348	N-05%RUL

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/01/14
RUN TIME: 10:47:05
FY2014 Q3

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: 294
PROGRAM: EBP961
EXTRACT DATE: 03/31/14

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.1867	0.19	-0.19	-0.48	0.316	N - N<=8
ETH	BLACK	0	1	1	.5347	0.53	-0.53	-1.07	0.142	N - N<=8
ETH	HISPANIC	0	1	1	.1509	0.15	-0.15	-0.42	0.337	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0716	0.07	-0.07	-0.28	0.391	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0039	0.00	-0.00	-0.06	0.475	N - N<=8
ETH	ETH UNKNOWN	1	0	1	.0478	0.05	0.95	4.46	<.01	N - N<=8
GEN	MALE	0	1	1	.2820	0.28	-0.28	-0.63	0.265	N - N<=8
GEN	FEMALE	1	0	1	.6776	0.68	0.32	0.69	0.245	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0359	0.04	-0.04	-0.19	0.423	N - N<=8

Appendix - 4

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 292
PROGRAM: EBP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	3	4	7	.5092	3.56	-0.56	-0.43	0.335	N - N<=8
ETH	BLACK	1	6	7	.1745	1.22	-0.22	-0.22	0.413	N - N<=8
ETH	HISPANIC	0	7	7	.1543	1.08	-1.08	-1.13	0.129	N - N<=8
ETH	ASIAN / PAC ISL	0	7	7	.1123	0.79	-0.79	-0.94	0.173	N - N<=8
ETH	NATIVE AMERICAN	0	7	7	.0068	0.05	-0.05	-0.22	0.413	N - N<=8
ETH	ETH UNKNOWN	3	4	7	.0247	0.17	2.83	6.88	<.01	N - N<=8
GEN	MALE	3	4	7	.5906	4.13	-1.13	-0.87	0.192	N - N<=8
GEN	FEMALE	4	3	7	.3841	2.69	1.31	1.02	0.154	N - N<=8
GEN	GENDER UNKNOWN	0	7	7	.0046	0.03	-0.03	-0.18	0.429	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 293
PROGRAM: EBP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	8	10	.5133	5.13	-3.13	-1.98	0.024	U
ETH	BLACK	3	7	10	.1889	1.89	1.11	0.90	0.185	
ETH	HISPANIC	2	8	10	.1297	1.30	0.70	0.66	0.254	
ETH	ASIAN / PAC ISL	0	10	10	.1017	1.02	-1.02	-1.06	0.144	U-80%RUL
ETH	NATIVE AMERICAN	0	10	10	.0018	0.02	-0.02	-0.13	0.447	N-05%RUL
ETH	ETH UNKNOWN	3	7	10	.0402	0.40	2.60	4.18	<.01	O
GEN	MALE	3	7	10	.5345	5.35	-2.35	-1.49	0.069	U-80%RUL
GEN	FEMALE	7	3	10	.4206	4.21	2.79	1.79	0.037	
GEN	GENDER UNKNOWN	0	10	10	.0197	0.20	-0.20	-0.45	0.327	N-05%RUL

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 294
PROGRAM: EBPPP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	23	25	.4094	10.24	-8.24	-3.35	<.01	U
ETH	BLACK	4	21	25	.2958	7.40	-3.40	-1.49	0.068	U-80%RUL
ETH	HISPANIC	4	21	25	.1295	3.24	0.76	0.45	0.325	
ETH	ASIAN / PAC ISL	2	23	25	.1301	3.25	-1.25	-0.74	0.228	U-80%RUL
ETH	NATIVE AMERICAN	0	25	25	.0022	0.06	-0.06	-0.23	0.407	N-05%RUL
ETH	ETH UNKNOWN	13	12	25	.0207	0.52	12.48	17.53	<.01	O
GEN	MALE	12	13	25	.5718	14.30	-2.30	-0.93	0.177	
GEN	FEMALE	13	12	25	.4032	10.08	2.92	1.19	0.117	
GEN	GENDER UNKNOWN	0	25	25	.0126	0.32	-0.32	-0.56	0.286	N-05%RUL

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 295
PROGRAM: EBP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 008 LAWYERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.5889	0.59	-0.59	-1.20	0.116	N - N<=8
ETH	BLACK	1	0	1	.1310	0.13	0.87	2.58	<.01	N - N<=8
ETH	HISPANIC	0	1	1	.1020	0.10	-0.10	-0.34	0.368	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0721	0.07	-0.07	-0.28	0.390	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0011	0.00	-0.00	-0.03	0.487	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0200	0.02	-0.02	-0.14	0.443	N - N<=8
GEN	MALE	1	0	1	.4396	0.44	0.56	1.13	0.129	N - N<=8
GEN	FEMALE	0	1	1	.4738	0.47	-0.47	-0.95	0.171	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0010	0.00	-0.00	-0.03	0.487	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 01/04/17
RUN TIME: 13:18:37
FY2017 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: 296
PROGRAM: EBPPP961
EXTRACT DATE: 12/31/16

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	2	2	.1867	0.37	-0.37	-0.68	0.249	N - N<=8
ETH	BLACK	0	2	2	.5347	1.07	-1.07	-1.52	0.065	N - N<=8
ETH	HISPANIC	1	1	2	.1509	0.30	0.70	1.38	0.084	N - N<=8
ETH	ASIAN / PAC ISL	0	2	2	.0716	0.14	-0.14	-0.39	0.347	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0039	0.01	-0.01	-0.09	0.465	N - N<=8
ETH	ETH UNKNOWN	1	1	2	.0478	0.10	0.90	3.00	<.01	N - N<=8
GEN	MALE	1	1	2	.2820	0.56	0.44	0.69	0.247	N - N<=8
GEN	FEMALE	1	1	2	.6776	1.36	-0.36	-0.54	0.296	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0359	0.07	-0.07	-0.27	0.392	N - N<=8

Appendix - 5

Office of the New York City Public Advocate
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2017
(Most Recent Quarter Available)

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 295
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	3	4	7	.5092	3.56	-0.56	-0.43	0.335	N - N<=8
ETH	BLACK	1	6	7	.1745	1.22	-0.22	-0.22	0.413	N - N<=8
ETH	HISPANIC	0	7	7	.1543	1.08	-1.08	-1.13	0.129	N - N<=8
ETH	ASIAN / PAC ISL	0	7	7	.1123	0.79	-0.79	-0.94	0.173	N - N<=8
ETH	NATIVE AMERICAN	0	7	7	.0068	0.05	-0.05	-0.22	0.413	N - N<=8
ETH	ETH UNKNOWN	3	4	7	.0247	0.17	2.83	6.88	<.01	N - N<=8
GEN	MALE	3	4	7	.5906	4.13	-1.13	-0.87	0.192	N - N<=8
GEN	FEMALE	4	3	7	.3841	2.69	1.31	1.02	0.154	N - N<=8
GEN	GENDER UNKNOWN	0	7	7	.0046	0.03	-0.03	-0.18	0.429	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 296
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	7	9	.5133	4.62	-2.62	-1.75	0.040	U-80%RUL
ETH	BLACK	3	6	9	.1889	1.70	1.30	1.11	0.134	
ETH	HISPANIC	2	7	9	.1297	1.17	0.83	0.83	0.204	
ETH	ASIAN / PAC ISL	0	9	9	.1017	0.92	-0.92	-1.01	0.156	U-80%RUL
ETH	NATIVE AMERICAN	0	9	9	.0018	0.02	-0.02	-0.13	0.449	N-05%RUL
ETH	ETH UNKNOWN	2	7	9	.0402	0.36	1.64	2.78	<.01	O
GEN	MALE	3	6	9	.5345	4.81	-1.81	-1.21	0.113	U-80%RUL
GEN	FEMALE	6	3	9	.4206	3.79	2.21	1.50	0.067	
GEN	GENDER UNKNOWN	0	9	9	.0197	0.18	-0.18	-0.43	0.335	N-05%RUL

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 297
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 003 MNGMNT SPECS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	2	23	25	.4094	10.24	-8.24	-3.35	<.01	U
ETH	BLACK	4	21	25	.2958	7.40	-3.40	-1.49	0.068	U-80%RUL
ETH	HISPANIC	4	21	25	.1295	3.24	0.76	0.45	0.325	
ETH	ASIAN / PAC ISL	2	23	25	.1301	3.25	-1.25	-0.74	0.228	U-80%RUL
ETH	NATIVE AMERICAN	0	25	25	.0022	0.06	-0.06	-0.23	0.407	N-05%RUL
ETH	ETH UNKNOWN	13	12	25	.0207	0.52	12.48	17.53	<.01	O
GEN	MALE	12	13	25	.5718	14.30	-2.30	-0.93	0.177	
GEN	FEMALE	13	12	25	.4032	10.08	2.92	1.19	0.117	
GEN	GENDER UNKNOWN	0	25	25	.0126	0.32	-0.32	-0.56	0.286	N-05%RUL

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 298
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 008 LAWYERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.5889	0.59	-0.59	-1.20	0.116	N - N<=8
ETH	BLACK	1	0	1	.1310	0.13	0.87	2.58	<.01	N - N<=8
ETH	HISPANIC	0	1	1	.1020	0.10	-0.10	-0.34	0.368	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0721	0.07	-0.07	-0.28	0.390	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0011	0.00	-0.00	-0.03	0.487	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0200	0.02	-0.02	-0.14	0.443	N - N<=8
GEN	MALE	1	0	1	.4396	0.44	0.56	1.13	0.129	N - N<=8
GEN	FEMALE	0	1	1	.4738	0.47	-0.47	-0.95	0.171	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0010	0.00	-0.00	-0.03	0.487	N - N<=8

FINAL DETERMINATION 5/25/2017

RUN DATE: 04/04/17
RUN TIME: 13:01:38
FY2017 Q3

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: 299
PROGRAM: EBPPP961
EXTRACT DATE: 03/31/17

AGENCY: 101 PUBLIC ADVOCATE
JOB GROUP: 013 CLERICAL

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	2	2	.1867	0.37	-0.37	-0.68	0.249	N - N<=8
ETH	BLACK	0	2	2	.5347	1.07	-1.07	-1.52	0.065	N - N<=8
ETH	HISPANIC	1	1	2	.1509	0.30	0.70	1.38	0.084	N - N<=8
ETH	ASIAN / PAC ISL	0	2	2	.0716	0.14	-0.14	-0.39	0.347	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0039	0.01	-0.01	-0.09	0.465	N - N<=8
ETH	ETH UNKNOWN	1	1	2	.0478	0.10	0.90	3.00	<.01	N - N<=8
GEN	MALE	1	1	2	.2820	0.56	0.44	0.69	0.247	N - N<=8
GEN	FEMALE	1	1	2	.6776	1.36	-0.36	-0.54	0.296	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0359	0.07	-0.07	-0.27	0.392	N - N<=8

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

RESOLUTION #2017/210-101: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the New York City Public Advocate's Employment Practices and Procedures from January 1, 2014 through December 31, 2016.

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 Office of the New York City Public Advocate's (ONYCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 8, 2017, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. 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: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
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.
4. Ensure that 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 are reviewed on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies

(e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

5. 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).
6. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
7. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.
8. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
9. 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.
10. 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.
11. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
12. Ensure that the principal EEO Professional is trained and knowledgeable regarding city, state and 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.
13. 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.

14. 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.
15. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
16. 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).
17. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity

Whereas, the agency did not submit a response to the EEPD's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on May 25, 2017 which indicated that corrective action(s) nos. 1 - 17 require compliance monitoring; and


Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPD is required to monitor the agency for a period not to exceed six months, from June 2017 through November 2017, to determine whether it implemented remaining required corrective actions; and

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

Whereas, all of the EEPD'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 Public Advocate James.

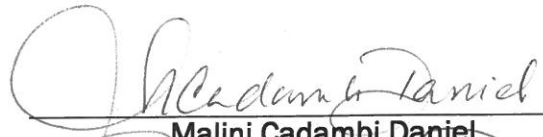
Approved unanimously on May 25, 2017.



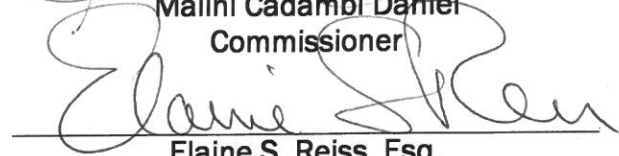
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



The Public Advocate
for the City of New York
Letitia James – *Public Advocate*

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BY EMAIL

June 26, 2017

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

RE: Audit Resolution #2017/201-101: Agency Response for Final
Determination for Review - January 1, 2014 to December 31, 2016

Dear Ms. Terry:

This is in response to the May 25, 2017 letter and copy of the Final Determination by the Equal Employment Practices Commission (“Commission” or “EEPC”). I wish to thank the Commission and your staff for an opportunity to have the Office of the Public Advocate (“OPA”) reviewed for compliance and best practices with respect to the City’s Equal Opportunity laws and practices. I am pleased with the results of the review and for the recommended administrative/ corrective actions (“Actions”) that we have either implemented or will do so during the monitoring period. I share the Commission’s goals of ensuring best practices and full compliance with the relevant provisions and the administrative recommendations will ensure that the OPA will be a leading example in the City.

In responding to the recommended Actions, the OPA would like to describe any current or imminent changes during the normal monitoring period of time that will demonstrate its implementation.

Action 1- The OPA on 6/26/2017 issued another general EEO Policy statement reiterating its commitment to EEO and other provisions, including contact information for EEO professionals and resent the EEO Policy/Handbook. (Please see attached PDF)

Action 2- The OPA on 6/26/2017 distributed an electronic copy of the EEOP Standards and Procedures to be Utilized by City Agencies; a copy of the NYC 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 contact information for EEO Officials and Federal/State/Local agency information. (See attached PDF)

Action 3- The OPA staff has undergone extensive EEO training provided by the Department of Citywide Administrative Services (DCAS) and continues to attend trainings on a regular basis. Documentation of that process has been provided to the EEPC. Additional trainings in fact will occur for certain staff on 6/27/2017. In addition, the OPA has instituted a training calendar that will ensure that all staff will get additional training on a regular basis.

DCAS offers a computer based webinar training on unlawful discriminatory practices under local, state and federal EEO laws. The OPA will ensure all current employees take the training on an annual basis by October 31st and all newly hired employees will be required to participate in the training within one week of their employment with the agency. The OPA will include documentation and statistical information of these occurrences in its EEPC Annual/Quarterly filings.

Action 4: The OPA has instituted a new policy (#2017-3 See attached) that by January 15th of each year data of the agency (including statistical information on workforce, hires, promotions and separations) will be analyzed with respect to race/ethnicity, gender etc.; complaints; and the agency's employment practices will be reviewed and any necessary corrective actions will be implemented (with guidance from General Counsel's Office, Law Department, Division of Citywide Diversity and EEO, etc.)

Action 5: The OPA has already ensured that all human resources (HR) professionals have been trained on EEO policies and procedures to select the most capable candidates. (See attached PDF). While DCAS has limited training opportunities, it is a commitment of the OPA to ensure that any changes in the HR or management of the agency that is responsible for these functions, will include training at the next practical training opportunity, and "staff to staff" internal training will occur as part of that staff's current or onboarding activities. Our agency will ensure all managers attend structured interview training the next time it is offered by DCAS, presumably within the monitoring period. This information will be provided to the EEPC.

Action 6: The OPA is dedicated to finding opportunities for its staff to be trained, promoted and take advantage of job opportunities at its agency. However, given the small staff, low turnover, PS and OTPS budget challenges/restrictions and specific needs of departments, this is not always possible. However we have had numerous staff that have changed positions internally, and will continue to encourage, support and advance these practices. Upon receiving the preliminary EEPC report, the OPA began to post job announcements onto our office intranet. The Office also promotes this mission by discussing open jobs at weekly management meetings, so that managers may discuss with their staff. As already discussed there will be new training and counseling opportunities offered to employees.

Action 7: See Response 6. In addition, it is noted that the OPA does offer training opportunities of its staff with other City agencies, such as HRA, and has staff work in different departments (cross-training). Examples are the Public Advocate Investigations Unit has worked with its Outreach team to learn to do investigations, Constituent Service workers have done Outreach, and several departments have worked with Policy or Legal on matters. During the monitoring period, the Career Counselor will discuss with employees questions about cross training and job rotations issues and requests, and will institute a training process for skill and job development

geared toward career enhancement and professional development. The OPA recently acquired a large monitor in its main board room, and it is intended to be used for training programs for staff. A calendar/documentation of these activities will be maintained and provided to the EEPC during its Annual report.

Action 8: Currently, all job posts include language that the agency is an equal opportunity employer. They state “The Office of the New York City Public Advocate and the City of New York are Equal Opportunity Employers.” The OPA is committed to ensure that this will continue.

Action 9: The OPA is developing an IT solution to enable it to capture relevant demographic and other data related to its applicant and hiring pool. In order to implement the EEPC best practice of maintaining an applicant/candidate’s log and tracking system, but still maintain a proper division between aggregating this data for analysis, and not influencing the hiring (or giving the impression of this being relevant to hiring to an applicant) the OPA after several meetings and discussions began the process of designing an online process, whereby a candidate for a position will receive an email with a link to a form to be completed, that will capture the information (if that applicant so chooses to complete) but that the data will be sent to HR, and not to the hiring managers. We believe this is a better practice that still fully carries out the intended goals. We will include such statistical data in future EEPC Annual/Quarterly reports.

Action 10: An OPA Career Counselor has been appointed as of June 6, 2017. It is Josenia Dominguez of HR. A notice was sent on 6/26/2017 (See attached PDF), and will be sent on by July 1 of each year (this was to coordinate with the budget /fiscal year). Ms. Dominguez has been provided relevant DCAS information on this role and resources that DCAS offers to enable her to institute a program for the OPA.

Action 11: As noted in Action 10, HR has notified all staff of identity of the Career Counselor. (See attached PDF). The HR Manager (Principal Human Resources Professional/PHRP) has notified all staff of Ms. Dominguez’s role. Additionally the PHRP has ensured that all job postings have been added to the OPA intranet. The PHRP has directed HR to compile all information regarding job responsibilities for each title, and develop performance evaluation standards. This will be completed prior to the end of the monitoring period, and will be included in the EEPC annual report.

Action 12: The principal EEO Professional (Bianca Wheeler) has been trained and is knowledgeable on relevant city, state and EEO laws and policies, including the prevention, investigation and resolution of complaints. (See attached PDF certificates) The agency is committed to ensuring that any changes to these officers includes the requisite training during a practical period, and would be reflected in the EEPC annual report.

Action 13: The OPA’s two EEO officers (Bianca Wheeler and Antwaun Gavins) have been trained and are knowledgeable on relevant city, state and EEO laws and policies including their respective roles and responsibilities. (See attached PDF certificates) The agency is committed to ensuring that any changes to these officers includes the requisite training during a practical period, and would be reflected in the EEPC annual report.

Action 14: Since the EEPC review period, the OPA has recorded on calendar and/or email meetings between the Agency Head and the principal EEO Professional. It has implemented this as a standard practice. All future meetings will be summarized as part of future statistical analysis in EEPC Annual/Quarterly reports.

Action 15: The OPA has begun the process of establishing a performance evaluation program that will be released during the monitoring period. The expectation is that all employees will undergo a review of their performance, including assignments and training by November 15th of this year and on an annual basis by December 31st thereafter. All new employees will undergo a three (3) month probationary period at which time they will have a performance review. A summary of these performance reviews will be furnished to the EEPC by the end of the monitoring period.

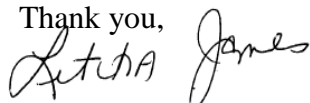
Action 16: The performance evaluation program reference in Action 15 will include for managers a rating for EEO. The performance review information provided to the EEPC by the end of the monitoring period will demonstrate acceptance of this recommendation.

Action 17: The OPA agrees that it will submit to the EEPC an Annual Plan (and quarterly reports- 30 days following each quarter) of measures and programs to provide equal employment opportunities. During the EEPC review, staff of the OPA asked the EEPC for examples of best practices and sample forms to be used for disseminating the relevant information. EEPC staff indicated that they would provide such information at the conclusion of the review. We hope that the EEPC will send such information when available. The OPA will begin sending Quarterly reports during the monitoring period, and will file an Annual Report, at the beginning of January of each year (unless the EEPC indicates a preferred date).

Once again, I wish to thank the Commission for its diligent work reviewing the OPA, as it does all City agencies. I particularly want to thank the specific EEPC employees that worked directly with my own staff in coming to the conclusions and recommendations for actions contained in the review. We appreciate their professionalism, knowledge and assistance in these matters.

In addition to all of the documents and information we have already submitted to the staff pursuant to this review, as these actions are implemented during the monitoring period, I will be sending another memorandum to all staff, reasserting my commitment to the EEO programs and describing the changes to the EEO program, as a final action (as indicated in your letter). A copy of that letter will be submitted to the EEPC during the monitoring period.

Thank you,

A handwritten signature in black ink, appearing to read "Letitia James". The signature is fluid and cursive, with the first name "Letitia" and the last name "James" clearly distinguishable.

Letitia James

Public Advocate for the City of New York



The Public Advocate
for the City of New York

Letitia James – Public Advocate

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TO: PA Staff
FROM: Letitia James, New York City Public Advocate
DATE: November 30, 2017
RE: Equal Employment Practices Commission Audit

The Equal Employment Practice Commission (EEPC) recently conducted an audit of the Office of the Public Advocate's compliance with the New York City's Equal Employment Opportunity (EEO) Policy. The review was of the period from January 1, 2014, through December 31, 2016. I am pleased to report that the EEPC only recommended a few corrective actions, all of which have already been implemented.

The recommendations already implemented are: The issuing of an EEO Policy Statement, and the distribution of the EEO Policy Handbook, About EEO: What You May Not Know, to all current and new employees. In addition, EEO training plan for EEO Officers, new and existing employees on unlawful discriminatory practices under local, state and federal EEO Laws; Streamlining and improving employment practices; Designating a Career Counselor; and Implementing managerial and non-managerial performance evaluations.

I am pleased to announce that the above recommendations have been implemented and we are now in full compliance with the audit recommendations. I also wish to reaffirm my commitment to maintaining fair employment practices for all our employees. I am firmly committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO policy and by encouraging a work environment that tolerates and appreciates differences among employees.

If you have any concerns, please do not hesitate to address them with Antwaun Gavins or Bianca Wheeler, the office's EEO Officers.

Sincerely,

Letitia James
Public Advocate for the City of New York

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2017/216-101-C31: Determination of **Compliance** (Monitoring Period Required) by the Office of the New York City Public Advocate with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

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

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

Whereas, pursuant to its audit and analysis of the Office of the New York City Public Advocate's (Public Advocate) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 8, 2017, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. 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: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
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.
4. Ensure that 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 are reviewed on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
5. 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).
6. Promote employees' awareness of opportunities for advancement and transfer within the agency by:

administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

7. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.
8. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
9. 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.
10. 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.
11. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
12. Ensure that the principal EEO Professional is trained and knowledgeable regarding city, state and 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.
13. 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.
14. 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.
15. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
16. 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).
17. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the Public Advocate did not submit a response to the EEPD's Preliminary Determination letter within 14 days from the date of its issuance, and, consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD issued a Final Determination on May 25, 2017 which indicated that corrective action nos. 1 - 17 required compliance monitoring; and

Whereas, the Public Advocate submitted its response to the EEPD's Final Determination letter, on June 26, 2017; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the corrective actions from June 2017 - November 2017, with no extension of the monitoring period; and

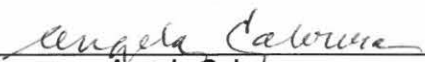
Whereas, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the Public Advocate submitted a copy of the agency head's memorandum to staff dated November 30, 2017, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated commitment to the agency's EEO Program; and

Whereas, all of the EEPD'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 Office of the New York City Public Advocate 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 Letitia James, Public Advocate for the City of New York.

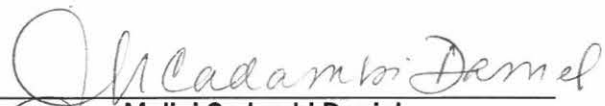
Approved unanimously on December 21, 2017.



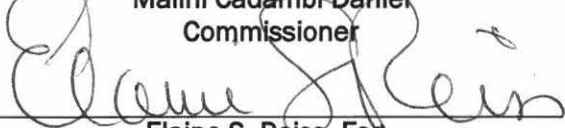
Angela Cabrera
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Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel

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BY MAIL AND EMAIL

December 21, 2017

Letitia James
Public Advocate
Office of the New York City Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007

Re: Resolution #2017/216-101-C31: Determination of Agency Compliance

Dear Public Advocate James:

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 Office of the New York City Public Advocate. This Commission has determined that the Office of the New York City Public Advocate has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

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

Sincerely,

A handwritten signature in black ink that reads "Elaine S. Reiss". The signature is written in a cursive, flowing style.

Elaine S. Reiss, Esq.
Commissioner

c: Bianca Wheeler, Principal EEO Professional, Office of the New York City Public Advocate

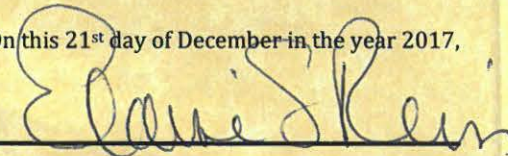
This
Determination of Compliance

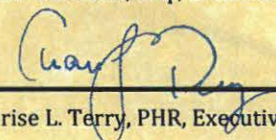
is issued to

Office of the New York City Public Advocate

*for successfully implementing 17 of 17 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practices and Procedures Audit From January 1, 2014 to this date.*

On this 21st day of December in the year 2017,


Elaine S. Reiss, Esq., Commissioner


Charise L. Terry, PHR, Executive Director

*In care of Public Advocate Letitia James, and
Principal EEO Professional Bianca Wheeler.*