



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: City Commission on Human Rights

Agency Head: Patricia Gatling, Commissioner
EEO Officer:

Audit Period: January 2006 – December 2008

Agency Census as of December 2008: 88

Date of Preliminary Determination Letter: *August 6, 2010*
Date of Response Letter: *September 20, 2010*
Date of Final Determinations Letter: *September 30, 2010*

Compliance Initiated: *January 2011*
Compliance Completed: *July 2012*
Covering Months: *January 2011 - June 2011*

Date: July 26, 2012

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the New York City Commission on Human Rights (CCHR) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance with the CCHR in January 2011. The CCHR's final Monthly Compliance Report, due July 2011, on August 30, 2011.

The EEPC did not accept the report as final because the CCHR had not implemented required corrective action number six, conducting an adverse impact assessment. The Citywide Equal Employment Data System Workforce Compared with Internal and External Pools (CEEDS Report) for December 2009 indicated underutilization in the CCHR. The EEPC requested the CCHR submit current CEEDS data to demonstrate it had eliminated the underutilization, and state the steps taken. On July 2, 2012, the CCHR submitted supplementary documentation, which stated the efforts the CCHR made to provide equal employment opportunity for its applicants and employees. The EEPC accepted the additional documentation.

All eleven required actions were completed or accepted. The following is a summary of the compliance reports:

1. **All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)**

The CCHR assures the phrase: "The NYC Commission on Human Rights is an Equal Opportunity Employer." will be affixed to all agency recruitment literature. In addition, a memo was sent to all agency staff involved in recruitment literature publication informing them of the EEO Policy requirement to "indicate the CCHR and the City of NY is an EOE." A copy of CCHR's recent job posting with the complete EEO tagline was provided with the agency's 1st monthly compliance monitoring report.

The required action was completed and accepted in February 2011.

2. **The agency head should sign off on all final determinations concerning EEO complaint resolutions to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted. Such sign off may be in written or electronic form. (Sect. VB, EEOP and Sect. 12b, DCPIG).**

The Commissioner has agreed to sign off on all final determinations concerning EEO complaint resolutions. Through her signature the Commissioner indicates that she has reviewed, and whether or not the recommendations have been approved or adopted. There were no complaints filed with the EEO Office during the compliance monitoring period.

The response to the required action was accepted in August 2011.

3. **The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))**

The agency made a commitment to institute the recommendation as an agency procedure. There were no complaints filed with the EEO Office during the compliance monitoring period.

The response to the required action was accepted in August 2011.

4. **Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word-processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)**

The agency made a commitment to institute the recommendation as an agency procedure. There were no complaints filed with the EEO Office during the compliance monitoring period.

The response to the required action was accepted in August 2011.

5. **After the agency head reviews the confidential written report, and recommendation(s), if any, have been approved and adopted, the EEO Officer shall inform all parties in writing of the outcome of the complaint. (Sect. III, EEOP and Sect. 12b, DCPIG)**

The agency made a commitment to institute the recommendation as an agency procedure. There were no complaints filed with the EEO Office during the compliance monitoring period.

The response to the required action was accepted in August 2011.

6. **Since the EEOP requires that each agency assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the agency should conduct an assessment of its selection criteria for discretionary titles. The agency can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm>. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)**

The CEEDS Report for December 2009 indicated underutilization in the Social Worker and Lawyer job groups. The CCHR submitted the current CEEDS data, which continues to indicate underutilization in those job groups. The Social Worker job group consists of the Human Rights Specialist titles, which are hired from civil service eligibility lists. The agency also reported three additional hires in the Lawyer job group, which should have eliminated the underutilization however, that these hires were misclassified.

The response to the required action was accepted in July 2012.

7. **To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity and the type of guidance that is available, from the Career Counselor. This should be done at least once each year. (12/14/ 2006 Addendum to EEOP Standards and Procedures to Be Utilized By City Agencies (2005) and Sect. VF, EEOP)**

A memo identifying Emile St. Cyr as the agency's Career Counselor, and identifying all CCHR EEO Professionals was sent to all Commission staff on February 23, 2011. A copy of the memo was provided with the agency's 1st monthly compliance monitoring report.

The required action was implemented in February 2011.

8. **At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must**

be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

All of the five Community Service Center Directors and the Executive Director of the Law Enforcement Bureau have emphasized their commitment to the CCHR's EEO Policies and affirmed the right of each employee to file a discrimination complaint with the EEO Office during their staff meetings. Directors have been instructed to document these meetings. Documentation of the meetings was provided with agency's 5th monthly compliance monitoring report.

The required action was completed in June 2011.

9. **Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), it is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program be maintained. (Sect. VB, EEOP)**

Commissioner Gatling now requires the EEO Officer to document any contact between her office and the EEO Officer. In addition, the EEO Officer completes a monthly report and sends it to the Commissioner. Documentation of communications between the EEO Officer and agency head regarding EEO activities was provided with the agency's 1st monthly compliance monitoring report.

The response to the required action was accepted in February 2011.

10. **Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP)**

The CCHR's 2010 Annual Report included its updated organizational chart. A copy of the Annual Report was provided with the agency's 5^h monthly compliance monitoring report.

The required action was completed in June 2011.

11. **The agency head should disseminate an agency-wide memorandum informing staff about the changes that are being implemented in the CCHR's EEO program pursuant to the audit and reemphasizing the agency head's commitment to the agency's EEO program.**

The attached memorandum from Commissioner Gatling was distributed on August 9, 2011.

The required action was implemented in August 2011.

Post Compliance Monitoring

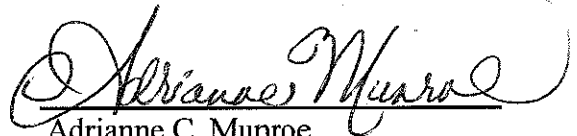
Sections 815(a)(19) and 831.d.3 of the New York City Charter empower the Commission to review the Annual Agency Specific EEO Plan adopted by the CCHR, and to recommend actions which the agency should consider including in its next annual plan. The Citywide EEO Policy holds agency heads responsible for adoption and implementation of an annual plan, which "must, at a minimum, include" its commitment to assess its selection criteria and recruitment efforts. The CCHR agency-specific EEO plan does not include the commitment to assess its selection criteria and recruitment efforts to determine whether there is an adverse impact on any group.

We recommend the Equal Employment Practices Commission recommend that the CCHR's next Annual Agency Specific EEO Plan include its commitment to assess its selection criteria and recruitment efforts to determine whether there is an adverse impact on any group.

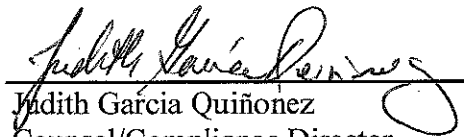
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner Patricia Gatling informing her that the EEPC has accepted the CCHR's implementation of the recommended corrective actions.

Respectfully Submitted,



Adrienne C. Munroe
Auditor/Compliance Officer



Judith Garcia Quiñonez
Counsel/Compliance Director



Charise L. Hendricks
Interim Executive Director

Attachment