



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/
Director of Learning and Development

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY MAIL AND EMAIL

January 11, 2019

Matilde B. Sanchez
Public Administrator
Bronx County Public Administrator
851 Grand Concourse, Suite 336
Bronx, New York 10451

Follow-up Audit Regarding Previous Non-Compliance: Review, Evaluation, and Monitoring of the Office of the Bronx County Public Administrator's Employment Practices and Procedures for the period from July 1, 2017 to June 30, 2018

Dear Public Administrator Sanchez:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the EEPC's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period from July 1, 2017 to June 30, 2018.

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

The Bronx County Public Administrator, which may herein be referred to as "the agency," falls within the EEPC's purview under Charter Chapter 36, Section 831(a), which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by



virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

The purpose of this audit and analysis is to evaluate the agency’s Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. The EEPC has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies’ EEO programs and policies for compliance with federal, state, and local laws, and regulations, policies and procedures 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, and regulations, procedures and policies including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014* (Citywide EEO Policy); New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since the EEPC is empowered to review and recommend actions that 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

The EEPC’s audit methodology includes the collection and analysis of the documents, records, and data the agency provides in response to the document and information request; responses to the *EEPC Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency’s *Annual EEO Plans*, *Quarterly EEO Reports*, and analysis of *Citywide Equal Employment Database System* (CEEDS) reports.

The EEPC reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency’s workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEPC 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 to ascertain the agency’s employment practices. Where underutilization is revealed within an agency’s workforce, the EEPC’s 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

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



Counselors, and 55-a Program Coordinators) and others involved in EEO program administration, such as the Principal Human Resources Professional, are given a three-week deadline to complete and return the PIQ. The EEPC's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Public Administrator administers estates of deceased persons. There is a Public Administrator in every county in the City of New York. The primary duty of the Public Administrator's is to administer estates that would otherwise remain unadministered; to protect the decedent's property from waste, loss, or theft; to make appropriate burial arrangements when no close relative is available to make the decisions; to conduct thorough investigations to discover all assets; to liquidate assets at public sale or distribute assets to heirs; to pay the decedent's bills and taxes; and to locate persons entitled to inherit from the estate and ensure that the legal distributees receive their inheritance. The CEEDS Report: *Work Force Composition Summary*, for Office of the Bronx County Public Administrator, attached as Appendix 1, indicated an agency headcount of seven (7) including the Public Administrator and Deputy Public Administrator.

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. A note is indicated where the application of a standard was impractical due to the agency's size and structure.

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memorandum annually 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.
 - Although subsequent to the period in review, on October 18, 2018, the Bronx County Public Administrator issued a general EEO Policy statement via email (that reminded all employees that it adopted the City's EEO Policy by stating, "[t]he City's *Equal Employment Opportunity (EEO) Policy was created to provide equal opportunity for all employees by ensuring that all workplaces in city agencies (including the Bronx Public Administrator's Office) are free of illegal discrimination...*"), the agency did not advise employees of the principal EEO Professional's contact information, or attach, or provide employees pertinent electronic links to, an EEO Policy/Handbook. **Corrective action required.**

Corrective Action #1: Issue a general EEO Policy statement or memorandum annually reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO

professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal EEO 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.
 - Although the agency adopted, distributed and posted the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014* (EEO Policy)² in December 2016, the agency did not demonstrate that during, or subsequent to, the period in review it distributed or posted an EEO Policy. **Corrective action required.**

Corrective Action #2: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal EEO 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.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO

² On December 1, 2016 the Bronx County Public Administrator informed all employees via email that the agency adopted the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014* (EEO Policy). The Bronx County Public Administrator’s email provided a link to the EEO Policy and informed employees that the EEO Policy was “*posted in the lunchroom.*” The EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination complaint investigations; and contained links to the City of New York’s *Reasonable Accommodation Procedural Guidelines 2015*(Reasonable Accommodation Procedural Guidelines), *EEO Complaint Procedural Guidelines, City of New York* (EEO Complaint Procedural Guidelines), and the City of New York’s *EEO Policy Handbook About EEO: What You May Not Know* (EEO Policy Handbook). The EEO Policy and EEO Complaint Procedural Guidelines contained current contact information for state and federal agencies that enforce laws against discrimination and also included sections on sexual harassment, reasonable accommodations, and EEO complaint procedures.

rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

- ✓ During the period in review, the agency conducted EEO trainings. Certificates of completion from February 2017 demonstrated that two of seven employees were trained in EEO via the Department of Citywide Administrative Services' (DCAS) *Equal Employment Opportunity (EEO) Computer Based Training (CBT)*.
 - The agency did not establish or implement an EEO training plan or otherwise demonstrate that during the period in review all individuals who work within the agency, including managers and supervisors; receive EEO training. **Corrective action required.**

NOTE: Certificates of completion indicate that one additional employee completed the *EEO CBT* subsequent to the period in review. In addition, certificates of completion confirm that since July 2018, all employees completed one or more of the following DCAS EEO trainings: *Sexual Harassment Prevention* (7 of 7 employees), *LGBTQ- the Power of Inclusion* (5 of 7 employees), *Everybody Matters/ Diversity and Inclusion* (3 of 7 employees), and *EEO CBT* (3 of 7 employees). The agency tracked the aforementioned trainings via its *EEO Courses Completed* spreadsheet, which detailed the EEO trainings scheduled to be completed by each employee.

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

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

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

NOTE: This standard is not applicable due to the agency's size and structure.

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) 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 employment opportunities and determine what, if any, actions are required to correct deficiencies. (e.g. underutilization or adverse impact).

NOTE: This standard is not applicable due to the agency's size and structure.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group. To the

extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

NOTE: This standard is not applicable due to the agency's size and structure.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, determine the usefulness of the selection procedures (criteria, practices, and patterns) and their relevancy to measuring suitability for the job and advertise in minority- or female-oriented media outlets; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and hire qualified candidates.

NOTE: This standard is not applicable due to the agency's size and structure.

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 media outlets, 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.

NOTE: This standard is not applicable due to the agency's size and structure.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

- The agency did not demonstrate that during the period in review, all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates, or receive a structured interview guide. **Corrective action required.**

Corrective Action #3: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions



into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

NOTE: This standard is not applicable due to the agency's size and structure.

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

NOTE: This standard is not applicable due to the agency's size and structure.

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

- ✓ During the period in review, the agency advertised for one (1) vacant *Community Associate* position, the job vacancy notice included the following statement "[t]he Public Administrator of Bronx County is an Equal Opportunity Employer."

13. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant, and recruitment source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)

- Although the agency reported that its *Agency EEO Professional/Community Associate* captured applicant/candidate information via *New York City Automated Personnel System (NYCAPS) eHire*, it did not demonstrate that it utilized *NYCAPS eHire* or another applicant/candidate tracking system. **Corrective action required.**

Corrective Action #4: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant, and recruitment source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)

IV. CAREER COUNSELING:

Determination: The standards for this subject area are not applicable to the agency.

14. Designate a professional (may be referred to as the Career Counselor) with 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.

NOTE: This standard is not applicable due to the agency's size and structure.

15. Assign the Human Resources Professional (or designee) the responsibilities to ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and to inform and involve the principal EEO Professional in the 55-a program and/or efforts to employ, promote or accommodate qualified individuals with disabilities.

NOTE: This standard is not applicable due to the agency's size and structure.

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

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

16. Utilize the Section 55-a Program, which allows City agencies to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis.

NOTE: This standard is not applicable due to the agency's size and structure.

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

- ✓ In December 2016, a link to the EEO Policy was emailed to all employees. The link provided the EEO Policy (which contained complaint investigation and reasonable accommodation procedural information) in electronic print capable of being enlarged. The agency reported that during the period in review, it received no requests for documents in alternative formats.

18. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported that during the period in review, there were no requests for reasonable accommodations. The agency's EEO Policy provided an electronic link to the Reasonable Accommodation Procedural Guidelines, which identified the roles of City agency personnel in the accommodation process. A reasonable accommodation request form was attached to the Reasonable Accommodation Procedural Guidelines to document such requests. In addition, the Reasonable Accommodation Procedural Guidelines identified that one responsibility of the EEO Officer (principal EEO Professional) is to "*maintain, with appropriate confidentiality, all accommodation requests and outcomes and supporting documentation.*"

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

✓ The agency appointed a principal EEO Professional (the Deputy Public Administrator), to implement EEO policies and standards within the agency. A certificate of completion indicated that the principal EEO Professional completed *Sexual Harassment Prevention* training in 2018.

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

Corrective Action #5: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

20. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet obligations.

➤ The agency did not demonstrate that the principal EEO Professional was provided adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet obligations during the period in review. **Corrective action required.**

NOTE: A Certificate of completion from an EEO training (*Sexual Harassment Prevention* completed in August 2018) demonstrated that, subsequent to the period in review, the principal EEO Professional was provided opportunities for continuing education and professional development. The agency also appointed support staff by means of an *Agency EEO Professional/Community Associate* (see §III.13, VI.21, VI.23), who completed *EEO CBT* (February 2017), *NYCAPS E-Hire* training (May 2017), *Sexual Harassment Prevention* (August 2018), and *LGBTQ – The Power of inclusion* (October 2018).

21. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon

request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- ✓ On December 1, 2016 the principal EEO Professional emailed all employees, including managers, supervisors, and human resources professionals, a link to the EEO Policy adopted by the agency. The EEO Policy contained a link to the EEO Complaint Procedural Guidelines, and both documents contained sections pertaining to sexual harassment and discrimination complaint investigations. The agency's organizational chart indicated that the *Agency EEO Professional/Community Associate* assisted in the implementation of the agency's EEO program and was supervised by the principal EEO Professional. Section V.C of the EEO Policy established the principal EEO Professional as responsible for "set[ting] training objectives that ensure that all agency employees receive diversity and inclusion and EEO training [and] ensur[ing] that the Policy, standards, and procedures are available in alternative formats (i.e., large print, audio tape, and/or Braille). Each agency's EEO Officer shall make a copy of these standards and procedures, and any subsequent revisions and supplemental materials, available upon request by an employee or applicant." Section C of the EEO Complaint Procedural Guidelines established "that the EEO Office [under the direction of the principal EEO Professional] is responsible for investigating the complaint [immediately and to c]omplete an investigation within 90 calendar days of the filing of the complaint."

NOTE: The agency did not receive any requests for EEO policies in alternative formats or any sexual harassment complaints.

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

- ✓ During the period in review, the principal EEO Professional (Deputy Public Administrator) reported directly to the agency head, as indicated by the agency's organizational chart.

23.Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of the EEO programs, policies or procedures.

- The agency did not demonstrate that it maintained documentation of directives or decisions between the agency head and the principal EEO Professional that impacted the administration and operation of the EEO program, policies or procedures. **Corrective action required.**

NOTE: Subsequent to the period in review, meeting minutes dated November 8, 2018, documented that the agency head, principal EEO Professional, and *Agency EEO Professional/Community Associate* met to discuss the designation of EEO roles and responsibilities during preparation of its annual EEO plan for 2019.

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

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

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

- During the period in review, the agency did not establish or administer an annual managerial or non-managerial performance evaluation program. **Corrective action required.**

Corrective Action #6: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

25. Ensure 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).

NOTE: This standard is not applicable due to the agency's size and structure.

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

26. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports³ on efforts to implement the Plan within 30 days following each quarter. Include a breakout of EEO and sexual harassment complaint activity in each quarterly report.

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

Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

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

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

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



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 seven (7) 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 blue ink, appearing to read "Pratima Doodnauth", written over a horizontal line.

Pratima Doodnauth,
EEO Research Specialist

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Virna L. Crespo, Principal EEO Professional

Appendix- 1

Public Administrator Bronx County
Workforce Composition Summary
4th Quarter of Fiscal Year 2018
(End of Audit Period)

RUN DATE: 07/03/18
 RUN TIME: 09:56:30.5

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 AGENCY 942 PUBLIC ADMINISTRATOR BRONX COUNTY

PAGE: 289
 REPORT: EBEP210

QUARTER 4 YEAR 2018

AGENCY CODE : 942 PUBLIC ADMINISTRATOR BRONX COUNTY
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
10139	DEPUTY PUBLIC ADMINISTRATOR	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
94354	PUBLIC ADMINISTRATOR	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	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	0.00	50.00	0.00	0.00	50.00	0.00	100.00	

AGENCY CODE : 942 PUBLIC ADMINISTRATOR BRONX COUNTY
 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	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
		100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 942 PUBLIC ADMINISTRATOR BRONX COUNTY
 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		
56057	COMMUNITY ASSOCIATE	0	0	0	0	0	0	0	0	4	0	0	0	0	4
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	4	0	0	0	0	4
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	100.00

AGENCY TOTAL.....:

14.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	71.43	0.00	0.00	14.29	0.00	100.00
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From: [REDACTED]
To: [REDACTED]
Subject: RE: Optional Response to the EEPC's Preliminary Determination
Date: Friday, January 25, 2019 4:43:53 PM
Attachments: [REDACTED]

January 25, 2019

Dear Ms. Doodnauth,

As requested, I am sending to you the Bronx County Public Administrator's response to your letter dated January 11, 2019.

I. Issuance, Distribution and Posting of EEO Policies

1. Corrective Action #1 has been taken. All employees have received the EEO policy statement with all the appropriate links. This is to be given out annually. On January 11, 2019, the entire staff received the policy with all the links at an EEO meeting where the policy was read and the issues were discussed.

2. EEO Policy statement has been posted and is readily available to all staff.

II. EEO Training for Agency

3. The entire staff has received EEO training on sexual harassment prevention. Additional training will be scheduled for this coming year.

111. Employment Practices

9. The Commissioner, as well as the EEO representative, Frances Santana have received such training and employ EEO policies when hiring new employees. The Deputy commissioner has not yet completed all her training. The Commissioner alone does all the hiring in this office.

13. It is not clear to me as to what the "corrective action required" is in this matter. However, when hiring, all the stated necessary action with respect to EEO are followed.

IV. Career Counseling

V. EEO Reasonable Accommodations

VI. Responsibility for EEO Plan Implementation

19. Frances Santana was trained in this area. The Deputy has received partial training.

20. The EEO Professional has received such training.

23. This office is comprised of 10 persons and there is a tremendously high work load. Minutes are not taken when the Commissioner speaks with the staff or EEO representative.

VII. Responsibility for EEO Plan Implementation

24. This has been established and will start this year.

VII. Reporting Standard for Agency Head.

26. Annual plan is to be submitted to EEPC within the next month.

This office is comprised of 10 employees. The work load is extremely high therefore, we are very short staffed. Notwithstanding that, we try to follow all rules and policies.

Frances Santana and I continue to work on these issues. If you have any further question or suggestions please contact me at any time.

Your truly,
Matilde B. Sanchez
Public Administrator for Bronx County
851 Grand Concourse, Room 336
Bronx, New York 10451



Vacant
Chair

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

Charise L. Terry
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Director of Learning and Development

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY MAIL AND EMAIL

February 7, 2019

Matilde B. Sanchez
Public Administrator
Bronx County Public Administrator
851 Grand Concourse, Suite 336
Bronx, NY 10451

Re: Resolution #2018AP/227-942-(2019)
Bronx County Public Administrator
Evaluation of Employment Practices and Procedures
Audit Period: July 1, 2017 to June 30, 2018
Determination: FINAL

Dear Public Administrator Sanchez:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for your January 25, 2019 response to our January 11, 2019 evaluation and Preliminary Determination and for the continued cooperation extended to our staff.

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for 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 (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach,

measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's Final Determination regarding the audit, review, and evaluation of the Bronx County Public Administrator's Employment Practices and Procedures.

As the Bronx County Public Administrator falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Bronx County Public Administrator's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: **March 1, 2019 to August 31, 2019**. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Bronx County Public Administrator has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Bronx County Public Administrator will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Bronx County Public Administrator is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the Bronx County Public Administrator's implementation of the final corrective action, if any, the EEPC requires that the Bronx County Public Administrator submit a final memorandum, signed by the agency head that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the Bronx County Public Administrator must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Bronx County Public Administrator will be exempt from the abovementioned compliance-monitoring period.

¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for community boards are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Conclusion

This is the EEPD's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eeepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry
Executive Director

c: Virna L. Crespo, Principal EEO Professional

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

Entity response indicating progress of its efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data the agency provided; the *EEPC Preliminary Interview Questionnaires* (PIQ) 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 data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response² (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 or memorandum annually 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.

Agency Response: The agency reported that: *"All employees have received the EEO policy statement with all the appropriate links. This is to be given out annually. On January 11, 2019, the entire staff received the policy with all the links at an EEO meeting where the policy was read and the issues were discussed."* The agency also reported that: *"EEO Policy statement has been posted and is readily available to all staff."*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #1. Please submit the EEO policy statement, with appropriate links, and documentation to demonstrate the aforementioned distribution and posting.

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 EEO 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.

² Excerpts are italicized.

Agency Response: The agency reported that: *“On January 11, 2019, the entire staff received the policy with all the links at an EEO meeting where the policy was read and the issues were discussed.”*

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #2. Please submit the EEO policy with required addenda and documentation to demonstrate the aforementioned distribution and posting.

Corrective Action #3: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Agency Response: The agency reported that: *“The Commissioner, as well as the EEO representative, . . . have received such training and employ EEO policies when hiring new employees. The Deputy Commissioner has not yet completed all her training. The Commissioner alone does all the hiring in this office.”*

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #3. Please submit documentation to demonstrate that all personnel involved in recruiting (e.g. the EEO representative and/or Deputy Commissioner) are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Corrective Action #4: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants’/candidates’ names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers’ names, result (or disposition), reason selected/not selected for each applicant, and recruitment source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant’s protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)

Agency Response: The agency reported that: *“when hiring, all the stated necessary action with respect to EEO are followed.”*

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #4. Please submit documentation demonstrating the use an applicant/candidate log or tracking system that captures the above listed criteria.

Corrective Action #5: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: The agency reported that: “[The EEO representative] was trained in this area. The Deputy has received partial training.”

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #5. Please provide documentation that the Deputy Public Administrator, who was identified as the principal EEO Professional, received training regarding city, state, and federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. If the Deputy Public Administrator is not the agency’s principal EEO professional, please provide an organizational chart identifying the principal EEO professional, and documentation demonstrating that individual received the aforementioned trainings.

Corrective Action #6: 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 agency reported that: “This [performance evaluation program] has been established and will start this year.”

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #6. Please submit documentation of the performance evaluation mechanism(s) that will be utilized by the agency in administering its performance evaluation program.

Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Agency Response: The agency reported that: “Annual plan is to be submitted to EEPC within the next month.”

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #7. Please provide the agency’s Annual Plan to demonstrate implementation of this corrective action.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2018AP/227-942-(2019)
Bronx County Public Administrator
Public Administrator Matilde B. Sanchez
Employment Practices and Procedures
DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s)	Total: 7		
Period Audit Covered	July 1, 2017 to June 30, 2018		
Preliminary Determination Issued	January 11, 2019	Response Received	January 25, 2019
Final Determination Issued	February 6, 2019	Response Due	March 6, 2019
Compliance-Monitoring	Required	March 1, 2019 to August 31, 2019	

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 practices and procedures 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 Municipal Entities and Minimum Equal Employment Opportunity Standards for 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 Bronx County Public Administrator's Employment Practices and Procedures; and

Whereas, pursuant to the audit, review, and evaluation of the Bronx County Public Administrator's Employment Practices and Procedures, the EEPC issued a Preliminary Determination, dated January 11, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Corrective Action #1: Issue a general EEO Policy statement or memorandum annually reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and

attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.

2. 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 EEO 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. Corrective Action #3: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
4. Corrective Action #4: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant, and recruitment source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)
5. Corrective Action #5: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
6. Corrective Action #6: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
7. Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

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 February 6, 2019, which indicated that the following areas required corrective action: 1, 2, 3, 4, 5, 6, 7; and

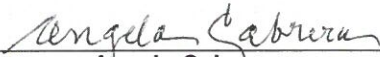
Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from March 1, 2019 to August 31, 2019 to determine whether the entity eliminated areas of non-compliance, if any; and

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 March 6, 2019, the entity is required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that 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 EEPC approves the issuance of this Final Determination to Public Administrator Matilde B. Sanchez to assign compliance-monitoring.

Approved unanimously on February 7, 2019.



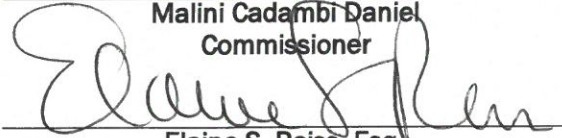
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner

absent

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

From: [REDACTED]
To: [REDACTED]
Subject: RE: Optional Response to the EEPIC's Preliminary Determination
Date: Wednesday, March 13, 2019 1:04:31 PM
Attachments: [REDACTED] bution.pdf

Hello

Pratima, I do not have the final determination and therefore, I am replying on the preliminary determination email.

Attached, please find the corrective actions required as well as the Preliminary EEO Plan FY2019 for your review. T

Pratima, I am breaking for lunch and leaving at 4pm today.

Frances Santana
HR & Personnel Coordinator
Bronx Public Administrator
851 Grand Concourse Rm. 336
Bronx, N.Y. 10451
Tel. (718) 293-7660
Fax. (718) 293-7851
fsantana@bronxpa.nyc.gov

Memo

TO: All Employees
FROM: Equal Employment Practices Commission
DATE: 8/12/2019
RE: Evaluation of Employment Practices and Procedures
Office of the Bronx County Public Administrator

The New York City Charter requires the Equal Employment Practices Commission (EEPC) to conduct an audit once every four years to ensure each City agency or municipal entity (collectively “agency”) complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

The EEPC recently concluded an audit and evaluation of the Office of the Bronx County Public Administrator’s practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and identified enhancement by means of the following:

1. Issue a general EEO Policy statement or memorandum annually reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal EEO 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. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants’/candidates’ names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers’ names, result (or disposition), reason selected/not selected for each applicant, and recruitment



source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)

5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
6. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Through successful completion of the EEPC's audit, evaluation, and monitoring processes and the aforementioned enhancements Public Administrator Sanchez reaffirms the commitment to ensuring that the Office of the Bronx County Public Administrator's employment practices encourage and maintain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency's equal employment opportunity policies.



**RESOLUTION NO.
2018AP/233-942-(2019)C28
Office of the Bronx County Public Administrator
Public Administrator Matilde B. Sanchez
Employment Practices and Procedures
DETERMINATION: COMPLIANCE**

SYNOPSIS

Corrective Action(s)	Total: 7		
Period Audit Covered	July 1, 2017 to June 30, 2018		
Preliminary Determination Issued	January 11, 2019	Response Received	January 25, 2019
Final Determination Issued	February 7, 2019	Response Received	March 13, 2019
Compliance-Monitoring	Required	March 1, 2019 to August 31, 2019 without extension	

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 Office of the Bronx County Public Administrator’s Employment Practices and Procedures; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Bronx County Public Administrator’s Employment Practices and Procedures, the EEPC issued a Preliminary Determination, dated January 11, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a general EEO Policy statement or memorandum annually reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal EEO 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. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant, and recruitment source. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
6. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

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 February 7, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6 and 7; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from March 1, 2019 to August 31, 2019, 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 March 13, 2019, the entity issued a response to the EEPC's Final Determination; and




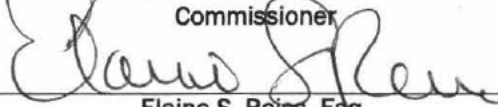
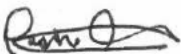
Whereas, in accordance with Charter Chapter 36, Section 832(c), the Office of the Bronx County Public Administrator was monitored until August 8, 2019; and

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 Public Administrator Matilde B. Sanchez submitted a copy of a memorandum to staff dated August 20, 2019, which recognized the EEPC's audit and reiterated commitment to the Office of the Bronx County Public Administrator's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the Bronx County Public Administrator 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 Public Administrator Matilde B. Sanchez of the Office of the Bronx County Public Administrator.

Approved unanimously on September 12, 2019.

 _____ Angela Cabrera Commissioner	 _____ Malini Cadambi Daniel Commissioner
 _____ Arva R. Rice Commissioner	 _____ Elaine S. Reiss, Esq. Commissioner
 _____ Sasha Neha Ahuja Chair	



Sasha Neha Ahuja
Chair

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/
Director of Learning and Development

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY MAIL AND EMAIL

September 12, 2019

Matilde B. Sanchez
Public Administrator
Office of the Bronx County Public Administrator
851 Grand Concourse, Suite 336
Bronx, NY 10451

Re: Resolution # 2018AP/233-942-(2019)C28
DETERMINATION: Compliance

Dear Public Administrator Sanchez:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City 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 (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and Principal EEO Professional Frances Santana for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive, flowing style.

Elaine S. Reiss, Esq.
Commissioner

C: Principal EEO Professional Frances Santana, Office of the
Bronx County Public Administrator

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

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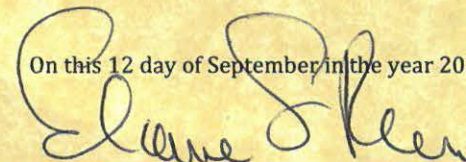
Determination of Compliance

is hereby issued to

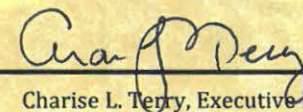
Office of the Bronx County Public Administrator

*for successful implementation of 7 of 7 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Evaluation of Employment Practices and Procedures
from July 1, 2017 to this date.*

On this 12 day of September in the year 2019,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, Executive Director

*In care of Public Administrator Matilda B. Sanchez
and Principal EEO Professional Frances Santana*