



**Office of Administrative Trials and Hearings (OATH)  
Diversity and Equal Employment Opportunity Plan  
Fiscal Year 2021**

**I. Introductory, Commitment and Accountability Statement by the Agency Head**

Recognizing that its workforce is OATH's greatest asset, leadership is committed to recruitment, development, and retention of a diverse and inclusive workforce reflective of our City's population. When we value our differences, we build stronger teams driving the best performance. We expect all managers and supervisors to actively promote a safe, equitable and inclusive work environment that demonstrates dignity and respect for all employees.

I will hold the EEO Officer, all EEO professionals, human resource professionals, legal professionals, managers and supervisors accountable for creating a work environment that treats everyone with respect and dignity by, among other things, ensuring the agency does not discriminate in employment but actively supports OATH's diversity and inclusion initiatives.

All agency staff are accountable for complying with the City's EEO Policy and implementing the FY 2020 Diversity and EEO Plan.

During FY 2021, I will issue a Commitment Statement to all agency employees that affirms the principles of diversity, inclusion, and equal employment opportunity and acts as a guide to managers and supervisors by communicating our dedication to these principles.

Accountability will be driven by leadership review of strategic planning, critical human resource decisions, recruitment strategies, vacancy projections, succession planning, and training/career development opportunities.

My leadership team will implement the objectives and actions of this plan and work to create a diversity and inclusion strategy based upon guidance provided by the DCAS Office of Citywide Equity and Inclusion (OCEI). Leadership will conduct discussions throughout the year, coinciding with the issuance of our quarterly workforce reports, and will review our achievements at the end of the fiscal year.

OATH will report to DCAS on the steps undertaken to comply with all legal mandates including Executive Orders and laws prohibiting employment discrimination in New York City. OATH will also disseminate and post legal notices and policies as required.

OATH's EEO Officer, **Sharina DeRoberts**, will serve as a resource for managers and supervisors by providing best practices and direction in addressing EEO issues. The EEO Officer's contact information will be prominently available to all employees. Employees will be encouraged to contact the EEO Officer with any questions, inquiries, concerns or complaints regarding the EEO Policy.

**This statement is the same as last year.**

**II. Recognition and Accomplishments**

In the past year our agency accomplished the following as part of our commitment to Equal Employment Opportunity, Equity, Diversity, and Inclusion:

1. In FY 2020, OATH showed no underutilization of Women and Minorities in our workforce.
2. In FY 2020, OATH created its *OATH to Mentor* Program where senior-level and managerial employees were matched with a mentee to provide leadership guidance and professional development for a period of 6 months.
3. In FY 2020, OATH recognized employees who went above and beyond during the COVID pandemic by presenting them with certificate of service awards.

The agency recognizes employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity through the following:

- Diversity & EEO Awards\*
- Diversity and EEO Appreciation Events\*
- Public Notices
- Positive Comments in Performance Appraisals
- Other:   OATH recognizes employees in our “Employee Spotlight” section of our monthly newsletter and by providing certificate of service awards for exceptional service.

*\* Please specify under “Additional Comments”*

The agency will continue to recognize employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity in FY 2021.

*Additional Comments:*

**III. Workforce Review and Analysis**

**Please provide the total agency headcount as of 6/30/2020**

**(available in the EBEP210 CEEDS report):**       699      

1. Describe steps taken to encourage all employees at your agency to update self-ID information regarding race/ethnicity, gender, and veteran status through either NYCAPS Employee Self Service (ESS) or other means.

In FY 2021, the agency will remind and encourage its employees to update self-ID information regarding race/ethnicity, gender, and veteran status through any of the following means:

- NYCAPS ESS (by email; strongly recommended every year)
- Agency’s intranet site
- Newsletters and internal Agency Publications
- On-boarding of new employees

*Additional Comments:*

In FY 2021, OATH’s Employee Newsletter will continue to highlight individual employees who have made positive contributions in the workplace or in the community.

- Describe the review process of the quarterly CEEDS reports on workforce composition, utilization, new hires and promotions data presented in your quarterly agency workforce dashboard and/or internal workforce reporting. Describe how your agency’s EEO Officer, Personnel Officer and Agency Head work together to review demographic trends. These reports must be reviewed regularly with the Agency Head.

**NOTE:** If necessary, the agency can reach out to DCAS OCEI for guidance on interpreting their underutilization reports. However, it is the agency’s responsibility to use that data to inform the formulation of its recruitment plans and efforts.

The agency conducts regular reviews of the CEEDS workforce reports and the summary dashboard sent to the EEO Officer by DCAS’ Office of Citywide Equity and Inclusion (OCEI) to provide demographic data and trends. The review includes an analysis of workforce composition by job title, job group, race/ethnicity and gender for all employees; new hires, promotions and separation data; and utilization analysis.

Reviewed with	Frequency
Human Resources	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
General Counsel	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
Agency Head	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
Other (Chief of Staff)	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____

The agency review entails a discussion concerning perceived workplace barriers for job groups that may surface in underutilization reports and for factors that may be creating these barriers (e.g., hiring patterns in specific job titles).

The agency reaches out to DCAS to serve as a resource in identifying strategies and best practices to address barriers to entry as well as to receive guidance concerning the interpretation of underutilization reports.

*Additional Comments:*

#### IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2021

##### 1. Proactive Strategies to Enhance Diversity, EEO and Inclusion

**State below the central goals of your strategy for FY 2021 focused on promoting equity, increasing diversity, assuring equal employment opportunity, and enhancing the value of inclusion at your agency. Include initiatives that your agency will implement in FY 2021.**

- Workforce:** The Agency will continue to review our CEEDS Reports quarterly and be mindful of any underutilization reported. If necessary, the Agency will re-examine our recruitment sources to address any underutilization. In FY 2021, the Agency will continue its *OATH to Mentor* program to strengthen our workforce and create a more supportive work environment.
- Workplace:** The Agency will continue to promote a safe and inclusive work environment. In March 2020, the Agency conducted its first Leadership Retreat which centered around dignity and respect for all. In FY 2021, we will continue to promote this message to all employees and encourage a positive workplace culture. The Agency will continue to provide leadership training using valuable resources we already have such as the Center for Creative Conflict Resolution (CCCR).
- Community:** In the Summer of 2020, OATH collaborated with the CCCR and the Office of Nightlife at the Mayor’s Office of Media and Entertainment and created MEND NYC. MEND NYC is a new citywide initiative that provides free mediation and conflict resolution services to address a number of neighborhood disputes that impact New Yorkers every day. This program is an opportunity to create direct communication and compromise, establishing respectful and ongoing relationships that help New Yorkers co-exist peacefully in their communities while ensuring that small businesses thrive. OATH will continue with this initiative in FY 2021.

2. Describe the ongoing and new programs, actions, and initiatives planned for FY 2021, that are aimed toward innovative enhancement and expansion of the three foundations of Diversity and EEO strategy: **Workforce, Workplace, and Community.**

**A. Workforce:**

**In addition to the strategic goals above, please indicate here specific action planned with respect to Workforce.**

**NOTE:** Please address the specific recruitment, selection and promotion strategies, sources and procedures in Sections V and VI, below.

**The actions listed below require internal agency collaboration and are not necessarily executed by the EEO Office.**

The agency will address underutilization in FY 2021 by:

- Expanding internal and external applicant pools to address the underutilization through outreach strategies for broader recruitment.
- Using the quarterly workforce report and dashboard to identify specific job groups where underutilization exists and guide recruitment efforts.

The agency will implement the following strategies to address the impending retirement of employees and possible loss or gap in talent:

- Job analysis and skills audit.
- Conduct workforce planning and forecasting.
- Integrate succession planning in the agency activities to develop a pipeline, facilitate a seamless transition and continuity of service.
- Ensure that there will be a diverse applicant pool for the anticipated vacancies.
- Evaluate best sources for diverse candidates
- Encourage agency employees to take promotional civil service examinations.

The agency will implement the following initiatives to develop and retain employees:

- Identification of Ready Now & High Potential Talent.
- Institute coaching, mentoring and cross training programs.
- Institute succession planning for top managerial positions.
- Implement initiatives to improve the personal and professional development of employees.

*Additional Initiatives, Programs, or Comments:*

OATH to Mentor program launched in September 2020 and will continue in FY 2021.

OATH regularly administers Continuing Legal Education (CLE) programs for the Administrative Law Judges, Hearing Officers and attorneys which include a substantive law program but also programs on conflict resolution, diversity and inclusion, access to justice, judicial writing and decision making, trial skills and ethics.

**B. Workplace:**

**In addition to the strategic goals above, please indicate here specific actions planned with respect to Workplace.**

The agency will take initiatives to create an inclusive work environment that values differences, and to maintain focus on retaining talent across all levels.

Promote employee involvement by supporting Employee Resource Groups (ERGs).

The agency will create a Diversity Council to leverage equity and inclusion programs.

In FY 2020, the agency conducted the following survey(s) to improve the recruitment, hiring, inclusion, retention and advancement of people in underrepresented groups:

Engagement /Job Satisfaction/ Employee Morale Survey(s)

Workplace Insight Survey for Exiting (WISE) Managers

Exit interview or surveys developed by the agency

The agency will adopt in FY 2021 the following initiatives based on the analysis of the results of these survey(s):

1. In FY 2021, the Agency plans to implement changes to its policy and procedures in response to a survey conducted of employees to enhance equity at OATH. These initiatives include a pilot study of “name-blind recruitment” methods, direct involvement from the Commissioner and Chief of Staff on all hiring and promotions decisions, add “advancement readiness” section in the performance evaluation process.

2. The Agency will also put in place a Performance Improvement Plan (PIP) so that employees can receive ongoing feedback from their supervisors on their performance and give them an opportunity to improve areas before they are evaluated during their annual performance evaluation.

*Additional Initiatives, Programs, or Comments:*

### C. Community:

In addition to the strategic goals above, please indicate here specific actions planned with respect to Community.

In FY 2021, the agency will:

Continue or plan to promote diversity and EEO community outreach in providing government services

Promote participation with minority and women owned business enterprises (MWBES).

Conduct a customer satisfaction survey.

Identify best practices for establishing a brand of inclusive customer service.

Undertake initiatives to improve community relations, community awareness, and to engage communities being served in recruitment efforts, service development and delivery.

*Additional Initiatives, Programs or Comments:*

## V. Recruitment

### A. Recruitment Efforts

1. Summary of Recruitment Efforts – Include steps that will be taken to give notice to all employees of discretionary job postings within the agency as well as proactive efforts/strategies planned to market positions externally.

The agency will implement the following recruitment strategies and initiatives in FY 2021:

- Review policies, procedures, and practices related to targeted outreach and recruitment.
- Review underutilization in job groups to inform recruitment efforts.
- Identify resources to bolster efforts aimed at increasing the effectiveness of diversity recruitment.
- Put in place an operating, up-to-date, accessible website, mobile application and social media presence related to EEO protection and rights.
  - Currently in operation.
- Assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.
- Share job vacancy notices with the Mayor’s Office for People with Disabilities at [nycatwork@mopd.nyc.gov](mailto:nycatwork@mopd.nyc.gov), (212) 788-2830 and ACCES VR by sending the job vacancy notices to Maureen Anderson at [Maureen.Anderson@nysed.gov](mailto:Maureen.Anderson@nysed.gov) (212) 630-2329 so they can share it with their clients.
- Reach out to the DCAS Office of Citywide Recruitment (OCR) as a resource at [citywiderecruitment@dcas.nyc.gov](mailto:citywiderecruitment@dcas.nyc.gov)
- If your agency is an eHire agency, post ALL vacancies on NYC Careers.
- Ensure that agency personnel involved in both the discretionary and the civil service hiring process have received:
  - Structured Interviewing training
  - Unconscious Bias training
- Assess recruitment efforts to determine whether such efforts adversely impact any particular group.

*Additional Strategies, Initiatives and Comments:*

Diverse Recruitment Source(s)	What sort of return do you expect to see from the effort? Indicate if this source yielded sufficiently large and diverse applicant pools.
1. Posting on NYC Careers-NYCAPS	1. <input checked="" type="checkbox"/> Previous hires from this source
2. Posting on our OATH website	2. <input checked="" type="checkbox"/> Previous hires from this source
3. Posting on Internal Bulletins-Current employees only	3. <input checked="" type="checkbox"/> Previous hires from this source
4. City Bar Associations and Professional Organizations, including Ethnic Bar Associations, Network of Bar Leaders (NBL)	4. <input checked="" type="checkbox"/> Previous hires from this source

5. Law Student Groups such as the National Black Student Association, National Latino/a Law Student Association, Hispanic National Bar Association, (Student Division), and the National South Asian Law Student Association	5. <input checked="" type="checkbox"/> Previous hires from this source
6. ACCESS-VR, Department of Veteran Services, MOPD	6. <input checked="" type="checkbox"/> Previous hires from this source

**B. Internships/Fellowships**

Indicate the type of internship/fellowship opportunities available at your agency. Please provide the number of student interns/fellows employed in FY 2020 and their demographic profiles, based on self-ID data. Indicate your plans to provide internship/fellowship opportunities in FY 2021.

The agency provided the following internship opportunities in FY 2020:

Type of Internship\Fellowship	Total	Race/Ethnicity *[#s] * Use self-ID data	Gender * [#s] * Use self-ID data
1. Urban Fellows			M __ F__ Non-Binary __ Other __ Unknown __
2. Public Service Corps			M __ F__ Non-Binary __ Other __ Unknown __
3. Summer College Interns			M __ F__ Non-Binary __ Other __ Unknown __
4. Summer Graduate Interns	4	W	M _1_ F_3_ Non-Binary __ Other __ Unknown __
5. Other (specify):			M __ F__ Non-Binary __ Other __ Unknown __

**\* Self-ID data is obtained by EEO Office from NYCAPS.**

The agency will utilize the internship/fellowship programs to improve a pipeline of candidates from underutilized groups for entry-level positions, including in mission-critical occupations.

The agency has hired former interns/fellows.

The agency plans to provide internship/fellowship opportunities in FY 2021.

*Additional Comments:* In 2015, OATH created the Judge Richard C. Failla OATH Law Clerk Fellowship in honor of OATH’s first Chief Administrative Law Judge. Judge Failla was appointed in 1978. He established the standards which continue to guide OATH to the present day, including a commitment to professionalism, fairness and equality. After serving at OATH, Judge Failla became the first openly gay person to be appointed to the New York City Criminal Court and he was later elected to the Supreme Court of the State of New York. Failla Fellows are recent law school graduates who perform research and draft decisions for Administrative Law Judges at OATH's Trial Division.

**C. 55-a Program**

Section 55-a of the New York State Civil Service Law allows a qualified person with a certified mental or physical disability to be hired into a competitive civil service position without having to take a civil service examination. The City encourages agencies to use the 55-a program as a tool to build a diverse workforce and create greater access to City employment for qualified candidates with disabilities.

1. Please discuss plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities.

The Agency is committed to the 55-A Program. During the on-boarding process, all employees are provided with 55-A information and are encouraged to reach out to the 55-A coordinator for further guidance. The Agency will disseminate 55-A information for current employees through our monthly newsletter.

Agency uses mostly non-competitive titles which are not eligible for the 55-a Program.

2. Indicate the goals of your 55-a Program Coordinator for FY 2021. Also include your agency plans to do the following: participate in career and job fairs; use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants; and promote and encourage 55-a program participants to take civil service examinations.

The agency uses the 55-a Program to hire and retain qualified individuals with disabilities and plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities in FY 2021.

Currently, there are   2   [number] 55-a participants.

There are   0   [number] participants who have been in the program less than 2 years.

Last year, a total of   0   [number] new applications for the program were received and   0   participants left the program due to [state reasons] \_\_\_\_\_.

If there have been no new participants in the program for less than two years, please indicate initiatives taken to hire new 55-a employees.

Whenever a resume from a 55-A qualified candidate is received, the 55-A coordinator passes the resume and all pertinent information along to the HR department who then forwards the resume to the Hiring Managers of that particular unit.

The agency will actively educate hiring managers about the 55-a program and the benefits of hiring individuals with disabilities.

The agency will review and process new applications for the 55-a program in light of DCAS' policy guidance which states that decisions on 55-a program admissions should take into account the following three criteria:

- a) the severity of the candidate's physical and/or mental disability;
- b) the candidate's previous and/or current encounter with significant barriers to finding employment due to the disability;
- c) the candidate's encounter of obstacles that can prevent him/her from taking civil service examinations due to the disability.

Based on the June 7, 2016, 55-a memorandum, issued by DCAS, the agency will carefully evaluate each request by longtime provisional employees for designation under § 55-a to serve non-competitively in a competitive title position to ensure that the request is not made solely to avoid the consequences of Civil Service Law § 65(3). In addition, the agency will reiterate to provisional staff that 55-a certification should not be used as a substitute for passing a civil service exam. The agency will encourage 55-a participants to take civil service examinations.

The agency plans to participate in career and job fairs and use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants.

The goals of the 55-a Coordinator for FY 2021 are:

1. Increase the number of 55-A employees
2. Continue working with MOPD in identifying 55-A candidates
3. Increase awareness of the 55-A program at OATH via employee Newsletter

These goals are the same as last year.

*Additional Goals, Initiatives, and Comments:*



**VI. Selection (Hiring and Promotion)**

**NOTE: This section must be prepared in consultation with the Agency Personnel Officer.**

1. For FY 2021, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties of the agency Career Counselor(s) with regard to advising employees of opportunities for promotion as well as overall career development.

In FY 2021, the agency's Career Counselor will perform the following tasks:

- Review policies, procedures, and practices related to hiring (including vacancy announcements, use of certification lists, and the selection process for mission critical occupations).
- Promote employee awareness of opportunities for promotion and transfer within the agency.
- Arrange for agency wide notification of promotional and transfer opportunities.
- Encourage the use of training and development programs to improve skills, performance and career opportunities.
- Provide information to staff on both internal and external Professional Development training sources.
- Explain the civil service process to staff and what it means to become a permanent civil servant.
- Provide technical assistance in applying for upcoming civil service exams.
- Provide agency staff with citywide vacancy announcements, civil service exams notices and other career development information.
- Assist employees and Job Training Program participants in assessing and planning to develop career paths.
- Provide resources and support for:
  - Targeted job searches
  - Development job search strategies
  - Resume preparation
  - Review of effective interview techniques
  - Review of techniques to promote career growth and deal with change
  - Internship exploration

*Additional Initiatives and Comments:*

2. Monitoring, review, and assessment of the current new hire and promotional procedures for selection, especially for mid- and high-level discretionary positions.

In FY 2021, the agency will do the following:

- Review, revise and/or develop a protocol for in-title promotions and salary increases.
- Assess the criteria for selecting persons for mid-level to high level positions.
- Publicly post announcements for all positions, including senior level positions.
- Actively reach out to networks of underrepresented groups as part of its outreach.
- Reach out to the Mayor's Office of Appointments for help to identify diverse pools of talent and additional networks for finding qualified candidates.
- Ensure that hiring managers are trained in structured interviewing techniques to avoid unintentional biases in the hiring process.

- Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group.
- If adverse impact is discovered, determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method.
- Compare the demographics of current employees to the placements.
- Ensure promotion justification is included in all promotion requests.
- Review the demographics race\ethnicity and gender for those who received the promotion\salary raises.
- Review on a quarterly basis the demographics of those who received promotion and share the information with the Commissioner and Human Resources (by EEO Officer).

*Additional Comments:*

3. Identify the steps that are taken to ensure that selection process is objective and job related.

During FY 2021, the agency will do the following:

- Engage in a collaborative effort between EEO, HR and managers where necessary, develop action plans to eliminate identified barriers.
- Recommend specific, job-related qualification standards for each position that reflect the duties, functions, and competencies of the position and minimize the potential for gender stereotyping and other unlawful discrimination. Make sure these standards are consistently applied when choosing among candidates.
- Consult with EEO in creating/reviewing objective criteria for evaluating candidates for hire or promotion and applying those criteria consistently to all candidates.
- In conducting job interviews, ensure nondiscriminatory treatment by conducting a structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.
- Use a diverse panel of interviewers to conduct the interview.
- Consult with the EEO Officer to review the interview questions.
- Where possible, include the EEO Officer as an observer of interviews with applicants.
- Use the NYCAPS eHire applicant tracking system for external and internal applicants.
- Monitor the results of action plans for any changes in the agency workforce including increases or decreases in applications of qualified applicants and selection rates.

*Additional Comments:*

In FY 2021, the EEO Officer will observe interviews of candidates.

4. For FY 2021, what steps will your agency take to review the positions filled during the year?

- A. Discuss your current practice in utilizing the NYCAPS Applicant Interview Log reports to identify applicants by gender and race/ethnicity.
- The agency will use the NYCAPS Applicant Interview Log Report to track applicant sources and identify the best sources of applicants.
  - The agency does not use the NYCAPS Applicant Interview Log Report.
  - The agency will schedule orientation with NYCAPS Central.
- B. Discuss all planned steps taken to identify barriers to entry for positions and actions under consideration to address such barriers.
- Identify at least two or three people from diverse gender and racial\ethnic backgrounds to review received applications and conduct the interviews.
- C. When identifying groups of subject matter experts to assist the DCAS test development team in creating civil service exams, please describe efforts that will be taken to select a diverse and inclusive group of individuals in the test development process:
- The agency will identify a diverse group of subject matter experts (e.g. race, gender, age, assignments location, etc.) when requested by DCAS.
  - The agency will use objective job-related criteria to identify the subject matter experts who will participate in test development.
  - The agency will make an effort to ensure different staff members are given the opportunity to participate in test development.

*Additional Comments:*

5. Briefly detail which stages of selection involve your EEO Officer (pre- and post-selection).

In FY 2021, the agency EEO Officer will do the following:

**PRE-SELECTION:**

- Collaborate with the Director of Human Resources to ensure that an updated listing of sources for diverse applicants, including schools and professional organizations, is maintained.
- Actively monitor agency job postings.
- In collaboration with the Director of Human Resources, review interview questions to ensure that they are EEO-compliant, job-related, and required by business necessity.
- Provide feedback to the hiring manager after the EEO Officer's assessment.
- Assist the hiring manager if a reasonable accommodation is requested during the interview.
- May observe interviews when necessary, especially for underutilized job titles and/or mid- and high-level discretionary positions.
- Other: \_\_\_\_\_

**POST-SELECTION:**

- Periodically review candidate evaluation forms and conduct a job applicant analysis via the NYCAPS eHire Applicant Interview Log reports to advise Human Resources of any demographic trends and/or EEO concerns based on available self-ID data.
- Review hiring package to evaluate that the selection process was conducted in accordance with EEO best practices.
- Other: \_\_\_\_\_

*Additional Comments:*

6. During periods of layoffs, terminations and demotions due to legitimate business/operational reasons, what is your protocol for analyzing the impact of such actions based upon gender, race and age? It is most useful to conduct this analysis prior to finalizing the list of titles that will be impacted. Ensure that the Agency General Counsel and the Law Department are involved in the review.

- The agency will use the DCAS Layoff Procedure as guidance, should there be any layoffs, terminations and demotions due to legitimate business/operational reasons in FY 2021.
- The agency will analyze the impact of layoffs or terminations on racial, gender, age groups, and people with disabilities.
- Where layoffs or terminations would have a disproportionate impact on any of these groups, the agency will document that the targeted titles or programs were selected based on objective criteria and justified by business necessity.
- The Agency Personnel Officer, EEO Officer and General Counsel will be involved in making layoff or termination decisions. It should be noted that layoffs must be conducted by seniority in compliance with civil service law (for competitive titles) and union contract (for non-competitive and labor class titles).

**VII. Training**

Training Topic	Type of Audience (e.g. All Staff, Front-line Employees, Managers, Supervisors, etc.)	Target Number of Participants	Targeted Dates
1. EEO Awareness (e-learning)	New Employees	All	Within 30 days of hire
2. Sexual Harassment Prevention (e-learning)	All employees	699	Summer/Fall 2021
3. IgbTq – Power of Inclusion (e-learning)	Managers, Supervisors, and Front-line employees  All other employees	699	Summer 2021
4. Structured Interviewing and Unconscious Bias (webinar)	Hiring Managers	Up to 50	Winter 2020/ Spring 2021

**VIII. Reasonable Accommodation**

Please indicate the actions your agency will take to ensure that the process of reviewing reasonable accommodation requests is compliant with the EEO Policy as well as the applicable federal, state, and local laws. Additionally, please detail any best practices currently implemented in this area. Lastly, please describe your current appeal protocol.

- Managers, supervisors, human resources personnel and discipline personnel are required to report to the EEO Office any reasonable accommodation requests and needs that are received, observed, learned about or suspected, so that the EEO Office may facilitate discussions, research appropriate accommodations, and assist with the resolution of the matter.
- The agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth or a related medical condition.
- The agency follows the City’s Reasonable Accommodation Procedure.
- The agency grants or denies request 30 days after submission or as soon as possible.
- The agency head or designee must review and grant or deny the appeal fifteen (15) days after submission of appeal.
- If the review and decision on appeal is NOT by the Agency Head, please provide the name and title of the designee<sup>1</sup> : \_\_\_\_\_

<sup>1</sup> EEO Officer and General Counsel should **NOT** be appointed as agency head designee for review of appeals to reasonable accommodation decisions. Refer to the revised guidelines below. Note the conflict of interest; in the

- The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database and update the information as needed.
- The agency analyzes the reasonable accommodation data and trends.
- The agency has posted/will circulate the *Reasonable Accommodations at a Glance* sheet for the workforce.

Describe procedures and speed of resolution, including the protocol for deciding appeals of Reasonable Accommodation decisions. Does the agency analyze statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals?

All Reasonable Accommodation Requests are handled expeditiously. In the rare event that an accommodation cannot be granted within 30 business days, the EEO Officer communicates this to the employee and informs them of the reason for the delay. If a Reasonable Accommodation cannot be granted, employees are advised of their right to appeal within 15 business days and the direct contact for the Commissioner and the Chief of Staff. The Agency does analyze volume and trends and both are communicated to the Commissioner and Chief of Staff during bi-weekly meetings.

**IX. Compliance and Implementation of Requirements Under Executive Orders and Local Laws**

**A. Executive Order 16: Training on Transgender Diversity and Inclusion**

Under Executive Order No. 16 of 2016, the agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. Pursuant to Executive Order No. 16, this training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.

- The agency plans to train all new employees within 30 days of start date.
- All the managers, supervisors, and front-line employees were re-trained prior to FY 2021.
- All managers, supervisors, and front-line employees will be re-trained every two years, no later than the third quarter of the Fiscal Year, as indicated in Section VII Training above.
- In addition, all other employees will be trained or re-trained every two years, as indicated in Section VII Training above.
- The agency will ensure that the Transgender Restroom Access notice/poster is posted where required, e.g., on bulletin boards, near restrooms and, in digital form, where other EEO notices and announcements can be found.

*Additional Comments:*

**B. Local Law 92 (2018): Annual Sexual Harassment Prevention training**

- The agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date.
- The agency will train all current employees on Sexual Harassment Prevention (Cycle 3) as indicated in the Section VII Training above.

*Additional Comments:*

event of an external challenge to the denial of a reasonable accommodation, the agency's General Counsel would be tasked with defending the agency against a decision in which that office was a decision maker on appeal. <http://extranet.dcas.nycnet/eoo/diversityeoo/media/19647/reasonable-accommodation-procedural-guidelines-lc-12116.pdf> (p17).

**C. Local Law 97 (2018): Annual Sexual Harassment Reporting**

- The agency will input sexual harassment complaint data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will input **all types of complaint** data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will ensure that complaints are closed within 90 days.

*Additional Comments:*

**D. Local Law 101 (2018): Climate Survey**

The agency, in collaboration with DCAS, will conduct a climate survey in FY 2021 by proceeding to do the following:

- Distribute questionnaire electronically to agency employees.
- Designate computers with internet/intranet access to enable employees without computers or internet/intranet access to complete survey during work hours.
- Analyze results of the response data sent by DCAS.
- Continue to implement initiatives identified in the 2018 Climate Survey Action Plan which was submitted to DCAS and reported to City Council Speaker in 2020.

*Additional Comments:*

**X. Audits and Corrective Measures:**

Please check the statement(s) that apply to your agency.

The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.

The agency is currently being audited or preparing responses to an audit conducted by the EEPC or \_\_\_\_\_ **[another governmental agency – please specify]** specific to our EEO practices. **Upon forwarding our responses to the recommendations issued by the EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2021 to include and implement EEPC recommendations that will be implemented during the fiscal year.**

The agency is subject to any other oversight or review by a federal, state or city civil rights agency [please specify \_\_\_\_\_].

**Please attach a copy of the document setting out the oversight parameters and the agency's most recent report to the oversight agency.**

Within the last two years the agency was involved in an audit conducted by the EEPC or \_\_\_\_\_ **[another governmental agency – please specify]** specific to our EEO practices.

The agency will continue/be required to implement measures during the year that this plan is in effect (please attach a copy of the audit findings.)

The agency received a Certificate of Compliance from the auditing agency.

**Please attach a copy of the Certificate of Compliance from the auditing agency.**

**XI. Agency Head Signature**

**NOTE: Agency Head's signature and date should be provided for final submission only after the agency receives approval of the plan by DCAS.**

Joni Kletter

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Print Name of Agency Head

*Joni Kletter*

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Signature of Agency Head

March 11, 2021

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Date

## APPENDIX

### Contact Information for Agency EEO Personnel

Please provide contact information (name, title, e-mail, telephone number and full office address) for the following EEO roles at your agency. If several roles are performed by the same individual, you may list that person once but include all assigned EEO functions:

1. Sharina DeRoberts, Administrative Labor Relations Analyst  
Agency EEO Officer, ADA Coordinator, Disability Rights Coordinator, Disability Services Facilitator, & 55-a Coordinator  
100 Church Street, 12<sup>th</sup> Floor  
New York, NY 10007  
(212)-933-3058  
[sderoberts@oath.nyc.gov](mailto:sderoberts@oath.nyc.gov)

2. Karen Livingston, Assistant Commissioner for Employee Services  
Career Counselor  
100 Church Street, 12<sup>th</sup> Floor  
New York, NY 10007  
(212) 933-3044  
[klivingston@oath.nyc.gov](mailto:klivingston@oath.nyc.gov)

3. Jason Roldan, Human Resources Recruitment Supervisor  
Training Liaison  
100 Church Street – 12<sup>th</sup> Floor  
New York, NY 10007  
(212) 933-3049  
[JRoldan2@oath.nyc.gov](mailto:JRoldan2@oath.nyc.gov)

### **EEO Counselors**

1. Migdalia Nieves- [mnieves@oath.nyc.gov](mailto:mnieves@oath.nyc.gov) 212-933-3081-100 Church Street, NY, NY 10007
2. Lorna [Mondesir-lmondesir2@oath.nyc.gov](mailto:Mondesir-lmondesir2@oath.nyc.gov) 718-503-5831-3030 Third Avenue, Bronx, NY
3. Natasha Spivey- [nspivey@oath.nyc.gov](mailto:nspivey@oath.nyc.gov) 718-923-6139- 9 Bond Street, Brooklyn, NY
4. Renee Ward- [rward@oath.nyc.gov](mailto:rward@oath.nyc.gov) 718-393-7131- 31-00 47<sup>th</sup> Avenue-LIC
5. Maureen Mair- [mmair@oath.nyc.gov](mailto:mmair@oath.nyc.gov) 212-436-0528- 66 John Street, NY, NY