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BY EMAIL

March 9, 2023

Beth Rotman
Executive Director
New York City Campaign Finance Board
100 Church Street, 12th Floor
New York, New York 10007

Re: Resolution #2022AP/264-004-(2023)C7
DETERMINATION: Compliance

Dear Executive Director Rotman:

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 New York City Campaign Finance Board's 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. The New York City Campaign Finance Board's 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 EEO and Diversity & Inclusion Officer Kirann Nesbit and Senior Counsel Joseph Gallagher 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 New York City Campaign Finance Board to ensure equal employment opportunity in the City of New York.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aldrin Rafael Bonilla".

Aldrin Rafael Bonilla
Chair/Commissioner



Enc.

- c: Kirann Nesbit, EEO and Diversity & Inclusion Officer, New York City Campaign Finance Board
Joseph Gallagher, Senior Counsel and Interim Principal EEO Professional, New York City Campaign Finance Board



Monitoring of Employment Practices with a Focus on Underutilization
RESOLUTION NO.

2022AP/264-004-(2023)C7
New York City Campaign Finance Board
Executive Director Beth Rotman
DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s):	Total: 13		
Period Audit Covered:	July 1, 2019 to December 31, 2021		
Preliminary Determination Issued:	August 11, 2022	Response Received	August 25, 2022
Final Determination Issued:	September 21, 2022	Response Received	October 21, 2022
Compliance-Monitoring:	Required	October 1, 2022 to January 31, 2023	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 New York City Campaign Finance Board’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Campaign Finance Board’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated August 11, 2022, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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.
2. Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter.
3. Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
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. 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.
8. Designate EEO or human resources professional(s) to annually assess recruitment efforts for discretionary (non-competitive class) titles to determine whether such efforts adversely impact any particular racial, ethnic, disability, or gender group.

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 an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
11. 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.
12. 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.
13. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

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 21, 2022, which indicated that the following areas required corrective action: no(s). 3, 4, 5, 7, 9, 10, 11, 12, and 13; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2022 to January 31, 2023, 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 October 21, 2022, the entity issued a response to the EEPC's Final Determination; and

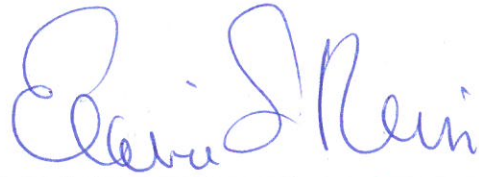
Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Campaign Finance Board was monitored until January 31, 2023; and

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 Executive Director recognized the EEPC's audit and reiterated commitment to the New York City Campaign Finance Board's equal employment practices. **Now Therefore**,

Be It Resolved, that the New York City Campaign Finance Board 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 Executive Director Beth Rotman of the New York City Campaign Finance Board.

Approved unanimously on March 9, 2023.

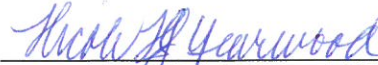


Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

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

This

Determination of Compliance

is hereby issued to

New York City Campaign Finance Board

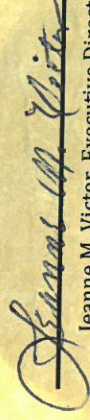
for successful implementation of 13 of 13 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Employment Practices Audit (with a focus on Underutilization)
from July 1, 2019 to this date.

In care of Beth Rotman, Executive Director
and Kirann Nesbit, EEO and Diversity & Inclusion Officer

On this ninth day of March in the year 2023,



Aldrin Rafael Bonilla, Chair/Commissioner



Jeanne M. Victor, Executive Director