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August 28, 2015

**BY MAIL AND EMAIL**

Patricia Reilly  
Executive Director  
Teachers' Retirement System  
55 Water Street, 16th Floor  
New York NY 10041

Re: Audit: Preliminary Determination: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Executive Director Reilly:

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, 2012 to December 31, 2014.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Teachers' Retirement System, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission,



bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

The purpose of this audit and analysis is to evaluate the agency’s employment practices and procedures. This Commission has adopted *Uniform Standards for EEPD Audits*<sup>1</sup> 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 Equal Employment Opportunity Commission’s Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7), the Americans with Disabilities Act and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters. This Commission does not issue findings of discrimination pursuant to the New York City Human Rights Law.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

## **Scope and Methodology**

This Commission’s audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency’s *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency’s workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPD requests that the agency submit similar statistics and analyses.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to

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



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 their individual questionnaires and return any items requested. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

### **Description of the Agency**

The Teachers' Retirement System (TRS) is one of the largest pension systems in the United States. It provides New York City educators with retirement, disability, and death benefit services and administers one of the largest unified Section 403(b) Tax-Deferred Annuity Programs in the country. TRS membership is available to educators who work for the New York City Department of Education, the City University of New York, or participating New York City Charter Schools. Overall, TRS' programs serve more than 195,000 in-service members, retirees, and beneficiaries.

The agency *Workforce Composition Summary* is included as **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.
- ✓ The agency issued an EEO Policy statement entitled "*Welcoming Note from the Executive Director*" in January 2012. The policy statement was part of the agency's Employee Handbook, and stated in part that "*TRS' core values ask each of us to "go the extra mile" and exceed our customer expectations. This means that we are caring, knowledgeable professionals who treat our members with dignity, respect understanding, and the warmth accorded a friend. These same ideals should be practiced internally—among members of the TRS team, and between you and your manager. TRS management is*

*likewise dedicated to exceeding your expectations regarding fair treatment, personal respect, and communications.”* The subsequent pages of the employee handbook included a statement which directed employees to the Human Resources Department for “inquiries regarding EEO, physical or mental disability, or veteran status”. The Employee Handbook also included “*Top 10 Things to Know About Equal Employment Opportunity*”.

- The policy statement did not declare the agency's position against discrimination on any protected basis or advise employees of the names and contact information of EEO professionals. **Corrective action is required.**

**Corrective Action 1:** Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The aforementioned *Employee Handbook* included an up-to-date list of protected classes under NYC and NYS Human Rights Laws; current contact information for federal, state and local agencies that enforce laws against discrimination; and a link to the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*.
  - The link to the EEO Policy (<http://www.nyc.gov/html/dcas/resources/eeo.shtml>), which was included in the Employee Handbook, connects to a webpage that is “Not Available.” **Corrective action is 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: 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.

**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 *Human Resources Training Specialist* was responsible for informing employees of the dates and availability of EEO training and tracking attendees.
- The agency did not 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, received 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. **Corrective action is 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.

**II. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):**

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- The agency did not assess its recruitment efforts to determine whether such efforts adversely impact any particular group. **Corrective action is required.**

**Corrective Action 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.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The agency reported no employment discrimination complaints were filed during the period in review, therefore; it did not hold a formal review of the agency's annual number of EEO complaints.
  - The agency did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the agency's statistical information 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. **Corrective action is required.**

**Corrective Action 5:** Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other 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 agency did not assess the manner in which candidates were selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. In addition, the 2<sup>nd</sup> Quarter, 2015 CEEDS Report - *Work Force Compared with Internal and External Pools* (the last of the audit



period) indicated underutilization of protected classes in three job groups which persisted in the 4<sup>th</sup> Quarter, 2015 (the latest quarter available). Two additional job groups also showed underutilization in the 4<sup>th</sup> quarter of 2015. **Corrective action is required.**

**Corrective Action 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.

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 2<sup>nd</sup> and 4<sup>th</sup> Quarter, 2015 CEEDS Reports indicated underutilization of protected classes in three and five job groups respectively, which may include discretionary titles (see Appendix 3). **Corrective action is required.**

**Corrective Action 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.

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

➤ The aforementioned CEEDS Reports indicates underutilization of protected classes in job groups which may also include civil service (list) titles, however; the agency did not demonstrate that it conducted a review of the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in civil service (list) titles to ensure that these standards are

updated, job-related and required by business necessity. Corrective action is required.

**Corrective Action 8:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

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

- ✓ The agency reported that the structured interview technique was used when interviewing candidates. Interview questions were predetermined for each position.

NOTE: The agency's structured interview technique should be enhanced by training human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process in EEO, interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

- ✓ According to agency officials, procedures for posting job vacancy notices included communicating open positions to staff electronically and posting positions on employee bulletin boards for 10 business days. Associates with one year of service in their current job may apply for one position for which they feel they are qualified within any rolling 12-month period. TRS also offers opportunities for career advancement by posting job openings within the agency whenever appropriate.

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

- ✓ The agency advertised two vacant positions during the period in review: *Systems Architect*, and *Operations Support Specialist*. The *Systems Architect* position was posted on several job search sites: *Monster*, *LinkedIn*, *JustTechJobs*, and *Dice.com*; the *Operations Support Specialist* was posted on the *Cityjobs* website. Each advertisement included the EEO tagline: *The City of New York is an Equal Opportunity Employer*.



12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
- ✓ The agency reported the use of a tracking log that captured: the *applicant's name, title (of position), date of interview, and feedback from interviewer on skills/experience supporting why applicant was selected*.
- The agency did not demonstrate that it maintained an applicant/candidate log or tracking system that captured an applicant's/candidate's *ethnicity, gender, disability or veteran status, interviewers' names, and recruitment source*. In addition, the agency did not demonstrate that its process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager. **Corrective action is required.**

**Corrective Action 9:** Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names 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.

### **III. CAREER COUNSELING:**

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

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

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.
- ✓ The Human Resources Professional was responsible for developing and revising the performance evaluation process; counseling management and staff regarding personnel concerns; ensuring that all employees had access to information regarding job responsibilities; and revising and communicating Human Resources policies and procedures. In addition, the principal Human Resources Professional and co-EEO Professional met on an as needed basis to discuss EEO-related matters. (See section II. 3 for training details).

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

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

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported no requests for information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures were made during the period in review. In addition, the agency adheres to the City's EEO Policy (*Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*) which states that the EEO Officer shall ensure that the Policy, standards, and procedures are available in alternative upon request by an employee or applicant.
16. Document reasonable accommodation requests and their outcomes.
- ✓ Reasonable accommodation requests are handled jointly by the principal Human Resources and EEO Professionals. The agency reported one request for reasonable accommodation was made during the period in review. The principal EEO Professional maintained a file of emails related to the request.

**V. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:**

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
  - ✓ The agency appointed the *Director of Human Resources* as the principal EEO Professional to implement EEO policies and standards within the agency. The EEO professional received a certificate for the completion of *Diversity and EEO Basic training for EEO Representatives* in 2006.
18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
  - ✓ In addition to the principal EEO Professional the agency appointed the *Deputy Director of Human Resources* as Co-EEO Professional. The Co-EEO professional received a certificate for the completion of *Diversity and EEO Basic training for EEO Representatives* in May 2012.
19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
  - ✓ The principal EEO Professional reports directly to the agency head. This reporting relationship was reflected on the agency's organization chart during the period in review.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
  - The agency did not maintain appropriate documentation of meetings and other communications between the principal EEO Professional and the agency head regarding decisions that impact the administration and operation of the EEO program. **Corrective action is required.**

**Corrective Action 11:** 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.

**VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:**  
**Determination: The agency is in partial compliance with the standards for this subject area.**

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ The agency established a *Performance Plan and Appraisal* process which consisted of three phases: *Performance Planning*, *Performance Feedback & Documentation*, and *Performance Appraisal* (the performance evaluation).
- The agency did not demonstrate that annual managerial/non-managerial performance evaluations - to be used for probationary periods, promotions, assignments, incentives and training, - were administered during the period in review. **Corrective action is required.**

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

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- The agency did not submit a managerial performance evaluation form; therefore, the agency did not demonstrate that managerial performance evaluations contained a rating for EEO. **Corrective action is required.**

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

**VII. REPORTING STANDARD FOR AGENCY HEAD:**  
**Determination: The agency is not in compliance with the standard for this subject area.**

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



- The agency did not submit Annual Plans of measures and programs to provide equal employment opportunity, or quarterly reports on efforts to implement those plans. **Corrective action is required.**

**Corrective Action 14:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

24. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

**Final Action:** Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

**Conclusion**

The agency has **14** required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

*Optional Response to preliminary determination:* If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

*(Optional Conference)* During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

*(No Response Option)* If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

*Mandatory Response to Final Determination:* Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-



monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

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

Respectfully Submitted by,

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

Ilacia N. Zuell, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR  
Executive Director

c: Carmela Crivelli, Principal EEO Professional



## **Appendix - 1**

*Teachers' Retirement System  
Description of EEO Job Groups*

**DESCRIPTION OF  
EQUAL EMPLOYMENT OPPORTUNITY  
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**

### *Teachers' Retirement System* **WORKFORCE COMPOSITION**

RUN DATE: 07/02/15  
RUN TIME: 14:46:06.9

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY  
AGENCY 041 TEACHERS' RETIREMENT SYSTEM

PAGE: 50  
REPORT: BBEPR210

QUARTER 4 YEAR 2015

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	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		
10175	EXECUTIVE DIRECTOR	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10184	DEPUTY EXECUTIVE DIRECTOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	1	0	0	0	0	0	0	2
		50.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 002 MANAGERS

TITLE CODE	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		
10001	ADMINISTRATIVE ACCOUNTANT	1	2	0	0	0	0	0	1	1	1	0	0	0	6
10010	ADMINISTRATIVE MANAGEMENT	0	0	0	0	0	0	0	0	0	0	0	1	0	1
10025	ADMINISTRATIVE MANAGER	2	0	0	0	0	0	1	2	1	0	0	0	0	6
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	18	2	2	11	0	1	12	2	1	1	0	0	0	50
10074	COMPUTER OPERATIONS MANAGE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10185	ASSISTANT EXECUTIVE DIRECT	1	0	0	0	0	0	2	0	0	0	0	0	0	3
82986	ADMINISTRATIVE RETIREMENT	6	1	1	2	0	1	3	5	3	0	0	0	0	22
95005	EXECUTIVE AGENCY COUNSEL	0	0	0	0	0	0	2	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		29	5	3	13	0	2	21	10	6	2	0	1	0	92
		31.53	5.43	3.26	14.13	0.00	2.17	22.83	10.87	6.52	2.17	0.00	1.09	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	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		
1002C	ADMINISTRATIVE MANAGER NON	2	0	2	0	1	0	3	11	1	1	0	0	0	21
12626	STAFF ANALYST	0	0	0	0	0	0	2	0	0	1	0	0	0	3
12627	ASSOCIATE STAFF ANALYST	2	2	0	0	0	0	0	0	0	0	0	0	0	4
40502	MANAGEMENT AUDITOR	0	1	0	0	0	0	0	0	0	1	0	0	0	2
40510	ACCOUNTANT	4	0	0	1	0	0	2	1	0	1	1	0	0	10
40925	INVESTMENT ANALYST	1	0	0	1	0	0	2	0	0	0	0	0	0	4
60217	ASSOCIATE PUBLIC RECORDS O	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		9	3	2	2	1	0	9	13	1	4	1	0	0	45
		20.01	6.67	4.44	4.44	2.22	0.00	20.00	28.89	2.22	8.89	2.22	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

RUN DATE: 07/02/15  
 RUN TIME: 14:46:06.9

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 041 TEACHERS' RETIREMENT SYSTEM

PAGE: 51  
 REPORT: EBEPR210

QUARTER 4 YEAR 2015

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13621	COMPUTER ASSOCIATE (OPERAT	1	2	0	0	0	0	0	0	0	0	0	0	0	3
13622	COMPUTER SPECIALIST (OPERA	1	0	0	1	0	0	0	0	0	0	0	0	0	2
13631	COMPUTER ASSOCIATE (SOFTWA	1	0	1	2	0	1	0	0	1	1	0	0	0	7
13632	COMPUTER SPECIALIST (SOFTW	8	3	1	4	0	0	10	0	0	3	0	0	0	29
13643	CERTIFIED IT DEVELOPER (AP	0	0	0	0	0	0	1	0	0	0	0	0	0	1
13693	*CERTIFIED APPLICATIONS DE	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		11	5	2	7	0	1	12	0	1	4	0	0	0	43
		25.57	11.63	4.65	16.28	0.00	2.33	27.91	0.00	2.33	9.30	0.00	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
30086	AGENCY ATTORNEY INTERNE	0	0	0	0	0	0	0	1	0	0	0	0	0	1
30087	AGENCY ATTORNEY	0	0	0	0	0	0	0	0	0	0	0	1	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	0	0	0	1	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	50.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
 EEO JOB GROUP : 009 PUBLIC RELATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
60816	ASSOCIATE PUBLIC INFORMATI	0	0	0	0	0	0	0	1	1	0	0	0	0	2
91415	GRAPHIC ARTIST	0	0	0	1	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	1	0	0	0	1	1	0	0	0	0	3
		0.01	0.00	0.00	33.33	0.00	0.00	0.00	33.33	33.33	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
 EEO JOB GROUP : 010 TECHNICIANS

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		
13615	COMPUTER SERVICE TECHNICIA	0	0	0	1	0	0	0	0	0	0	0	0	0	1
40491	ASSISTANT RETIREMENT BENEF	0	1	0	2	0	0	3	2	0	0	0	0	0	8
40493	ASSOCIATE RETIREMENT BENEF	16	13	4	7	0	1	22	26	7	20	0	0	0	116
EEO JOB GROUP TOTAL.....:		16	14	4	10	0	1	25	28	7	20	0	0	0	125
		12.80	11.20	3.20	8.00	0.00	0.80	20.00	22.40	5.60	16.00	0.00	0.00	0.00	100.00

RUN DATE: 07/02/15  
RUN TIME: 14:46:06.9

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY  
QUARTER 4 YEAR 2015 AGENCY 041 TEACHERS' RETIREMENT SYSTEM

PAGE: 52  
REPORT: EBEP210

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN- KNOWN
10124	PRINCIPAL ADMINISTRATIVE A	4	1	2	0	0	0	1	2	3	0	0	0	0	13
EEO JOB GROUP TOTAL.....:		4	1	2	0	0	0	1	2	3	0	0	0	0	13
		30.78	7.69	15.38	0.00	0.00	0.00	7.69	15.38	23.08	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN- KNOWN
10251	CLERICAL ASSOCIATE	1	1	0	0	0	0	4	8	6	0	0	0	0	20
11702	OFFICE MACHINE AIDE	0	2	0	1	0	0	0	5	1	1	0	0	0	10
11704	SUPERVISOR OF OFFICE MACHI	0	1	0	0	0	0	0	1	0	0	0	0	0	2
12200	STOCK WORKER	1	1	0	0	0	0	0	0	0	0	0	0	0	2
12202	SUPERVISOR OF STOCK WORKER	0	0	1	0	0	0	0	0	0	0	0	0	0	1
40526	BOOKKEEPER	0	0	0	3	0	0	2	1	0	1	0	0	0	7
60888	CUSTOMER INFORMATION REPRE	0	0	0	0	0	0	0	1	1	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		2	5	1	4	0	0	6	16	8	2	0	0	0	44
		4.55	11.36	2.27	9.09	0.00	0.00	13.64	36.36	18.18	4.55	0.00	0.00	0.00	100.00

AGENCY CODE : 041 TEACHERS' RETIREMENT SYSTEM  
EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN- KNOWN
1020B	COLLEGE AIDE - ASSIGNMENT	0	0	0	1	0	0	0	0	0	0	0	0	0	1
10209	COLLEGE AIDE	0	0	1	1	0	1	0	2	1	0	0	0	0	6
10234	SUMMER COLLEGE INTERNE (AL	4	0	1	1	0	0	0	3	0	0	0	0	0	9
56056	COMMUNITY ASSISTANT	0	0	0	0	0	0	0	0	0	0	0	1	0	1
EEO JOB GROUP TOTAL.....:		4	0	2	3	0	1	0	5	1	0	0	1	0	17
		23.54	0.00	11.76	17.65	0.00	5.88	0.00	29.41	5.88	0.00	0.00	5.88	0.00	100.00

AGENCY TOTAL.....:

76	33	16	40	1	5	75	76	28	32	1	3	0	386
19.68	8.55	4.15	10.36	0.26	1.30	19.43	19.69	7.25	8.29	0.26	0.78	0.00	100.00

## **Appendix - 3**

*Teachers' Retirement System*

**WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS**

RUN DATE: 01/05/15  
 RUN TIME: 8:19:56  
 FY2015 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: 31  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/14

AGENCY: 041 TEACHERS' RETIREMENT SYSTEM  
 EEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE OBSRV EXPCT I	BLACK OBSRV EXPCT I	HISPANIC OBSRV EXPCT I	ASIAN / OBSRV EXPCT I	NATIVE A OBSRV EXPCT I	ETH UNKN OBSRV EXPCT I
001 ADMINISTRATORS	2	2 1 N	0 0 N	0 0 N	0 0 N	0 0 N	0 0 N
002 MANAGERS	91	49 47	15 17	10 12	15 9 O	0 0 N	2 4 N
003 MNGMNT SPECS	45	19 18	16 13	3 6 U	5 6	2 0 N	0 1 N
004 SCIENCE PROFNS	45	24 21	5 8 U	3 5 N	12 10	0 0 N	1 1 N
008 LAWYERS	2	1 1 N	1 0 N	0 0 N	0 0 N	0 0 N	0 0 N
009 PUBLIC REL	3	0 2 N	1 0 N	1 0 N	1 0 N	0 0 N	0 0 N
010 TECHNICIANS	129	43 45	40 42	12 25 U	33 13 O	0 0 N	1 2 N
012 CLERICAL SUPS	12	5 3	3 7 U	4 2 O	0 1 U	0 0 N	0 0 N
013 CLERICAL	45	8 8	21 24	9 7	6 3	0 0 N	1 2 N
031 PARA PROFESSION	8	0 3 N	3 2 N	2 2 N	2 1 N	0 0 N	1 0 N



RUN DATE: 01/05/15  
 RUN TIME: 8:19:56  
 FY2015 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: 32  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/14

AGENCY: 041 TEACHERS' RETIREMENT SYSTEM  
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
001 ADMINISTRATORS	2	1 1 N	1 1 N	0 0 N
002 MANAGERS	91	52 49	39 38	0 2 N
003 MNGMNT SPECS	45	18 26 U	27 18 O	0 1 N
004 SCIENCE PROFNS	45	28 30	17 14	0 1 N
008 LAWYERS	2	1 1 N	1 1 N	0 0 N
009 PUBLIC REL	3	1 2 N	2 1 N	0 0 N
010 TECHNICIANS	129	49 80 U	80 47 O	0 1 N
012 CLERICAL SUPS	12	7 3 O	5 9 U	0 0 N
013 CLERICAL	45	12 13	33 30	0 2 N
031 PARA PROFESSION	8	4 3 N	4 5 N	0 0 N

RUN DATE: 07/02/15  
 RUN TIME: 14:25:28  
 FY2015 Q4

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

PAGE: 31  
 PROGRAM: EBP961  
 EXTRACT DATE: 06/30/15

AGENCY: 041 TEACHERS' RETIREMENT SYSTEM  
 EEO VARIABLE: ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT	I	BLACK OBSRV	EXPCT	I	HISPANIC OBSRV	EXPCT	I	ASIAN / OBSRV	EXPCT	I	NATIVE A OBSRV	EXPCT	I	ETH UNKN OBSRV	EXPCT	I
001 ADMINISTRATORS	2	2	1	N	0	0	N	0	0	N	0	0	N	0	0	N	0	0	N
002 MANAGERS	92	50	47		15	17		9	12	N	15	9		0	0	N	3	4	
003 MNGMNT SPECS	45	18	18		16	13		3	6	U	6	6		2	0	N	0	1	N
004 SCIENCE PROFNS	43	23	20		5	8	U	3	4	N	11	10		0	0	N	1	1	N
008 LAWYERS	2	0	1	N	1	0	N	0	0	N	0	0	N	0	0	N	1	0	N
009 PUBLIC REL	3	0	2	N	1	0	N	1	0	N	1	0	N	0	0	N	0	0	N
010 TECHNICIANS	125	41	44		42	41		11	24	U	30	13	O	0	0	N	1	2	N
012 CLERICAL SUPS	13	5	3		3	7	U	5	2	O	0	1	U	0	0	N	0	0	N
013 CLERICAL	44	8	8		21	24		9	7		6	3		0	0	N	0	2	N
031 PARA PROFESSION	17	4	6	U	5	5		3	4	U	3	2		0	0	N	2	0	O

RUN DATE: 07/02/15  
 RUN TIME: 14:25:28  
 FY2015 Q4

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

PAGE: 32  
 PROGRAM: EBP961  
 EXTRACT DATE: 06/30/15

AGENCY: 041 TEACHERS' RETIREMENT SYSTEM  
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
001 ADMINISTRATORS	2	1 1 N	1 1 N	0 0 N
002 MANAGERS	92	52 49	40 39	0 2 N
003 MNGMNT SPECS	45	17 26 U	28 18 O	0 1 N
004 SCIENCE PROFNS	43	26 28	17 13	0 1 N
008 LAWYERS	2	0 1 N	2 1 N	0 0 N
009 PUBLIC REL	3	1 2 N	2 1 N	0 0 N
010 TECHNICIANS	125	45 77 U	80 46 O	0 1 N
012 CLERICAL SUPS	13	7 3 O	6 10 U	0 0 N
013 CLERICAL	44	12 12	32 30	0 2 N
031 PARA PROFESSION	17	10 6	7 10 U	0 0 N

Memorandum

Date: September 11, 2015

From: Carmela Crivelli

Cc: Patricia Reilly

Subject: Audit: Preliminary Determination: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 to December 31, 2014

Following is my response to the preliminary determination for each subject area provided by the EEPC in your memorandum dated August 28, 2015.

1. **Issuance Distribution and Posting of EEO Policies.** The determination for this subject area is that TRS is in partial compliance. The corrective action recommended is for TRS to issue a general EEO policy statement, which in addition to what we currently state in our policy, includes the declaration of the agency's position against discrimination on any protected basis, and advises employees of the names and contact information of EEO professionals. **The HR department will make these recommended changes during the month of September 2015.**
2. While the TRS Employee Handbook includes an up-to-date list of protected classes under NYC and NYS Human Rights, we will make the following corrective actions:

**The link to the EEO Policy has been corrected to read:**  
**<http://www.nyc.gov/html/dcas/html/about/resources.shtml>**

Also TRS will distribute/post a paper or electronic copy of the EEO 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, 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.

3. **EEO Training for Agency.** The determination for this subject area is that TRS is in partial compliance. **It is important to note that TRS has offered EEO Training to staff** as referenced in the second attachment. The TRS Training Specialist ensures that all current staff and newly hired staff are scheduled for mandatory EEO training. If you need additional documentation we can forward.

4. **Employment Practices (Recruitment, Hiring, and Promotion).** The determination for this subject area is that TRS is in partial compliance. The corrective action is for TRS to assess its recruitment efforts to determine whether such efforts adversely impact any particular job group.
5. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups through 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. It was further recommended that the principal EEO professional, HR Professional, and General Counsel review the agency's statistical information and the agency's employment practices, policies, and programs on an annual basis to identify whether there are barriers to EEO within the agency and determine what, if any, corrective actions are required to correct deficiencies. TRS will try its best to incorporate these corrective action recommendations to be in compliance going forward.
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. CEEDS reports indicate underutilization of protected classes in several job groups. Going forward TRS will utilize these reports and reference this corrective action when recruiting, hiring, and promoting.
7. Correction action: In titles where there is discretion in hiring, advertise in minority or female oriented publications; contact organizations serving women, minorities, and other protected groups and participate in career fairs/open houses. It is important to note that TRS attended a job fair at Manhattan College and advertised on the CUNY website for qualified applicants during this audit period. TRS will also reference this corrective action when recruiting, hiring, and promoting.
8. The CEEDS report indicates underutilization of protected classes in job groups which may also include civil service (list) titles to ensure that these standards are updated, job related and required by business necessity. This is the first time TRS has become aware of such a report called CEEDS as a tool and going forward we will work with DCAS and utilize the CEEDS reports when recruiting, hiring, and promoting.
9. In addition to using a structured interview technique (interview questions are predetermined at TRS for each position) we have also drafted a recruitment package that will be finalized shortly and distributed to managers.
10. TRS will continue to promote employees' awareness of opportunities for promotion and transfer within the agency via job postings.

11. TRS will continue to indicate that our agency is an equal opportunity employer in recruitment literature.
12. TRS reported the use of a tracking log that captures the applicant's name, title (of position), date of interview and feedback from the interviewer on skills/experience supporting why applicant was selected. **Going forward TRS will include in our log an applicant's ethnicity, gender, disability or veteran status, interviewers' names and recruitment source. We will ensure that the process voids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.**
13. **Career Counseling.** The determination for this subject area is that TRS is in partial compliance. **While our two Employee Relations Managers provide guidance and counseling to staff regarding all civil service positions and promotional opportunities for all levels, we have not formerly distributed an announcement labeling their role as Career Counselor. During September 2015 we will distribute a written communication including the language provided in the EEPC report to our staff.**
14. TRS will continue to revise the performance evaluation process; counseling management and staff regarding personnel concerns; ensuring that all employees have access to information regarding job responsibilities; and revising and communicating HR policies and procedures.
15. **EEO reasonable accommodating for employees/applicants for employment with disabilities.** TRS will continue to ensure information regarding employee rights and obligations, and the complaint, investigation procedures are made available in our Employee Handbook and periodic communications with staff.
16. TRS will continue to jointly handle reasonable accommodation requests by the principal HR and EEO professionals.
17. **Responsibility for EEO Plan Implementation – EEO Professionals.** TRS will ensure that the Principal EEO professional and the Co-EEO professional will implement EEO policies and standards within the agency.
18. The Principal EEO professional and the Co-EEO professional will continue to receive appropriate EEO training while employed by the agency.
19. The principal EEO professional reports to the Executive Director of the agency as reflected on the organizational chart.
20. TRS did not provide appropriate documentation of meetings and other communications between the principal EEO professional and the agency head regarding decisions that impact the



administration and operation of the EEO program. TRS will check HR department files to see if any exist and submit with the final determination. If none exist, going forward TRS will follow the correction action for this subject area.

21. TRS submitted a copy of its current performance evaluation form to the EEPC. Staff participates in a focal performance evaluation plan where all evaluations are submitted once a year. The evaluation period begins effective 3/1 one year through 2/28 of the following year. Civil service employees on probation receive 4 quarterly probation reviews. Once probation is reached they follow the focal performance evaluation plan.
22. TRS learned during this audit session that performance evaluations for managers must contain a rating for EEO. Going forward TRS will consider this corrective action in our evaluations forms.
23. **Reporting Standard for Agency Head.** During this audit session TRS learned that we need to submit to the EEPC an annual plan of measures and programs to provide EEO and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. Going forward TRS will follow this corrective action.

In closing, if you have any questions regarding my response, we will correct for the final determination. We understand that upon receipt of the final determination that a signed memo from our agency head will be distributed informing employees of the changes implemented in the EEO program.

Thank you.



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

Charise L. Terry, PHR  
Executive Director

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

253 Broadway  
Suite 602  
New York, NY 10007

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

## BY MAIL AND EMAIL

September 21, 2015

Patricia Reilly  
Executive Director  
Teachers' Retirement System  
55 Water Street, 16th Floor  
New York NY 10041

RE: Audit Resolution #: 2015/041: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Executive Director Reilly:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your September 11, 2015 response to our August 28, 2015 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards<sup>1</sup> to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

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

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<sup>1</sup> Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: October 2015 to March 2016.

**If corrective actions remain:** Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Thereafter, your agency will be monitored monthly until all corrective actions have been implemented. Compliance-monitoring instructions will be provided. Upon your agency's completion of the final corrective action, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Once received, a *Determination of Compliance* will be issued.

**If no corrective actions remain:** Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

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

Charise L. Terry, PHR  
Executive Director

c: Carmela Crivelli, Principal EEO Professional

## FINAL DETERMINATION

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

After reviewing the agency's optional response<sup>2</sup> (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

### Monitoring Required

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

#### Corrective Action #1

Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals.

Agency Response: [...] *The HR department will make these recommended changes during the month of September 2015.* (pg. 2)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #1. Documentation which verifies implementation will be accepted during the compliance-monitoring period.

#### 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: 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.

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<sup>2</sup> Excerpts are italicized.

Agency Response:

The link to the EEO Policy has been corrected to read: <http://www.nyc.gov/html/dcas/html/about/resources.shtml>. Also TRS will distribute/post a paper or electronic copy of the EEO 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, legal, human resources and EEO professionals. [...] (Pg. 2)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. Documentation will be reviewed during the compliance-monitoring period.

**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.

Agency Response: [...] it is important to note that TRS has offered EEO Training to staff [...] (Pg. 2)

EEPC Response: Implementation of corrective action #3 will be monitored during the compliance-monitoring period.

EEPC Response: Implementation of corrective action #3 will be monitored during the compliance-monitoring period.

**Corrective Action #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.

Agency Response: [...] TRS will try its best to incorporate these corrective action recommendations to be in compliance going forward. (Pg. 3)

EEPC Response: An agency assessment of its recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

**Corrective Action #5**

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g.

underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.

Agency Response: [...] TRS will try its best to incorporate these corrective action recommendations to be in compliance going forward. (Pg. 3)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #5. A review of the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

#### **Corrective Action #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.

Agency Response: [...] Going forward TRS will utilize these reports [CEEDS] and reference this corrective action when recruiting, hiring, and promoting. (Pg. 3)

EEPC Response: An agency assessment of 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 will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

#### **Corrective Action #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.

Agency Response: [...] It is important to note that TRS attended a job fair at Manhattan College and advertised on the CUNY website for qualified applicants during this audit period. TRS will also reference this corrective action when recruiting, hiring, and promoting. (Pg. 3)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #7. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

#### **Corrective Action #8**

If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and



notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: [...] *This is the first time TRS has become aware of such a report called CEEDS as a tool and going forward we will work with DCAS and utilize the CEEDS reports when recruiting, hiring, and promoting.* (Pg. 3)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #8. The agency's review of the competencies, skills and abilities required will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring period.

#### **Corrective Action #9**

Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: [...] *Going forward TRS will include in our log an applicant's ethnicity, gender, disability or veteran status, interviewers' names and recruitment source. We will ensure that the process voids [sic] the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.* (Pg. 4)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #9. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

#### **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.

Agency Response: [...] *While our two Employee Relations Managers provide guidance and counseling to staff regarding all civil service positions and promotional opportunities for all levels, we have not formerly distributed an announcement labeling their role as Career Counselor. During September 2015 we will distribute a written communication including the language provided in the EEPC report to our staff.* (Pg. 4)

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

**Corrective Action #11**

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

Agency Response: [...] going forward TRS will follow the correction action for this subject area. (Pg. 5)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#11**. Documentation of meetings with regard to decisions that impact the administration and operation of the EEO program will be reviewed during the compliance-monitoring period.

**Corrective Action #12**

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

Agency Response: The evaluation period begins effective 3/1 one year through 2/28 of the following year. Civil service employees on probation receive 4 quarterly probation reviews. Once probation is reached they follow the focal performance evaluation plan. (Pg. 5)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#12**. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

**Corrective Action #13**

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

Agency Response: TRS learned during this audit session that performance evaluations for managers must contain a rating for EEO. Going forward TRS will consider this corrective action in our evaluations forms. (Pg. 5)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#13**. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.



**Corrective Action #14**

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

Agency Response: [...] *Going forward TRS will follow this corrective action.* (Pg. 5)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #14. The agency's submittal of its annual plan and quarterly reports to the EEPC will be monitored during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

**RESOLUTION # 2015/041-#:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

**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 of the Teachers' Retirement System's EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 28, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
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. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
5. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other 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.
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.
8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
9. Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names 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. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas,** the agency submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 21, 2015 which indicated that corrective actions Nos. 1 through 14 require compliance monitoring; and

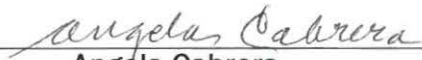
**Whereas,** in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

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

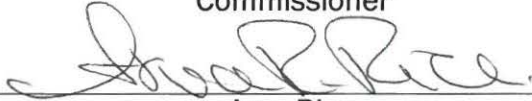
**Whereas,** all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

Be It Resolved, that the Commission adopts this Final Determination regarding the Teachers' Retirement System.

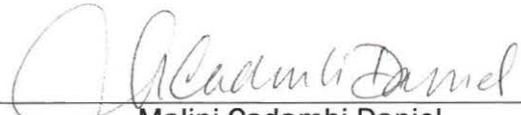
Approved unanimously on September 21, 2015.



Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

Memorandum

Date: October 20, 2015

From: Carmela Crivelli

Cc: Patricia Reilly  
Valerie Budzik

Subject: Audit: Response to the Final Determination: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 to December 31, 2014

Following is my response to the final determination for each subject area provided by the EEPC in your memorandum dated September 21, 2015:

1. Issuance Distribution and Posting of EEO Policies. The corrective action recommended is for TRS to issue a general EEO policy statement, which in addition to what we currently state in our policy, includes the declaration of the agency's position against discrimination on any protected basis, and advises employees of the names and contact information of EEO professionals. The HR department will make these recommended changes during the assigned monitoring period: October 2015 to March 2016 and provide you with documentation.
2. While the TRS Employee Handbook includes an up-to-date list of protected classes under NYC and NYS Human Rights, we will make the following corrective actions:

The link to the EEO Policy has been corrected to

read: <http://www.nyc.gov/html/dcas/html/about/resources.shtml>

Also TRS will distribute/post a paper or electronic copy of the EEO 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, 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. This change will be made during the assigned monitoring period and documentation will be provided.

3. EEO Training for Agency. It is important to note that TRS has offered EEO Training to staff as referenced in the first attachment. The TRS Training Specialist ensures that all current staff and newly hired staff are scheduled for mandatory EEO training and will continue to do so.
4. Employment Practices (Recruitment, Hiring, and Promotion). The corrective action is for TRS to assess its recruitment efforts to determine whether such efforts adversely impact any particular job group. We are asked to identify relevant professional and community organizations serving women, minorities, and other protected groups through 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. As mentioned in your final determination, the EEPC will provide further guidance at the initiation of the assigned monitoring period.
5. It was further recommended that the principal EEO professional, HR Professional, and General Counsel review the agency's statistical information and the agency's employment practices, policies, and programs on an annual basis to identify whether there are barriers to EEO within the agency and determine what, if any, corrective actions are required to correct deficiencies. The HR Professional and General Counsel will schedule time to discuss this recommended corrective action.
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. CEEDS reports indicate underutilization of protected classes in several job groups. Going forward TRS will utilize these reports and reference this corrective action when recruiting, hiring, and promoting.
7. In titles where there is discretion in hiring, advertise in minority or female oriented publications; contact organizations serving women, minorities, and other protected groups and participate in career fairs/open houses. It is important to note that TRS attended a job fair at Manhattan College and advertised on the CUNY website for qualified applicants during this audit period. TRS will also reference this corrective action when recruiting, hiring, and promoting.
8. The CEEDS report indicates underutilization of protected classes in job groups which may also include civil service (list) titles to ensure that these standards are updated, job related and required by business necessity. This is the first time TRS was informed about a CEEDS report as a tool and going forward we will work with DCAS to familiarize ourselves with the CEEDS reports when recruiting, hiring, and promoting.
9. TRS reported the use of a tracking log that captures the applicant's name, title (of position), date of interview and feedback from the interviewer on skills/experience supporting why an applicant was selected. Going forward TRS will include in our log an applicant's ethnicity, gender, disability or veteran status, interviewers' names and recruitment source. We will

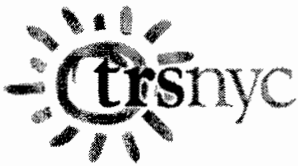
ensure that the process voids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

10. Career Counseling. While our two Employee Relations Managers provide guidance and counseling to staff regarding all civil service positions and promotional opportunities for all levels, we have not formerly distributed an announcement labeling their role as Career Counselor. During October 2015 we will distribute a written communication including the language provided in the EEPC report to ensure it is shared with our staff.
11. TRS did not provide appropriate documentation of meetings and other communications between the principal EEO professional and the agency head regarding decisions that impact the administration and operation of the EEO program. Going forward the EEO professional and the agency head will follow the corrected action.
12. TRS submitted a copy of its current performance evaluation form to the EEPC. Staff participates in a focal performance evaluation plan where all evaluations are submitted once a year. The evaluation period begins effective 3/1 one year through 2/28 of the following year. Civil service employees on probation receive 4 quarterly probation reviews. Once probation is reached they follow the focal performance evaluation plan.
13. As mentioned in our preliminary determination, this was the first time TRS learned that the managerial performance evaluation form needs to contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). As we review/evaluate our performance evaluation process we will look at ways to capture this corrective action.
14. Reporting Standard for Agency Head. During this audit TRS learned that we need to submit to the EEPC an annual plan of measures and programs to provide EEO and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. Going forward TRS will follow this corrective action.

Your memo mentions that if corrective actions remain that TRS will be monitored monthly until all corrective actions have been implemented. Please advise when the assigned monitoring instructions will be provided and who our agency will be working with throughout this process. We understand that upon the completion of the final corrective actions, a memorandum signed by our agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes our commitment to the EEO program. Upon receipt of this memo we will receive a Determination of Compliance.

Thank you.





**TEACHERS' RETIREMENT SYSTEM OF THE CITY OF NEW YORK**  
55 Water Street, New York, NY 10041 • [www.trsnyc.org](http://www.trsnyc.org) • 1 (888) 8-NYC-TRS

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Date: September 29, 2016

To: All TRS Staff

Subject: Completed Corrective Action Steps for the Equal Employment Practices Commission (EEPC)  
Audit for the period covering January 1, 2012 to December 31, 2014

We are sending this e-mail to inform you that TRS completed corrective action steps resulting from the EEPC audit covering the above referenced period illustrating our support and commitment to TRS' Equal Employment Opportunity (EEO) Program.

The purpose of this audit and analysis was to evaluate TRS' employment practices and procedures. The EEPC has adopted uniform standards for audits 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.

In summary, the EEPC recommended that TRS:

Issue a general EEO Policy written statement annually to staff, which declares TRS' position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals. The EEO/HR team will serve as a resource for agency managers by providing best practices, assessing employment decisions, and providing direction in addressing any identified EEO issues. TRS will work to include diversity and inclusion based upon guidance provided by the NYC Department of Citywide Administrative Services (DCAS) Citywide Diversity and EEO.

We will also continue with our current EEO training plan for new and existing employees to ensure that all individuals who work at TRS, receive training on unlawful discriminatory practices under federal, state, and local EEO laws, EEO rights and/or responsibilities; discrimination complaints and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

We will continue to evaluate our recruitment efforts in which candidates are selected for employment to ensure that we prevent adverse impact upon any particular racial, ethnic, disability, or gender group. We will continue to pursue ways to align diversity recruiting, internal candidate development, and equitable selection practices.

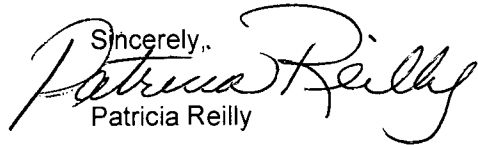
We will maintain the applicant/candidate log in the E-Hire system to include name, title (of position), date of interview, and reason for selection, ethnicity, gender, disability or veteran status, interviewers' names and recruitment source(s).

We will make certain that performance evaluation forms for managers include a rating for EEO (which covers responsibilities and processes for assuring the ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

TRS has responded to/and completed corrective actions mentioned in this audit, which re-emphasizes our commitment to the agency's EEO Program.

We thank all staff for your continued participation in following TRS' EEO policies and for embracing diversity and inclusion based upon the guidance provided by DCAS Citywide Diversity and EEO. Going forward, we will continue our commitment to TRS' EEO Program, while preserving our positive workplace environment.

Sincerely,

A handwritten signature in cursive script, reading "Patricia Reilly". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Patricia Reilly

Executive Director, Teachers' Retirement System of the City of New York

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/041C-15** Determination of **Compliance** (Monitoring Period Required) by the Teachers' Retirement System 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, 2012 through December 31, 2014.

**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 Teachers' Retirement System's (TRS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 28, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
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. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
5. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other 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.
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.
8. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
9. Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names 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. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan

**Whereas**, the TRS submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015,

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 21, 2015, which indicated that corrective actions Nos. 1 through 14 required compliance monitoring; and

**Whereas**, the TRS submitted its response to the EEPC's final determination letter, on October 22, 2015, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016, and

**Whereas**, the agency received three extensions, granted on February 11, 2016, May 6, 2016 and July 25, 2016, thereby extending the compliance-monitoring period to September 2016, and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the TRS submitted a copy of the agency head's memorandum to staff dated September 29, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

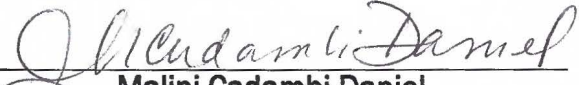
**Be It Resolved**, that the Teachers' Retirement System has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.


**Be It Resolved**, that the Commission will forward this Final Determination to Executive Director, Patricia Reilly, of the Teachers' Retirement System.

Approved unanimously on November 3, 2016.

  
\_\_\_\_\_  
**Angela Cabrera**  
Commissioner

  
\_\_\_\_\_  
**Arva Rice**  
Commissioner

  
\_\_\_\_\_  
**Malini Cadambi Daniel**  
Commissioner

  
\_\_\_\_\_  
**Elaine S. Reiss, Esq.**  
Commissioner





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

Charise L. Terry, PHR  
Executive Director

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

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

253 Broadway  
Suite 602  
New York, NY 10007

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

BY MAIL AND EMAIL

November 3, 2016

Patricia Reilly  
Executive Director  
Teachers' Retirement System  
55 Water Street, 16th Floor  
New York NY 10041

Re: Resolution #2016/041C- 15: Determination of Agency  
Compliance

Dear Executive Director Reilly:

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 Teachers' Retirement System. This Commission has determined that the Teachers' Retirement System 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 EEO Officer Carmela Crivelli for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Malini Cadambi Daniel". The signature is written in a cursive, flowing style.

Malini Cadambi Daniel  
Commissioner

c: Carmela Crivelli, EEO Officer/ Director, Human Resources  
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance



EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

*This*

# *Determination of Compliance*

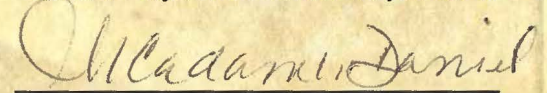
*is issued to the*

## *Teachers' Retirement System*

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*for successfully implementing 14 of 14 required corrective actions pursuant to the Equal Employment Practices Commission's  
Employment Practice and Procedures Audit From January 1, 2012 to this date.*

On this 3<sup>rd</sup> day of November in the year 2016,



Malini Cadambi Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Executive Director Patricia Reilly and  
and Principal EEO Professional Carmela Crivelli*