

NYC
**Equal Employment
Practices Commission**

Aldrin Rafael Bonilla
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

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BY EMAIL

September 14, 2023

Jess Dannhauser
Commissioner
Administration for Children's Services
150 William Street, 18th Floor
New York, NY 10038

Re: Resolution #2023AP/268-067-(2023)C36
DETERMINATION: Compliance

Dear Commissioner Dannhauser:

On behalf of the members of the Equal Employment Practices Commission (EEOC), I write to inform you that pursuant to New York City Charter Chapter 36, Section 832(c), the EEOC's Board of Commissioners has approved the attached *Determination of Compliance*.

As you are aware, the EEOC is required to audit, evaluate, and monitor your agency at least once every four (4) years to ensure the Administration for Children's Services' compliance with federal, state, and local laws and regulations, best practices, and policies and procedures that increase equal employment opportunity for minority and women employees and applicants. Administration for Children's Services' successful completion of the EEOC's *Employment Practices Audit (Focus on Underutilization)* demonstrates its commitment to implementing employment policies and practices that encourage and maintain a workplace free from unlawful discrimination and promote equality of opportunity.

Thank you and Principal EEO Professional James Keys for the cooperation extended to the EEOC during the course of our audit of your agency's employment and EEO-related practices. We look forward to working with you and the Administration for Children's Services to ensure equal employment opportunity in the City of New York.

Sincerely,



Aldrin Rafael Bonilla
Chair/Commissioner



Enc.

c: James Keys, Esq., Director, Office of Equal Employment Opportunity, Principal EEO Professional, ACS
Menelik Allsop, Manager, EEO Analysis and Audit Unit, EEPC
Sam Zaccack, EEO Program Analyst, EEPC

Monitoring of Employment Practices with a Focus on Underutilization

RESOLUTION NO.

2023AP/268-067-(2023)C36

Administration for Children’s Services

Commissioner Jess Dannhauser

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s):	Total: 11		
Period Audit Covered:	July 1, 2020 to December 31, 2022		
Preliminary Determination Issued:	August 4, 2023	Response Received	August 18, 2023
Final Determination Issued:	September 5, 2023	Response Received	September 5, 2023
Compliance-Monitoring:	Not Required	October 1, 2023 to January 31, 2024	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Administration for Children’s Services’ Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Administration for Children’s Services’ Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated August 4, 2023, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.
4. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.
6. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
7. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
8. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal

employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

9. Assess recruitment efforts by, at minimum, ensuring the following are completed and practiced: 1.) maintain a record of job advertisements and list of recruitment sources for each job group/title experiencing underutilization; 2.) review applicant demographics to identify the number of protected applicants yielded by each recruitment source; 3.) eliminate recruitment sources that do not yield a practical number of relevant qualified applicants; 4.) update the recruitment sources list to increase the effectiveness of targeted diversity recruitment initiatives by: engaging in activities such as identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, advertising in target-oriented media, participating in job fairs, and/or utilizing internships to attract interested and qualified persons in the target audiences; and 5.) utilize the updated recruitment sources list when positions become available or where the entity may otherwise use discretion in hiring. Document each step taken to assess recruitment efforts and address adverse impact.
10. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.
11. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by annually: 1.) identifying job groups experiencing underutilization and the (non-competitive class) job titles in those groups; 2.) assessing the selection procedures within each job group/relevant title to identify barriers that may exclude certain groups; 3.) assessing the relevancy of selection criteria for measuring job suitability; 4.) discontinuing use of criteria that are not job-related; and 5.) adopting selection methods that reduce adverse impact. Document each step the entity has taken to identify and address adverse impact in selection criteria and selection methods.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 5, 2023, which indicated that no areas required corrective action; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2023 to January 31, 2024, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 5, 2023, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Administration for Children's Services was exempt from monitoring on September 5, 2023; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner recognized the EEPC's audit and reiterated commitment to the Administration for Children's Services' equal employment practices. **Now Therefore**,

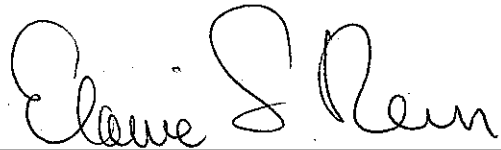
Be It Resolved, that the Administration for Children's Services has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Dannhauser of the Administration for Children's Services.

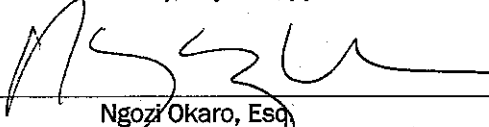
Approved unanimously on September 14, 2023.



Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee



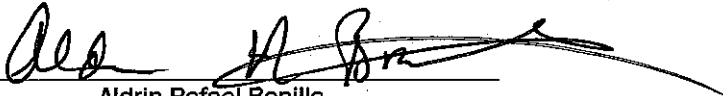
Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee



Ngozi Okaro, Esq.
Commissioner/City Council Appointee



Nicole Yearwood, MPA
Commissioner/City Council Appointee



Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

is hereby issued to

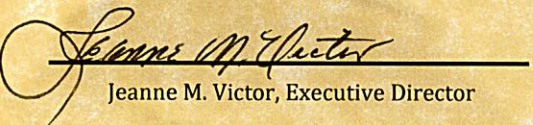
Administration for Children's Services

*for successful implementation of 11 of 11 required corrective actions,
thereby achieving compliance with the Equal Employment Practices Commission's
Employment Practices with a Focus on Underutilization
from July 1, 2020 to this date.*

On this Thursday the fourteenth of September in
the year 2023.



Aldrin Rafael Bonilla, Chair/Commissioner



Jeanne M. Victor, Executive Director

In care of Commissioner Jess Dannhauser
and Principal EEO Professional James Keys