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VIA EMAIL AND MAIL

April 5, 2016

Richard Buckheit, Esq.
Public Administrator
Kings County Public Administrator's Office
360 Adams Street, Room 144
Brooklyn, NY 11201

Re: Preliminary Determination: Audit, Evaluation, Monitoring of the Office of the Public Administrator of Kings County's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Public Administrator Buckheit:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering July 1, 2012 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

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



mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

The purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission 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, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act; and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

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

Scope and Methodology

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

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

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

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PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The agency's EEO Policy Statement, dated November 13, 2013, stated that it would "provide and promote equal employment opportunity in employment, compensation and other terms and conditions of employment without discrimination on the basis of actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including 'gender identity' -which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior, or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, genetic predisposition, or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking." Included in the EEO Policy Statement were the names and contact information for the agency's EEO professional, as well as an electronic link to the Employee Handbook "About

EEO: What You May Not Know", and the web address of the Department of Citywide Administration Services.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency reported that, upon being hired, new employees were provided with a copy of the *Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County*. The agency's EEO Policy included the following sections: *Reporting Violations, Withdrawing Complaints, Mediation, Concluding the Complaint Investigation, Other Places Where Complaints May Be Filed* (included are federal, state and local agencies that enforce laws against discrimination), *Requests for Reasonable Accommodations, Confidentiality* and the *Complaint Process*. The Policy included an up-to-date list of protected classes under NYC and NYS Human Rights Laws, current contact information for the agency's EEO professionals and an electronic link to the EEO Handbook: *About EEO: What You May Not Know*. Additionally, on August 12, 2014, the agency held a staff meeting wherein the aforementioned *Guidelines and Procedures*-which included an EEO Policy-was personally given to each employee.
- The agency's EEO Policy did not include, or attach as addenda, a policy against sexual harassment. **Corrective action required.**

Corrective Action #1: Include, or attach as addenda to the *Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County*, a policy against sexual harassment.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is not 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 rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ The agency reported that in September, 2014 a meeting was held by the EEO Professionals wherein all employees underwent "EEO Basics" training.

- The agency did not provide documentation that the EEO training included topics such as unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures. **Corrective action is required.**

Corrective Action #2: Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

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

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

4. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ During the period in review, the Deputy Public Administrator functioned as the principal EEO professional, principal HR Professional, and the agency's Career Counselor. In addition, the Deputy Public Administrator was also the acting Commissioner during the period of January 20, 2014 through January 2015. The agency reported that, due to its size (11 employees, see appendix -1), there is no General Counsel and they retain outside counsel where necessary. Additionally, the agency reported no employment discrimination complaints were filed during the period in review; therefore, it did not conduct a formal review of the agency's annual number of EEO complaints.
- The agency did not demonstrate that the Deputy Public Administrator reviewed the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies. **Corrective action is required.**

Corrective Action #3: The principal EEO/HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and always use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
 - ✓ The agency reported that a structured interview technique was employed when conducting interviews for the *Case Manager/Ad Hoc Investigator* positions; the questions were based on predetermined and standard criteria. The Deputy Public Administrator conducted the interviews for all applicants, and was the sole personnel involved in recruitment and hiring. The Deputy Public Administrator completed the Department of Citywide Administration Services (DCAS) *Diversity and Equal Employment Opportunity Basic Training* on November 1, 2013, and was trained to consider EEO laws/policies and to always use uniform, job-related techniques to identify, interview and select the most capable candidates.
6. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
 - ✓ The Deputy Public Administrator promoted employees' awareness of opportunities for promotion and transfer within the agency via electronic mail. On August 24, 2015, the Deputy Public Administrator sent an email to all staff informing them of the *Case Manager/Ad Hoc Investigator* job vacancy.
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ During the period in review the agency advertised three (3) vacant positions; two (2) *Case Managers/Ad Hoc Investigators* and an *Office Manager/HR Generalist*. Each of the job vacancy notices contained the EEO tagline "Office of the Public Administrator of Kings County is an Equal Opportunity Employer".
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
 - The agency did not provide documentation that it used or maintained an applicant/candidate log or tracking system during the period in review. **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, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

9. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ During the period in review, the Deputy Public Administrator also functioned as the Career Counselor. The responsibilities of the Deputy Public Administrator included: *ensuring all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings*".
 - The agency did not demonstrate that-during the period in review-the designated professional had training, knowledge and familiarity with career opportunities in City government, or that employees were informed of the identity/type of guidance available from the Career Counselor at least once each year. **Corrective action is required.**

Corrective Action #5: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.

10. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The Deputy Public Administrator (the agency's principal EEO/HR Professional) was responsible for being aware of the number of 55-a program participants, efforts the agency made to employ, promote and accommodate qualified individuals with disabilities and was directly involved in EEO related matters (see §III.4). On October 5, 2015, the agency's Deputy Public Administrator distributed to all staff a list of civil service examinations open for filing.
 - The agency did not provide documentation that the Deputy Public Administrator ensured that all employees have access to information regarding job responsibilities, performance evaluation standards and training opportunities. **Corrective action is required.**

Corrective Action #6: Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities and job postings;

ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.

**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.

11. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
 - ✓ The agency reported that, during the period in review, information regarding employee rights, obligations, complaint, investigation and reasonable accommodation procedures were made available in large print, upon request to employees and applicants for employment with disabilities.
12. Document reasonable accommodation requests and their outcomes.
 - ✓ The agency reported that, during the period in review, there were no requests for reasonable accommodation. In addition, the agency's reasonable accommodation request policy states that *"request for reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who received the request"*.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

13. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
 - ✓ The agency appointed the Deputy Public Administrator as the principal EEO Professional to implement EEO policies and standards within the agency. The Deputy Public Administrator completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service (DCAS): Citywide Diversity and Equal Employment Opportunity, in July, 2014. The agency reported that the Deputy Public Administrator was trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
14. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

- ✓ In addition to the principal EEO Professional, whose training is outlined above, the agency selected a co-EEO professional to assist with EEO related duties. The co-EEO professional also completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service (DCAS): Citywide Diversity and Equal Employment Opportunity, in July, 2014.

15. 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.

NOTE: During the period in review, the Deputy Public Administrator functioned as principal EEO Professional as well as the Agency Head (See §III.4).

16. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

NOTE: During the period in review, the Deputy Public Administrator functioned as principal EEO Professional as well as the Agency Head (See §III.4).

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

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

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

- The agency did not establish an annual managerial/non-managerial performance evaluation program. **Corrective action is required.**

Corrective Action #7: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

18. 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: The Deputy Public Administrator was the only manager employed at the agency during the period in review; therefore, no further analysis was conducted in this area.

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is not in compliance with the standards for this subject area.

19. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

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

Corrective Action #8: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

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.

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 8 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).

² Submission of Quarterly Reports on EEO Activity is *optional* for non-Mayoral agencies.



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

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

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

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Nathan P. Conway".

Nathan P. Conway, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Aaishatu Glover, Principal EEO Professional

Appendix - 1

Office of the Kings County Public Administrator

Statistical Profile of Agency Workforce
(End of audit period)

Statistical Profile of Agency Workforce

Number of Employees End of Audit Period	
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Male	<u>4</u>
Female	<u>7</u>

White	<u>4</u>
Black	<u>5</u>
Hispanic	<u>2</u>
Asian	_____
Native American	_____
Unknown	_____

Total # of Employees	<u>11</u>
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FINAL DETERMINATION
04/21/2016

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EEO: What You May Not Know", and the web address of the Department of Citywide Administration Services.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency reported that, upon being hired, new employees were provided with a copy of the *Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County*. The agency's EEO Policy included the following sections: *Reporting Violations, Withdrawing Complaints, Mediation, Concluding the Complaint Investigation, Other Places Where Complaints May Be Filed* (included are federal, state and local agencies that enforce laws against discrimination), *Requests for Reasonable Accommodations, Confidentiality* and the *Complaint Process*. The Policy included an up-to-date list of protected classes under NYC and NYS Human Rights Laws, current contact information for the agency's EEO professionals and an electronic link to the EEO Handbook: *About EEO: What You May Not Know*. Additionally, on August 12, 2014, the agency held a staff meeting wherein the aforementioned *Guidelines and Procedures*-which included an EEO Policy-was personally given to each employee.
- The agency's EEO Policy did not include, or attach as addenda, a policy against sexual harassment. **Corrective action required.**

Corrective Action #1: Include, or attach as addenda to the *Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County*, a policy against sexual harassment.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is **not 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 rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ The agency reported that in September, 2014 a meeting was held by the EEO Professionals wherein all employees underwent "EEO Basics" training.

- The agency did not provide documentation that the EEO training included topics such as unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures. **Corrective action is required.**
Corrective Action #2: Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

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

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

4. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ During the period in review, the Deputy Public Administrator functioned as the principal EEO professional, principal HR Professional, and the agency's Career Counselor. In addition, the Deputy Public Administrator was also the acting Commissioner during the period of January 20, 2014 through January 2015. The agency reported that, due to its size (11 employees, see appendix -1), there is no General Counsel and they retain outside counsel where necessary. Additionally, the agency reported no employment discrimination complaints were filed during the period in review; therefore, it did not conduct a formal review of the agency's annual number of EEO complaints.
- The agency did not demonstrate that the Deputy Public Administrator reviewed the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies. **Corrective action is required.**

Corrective Action #3: The principal EEO/HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and always use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
 - ✓ The agency reported that a structured interview technique was employed when conducting interviews for the *Case Manager/Ad Hoc Investigator* positions; the questions were based on predetermined and standard criteria. The Deputy Public Administrator conducted the interviews for all applicants, and was the sole personnel involved in recruitment and hiring. The Deputy Public Administrator completed the Department of Citywide Administration Services (DCAS) *Diversity and Equal Employment Opportunity Basic Training* on November 1, 2013, and was trained to consider EEO laws/policies and to always use uniform, job-related techniques to identify, interview and select the most capable candidates.
6. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
 - ✓ The Deputy Public Administrator promoted employees' awareness of opportunities for promotion and transfer within the agency via electronic mail. On August 24, 2015, the Deputy Public Administrator sent an email to all staff informing them of the *Case Manager/Ad Hoc Investigator* job vacancy.
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ During the period in review the agency advertised three (3) vacant positions; two (2) *Case Managers/Ad Hoc Investigators* and an *Office Manager/HR Generalist*. Each of the job vacancy notices contained the EEO tagline "Office of the Public Administrator of Kings County is an Equal Opportunity Employer".
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
 - The agency did not provide documentation that it used or maintained an applicant/candidate log or tracking system during the period in review. **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, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

9. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ During the period in review, the Deputy Public Administrator also functioned as the Career Counselor. The responsibilities of the Deputy Public Administrator included: *ensuring all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings*.
 - The agency did not demonstrate that during the period in review the designated professional had training, knowledge and familiarity with career opportunities in City government, or that employees were informed of the identity/type of guidance available from the Career Counselor at least once each year. **Corrective action is required.**

Corrective Action #5: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.

10. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The Deputy Public Administrator (the agency's principal EEO/HR Professional) was responsible for being aware of the number of 55-a program participants, efforts the agency made to employ, promote and accommodate qualified individuals with disabilities and was directly involved in EEO related matters (see §III.4). On October 5, 2015, the agency's Deputy Public Administrator distributed to all staff a list of civil service examinations open for filing.
 - The agency did not provide documentation that the Deputy Public Administrator ensured that all employees have access to information regarding job responsibilities, performance evaluation standards and training opportunities. **Corrective action is required.**

Corrective Action #6: Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities and job postings;

ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.

**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.

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

- ✓ The agency reported that, during the period in review, information regarding employee rights, obligations, complaint, investigation and reasonable accommodation procedures were made available in large print, upon request to employees and applicants for employment with disabilities.

12. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported that, during the period in review, there were no requests for reasonable accommodation. In addition, the agency's reasonable accommodation request policy states that *"request for reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who received the request"*.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

- ✓ The agency appointed the Deputy Public Administrator as the principal EEO Professional to implement EEO policies and standards within the agency. The Deputy Public Administrator completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service (DCAS); Citywide Diversity and Equal Employment Opportunity, in July, 2014. The agency reported that the Deputy Public Administrator was trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

14. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

- ✓ In addition to the principal EEO Professional, whose training is outlined above, the agency selected a co-EEO professional to assist with EEO related duties. The co-EEO professional also completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service (DCAS): Citywide Diversity and Equal Employment Opportunity, in July, 2014.

15. 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.

NOTE: During the period in review, the Deputy Public Administrator functioned as principal EEO Professional as well as the Agency Head (See §III.4).

16. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

NOTE: During the period in review, the Deputy Public Administrator functioned as principal EEO Professional as well as the Agency Head (See §III.4).

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

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

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

- The agency did not establish an annual managerial/non-managerial performance evaluation program. **Corrective action is required.**

Corrective Action #7: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

18. 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: The Deputy Public Administrator was the only manager employed at the agency during the period in review; therefore, no further analysis was conducted in this area.

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is not in compliance with the standards for this subject area.

19. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

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

Corrective Action #8: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

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.

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 8 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).

² Submission of Quarterly Reports on EEO Activity is *optional* for non-Mayoral agencies.



FINAL DETERMINATION
04/21/2016

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

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

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

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Nathan P. Conway".

Nathan P. Conway, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Aaishatu Glover, Principal EEO Professional

FINAL DETERMINATION
04/21/2016

Appendix - 1

Office of the Kings County Public Administrator

Statistical Profile of Agency Workforce
(End of audit period)

FINAL DETERMINATION

04/21/2016

Statistical Profile of Agency Workforce

Number of Employees End of Audit Period	
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Male	<u>4</u>
Female	<u>7</u>

White	<u>4</u>
Black	<u>5</u>
Hispanic	<u>2</u>
Asian	_____
Native American	_____
Unknown	_____

Total # of Employees	<u>11</u>
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**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2016/943: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Kings County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Whereas, pursuant to Chapter 36, Section 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Kings Public Administrator (KCPA) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County, a policy against sexual harassment.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. The principal EEO/HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
5. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities and job postings; ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.
7. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
8. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC issued a Final Determination on April 26, 2016 which indicated that corrective action(s) nos. 1, 2, 3, 4, 5, 6, 7 and 8 require compliance monitoring; and

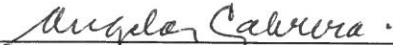
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPCC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

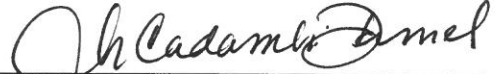
Whereas, all of the EEPCC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved that the Commission will forward this Final Determination to Public Administrator Richard Buckheit, Esq. of the Office of the Kings County Public Administrator.

Approved unanimously on June 16, 2016.



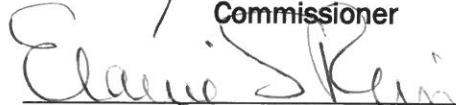
Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner

Office of the
PUBLIC
ADMINISTRATOR
of Kings County



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Richard A. Buckheit, Esq.
Commissioner

Aaishatu Glover, MS, MBA
Deputy Commissioner

MAY 12 2016 PM 2:20

Charise L. Terry, PHR
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

May 10, 2016

Re: Audit Resolution #: 2016/943

Dear Ms. Terry,

I am writing to you in response to your letter of April 21, 2016 containing the NYC Equal Employment Practices Commission's final determination pursuant to the Review, Evaluation and Monitoring of the Office of the Public Administrator of Kings County. Below please find the corrective actions taken in response to your findings.

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Action #1-I have provided all staff members a copy of the current Equal Employment Opportunity Policy Standards and Procedures Manual along with a link to the handbook, About EEO: what you May Not Know. The Policy and Procedure Manual contains the office policy against sexual harassment.

II. EEO TRAINING FOR AGENCY

Action #2- I've been in contact with Danielle Barrett from DCAS to schedule an staff EEO training session to ensure that all Kings County Public Administrator employees receive training on unlawful discriminatory practices, EEO laws, EEO rights and/or

responsibilities, discrimination complaint and investigation procedures; prevention of sexual harassment and reasonable accommodation procedures. Newly hired employees will be required to attend EEO training sessions.

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion)

Action #3- The principal EEO/HR Professional reviewed the agency's statistical information and employment practices, policies and programs for the time period covered in the audit and found no deficiencies. Going forward the agency's statistical information and hiring practices, policies and programs will be reviewed on an annual basis.

Action #4- We have developed an applicant/candidate log which includes: position, candidates' name, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected of each applicant and recruitment source. Going forward the agency's statistical information will be updated on an ongoing basis.

IV. CAREER COUNSELING

Action #5- A Career Counselor will be designated for our agency. However due to the limited size of the agency the Career Counselor will also have to serve as the Principal EEO/HR Professional. Subsequent to the timeframe covered by the audit the agency implemented procedures alerting employees to job postings.

V. EEO AND REASONABLE ACCOMMODATION SRO EMPLOYEES. APPLICANTS FOR EMPLOYMENT WITH DISABILITIES

No action required

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – EEO PROFESSIONALS

No action required

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION –
SUPERVISORS/MANAGERS

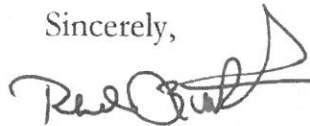
An annual managerial/non-managerial performance evaluation program will be implemented as circumstances permit.

VIII. REPORTING STANDARD FOR AGENCY HEAD

Action #8- A Plan and Report of Measures and Programs to provide equal employment opportunity to staff members will be submitted to EEPC on an annual basis.

I am confident that the above fully addresses the findings of your EEO Audit as described in your letter dated April 21, 2016. If you have any questions or would like additional information concerning my responses please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Buckheit", with a stylized flourish at the end.

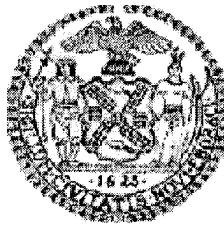
Richard Buckheit

Commissioner

Public Administrator King's County

(718) 643-3106

*Office of the
**PUBLIC
ADMINISTRATOR**
of Kings County*



Richard A. Buckheit, Esq.
Commissioner

Aaishatu Glover, MS, MBA
Deputy Commissioner

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MEMORANDUM

To: KCPA Staff Members
From: Richard A. Buckheit *pub*
Subject: EEO Program
Date: January 13, 2017

Pursuant to the New York City Equal Employment Practices Commission's audit, review, evaluation and monitoring of the Office of the Kings County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015 and to ensure all employees are valued and treated fairly, in accordance with Federal, New York State and City policies and laws, the office of KCPA is committed to maintaining a diverse and congenial work environment through diversity and inclusion practices. Below are changes implemented to our EEO program pursuant to the EEPC audit.

On September 6, 2016, the agency's principal EEO Professional, Deputy Commissioner Aaishatu Glover, provided all staff members with a copy of the current EEOP Policy Standards and Procedures Manual including the office policy against sexual harassment. The EEOP Policy and Standards Manual is available on the Agency's shared drive labeled: "EEOP Standards and Procedures". The handbook "About EEO: What You May Need to Know" is available at the following link:
<http://www.nyc.gov/html/dcas/html/about/eoo>

All employees are required to complete the DCAS Computer Based Training which includes instruction on unlawful discriminatory practices under local, state and federal EEO laws; EEO Rights and/or responsibilities discrimination complaint and investigation procedures; prevention of sexual harassment and reasonable accommodation procedures. All employees on staff as of September 13, 2016 completed this training.

The agency maintains statistical information (i.e workforce, hires, promotions, and separations by race ethnicity and gender), policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and to determine what, if any, corrective actions are required in order to correct deficiencies. A copy of the review of the statistical profile was provided to EEPC on October 27, 2016.

The agency also maintains an "applicant candidate log" which includes: applicant/candidates name; position; candidates' name, identification number, ethnicity, gender, disability or veteran status,

interview date, interviewer's name; result, season selected/not selected of each applicant candidate and recruitment source.

The agency has a designated professional Career Counselor with the appropriate training, knowledge, and familiarity with career opportunities in City government to provide career counseling to employees upon request. The agency's Career Counselor is Deputy Commissioner Aaishatu Glover. Staff members will be notified annually of the availability of a Career Counselor.

The agency maintains "Guidelines and Procedures for the Operations of the Office of the Public Administrator of Kings County" This procedure contains information regarding job responsibilities, performance evaluation standards, training opportunities and job postings.

The agency has established an annual managerial/non managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training. Performance evaluations will be conducted on an annual calendar basis (January 1 to December 31). On January 10, 2017 the agency distributed Tasks and Standards to each staff member describing each person's job responsibilities.

Please feel free to see either me or Deputy Commissioner Glover with any questions you may have concerning the above.

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

RESOLUTION #2017AP/943C-28: Determination of **Compliance** (Monitoring Period Required) by the Office of the Kings County Public Administrator with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Office of the Kings County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the Kings County Public Administrator's (KCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the Guidelines and Procedures for the Operations of the Office of the Public Administrators of Kings County, a policy against sexual harassment.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. The principal EEO/HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

5. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities and job postings; ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.
7. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
8. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports¹ (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the KCPA did not submit a response to the EEPD's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD issued the Final Determination on April 21, 2016, which indicated that corrective actions nos. 1 through 8 require compliance monitoring; and

Whereas, the KCPA submitted its response to the EEPD's final determination letter, on May 12, 2016 and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the agency's implementation of the remaining corrective actions from May 2016 - October 2016, with an extension of the monitoring period requested on October 28, 2016 ; and

Whereas, at the EEPD's request pursuant to Section 815.a.(15) of the New York City Charter, the KCPA submitted a copy of the agency head's memorandum to staff dated January 13, 2017, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to the agency's EEO Program; and

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

Be It Resolved, that the Office of the Kings County Public Administrator has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

¹ Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.

Be It Resolved, that the Commission approves issuance of the Determination of Compliance to Public Administrator Richard A. Buckheit, Esq., of the Office of the Kings County Public Administrator.

Approved unanimously on February 16, 2017.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner (Absent)



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

Charise L. Terry, PHR
Executive Director

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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

February 16, 2017

Richard Buckheit, Esq.
Public Administrator
Kings County Public Administrator's Office
360 Adams Street, Room 144
Brooklyn, NY 11201

Re: Resolution #2016AP/942C-28: Determination of Agency Compliance

Dear Public Administrator Buckheit:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Office of the Kings County Public Administrator. This Commission has determined that the Office of the Kings County Public Administrator has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Deputy Public Administrator Aisha Glover for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Malini Cadambi Daniel". The signature is fluid and cursive, with the first name "Malini" being the most prominent part.

Malini Cadambi Daniel
Commissioner

c: Aisha Glover, Deputy Public Administrator/Principal EEO Professional

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

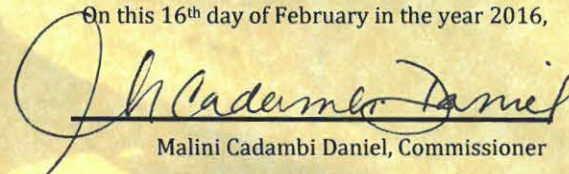
Determination of Compliance

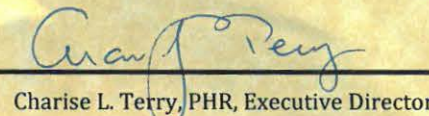
is issued to

Office of the Kings County Public Administrator

*for successfully implementing 9 of 9 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practice and Procedures Audit From July 1, 2012 to this date.*

On this 16th day of February in the year 2016,


Malini Cadambi Daniel, Commissioner


Charise L. Terry, PHR, Executive Director

*In care of Public Administrator Richard
Buckheit, Esq. and Principal EEO
Professional Aaishatu Glover*