



ANNUAL REPORT 2020

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Message from the Board:

The Board of Commissioners of the Equal Employment Practices Commission (EEPC) view as sacrosanct our mission, as stated in the New York City Charter, to provide all municipal employees and applicants equal employment opportunities. In furtherance of that mission, the EEPC audits all municipal entities that receive their primary funding from the City of New York. Accordingly, in 2020, the EEPC continued the Sexual Harassment Prevention and Response Practices Audit, an issue-specific audit, which emphasizes implementation of the city, state and federal laws, regulations and policies that directly impact sexual harassment prevention and response practices in City entities.

We want to thank the employees of this Commission, and in particular the Executive Director, without whose leadership these accomplishments could not occur. We also thank the municipal entities that continue to extend their cooperation and participation. We look forward to the continued rewards of implementing equal employment opportunities within the City of New York.

Executive Director

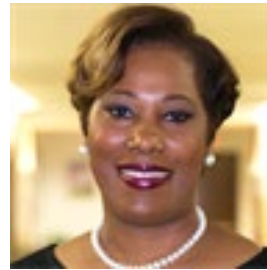


Charise L. Terry
Executive Director

Executive Staff



Jennifer Shaw, Esq.
Executive Agency Counsel
Director of Compliance



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Executive Summary

In 2020, the Equal Employment Practices Commission (EEPC) workforce, as well as that of New York City and State, was significantly impacted by the novel coronavirus disease 2019 (COVID-19) pandemic. During these unprecedented times, the EEPC continued its successful fulfillment of its pertinent New York City Charter (City Charter) mandates to audit and monitor citywide employment practices and advance research initiatives. The EEPC participated in the City of New York's (City) newly established telework strategies by cooperating with other entities to convert critical work processes toward that end. Further, to fulfill the EEPC's meeting mandate, the Board of Commissioners approved plans and voted on determinations and resolutions via virtual meetings. Despite the uncertainty that the COVID-19 global pandemic brought, through these collaborative efforts, the EEPC's work of encouraging and promoting equal employment opportunities citywide remained consistent.

Audit: Review, Evaluation, and Monitoring

The EEPC initiated year three (3) of a four-year audit plan dedicated to evaluating and monitoring sexual harassment prevention and response practices. The *Sexual Harassment Prevention and Response Practices Audit* (SHPPRA) evaluated municipal entities' equal employment opportunity (EEO) strategies, policies, and programs, and ascertained the extent to which they effectively prevented and responded to sexual harassment. Final Determinations for the SHPPRA were administered to thirty-eight (38) municipal entities in 2020. The most frequently issued corrective actions are included in Appendix V.

Despite the inherent difficulties with performing in-person work for both the EEPC and the entities audited, by the end of the calendar year, the EEPC had issued thirty (30) Determinations of Compliance to municipal entities that implemented corrective actions received as a result of the SHPPRA. The EEPC also issued one (1) Determination of Non-Compliance to an entity that implemented only seven (7) of twenty-nine (29) corrective actions issued (Appendix IV). In accordance with the EEPC's procedure to return to such entities to administer a follow-up audit in one (1) year, that entity was added to the 2021 Audit Plan. The EEPC thanks the audited entities for their attention and cooperation during these challenging times and will continue to work collaboratively as necessary to fulfill the audit, evaluation, and monitoring mandates of the City Charter.

Research Initiatives

The EEPC performed foundational research for the first year of its new Local Law 13 (LL13) mandate to assess underutilization at City entities for a period of ten (10) years. Also, to evaluate its own effectiveness, the EEPC launched the *Audit Feedback Survey: How Did We Do?*, which offered each entity audited in 2020 an opportunity to provide feedback regarding its experience with the EEPC's audit process.

During 2020, year one (1) of LL13's decade-long assessment, the EEPC reviewed data from the Citywide Equal Employment Database System (CEEDS) to identify the extent of recurring underutilization within City entities and equal employment opportunity job groups, which will establish a baseline for future work. Under the LL13 mandate, the EEPC plans to review each entity's current underutilization status, historical corrective actions, and latest efforts to eliminate or reduce underutilization as indicated in its annual Diversity and Equal Employment Opportunity Plans and Quarterly Equal Employment Opportunity Reports. An initial lack of human and fiscal resources to initiate this project, as well as unforeseen logistical burdens caused by the COVID-19 pandemic has delayed the completion of this project. The LL13 assessment will be posted on the EEPC's website and

Mission Statement

The Equal Employment Practices Commission (EEPC) audits, evaluates, and monitors the City of New York's employment programs, practices, policies, and procedures to ensure that municipal entities and the City as an employer maintain a properly structured, efficiently administered affirmative employment program of equal opportunity for minority group members and women employed by, or seeking employment with, City government. The EEPC advises and assists municipal entities in their efforts to establish affirmative plans, measures, and programs to provide, and educate employees about, equal employment opportunities; implement and maintain effective employment practices that are non-discriminatory; and utilize discrimination complaint investigation procedures that conform to federal, state and local laws, regulations, policies, and procedures.

the *NYC Open Data* portal upon its completion. Interested parties are advised to monitor the aforementioned media for updates.

By way of the *Audit Feedback Survey: How Did We Do?*, thirty-four (34) entities audited in 2020 were invited to provide constructive feedback regarding their audit experience, resulting in a seventy-seven percent (77%) response rate. Principal equal employment opportunity and/or human resources professionals at the entities rated the EEPC on topics such as the professionalism of the audit team, quality of instructions, timeliness of response, consideration of entity-specific nuances, usefulness of the corrective actions, ease of navigating the audit compliance-monitoring system, and relevance of the EEPC's response to their inquiries. Eighty-four percent (84%) of survey respondents assessed the EEPC's performance as excellent, good, or satisfactory for all of the aforementioned categories. Moreover, the EEPC received its highest performance rating (92%) regarding the professionalism of the audit team's interactions. The EEPC thanks these entities and will continue to use feedback from audited entities to improve the audit and compliance-monitoring processes.

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About the EEPC

The New York City Equal Employment Practices Commission (EEPC) was established by vote in favor of amendments to the New York City Charter (City Charter) to ensure that municipal entities maintain an effective employment program of equal employment opportunity for all who are employed by or seek employment with New York City (City) governmental entities.

The EEPC is an independent non-mayoral body empowered by Chapter 36 of the City Charter to audit, evaluate, and monitor municipal entities once every four (4) years for compliance with the City Charter, the City's Human Rights Law, state and federal anti-discrimination laws and regulations, and policies and procedures to increase equal opportunity within municipal employment. Toward that end, the EEPC reviews, evaluates and monitors municipal entities' employment practices, procedures, approaches, measures, standards, and programs, and their efforts to ensure fair and effective equal employment opportunity for women, minority group members and other employees and job applicants identified for protection from discrimination; and recommends practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts.

Municipal entities meeting the following criteria are governed by the EEPC's purview:

- ✚ the majority of the board members are appointed by the Mayor;
- ✚ the majority of the board members serve by virtue of being City officers; or
- ✚ the entity is funded, in whole or in part, by the City treasury.

City Charter Chapter 36 also authorizes the EEPC to monitor coordination of affirmative employment programs established by the City; and propose policy, legislative and/or regulatory recommendations to the Mayor, New York City Council (City Council), and

Department of Citywide Administrative Services (DCAS).

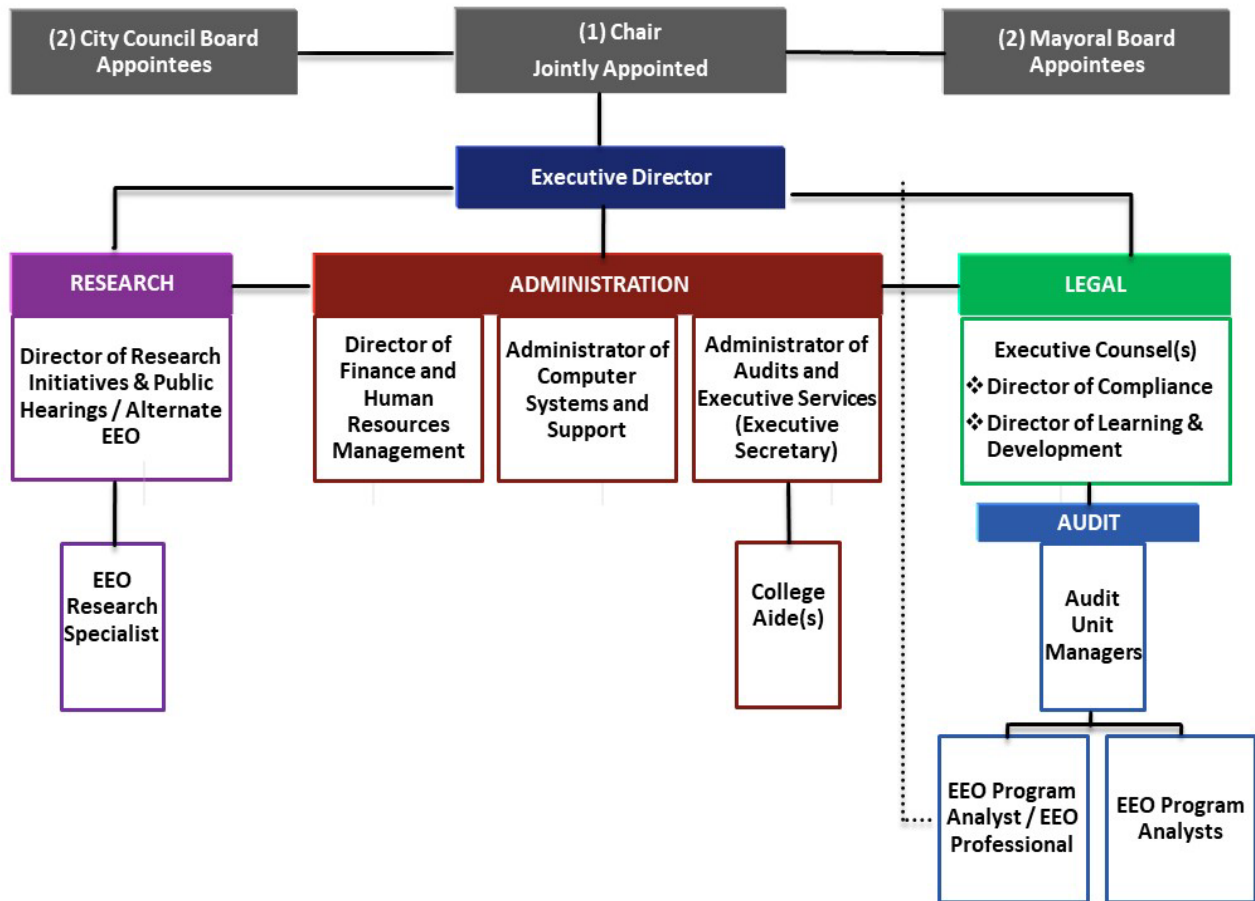
The EEPC has a duty to:

- ✚ review the standards, procedures, and programs established by DCAS to ensure a fair and effective affirmative employment plan of equal employment opportunity for City entities;
- ✚ review the affirmative employment plan of each City entity and provide appropriate comments and suggestions;
- ✚ advise City entities in their efforts to increase employment of minority group members and women who seek employment with the City;
- ✚ audit and evaluate the employment practices and procedures of each City entity at least once every four (4) years and whenever requested by the New York City Civil Service Commission or Commission on Human Rights, and recommend procedures, standards, and programs to be utilized to ensure fair and effective programs of equal employment opportunity;
- ✚ establish a compliance procedure to monitor the implementation of all corrective actions; hold public and private hearings, compel the attendance of witnesses, and administer oaths for the purpose of ascertaining whether entities are in compliance with equal employment opportunity requirements;
- ✚ establish advisory committees;
- ✚ serve as the City liaison to federal, state and local entities responsible for compliance with equal employment opportunity for minority group members and women who are employed by, or who seek to be employed by, City entities;
- ✚ publish a report to the Mayor and City Council on the effectiveness of each City entity's affirmative employment efforts and the efforts by DCAS to ensure equal employment opportunity; and

- ✚ make policy, legislative and budgetary recommendations to the Mayor, City Council, and DCAS necessary to ensure equal employment opportunity for minority group members.

While the EEPC is not authorized to investigate individual complaints of employment discrimination, the EEPC's audit, evaluation and monitoring processes provide a mechanism to ensure each municipal entity institutes and maintains properly structured, efficiently administered employment opportunity practices that comply with federal, state, and city equal employment opportunity laws, requirements, policies and practices calculated to avert errors in judgment or procedure from potentially becoming allegations of employment discrimination.

EETC Organizational Chart



EEPC Structure

The Board of Commissioners

To fulfill the aforementioned powers and duties, the City Charter assigns a Board of five (5) per diem Commissioners. The Board is comprised of two (2) appointees each from the Mayor and City Council, and a Chair jointly appointed by the Mayor and Speaker of the City Council. This arrangement ensures balance and insulation from political influence and facilitates exercise of jurisdiction over the employment practices of mayoral and non-mayoral entities, as well as the offices of elected officials and political appointees.

The Board of Commissioners (Board) performs the following duties and responsibilities essential to the EEPC's mandate:

- ✦ review and approve the annual audit plan;
- ✦ review the auditing standards used to ensure municipal entities' compliance with the City Charter, New York City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✦ review, approve, and adopt Resolutions pursuant to EEO Program Analysts' findings and issue Determination letters;
- ✦ review and approve entities' implementation of corrective actions, adopt Determinations of Compliance or Non-Compliance at the end of the City Charter-mandated compliance-monitoring period, and issue relevant Resolutions;
- ✦ deliberate on issues and trends of employment practices pursuant to the audit and evaluation of City entities;
- ✦ publish an annual report to the Mayor and City Council on the activities of the EEPC, the effectiveness of each City entity's affirmative employment efforts, and the efforts by DCAS to ensure equal employment opportunity for employees and applicants for

- ✦ employment with City entities;
- ✦ make budgetary, legislative and policy recommendations to the Mayor, City Council, DCAS or any City entity as the EEPC deems necessary to improve the City's equal employment opportunity programs;
- ✦ conduct public hearings on major EEO topics relevant to the City; and
- ✦ when appropriate, compel the testimony of witnesses and establish advisory committees.

Executive Director

The Board of Commissioners appoints the Executive Director to effectuate the powers and duties delegated to the EEPC in the City Charter including but not limited to:

- ✦ advise and assist the Board in the development and implementation of strategic plans and initiatives;
- ✦ establish the organizational structure, plans and methods for the execution of mandated City Charter duties;
- ✦ develop the EEPC's annual audit plans;
- ✦ develop the EEPC's audit, evaluation and monitoring standards to ensure municipal entities' compliance with the City Charter, New York City Human Rights Law, and other relevant city, state, and federal EEO laws, regulations, procedures and policies;
- ✦ formulate audit, evaluation and monitoring protocols according to the Board's decisions and in conformance with the aforementioned laws and policies;
- ✦ manage the audit and evaluation processes for municipal entities under the EEPC's jurisdiction;
- ✦ advise the Board in its deliberations, report issues, and present audit Determinations and Resolutions;
- ✦ present audit findings to Entity Heads;
- ✦ develop public hearings on topics of interest to the EEPC; and
- ✦ testify at relevant City Council hearings.

Legal Unit

The Legal Unit serves to interpret and reinforce the EEPC's authority; support and enhance the EEPC's foundation; ensure the legal application of the EEPC's Uniform Standards for Auditing Municipal Entities to audits of municipal entities, and the City as an employer; and maintain legal compliance with laws and policies.

The Legal Unit is comprised of two (2) Executive Agency Counsels: the Director of Compliance and the Director of Learning and Development (vacant in 2020). The Legal Unit serves as resource for the EEPC by performing the following duties and responsibilities essential to the City Charter mandate:

- ✦ identify municipal entities that are under the EEPC's jurisdiction based on City Charter Chapter 36 and New York City Law Department decisions and opinions;
- ✦ interpret legal issues relative to the administration of the responsibilities, duties and authority of the EEPC;
- ✦ propose policy, legislative and/or regulatory recommendations to the Mayor, City Council, DCAS, and other entities as delineated in the City Charter;
- ✦ provide guidance to ensure audit and evaluation protocols are verified, sound and devoid of legal misinterpretation;
- ✦ conduct legal research and investigations relative to compliance within the legal framework of current federal, state and local EEO laws, regulations, and judicial decisions;
- ✦ approve legal documents for presentation to the Executive Director and Board;
- ✦ manage the City Charter-mandated compliance-monitoring process to ensure that municipal entities implement corrective actions appropriately and effectively;
- ✦ inform the Board whether municipal entities have taken appropriate and

effective corrective actions to remedy non-compliance, and if not, whether further action is warranted under the City Charter; and

- ✦ research and provide opportunities for training and development of EEPC staff.

Audit Unit

The Audit Unit is comprised of two (2) Managers, and four (4) EEO Program Analysts. The Audit Unit reports to the EEPC's Legal Unit to ensure comprehension of the legal foundation and interpretation of EEO laws and policies, ensure the implementation of Audit Unit protocols, and sustain efficiency in the management of audits. The Audit Unit serves as resource for the EEPC by performing the following duties and responsibilities essential to the City Charter mandate:

- ✦ conduct comprehensive and issue-specific reviews, audits, and evaluations of City entities' employment/EEO programs at least once every four (4) years;
- ✦ administer surveys and interview questionnaires, and conduct follow-up interviews with EEO personnel and others involved in employment and EEO program administration;
- ✦ analyze information and prepare audit Determinations, which include findings and prescribe corrective action, to bring entities into compliance with city, state, and federal EEO laws, regulations, procedures and policies; and
- ✦ serve as a resource to the Director of Compliance, Executive Director, and Board for audit findings and conclusions.

Research Unit

The Research Unit is comprised of the Director of Research Initiatives and Public Hearings and an EEO Research Specialist. The Research Unit performs the following duties and responsibilities essential to the City Charter mandate:

- ✦ conduct longitudinal research projects to develop policy recommendations to the Mayor, City Council, and DCAS for ensuring equal employment opportunities;
- ✦ conduct trend analysis on audit data and information, and research employment/EEO compliance risks within and among municipal entities;
- ✦ analyze recruitment and selection systems, availability, adverse impact and underutilization;
- ✦ develop advisory committees on pertinent employment/EEO issues for the purpose of ascertaining facts or determining whether entities comply;
- ✦ collaborate with organizations, institutions and governmental entities to promote research initiatives and recruit interns;
- ✦ develop audit risk assessment indicators and audit impact measurement systems;
- ✦ develop relevant data collection tools and databases for the EEPC's use; and
- ✦ propose prominent topics for public hearings.

Commission Meetings

The City Charter requires that the Board meet at least once every eight (8) weeks. Consequently, the Board meets eight to ten (8-10) times a year. Notices of the Board's meetings are published in the City Record at least five (5) days prior to each meeting. Three (3) Commissioners constitute a quorum for a meeting. In accordance with the New York Open Meetings Law, Board meetings are open to the public. Additionally, pursuant to Local Law 103 of 2013, Board meetings are recorded and made available to the public online.

During meetings, the Board adopts and approves audit-related Resolutions, which delineate corrective actions, and compliance-related Resolutions, which confirm entities' implementation of such actions.

The Board deliberates on whether issues and trends revealed through entity audits are appropriate for further investigation, for public hearings or, consistent with its role as monitor of the City's employment practices, for recommendation to the Mayor, City Council, and DCAS to improve the City's equal employment opportunity policies and programs.

Authority

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the City Charter authorize the EEPC to audit, evaluate and monitor the employment practices, procedures, and programs of City agencies and other municipal entities, and their efforts to ensure fair and effective equal employment opportunity, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities for compliance with federal, state, and local laws and regulations, and policies and procedures designed to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination.

For a comprehensive understanding of the EEPC's mandate, Chapter 36 of the City Charter is provided in its entirety as Appendix I.

Jurisdiction

City Charter Chapter 36

Chapter 36, Section 831(a) of the City Charter accords EEPC this authority for 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...”

These entities include, but are not limited to, the offices of elected officials such as the Mayor, City Council, Borough Presidents, City Comptroller, District Attorneys, and Public Advocate; non-pedagogical employees of the Department of Education and the community colleges of the City University of New York; the New York City Housing Authority; and the Pension and Retirement Systems.

New York City Corporation Counsel's Opinion 11-90

The New York City Corporation Counsel (Corporation Counsel) issued Opinion No. 11-90 (Opinion 11-90) to address whether provisions of the 1989 amendment to the City Charter – regarding conflicts of interest, administrative rule-making procedures, procurement, the budget process, equal employment and economic opportunity requirements, and audit by the Comptroller – applied to entities established by or pursuant to State law to perform a local governmental function or serve a governmental purpose in New York City. The inquiry sought to determine whether application of the 1989 Charter requirements would frustrate, curtail, impair or conflict with the provisions of State law that established the entity.

The parameters of the EEPC's jurisdiction are clarified by Opinion No. 11-90, and subsequent Corporation Counsel Opinions. Opinion 11-90 cited the record of the 1989 Charter Revision Commission, which expressed its intention to incorporate as broad a definition of “agency” as legally possible “to widen the effect of the City's anti-discrimination policies [...]” (NYC Corp. Op. 11-90 1990 WL 709125 (WestLaw), December 20, 1990). Thus, the Corporation Counsel concluded that “the equal employment opportunity provisions of Chapter 36 ... are a central component of the City's personnel administration[.]”

Opinion 11-90 discusses the EEPC's jurisdiction with respect to the following entities:

New York City Housing Authority

The New York City Housing Authority (NYCHA) is a public benefit corporation established pursuant to the New York State Public Housing Law. NYCHA is required by that law to conform to the personnel standards of the City of New York with regard to employment classifications, salaries, hours of work, and terms and conditions of employment. NYCHA hires employees from the same DCAS-established civil service lists that are used by other City

entities. Based on these requirements, Corporation Counsel concluded in Opinion 11-90 that the equal employment opportunity provisions of City Charter Chapter 36 apply to NYCHA.

Department of Education: Non-Pedagogical Employees

The Department of Education (DOE) is funded in part from the City treasury, and is headed by the Chancellor, who is appointed by the Mayor. The DOE is subject to EEPC's audit, evaluation and monitoring of its employment practices with regard to its non-teaching (non-pedagogical) employees only. The non-pedagogical employees are within the classified service and are governed by the City Personnel Rules and Regulations. New York State Education Law requires that pedagogical employees, teachers, and teaching supervisors be hired and promoted pursuant to standards and tests prepared and administered by the Chancellor and State Board of Examiners. For this reason, Corporation Counsel concluded the DOE's employment practices regarding pedagogical employees are not subject to local authority, such as the EEPC's audit, evaluation and monitoring pursuant to Chapter 36 of the City Charter.

New York City Housing Development Corporation

The New York City Housing Development Corporation (HDC) is a public benefit corporation, created under the New York State Private Housing Finance Law and the New York City Housing Development Corporation Act. It is headed by two (2) mayoral and two (2) gubernatorial appointees; its expenses are not funded by the City treasury; and its employees are not City employees. HDC is not subject to the 1988 and 1989 City Charter amendments. Nevertheless, Opinion 11-90 concluded that because the HDC follows the provisions of the civil service law and the rules of the City Civil Service Commission, application of Chapter 36 would not be inconsistent with the law governing HDC. On January 30, 1991, HDC issued its subsequent opinion regarding Opinion 11-90, stating that even though HDC is not obliged to adhere to its requirements by

law, as a matter of policy HDC agreed to comply with the substance of Chapter 36 of the City Charter. Since 1991, HDC has consented to the EEPC's audit and evaluation of its employment practices, and consistently adopts and implements prescribed corrective actions, if any.

New York City Economic Development Corporation

The New York City Economic Development Corporation (NYCEDC) is a public benefit corporation, which is not funded by the City treasury and its employees are not City employees. Although Opinion 11-90 concluded the predecessor entity to NYCEDC was not subject to the requirements of City Charter Chapter 36, it opined the equal employment opportunity provisions could be applied to its employment practices without conflict or contradiction with its legal foundation. NYCEDC has also voluntarily consented to the EEPC's audit, evaluation and monitoring of its EEO program. Based on NYCEDC's commitment to ensure that no person is excluded from participation in, or denied the benefits of equal opportunity, NYCEDC consistently adopts and implements EEPC's prescribed corrective actions, if any.

NYC Health + Hospitals

NYC Health + Hospitals (H+H) (formerly the New York City Health and Hospitals Corporation) was established by the New York City Health and Hospitals Corporation Act, a State law, to operate the citywide health and medical services system separate from the City administration. H+H's autonomy includes the authority to establish its own job titles and specifications. Corporation Counsel, in Opinion 11-90, determined that although City Charter Section 831(a) includes H+H among the entities within the EEPC's jurisdiction, because H+H has autonomy in its personnel administration, its employment practices are not subject to operational review by the EEPC.

Board of Elections

Opinion 11-90 determined that although the Board of Elections (BOE) is paid entirely by the City and its employees are City employees,

because the New York State Constitution requires that all local boards of elections have equal representation of both major political parties, its employment practices are not subject to the EEPC's review.

School Construction Authority

The School Construction Authority (SCA) was created and is governed by the New York State Public Authorities Law (PAL). The PAL specifically grants the SCA autonomy in personnel matters, including the autonomy to establish its own job titles and civil service lists. With respect to equal employment practices, the PAL states explicitly "no other agency shall have jurisdiction over the compliance by the Authority with the requirements of any [EEO] program."

New York City Water Board and Water Finance Authority

The New York City Water Board (WB) and Water Finance Authority (WFA) were established by the PAL for financing expansion of the City's water supply and sewage systems. The seven (7) members of the WB are appointed by the Mayor. All of WB's employees are employees of the New York City Department of Environmental Protection (DEP), with rights and responsibilities under its EEO Program; therefore, the EEPC does not conduct a separate audit and evaluation of the WB's employment practices.

A majority of the WFA's members are City officers or Mayoral appointees. The statute governing the WFA provides that WFA employees are neither city nor state employees during their employment, and that the qualifications, duties and compensation of the WFA employees are subject to the state civil service law and the rules of the civil service commission. Therefore, WFA's employment practices are not subject to the EEPC's audit and evaluation.

New York City Corporation Counsel's Subsequent Opinion

On occasion, the EEPC has requested additional guidance on its jurisdiction from the Office of the Corporation Counsel and received formal as well as informal opinions. One such opinion follows.

Offices of the District Attorneys

In 2003, the Corporation Counsel responded to the EEPC's inquiry regarding whether the Offices of the District Attorneys within New York City were subject to the jurisdiction of the EEPC. Although the District Attorneys are established by State law, they are elected within each county in New York City and the City has jurisdiction over personnel management of county offices. Thus, Corporation Counsel concluded that the District Attorneys are county officers, subject to personnel management by the City of New York, and the EEPC has jurisdiction over the employment practices of Offices of the District Attorneys.

EEO-Related Responsibilities Assigned by the City Charter

City Charter Chapter 35 ascribes EEO-related responsibilities to the DCAS Commissioner and the head of each City entity. In addition, City Charter Chapters 35 and 36 vest the EEPC with specific powers and duties that pertain to their respective equal employment opportunity related responsibilities.

City Charter Chapter 35 Section 812(a) states that the personnel policies and practices of the City government, in furtherance of the City Charter, the civil service law and rules and other applicable law, shall: (1) preserve and promote merit and fitness in City employment, (2) ensure that appointments and promotions in City service are made, and that wages are set, without regard to political affiliation, and without unlawful discrimination based on sex, race, color, religion, religious observance, national origin, disability, age, marital status, citizenship status or sexual orientation; and promote and support the efficient and effective delivery of services to the public.

Included in the EEPC's powers set forth in City Charter Chapter 36 is the duty "to review the uniform standards, procedures, and programs of [DCAS] pursuant to [sections 814(a)(12) and 814(a)(14).]"

City Charter Chapter 35 Section 814 assigns the following responsibilities concerning equal employment opportunity to the DCAS Commissioner:

- ✦ establish and enforce uniform procedures and standards to be utilized by City entities in establishing measures, programs and plans to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, City entities;
- ✦ set the procedures for each entity to develop its plan for equal employment opportunity (Annual EEO Plan);
- ✦ review and provide comments and suggestions on each entity's draft EEO plan; and
- ✦ provide assistance to minority group members and women employed by, or interested in being employed by, City entities to ensure that they benefit, to the maximum extent possible from City employment and educational assistance programs.

The DCAS Commissioner also has the responsibility to submit an annual report to the EEPC on DCAS's activities to ensure equal employment opportunity for City employees and those who seek employment with City entities, which must include the following:

- ✦ an analysis of the City government workforce and applicants for such employment by entity;
- ✦ an analysis of the effectiveness of the City's efforts to provide fair and effective affirmative employment practices; and
- ✦ legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities.

In addition, the DCAS Commissioner has the responsibility to submit a quarterly report to the Mayor, City Council, New York City Civil Service Commission and the EEPC on the:

- ✦ number of provisional employees specified by entity and by title;
- ✦ length of time such employees have served in their provisional positions; and
- ✦ actions taken by the City to reduce the number of employees serving in provisional positions.

City Chapter 35 Section 815 assigns the following powers and duties concerning equal employment opportunity in personnel management to Entity Heads:

- ✦ ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- ✦ establish measures and programs to ensure fair and effective equal employment opportunity;
- ✦ adopt and implement an annual plan of such measures, standards and procedures to accomplish this objective;
- ✦ provide assistance to minority group members and women employed, or interested in being employed, by City entities;
- ✦ ensure that minority group members and women benefit, to the maximum extent possible, from City employment and educational assistance programs; and
- ✦ ensure that their entities do not discriminate against employees or applicants for employment as prohibited by federal, state and local law.

To effectuate these goals, City Charter Chapter 35 Section 815(h) requires the head of each City entity to:

- ✦ establish measures and programs to ensure equal employment opportunity

for minority group members and women who are employed by, or who seek employment with, the entity;

- ✚ adopt and implement an annual plan of such measures, standards and procedures to accomplish this objective;
- ✚ present a draft Annual EEO Plan for review by DCAS and the EEPC;
- ✚ file copies of the Annual EEO Plan with the Mayor, City Council, New York City Civil Service Commission, DCAS and the EEPC; and
- ✚ submit quarterly reports on their entity's efforts during the previous quarter to implement the Annual EEO Plan to the Mayor, City Council, DCAS, and the EEPC.

The EEPC meticulously considers the responsibilities the City Charter assigns to City entities, the heads of entities and the DCAS Commissioner, in developing its audit, evaluation and monitoring protocols. The aforementioned duties also play a vital role in any policy, legislative, and budgetary recommendation the EEPC may make to the Mayor, City Council, and DCAS regarding equal employment opportunities for women, minority group members and other employees and job applicants identified for protection from discrimination.

EEO Policies, Laws and Enforcement

City of New York's EEO Policy

The Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies, as amended (Citywide EEO Policy), was established by DCAS in fulfillment of its City Charter mandated duty "[t]o establish ... uniform procedures and standards to be utilized by city agencies ... to ensure a fair and effective ... equal employment opportunity plan for ... minority group members and women who are employed by, or who seek employment with, city agencies." (Chapter 35 §814(a)(12)). The Citywide EEO Policy also includes the City's EEO training, accountability, and reporting

requirements for supervisors, managers, and Entity Heads.

The EEPC evaluates municipal entities for compliance with the following city, state, and federal laws and regulations to provide job applicants and employees equal opportunities to the various terms, conditions and privileges of employment in municipal entities.

New York City's EEO Laws

New York City Human Rights Law

New York City Human Rights Law (NYCHRL) (Administrative Code of the City of New York, Title 8) prohibits an employer with four (4) or more employees from refusing to hire or employ; barring or discharging a person from employment; representing that any employment or position is not available when in fact it is available; or discriminating against a person in compensation or in terms, conditions or privileges of employment based on: actual or perceived age, race, religion, creed, color, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), disability (including pregnancy related conditions), marital status, partnership status, caregiver status, sexual orientation, uniformed service, status as a victim of domestic violence, stalking, and sex offenses, consumer credit history, salary history or unemployment status and sexual and reproductive health decisions; or to deny employment due to arrest or criminal conviction record. Discrimination based on a person's association with a member of a protected class; retaliation for filing a complaint or otherwise opposing discrimination; and bias-related harassment are also prohibited.

The New York City Commission on Human Rights (CCHR) is charged with receiving, investigating and making determinations on complaints of discrimination, and investigating group tensions, bias, and discrimination against persons or groups of persons. The CCHR has the authority to work with other government entities, groups and organizations

in an effort to reduce or eliminate prejudice and discrimination.

New York State's EEO Laws

New York State Human Rights Law

Under the New York Executive Law, Article 15, Human Rights Law (NYSHRL), it is an unlawful discriminatory practice for an employer with four (4) or more employees to refuse to hire/employ, bar or discharge from employment, or discriminate against an individual in compensation or in terms, conditions or privileges of employment because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

The NYSHRL charges the State Division of Human Rights with the authority to investigate and resolve complaints of discrimination; promote human rights through affirmative measures; develop, articulate, and advocate human rights policy and legislation; and act as a resource to assist public and private entities in preventing or eliminating discrimination.

New York State Civil Service Law Section 55-a

New York State Civil Service Law Section 55-a was enacted to encourage municipal employers to hire and employ qualified persons with disabilities in positions that would be reserved for the competitive class by designation of positions having duties which may be performed by persons with physical or mental disabilities. Civil Service Law Section 55-a requires the municipal employer to treat employees appointed pursuant to section 55-a as if they were employees in the competitive class with regard to abolishment, reduction in rank or salary grade, suspension or demotion of positions.

New York State Labor Law

In 2018, New York State promulgated laws to combat sexual harassment in the workplace,

including requiring all public and private employers in New York State, regardless of the size or nature of the business to establish a sexual harassment prevention policy and sexual harassment prevention training that equals or exceeds the minimum standards provided by the model sexual harassment prevention policy developed by the New York State Department of Labor in consultation with the State Division of Human Rights. The New York State Public Officers Law also requires officers and employees of the state or of any public entity to reimburse the entity for any state or public payment made upon a money judgment of intentional wrongdoing related to a claim of sexual harassment.

The Department of Labor Division of Labor Standards enforces EEO related Labor Laws such as paid family leave and provisions for nursing mothers to receive break time to express breast milk at work.

Federal EEO Laws

Federal laws prohibit workplace discrimination and require that federal, state and local governments, educational institutions, labor organizations and private employers with fifteen (15) or more employees provide equal opportunities to employees and applicants for employment. Under federal law, discrimination is prohibited in recruitment, selection, promotion, layoffs, benefits, compensation, and other aspects of employment based on:

Race, Color, Religion, Sex, National Origin: Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

Individuals With Disabilities: Title I of the Americans with Disabilities Act of 1990, as

amended, and ADA Amendments Act of 2008, prohibits discrimination “against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” This includes using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity. Employment discrimination on the basis of disability includes not making reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. The law also prohibits discrimination in retaliation for asserting one’s rights and based on having a relationship with a person with a disability.

Section 503 of the Rehabilitation Act of 1973, as amended, requires that government entities that work on or under federal contracts refrain from discriminating in employment against individuals with disabilities, and requires these employers to take affirmative action to recruit, hire, promote, and retain individuals with disabilities at all levels of employment, including the executive level.

Disabled, Recently Separated, Other Protected, and Armed Forces Service Medal Veterans: The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212, prohibits job discrimination and requires affirmative action to employ and advance in employment veterans who are disabled or recently separated (within three (3) years of discharge or release from active duty); who served during a war or in a campaign or expedition for which a campaign badge has been authorized; and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation

for which an Armed Forces service medal was awarded).

Age: The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees forty (40) years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

Sex: The Lilly Ledbetter Fair Pay Act of 2009 strengthened the protections against sex discrimination under Title VII of the Civil Rights Act, and the Equal Pay Act of 1963, which prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions. Under the Lilly Ledbetter Fair Pay Act of 2009, the statutory time period to file a claim for discrimination in compensation is measured not only from the time a discriminatory compensation decision or practice is adopted, but also when the employee or applicant is affected by application of the discriminatory compensation decision or practice, including each time wages, benefits, or other compensation is paid as a result of such a decision or practice.

Genetics: Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers’ acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

Retaliation: Federal EEO laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

City employees have the right to file a complaint of employment discrimination with their entity's EEO Professional prior to contacting any of the federal, state, and local entities listed above.

Resources for Filing Complaints

The local, state, and federal entities listed below investigate, and enforce laws against, individual claims of discrimination. The statutory time periods for filing of charges are also listed (starting from the date of the last alleged discriminatory action occurred):

New York City Commission on Human Rights

22 Reade Street – First Floor
New York, NY 10007
(212) 306-7450

Statutory time period: One year (NYC Administrative Code, Title 8, Chapter 1).

New York State Division of Human Rights

One Fordham Plaza, 4th Floor
Bronx, NY, 10458
Phone: (888) 392-3644
TDD: 1-718-741-8300

Statutory time period: One year (New York Executive Law, Article 15 §297(5); see also §297(9)).

United States Equal Employment Opportunity Commission

New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
Phone: 1-800-669-4000
Fax: 212-336-3790
TTY: 1-800-669-6820

Statutory time period: 180 days, unless a proceeding involving the same act is instituted first before the SDHR or CCHR. In that case, filing with the EEOC must occur within 300 days (42 U.S.C. 2000e-5(e)).

New York City Entities Under Jurisdiction

OFFICES OF ELECTED OFFICIALS

- ✦ Bronx Borough President, Office of the
- ✦ Brooklyn Borough President, Office of the
- ✦ Comptroller, Office of the New York City
- ✦ Council, New York City
- ✦ Manhattan Borough President, Office of the
- ✦ Mayor, Office of the
- ✦ Public Advocate for the City of New York, Office of the
- ✦ Queens Borough President, Office of the
- ✦ Staten Island Borough President, Office of the

OFFICES OF COUNTY OFFICIALS

- ✦ Bronx County District Attorney, Office of the
- ✦ Bronx County Public Administrator, Office of the
- ✦ Kings County District Attorney, Office of the
- ✦ Kings County Public Administrator, Office of the
- ✦ New York County District Attorney, Office of the
- ✦ New York County Public Administrator, Office of the
- ✦ Queens County District Attorney, Office of the
- ✦ Queens County Public Administrator, Office of the
- ✦ Richmond County District Attorney, Office of the
- ✦ Richmond County Public Administrator, Office of the
- ✦ Special Narcotics Prosecutor for the City of New York, Office of the

OFFICES OF COMMUNITY BOARDS

- ✦ Community Boards - Brooklyn (Nos. 1-18)
- ✦ Community Boards - Bronx (Nos. 1-12)
- ✦ Community Boards - Manhattan (Nos. 1-12)
- ✦ Community Boards - Queens (Nos. 1-14)
- ✦ Community Boards – Staten Island (Nos. 1-3)

COMMUNITY COLLEGES

- ✦ Community College, Borough of Manhattan
- ✦ Community College, Bronx
- ✦ Community College, Eugenio Maria De Hostos
- ✦ Community College, Fiorello H. LaGuardia
- ✦ Community College, Kingsborough
- ✦ Community College, Queensborough
- ✦ Community College, Stella and Charles Guttman

MAYORAL ENTITIES

- ✦ Administrative Tax Appeals, New York City Office of
- ✦ Administrative Trials and Hearings, Office of
- ✦ Aging, Department for the
- ✦ Buildings, Department of
- ✦ Business Integrity Commission
- ✦ Children's Services, Administration for
- ✦ City Planning, Department of
- ✦ Citywide Administrative Services, Department of
- ✦ Collective Bargaining, Office of
- ✦ Commission on Human Rights, New York City
- ✦ Consumer and Worker Protection, Department of

- ✦ Correction, Department of
- ✦ Cultural Affairs, Department of
- ✦ Design and Construction, Department of
- ✦ Education, Department of
- ✦ Emergency Management, Department of
- ✦ Environmental Protection, Department of
- ✦ Finance, Department of
- ✦ Financial Information Services Agency
- ✦ Fire Department, New York City
- ✦ Health and Mental Hygiene, Department of
- ✦ Housing Preservation and Development, New York City
- ✦ Information Technology and Telecommunications, Department of
- ✦ Investigation, Department of
- ✦ Labor Relations, New York City Office of
- ✦ Landmarks Preservation Commission
- ✦ Law Department, New York City
- ✦ Management and Budget, Office of
- ✦ Parks and Recreation, Department of
- ✦ Payroll Administration, Office of
- ✦ Police Department, New York City
- ✦ Probation, Department of
- ✦ Records and Information Services, Department of
- ✦ Sanitation, Department of
- ✦ Small Business Services, Department of
- ✦ Social Services, Department of (merger of Homeless Services and Human Resources Administration)
- ✦ Taxi and Limousine Commission
- ✦ Transportation, Department of
- ✦ Veterans' Services, Department of
- ✦ Youth and Community Development, Department of

NON-MAYORAL ENTITIES

- ✦ Actuary, New York City Office of the
- ✦ Campaign Finance Board, New York City
- ✦ City Clerk, Office of the
- ✦ Civic Engagement Commission
- ✦ Civil Service Commission, New York City
- ✦ Civilian Complaint Review Board
- ✦ Conflicts of Interest Board
- ✦ Correction, Board of
- ✦ Economic Development Corporation (by consent), New York City
- ✦ Education Retirement System, Board of
- ✦ Employees' Retirement System, New York City
- ✦ Housing Authority, New York City
- ✦ Housing Development Corporation (by consent), New York City
- ✦ Independent Budget Office of the City of New York
- ✦ Police Pension Fund, New York City
- ✦ Standards and Appeals, Board of
- ✦ Teachers' Retirement System of the City of New York

Audits: Evaluating and Monitoring Procedure

Review and Evaluation

The purpose of an EEPC audit is to analyze and evaluate a municipal entity's employment practices and EEO program to ensure that it fulfills the EEO-related responsibilities assigned by the City Charter.

The EEPC audit examines an entity's efforts to establish and maintain:

- ✚ affirmative plans, measures, and programs to provide equal opportunities for minority group members and women,
- ✚ a firm policy against discriminatory employment practices,
- ✚ a meaningful and responsive procedure for investigating discrimination complaints, and
- ✚ a program to educate employees about unlawful discriminatory practices.

The EEPC adopted uniform standards to review, evaluate, and monitor entities' employment and EEO-related practices, procedures, approaches, measures, standards, programs, and policies for compliance with local, state and federal laws, regulations, policies and procedures designed to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. 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 Entities; the employment provisions of the New York City Human Rights Law (NYC Administrative Code, Title 8); New York State Human Rights Law (New York Executive Law, Article 15); 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, as amended; and the equal employment opportunity requirements of the City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

The EEPC is not authorized to investigate individual complaints of employment discrimination and does not issue findings of discrimination pursuant to the New York City Human Rights Law. The EEPC's audit, evaluation and monitoring processes provide a mechanism to ensure each municipal entity institutes and maintains properly structured, efficiently administered employment opportunity practices that comply with federal, state, and city equal employment opportunity laws, requirements, policies and practices calculated to avert errors in judgment or procedure from potentially becoming allegations of employment discrimination.

Subject Areas

A typical EEPC audit examines the following aspects of a municipal entity's EEO program: Issuance, Distribution and Posting of EEO Policies; EEO Training; Discrimination and Sexual Harassment Complaint and Investigation Procedures; Review and Analysis of Employment Practices; Discrimination Complaints and Legal Activities; Selection and Recruitment Systems (including Career Counseling, if applicable); EEO and Reasonable Accommodation Procedures for Employees and Applicants for Employment with Disabilities; Responsibility for EEO Plan Implementation (EEO Professionals, Supervisors, and Managers); and EEO-related Reporting Standards for Entity Heads.

Methodology

The EEPC's audit, review and evaluation commences with distribution of an Audit Overview Chart at the initiation of each audit. This document introduces the EEPC Interview Questionnaire Topics, Documents Suggested for Reference/Upload, and the estimated time needed to complete each questionnaire. The

audit proceeds with the collection and analysis of documents, records and data that an entity provides in response to the EEPC Preliminary Interview Questionnaires (PIQs); review of the entity's Annual EEO Plans and Quarterly EEO Reports; analysis of utilization data from the Citywide Equal Employment Database System (CEEDS); and review of responses to interview questionnaires for EEO professionals and others involved in EEO program administration.

Preliminary Interview Questionnaires

The EEPC utilizes online interview questionnaires referred to as PIQs (Preliminary Interview Questionnaires) to gather the necessary information and data from the relevant employees, including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, Section 55-a Program Coordinators, and others involved in employment and EEO program administration such as the Entity Counsel and Human Resources/Personnel Directors. The municipal entity is typically given three (3) weeks to complete the individual interview questionnaires regarding their role in their agency's employment practices and programs, complaint investigation procedures, sexual harassment prevention program and EEO program as a whole. The recently revised PIQs were upgraded to include the additional functionality that allowed files (and other relevant documents) to be uploaded simultaneously whilst responding to the questions. The interview questionnaires aim to collect relevant information in the most effective and concise manner for the entity. When necessary, the EEO Program Analysts also conduct follow-up discussions or interviews with EEO personnel.

Citywide Equal Employment Database System (CEEDS) Reports

The EEPC's EEO Program Analysts review data from CEEDS to better understand the municipal entity's workforce. The EEPC utilizes the CEEDS Reports generated by DCAS. The

CEEDS *Workforce Composition Summary Report* provides a snapshot of the entity's workforce by EEO job group category, job title, ethnicity and gender. This report gives the EEPC the necessary baseline information on the entity's workforce for a specific period. The CEEDS *Ethnic/Gender Summary by Agency, Type, Job Group and Title Report* provides the entity's hires, promotions, and separations by EEO job group, job title, ethnicity and gender. Such personnel transactions are reviewed in order to ascertain a municipal entity's employment practices. The *Work Force Compared with Internal & External Pools Report* provides underutilization information by EEO job group, ethnicity and gender. This report examines the concentrations of race/gender groups within a municipal entity's workforce, and 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. Where underutilization is revealed within a municipal entity's workforce, EEO Program Analysts assess whether the entity has undertaken reasonable measures to address it. (CEEDS may be unavailable for certain non-mayoral entities. In such cases, the EEPC requests that these entities submit similar statistics and analyses.). These reports provide the EEPC with tangible data, which, in combination with the responses given by the entity, assists in producing findings that are thorough, detailed and holistic in nature.

Discrimination

The EEPC's EEO Program Analysts review the complaint and investigation component of a municipal entity's EEO Program to ascertain whether it has established effective, uniform and responsive procedures for investigating discrimination complaints. EEO Program Analysts examine the number and types of complaints the municipal entity has received; the availability of personnel for complaint intake and investigation; the complaint tracking and monitoring system; documentation of investigations conducted; communications between the municipal entity

and parties to a complaint, and the roles and responsibilities of the EEO personnel, Entity Counsel and Entity Head in the complaint investigation process.

After a review and analysis of documents, records and data, the EEPC issues its Preliminary and Final Determination Letters, which delineate audit findings and corrective actions, if any, a municipal entity should take to achieve compliance with city, state, federal EEO laws, regulations, policies and procedures.

Merging of Audit, Evaluation and Compliance-Monitoring Procedures

Preliminary/Final Determination

If the EEPC makes a preliminary determination that a municipal entity has adopted or utilized a plan, program, procedure, approach, measure or standard that does not provide equal employment opportunity; and/or has not provided equal employment opportunity, the EEPC notifies the entity in writing of its findings, prescribes appropriate corrective action, and provides an opportunity for response.

The EEPC then considers the response and consults with the entity. If corrective actions taken or planned by the entity are not sufficient to correct the non-compliance identified in the Preliminary Determination, the EEPC issues a Final Determination that includes any remaining corrective action, to which the entity must respond within thirty (30) days. If the entity opts to forego responding to the Preliminary Determination, that Determination becomes the Final Determination to which the entity is required to respond.

Merging of Audit, Evaluation and Compliance-Monitoring Procedures

The EEPC's compliance-driven procedures eliminate findings of non-compliance when a municipal entity demonstrates it has taken corrective activity during the audit. The EEPC issues a Preliminary Determination after its initial EEO program audit and evaluation; the entity may issue an optional response; if the

entity submits a response with attached documentation of corrective activity since the initial analysis, the EEPC revises or eliminates any corresponding corrective action. The Board votes on a Resolution to issue a Final Determination with contemporaneous findings/corrective action, if any, and assigns a period of up to six (6) months for monitoring. The entity is then monitored for a written reply and implementation of the remaining corrective action(s).

Entities that demonstrate implementation of all corrective actions prior to the issuance of, or in response to, a Final Determination are exempt from a period of monitoring for compliance.

Compliance-Monitoring Procedure

After receiving the entity's written reply, the EEPC commences monitoring the entity's efforts to achieve compliance for a period of up to six (6) months. During this period, the entity submits monthly compliance-monitoring updates on its progress toward implementing any remaining corrective action. Each entity receives an assigned period of up to six (6) months for compliance-monitoring; however, implementing corrective actions immediately is encouraged.

Determination of Compliance

At the end of an entity's assigned compliance-monitoring period, the Board votes on a Resolution to issue a *Determination of Compliance (or Non-Compliance)*. In order for the EEPC to determine that an entity has satisfactorily completed the compliance-monitoring phase of the audit, the EEPC requires the Entity Head to inform employees of the corrective actions that the entity received and implemented as a result of the EEPC's audit.

Because the City Charter mandates the EEPC to recommend actions entities should consider including in their Annual EEO Plans, the EEPC also requires that an entity incorporate the corrective actions into prospective EEO Plans and its EEO Program.

Non-Compliance

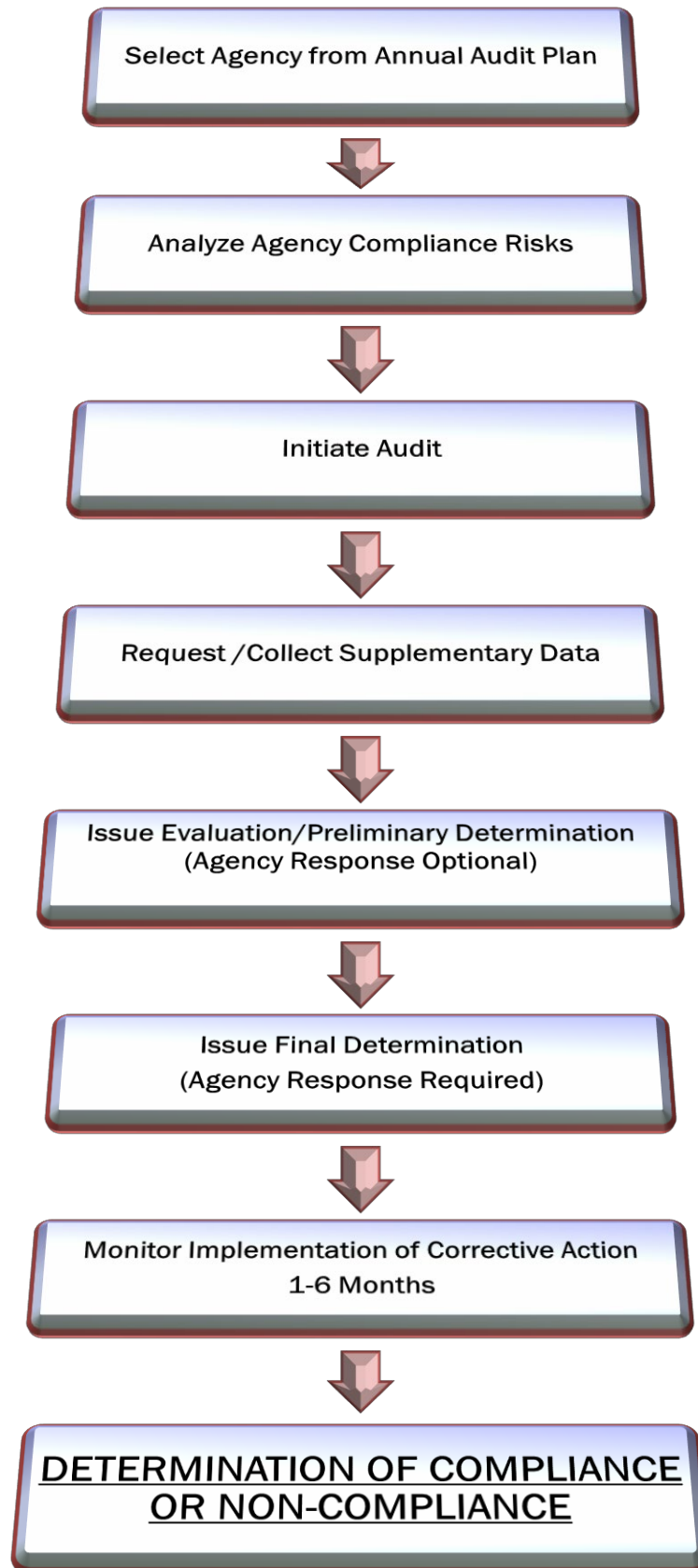
After six (6) months of monitoring, if the EEPC determines that an entity has not taken appropriate and effective corrective action, the entity will receive a *Determination of Non-Compliance*, and will be subject to another audit and evaluation in less than four (4) years. Thereafter, the EEPC will take appropriate steps as outlined in City Charter, Chapter 36, Section 832(c), which include notifying the entity in writing and publishing a report of its findings and prescribed corrective action.

For mayoral entities: In addition to the aforementioned, the EEPC may recommend to the Mayor whatever appropriate corrective action it deems necessary to ensure that the entity's EEO Program provides equal employment opportunity to employees and applicants for employment.

Availability of Audit Determinations

Pursuant to Local Law 11 and Chapter 49, Section 1133(a) of the City Charter, the EEPC electronically publishes each entity's audit Determinations, responses, Resolutions (which include the corrective actions the entity has implemented), and the Entity Head's memorandum to staff on the Open Records portal maintained by the New York City Department of Records and Information Services.

Audit Process: Compliance or Non-Compliance?



Audit Types

An audit is a methodical review and analysis for evaluating the condition of a municipal entity's practices, procedures, and programs, and its efforts to ensure fair and effective equal employment opportunity for women, minority group members and other employees and job applicants identified for protection from discrimination. It concludes upon the implementation of corrective action, if any. The EEPC has developed and uses various audit types as described below.

General Employment and EEO Program Audit

A general employment and EEO program audit is comprehensive in scope and assesses a municipal entity's employment and EEO program, policies and/or practices for compliance with the EEPC's standards and local, state and federal rules, regulations, laws and policies designed to increase equal opportunity for employees and job applicants.

Municipal Entities with 150 or more employees

For entities with 150 or more employees, the EEPC uses broad protocols that examine employment practices and the EEO program including, but not limited to personnel, discrimination complaint and legal activities; issuance, distribution and posting of EEO policies and procedures; EEO and sexual harassment prevention training; discrimination and sexual harassment complaint and investigation procedures; recruitment and selection systems; career counseling; accessibility of facilities for employees and applicants for employment with physical disabilities; reasonable accommodations for employees/applicants for employment with disabilities; responsibility for EEO plan implementation (EEO professionals and supervisors/managers); and reporting standards for Entity Heads.

Municipal Entities with fewer than 150 employees

Specific protocols are used for a general employment and EEO program audit of municipal entities with fewer than 150 employees. These smaller municipal entities are evaluated to ensure that they: issue, distribute, and post EEO and sexual harassment prevention policies and an EEO/sexual harassment prevention Policy Statement; promote EEO in internal/external job advertisements; provide EEO and sexual harassment prevention training to employees; appoint trained and appropriate EEO personnel for complaint intake/investigation (or secure such personnel through a memorandum of agreement with another entity); establish a procedure whereby employees may request and receive consideration for reasonable accommodations; ensure that facilities are accessible for employees and applicants for employment with physical disabilities; and maintain reporting standards for Entity Heads.

Community Boards (five or fewer employees)

The Community Boards are comprised of unsalaried members appointed by the respective Borough Presidents, a full time, salaried District Manager and between one and five (1-5) salaried support staff to administer its District Office. Under the EEPC's protocol for audits of Community Boards, the expectation is that each Community Board adopts and distributes the respective Borough President's EEO policies. (A Community Board may, however, adopt the Citywide EEO Policy.) A typical audit and evaluation of a Community Board evaluates: the issuance, distribution, and posting of EEO Policies; consultation and cooperation with the Borough President's EEO Officer on EEO issues; dissemination of EEO information/EEO training for employees; discrimination complaint system; posting of job vacancies; use of an EEO tagline in advertising; and assessment of facilities for accessibility to applicants/employees with disabilities.

Issue-Specific Audits

The EEPC also developed the following issue-specific audit and evaluation protocols:

Employment Practices Audit (EPA)

The EPA (formerly the Selection and Recruitment Audit) evaluates an entity's workforce data and employment practices (i.e. recruitment, selection, and retention), policies, programs, and procedures to identify whether the entity affords equal opportunities in the terms and conditions of employment by establishing and utilizing tools that eliminate potential barriers.

The EEPC audits, evaluates and monitors whether the entity has conducted an assessment of its recruitment or selection procedures to determine if there is adverse impact upon any particular racial, ethnic, disability, or gender group; and the entity's development of plans to correct deficiencies (e.g. underutilization) within the entity's selection, recruitment, and retention systems. If underutilization or adverse impact is identified in titles where an entity has discretion in hiring, the EEPC examines the entity's efforts toward remedial measures.

Typical remedial measures would include identifying titles within particular job groups which experience underutilization; targeting recruitment strategies; training personnel involved in the recruitment and selection processes to effectively recruit and identify the most capable candidates; developing a recruitment and/or selection plan to increase employment opportunities for titles closed for recruitment; and establishing and utilizing tools that afford equal opportunity (e.g. annual performance evaluation programs that assess employee and managerial performance and substantiate employment decisions made with regard to probation, promotion, assignments, incentives and training).

The EEPC also examines the entity's EEO obligations as a result of government grants and/or contracts and what, if any, corrective

actions are required under court decrees and/or governmental audits.

Discrimination Complaint and Investigation Procedure Audit (DCIPA)

The DCIPA evaluates the complaint and investigation component of an entity's EEO Program to ascertain whether the entity has established a meaningful and responsive procedure for investigating discrimination complaints. EEO Program Analysts examine the number and types of complaints the entity has received; the entity's complaint intake process, complaint investigation procedures, and complaint files; the timeliness with which complaints are investigated; the availability and training of personnel for complaint intake and investigation; and the roles and responsibilities of EEO Professionals, related personnel, Entity Counsel and Entity Head in the entity's complaint investigation process.

Although the EEPC may conduct a DCIPA in cases where a municipal entity has received either excessive discrimination complaints or a saturation of a particular complaint type, these conditions are not prerequisites to this type of audit.

Sexual Harassment Prevention and Response Practices Audit (SHPPRA)

The SHPPRA framework examines and evaluates components of the entity's workforce and workplace structure. The SHPPRA entails review of policies instituted to prevent sexual harassment; procedures for receiving and investigating sexual harassment complaints; review of documentation of complaints investigated, determinations made, and remedial action taken; the roles and responsibilities of EEO professionals, Entity Counsel and the Entity Head in sexual harassment complaint intake, investigation and response procedures; and the entity's sexual harassment prevention awareness and training program.

The corrective actions most frequently issued and implemented during the 2020 SHPRA are included in Appendix V.

Disability, Accessibility & Reasonable Accommodation Audit (DARAA)

The DARAA examines the policies, practices, procedures and efforts the entity has made to employ, promote and/or accommodate qualified individuals with disabilities. This includes availability of trained personnel dedicated to implementation of the reasonable accommodation procedures, and review of reasonable accommodation procedures for compliance with federal, state, and local laws, as well as City and entity policies pertaining to employees, and applicants for employment, with disabilities.

The DARAA also reviews an entity's assessment of accessibility of its facilities, barriers within its facilities and the efforts the entity has taken, or will take, to remove barriers pursuant to the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

For suggestions on additional audit types, email mpinckney@eeepc.nyc.gov.

YEAR 2020

Audits Initiated

A total of 34 audits were initiated during the calendar year.

1. Actuary, New York City Office of the
2. Administrative Tax Appeals, Office of
3. Administrative Trials & Hearings, Office of
4. Aging, Department for the
5. Bronx County District Attorney, Office of the
6. Citywide Administrative Services, Department of
7. Civil Service Commission, New York City
8. Civilian Complaint Review Board
9. Commission on Human Rights, New York City
10. Community College, Bronx
11. Community College, Eugenio Maria De Hostos
12. Community College, Fiorello H. LaGuardia
13. Community College, Kingsborough
14. Community College, Stella and Charles Guttman
15. Correction, Department of
16. Education Retirement System, Board of
17. Education, Department of
18. Environmental Protection, Department of
19. Fire Department, New York City
20. Housing Authority, New York City
21. Independent Budget Office of the City of New York
22. Information Technology and Telecommunications, Department of
23. Investigation, Department of
24. Kings County District Attorney, Office of the
25. Kings County Public Administrator, Office of the
26. Labor Relations, New York City Office of
27. Law Department, New York City
28. New York County Public Administrator, Office of the
29. Police Pension Fund, New York City
30. Public Advocate for the City of New York, Office of the
31. Queens Borough President, Office of the
32. Richmond County District Attorney, Office of the
33. Special Narcotics Prosecutor for the City of New York, Office of the
34. Transportation, Department of

Audit Determinations

The total number of Final Determinations issued in 2020 pertaining to the review and evaluation of Entities' Sexual Harassment Prevention and Response Practices was 38.

Entities that received Final Determinations containing corrective action(s): 38.

1. Actuary, New York City Office of the
2. Administrative Tax Appeals, New York City Office of
3. Administrative Trials and Hearings, Office of
4. Aging, Department for the
5. Bronx County District Attorney, Office of the
6. Citywide Administrative Services, Department of
7. Civil Service Commission, New York City
8. Civilian Complaint Review Board
9. Commission on Human Rights, New York City
10. Community College, Borough of Manhattan
11. Community College, Bronx
12. Community College, Eugenio Maria De Hostos
13. Community College, Fiorello H. LaGuardia
14. Community College, Kingsborough
15. Community College, Queensborough
16. Community College, Stella and Charles Guttman
17. Correction, Department of
18. Education Retirement System, Board of
19. Education, Department of
20. Environmental Protection, Department of
21. Fire Department, New York City
22. Housing Authority, New York City
23. Independent Budget Office of the City of New York
24. Information Technology and Telecommunications, Department of
25. Investigation, Department of
26. Kings County District Attorney, Office of the
27. Kings County Public Administrator, Office of the
28. Labor Relations, New York City Office of
29. Law Department, New York City
30. New York County Public Administrator, Office of the
31. Parks and Recreation, Department of
32. Police Pension Fund, New York City
33. Public Advocate for the City of New York, Office of the
34. Queens Borough President, Office of the

35. Richmond County District Attorney, Office of the
- the
36. Sanitation, Department of
37. Special Narcotics Prosecutor for the City of New York, Office of the
38. Transportation, Department of

As a result of the corrective actions received, the abovementioned entities were assigned a compliance-monitoring period of up to six (6) months.

For specific information on the 2020 determinations see Appendix II or visit the EEPC's website at www.nyc.gov/eepc.

Compliance Determinations

The total number of entities that received a *Determination of Compliance* certificate was 30.

Compliance Without Monitoring

If an entity achieved compliance with the prescribed audit standards or implemented the corrective actions before the issuance of the Final Determination, a *Determination of Compliance* is issued and the entity is assigned “Compliance Without Monitoring” status.

Entities issued Determinations indicating **NO** corrective action and **NO** monitoring required: 0

1. All entities received corrective actions and were assigned a monitoring period.

Compliance-Monitoring

City Charter Chapter 36, Section 832(c) authorizes the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard utilized by any municipal entity does not provide equal employment opportunity; require appropriate corrective action; and assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any. The entity is required to respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct remaining areas of non-compliance.

At the end of the monitoring period, a *Determination of Compliance* is issued if the EEPC determines that the entity eliminated areas of non-compliance and satisfied the equal employment standards set by the EEPC pursuant to its authority under City Charter Chapters 35 and 36.

If an entity was monitored for up to six (6) months to satisfy the corrective actions prescribed, and received a *Determination of Compliance* as a result, it is assigned “Compliance With Monitoring” status.

Entities that implemented Corrective Actions to obtain a Determination of Compliance in 2020: 30.

1. **Actuary, New York City Office of the**
 - Issued/Implemented 10 corrective actions
2. **Aging, Department for the**
 - Issued/Implemented 3 corrective actions
3. **Children's Services, Administration for**
 - Issued/Implemented 9 corrective actions
4. **City Planning, Department of**
 - Issued/Implemented 14 corrective actions
5. **Citywide Administrative Services, Department of**
 - Issued/Implemented 9 corrective actions
6. **Civil Service Commission, New York City**
 - Issued/Implemented 1 corrective action
7. **Commission on Human Rights, New York City**
 - Issued/Implemented 4 corrective actions
8. **Community Board – Brooklyn No. 5**
 - Issued/Implemented 1 corrective action
9. **Community College, Borough of Manhattan**
 - Issued/Implemented 3 corrective actions
10. **Community College, Bronx**
 - Issued/Implemented 4 corrective actions
11. **Community College, Kingsborough**
 - Issued/Implemented 3 corrective actions
12. **Community College, Queensborough**
 - Issued/Implemented 5 corrective actions
13. **Community College, Stella and Charles Guttman**
 - Issued/Implemented 1 corrective action
14. **Conflicts of Interest Board**
 - Issued/Implemented 6 corrective actions
15. **Consumer and Worker Protection, Department of**
 - Issued/Implemented 14 corrective actions
16. **Design and Construction, Department of**
 - Issued/Implemented 6 corrective actions
17. **Economic Development Corporation (by consent), New York City**
 - Issued/Implemented 20 corrective actions
18. **Employees' Retirement System, New York City**
 - Issued/Implemented 9 corrective actions
19. **Fire Department, New York City**
 - Issued/Implemented 9 corrective actions
20. **Housing Authority, New York City**
 - Issued/Implemented 10 corrective actions
21. **Investigation, Department of**
 - Issued/Implemented 13 corrective actions
22. **New York County Public Administrator, Office of the**
 - Issued/Implemented 4 corrective actions

- 23. **Parks and Recreation, Department of**
 - Issued/Implemented 6 corrective actions
- 24. **Police Pension Fund, New York City**
 - Issued/Implemented 4 corrective actions
- 25. **Queens Borough President, Office of the**
 - Issued/Implemented 9 corrective actions
- 26. **Sanitation, Department of**
 - Issued/Implemented 3 corrective actions
- 27. **Small Business Services, Department of**
 - Issued/Implemented 16 corrective actions
- 28. **Standards and Appeals, Board of**
 - Issued/Implemented 4 corrective actions
- 29. **Teachers' Retirement System of the City of New York**
 - Issued/Implemented 13 corrective actions
- 30. **Youth and Community Development, Department of**
 - Issued/Implemented 3 corrective actions

Entities Undergoing Compliance-Monitoring at the Conclusion of 2020: 20

Agency	Compliance-Monitoring Start Date	Corrective Actions (CAs) Issued	CAs implemented as of 12.31.2020
Administrative Tax Appeals, New York City Office of	July 2020	11	8
Administrative Trials and Hearings, Office of	September 2020	15	8
Bronx County District Attorney, Office of the	November 2020	27	3
Civilian Complaint Review Board	August 2020	9	1
Community College, Eugenio Maria De Hostos	September 2020	5	3
Community College, Fiorello H. LaGuardia	October 2020	7	2
Correction, Department of	September 2020	11	9
Education Retirement System, Board of	September 2020	18	9
Education, Department of	September 2020	14	1
Environmental Protection, Department of	September 2020	16	11
Independent Budget Office of the City of New York	July 2020	11	11
Information Technology and Telecommunications, Department of	October 2020	9	6
Kings County District Attorney, Office of the	December 2020	15	0
Kings County Public Administrator, Office of the	August 2020	7	5
Labor Relations, New York City Office of	August 2020	13	9
Law Department, New York City	October 2020	14	7
Public Advocate for the City of New York, Office of the	October 2020	29	1
Richmond County District Attorney, Office of the	November 2020	12	8
Special Narcotics Prosecutor for the City of New York, Office of the	October 2020	12	2
Transportation, Department of	August 2020	5	4

For additional details regarding the compliance-monitoring period and the corrective actions implemented, please review the agency-related Resolutions under Appendix III or on the EEPC's or on the EEPC's website at www.nyc.gov/eepc.

The EEPC makes other audit-related documents (i.e., the EEPC Preliminary Determination and Optional Entity Response, and the EEPC Final Determination and Entity Response) available to the New York City Department of Records and Information Services. Audit-related documents are also made available via Freedom of Information Law (FOIL) request. Documents pertaining to an entity's audit are available upon the EEPC's issuance of a determination of compliance or non-compliance, which is the concluding step in an audit.

Non-Compliance

At the end of the Monitoring Period, if the Commission determines that compliance with the prescribed corrective actions has not been accomplished, or compliance with only some of the corrective actions has been accomplished a *Determination of Non-Compliance*, or *Partial Non-Compliance* is issued, respectively.

In 2020, one (1) municipal entity received a *Determination of Non-Compliance*.

1. **Council, New York City**
RESOLUTION #2019AP/238-102(2020)
Issued 29 corrective actions
Implemented 7

The EEPC initiates a follow-up audit within one (1) year for any entity that has received this status.

EEPC Conference/Hearing

To suggest a topic for an EEPC Conference/Hearing, or to volunteer for an Advisory Committee, send an email to mpinckney@eepc.nyc.gov.

Meeting Calendar 2020

The Board of Commissioners held nine (9) meetings in 2020. The dates are as follows:

Thursday, January 30 @ 9:30 AM
Thursday, March 5 @ 9:30 AM
Thursday, May 7 @ 10:30 AM
Thursday, July 2 @ 10:30 AM
Thursday, August 27 @ 10:30 AM
Thursday, September 24 @ 10:30 AM
Thursday, October 22 @ 10:30 AM
Thursday, November 19 @ 10:30 AM
Thursday, December 31 @ 10:30 AM

Due to the COVID-19 public health crisis of 2020, most meetings were conducted via videoconference and typically commenced between 10:15 and 10:30 am and adjourned by 11:30am.

As required by Local Law 103 of 2013, since April 3, 2015, the Board's meetings have been recorded and made available to the public online at:

<https://www.youtube.com/channel/UCdgAeD4p-esdjymDTdGScfA>

2021 and Beyond

The EEPC audits each municipal entity once every four (4) years at a minimum. In order to meet the City Charter mandate, annual audit plans are developed to ensure entities not audited within the previous four (4) years receive priority. In 2021, the EEPC will conduct the *Sexual Harassment Prevention and Responsive Practices Audit* of thirty-three (33) municipal entities.

Upcoming Audits:

- Bronx County Public Administrator, Office of the
- Civic Engagement Commission
- Community Board – Manhattan No. 1
- Community Board – Manhattan No. 2

- Community Board – Manhattan No. 3
- Community Board – Manhattan No. 4
- Community Board – Manhattan No. 5
- Community Board – Manhattan No. 6
- Community Board – Manhattan No. 7
- Community Board – Manhattan No. 8
- Community Board – Manhattan No. 9
- Community Board – Manhattan No. 10
- Community Board – Manhattan No. 11
- Community Board – Manhattan No. 12
- Community Board – Queens No. 1
- Community Board – Queens No. 2
- Community Board – Queens No. 3
- Community Board – Queens No. 4
- Community Board – Queens No. 5
- Community Board – Queens No. 6
- Community Board – Queens No. 7
- Community Board – Queens No. 8
- Community Board – Queens No. 9
- Community Board – Queens No. 10
- Community Board – Queens No. 11
- Community Board – Queens No. 12
- Community Board – Queens No. 13
- Community Board – Queens No. 14
- Council, New York City (Follow-Up)
- Police Department, New York City
- Queens County District Attorney, Office of the
- Richmond County Public Administrator, Office of the
- Veterans’ Services, Department of

Meeting Calendar 2021

Ten (10) Board of Commissioners’ meetings are scheduled for the following dates in 2021:

- Thursday, January 28 @ 10:30 AM
- Thursday, February 25 @ 10:30 AM
- Thursday, April 1 @ 10:30 AM
- Thursday, May 6 @ 10:30 AM
- Thursday, June 10 @ 10:30 AM
- Thursday, July 15 @ 10:30 AM
- Thursday, August 19 @ 10:30 AM
- Thursday, September 30 @ 10:30 AM
- Thursday, November 4 @ 10:30 AM
- Thursday, December 16 @ 10:30 AM

This Meeting Calendar is subject to revision. Public notice of the Board’s meetings is published in the City Record for five (5) successive days prior to the date of the meeting.

NYC Open Data

New York City Local Law 11 of 2012 (Open Data Law) mandates that all “public” data be made freely available on a single web portal. According to the Open Data Law, a “public dataset” is any comprehensive collection of data that is maintained on a computer system by, or on behalf of, a City entity. *NYC Open Data*, which is the free public data published by New York City entities, provides an opportunity to engage New Yorkers in the information that is produced and used by City government.

The EEPC is committed to *NYC Open Data* for all to increase transparency, accountability, and accessibility within City government. To that end, the EEPC appointed an Open Data Coordinator, who serves as the main point of contact for the public, and works to identify, document, structure, and manage the EEPC’s public datasets. In 2020, the EEPC continued to identify and develop datasets, with accompanying data dictionaries, to be published on the NYC Open Data Portal. For additional information on *NYC Open Data*, please visit:

<https://opendata.cityofnewyork.us/>

Appendix I: Chapter 36

§830 of the New York City Charter [Equal Employment Practices Commission]

- a. There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs of any city agency and the department of citywide administrative services to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.
- b. The commission shall consist of five members who, shall be compensated on a per diem basis. The mayor and the council shall each appoint two members. In addition, the mayor and the speaker of the council shall appoint a fifth member to serve as the chair of the commission for a term of four years.
- c. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.
- d. Members shall be appointed for four-year terms except that of the members first appointed, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June, nineteen hundred ninety-two, one of those appointed by the mayor and one of those appointed by the council shall serve for terms expiring on the thirtieth day of June nineteen hundred ninety-five; and the chair shall serve for a term expiring on the thirtieth day of June, nineteen hundred ninety-four.
- e. The commission may, within the appropriations available therefor, appoint an executive director and such deputies, assistants, and other employees as may be needed for the performance of the duties prescribed herein.
- f. The commission may meet as necessary to implement the provisions of this chapter provided that the commission shall meet at least once every eight weeks.

§ 831 Duties and powers of the New York City equal employment practices commission.

- a. The commission: (i) shall monitor the employment policies, programs and practices of each 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, including the board of education, city and community colleges, the financial services corporation, the health and hospital corporation, the public development corporation, and the city housing authority; and (ii) monitor the coordination and implementation of any city affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies, including the activities of the department of citywide administrative services, and the civil service commission, pursuant to chapter thirty-five, and any other agency designated by the mayor to assist in the implementation or coordination of such efforts, and all city agencies required by section eight hundred fifteen to establish agency programs
- b. The commission may request and shall receive from any city agency such information, other than information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation, and such assistance as may be necessary to carry out the provisions of this chapter.
- c. The commission shall communicate to the commission on human rights any information regarding

suspected or alleged violations of chapter one of title eight of the administrative code.

- d. The commission shall have the following powers and duties:
 1. to review the uniform standards, procedures, and programs of the department of citywide administrative services pursuant to paragraphs twelve and fourteen of subdivision a of section eight hundred, fourteen, and to review the plans adopted by city agencies in accordance with the provisions of paragraph nineteen of subdivision a of section eight hundred fifteen, and to provide any such agency or the department of citywide administrative services with such comments and suggestions as the commission deems necessary and appropriate;
 2. to recommend to the department of citywide administrative services, all city agencies, or any one or more particular agencies, procedures, approaches, measures, standards and programs to be utilized by such agencies in their efforts to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with city agencies;
 3. to recommend to any city agency actions which such agency should consider including in its next annual plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;
 4. to advise and, if requested, assist city agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with city agencies;
 5. to audit and evaluate the employment practices and procedures of each city agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by this commission;
 6. to make such policy, legislative and budgetary recommendations to the mayor, council, the department of citywide administrative services or any city agency as the commission deems necessary to ensure equal employment opportunity for minority group members and women;
 7. to publish by the fifteenth of February of each year a report to the mayor and the council on the activities of the commission and the effectiveness of each city agency's affirmative employment efforts and the efforts by the department of citywide administrative services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies;
 8. to establish appropriate advisory committees;
 9. to serve with such other agencies or officials as shall be designated by the mayor as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity for minority group members and women who are employed by or who seek to be employed by city agencies; and
 10. to take such other actions as are appropriate to effectuate the provisions and purposes of this chapter.

§ 832 Compliance Procedures.

- a. The commission shall conduct such study or investigations and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.
- b. For the purpose of ascertaining facts in connection with any study or investigation authorized by this chapter, the commission shall have power to compel the attendance of witnesses, to administer oaths and to examine such persons as they may deem necessary. The commission or any agent or employee thereof duly designated in writing by them for such purposes may administer oaths or affirmations, examine witnesses in public or private hearing, receive evidence and preside at or conduct any such study or investigation.

- c. If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one, that any plan, program, procedure, approach, measures or standard adopted or utilized by any city agency or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate. The agency shall within thirty days thereafter respond to the commission on any corrective action it intends to make and shall make monthly reports to such commission on the progress of such corrective action. If the commission, after a period not to exceed six months, determines that the agency has not taken appropriate and effective corrective action, the commission shall notify the agency in writing of this determination and the commission may thereafter publish a report and recommend to the mayor whatever appropriate corrective action the commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of this chapter and chapter thirty-five. Within thirty days of such determination the agency shall submit a written response to the commission and the mayor. The mayor after reviewing the commission's findings and the agency's response, if any, shall order and publish such action as he or she deems appropriate.

Appendix II: Audit and Evaluation Resolutions

Pursuant to the City Charter-mandate, at least once every four (4) years, the EEPC audits and evaluates each City entity's employment practices and procedures and their efforts to ensure fair and effective equal employment opportunity for minority group members and women; issues a *Preliminary Determination*; and, after considering the entity's response, approves, and adopts a *Final Determination* for the audit period. The following pages contain the EEPC's Resolutions pertaining to entities' audit and evaluation in 2020. Each entity's Resolution specifies the audit period, corrective action prescribed, if any, and compliance-monitoring period assigned. Upon the adoption of a Resolution, the EEPC issues and mails a *Final Determination* to the head of the entity.

Entities that received a *Final Determination* are listed below (in alphabetical order, when applicable). These Resolutions are also accessible via the EEPC's website at:

http://www.nyc.gov/html/eepc/html/about/eepc_jurisdiction.shtml.

Actuary, New York City Office of the • RESOLUTION #2020AP/240-008-(2020)
Administrative Tax Appeals, New York City Office of • RESOLUTION #2020AP/240-021-(2020)
Administrative Trials and Hearings, Office of • RESOLUTION #2020AP/241-820-(2020)
Aging, Department for the • RESOLUTION #2020AP/241-125-(2020)
Bronx County District Attorney, Office of the • RESOLUTION #2020AP/243-902-(2020)
Citywide Administrative Services, Department of • RESOLUTION #2020AP/243-868-(2020)
Civil Service Commission, New York City • RESOLUTION #2020AP/240-134-(2020)
Civilian Complaint Review Board • RESOLUTION #2020AP/241-054-(2020)
Commission on Human Rights, New York City • RESOLUTION #2020AP/240-226-(2020)
Community College, Borough of Manhattan • RESOLUTION #2019AP/237-466-(2020)
Community College, Bronx • RESOLUTION #2020AP/241-463-(2020)
Community College, Eugenio Maria De Hostos • RESOLUTION #2020AP/241-468-(2020)
Community College, Fiorello H. LaGuardia • RESOLUTION #2020AP/243-469-(2020)
Community College, Kingsborough • RESOLUTION #2020AP/242-465-(2020)
Community College, Queensborough • RESOLUTION #2019AP/237-464-(2020)
Community College, Stella and Charles Guttman • RESOLUTION #2020AP/243-462-(2020)
Correction, Department of • RESOLUTION #2020AP/242-072-(2020)
Education Retirement System, Board of • RESOLUTION #2020AP/241-521-(2020)
Education, Department of • RESOLUTION #2020AP/241-740-(2020)
Environmental Protection, Department of • RESOLUTION #2020AP/241-826-(2020)
Fire Department, New York City • RESOLUTION #2020AP/241-057-(2020)
Housing Authority, New York City • RESOLUTION #2020AP/244-996-(2020)
Independent Budget Office of the City of New York • RESOLUTION #2020AP/240-132-(2020)
Information Technology and Telecommunications, Department of • RESOLUTION #2020AP/242-858-(2020)
Investigation, Department of • RESOLUTION #2020AP/240-032-(2020)
Kings County District Attorney, Office of the • RESOLUTION #2020AP/244-903-(2020)
Kings County Public Administrator, Office of the • RESOLUTION #2020AP/241-943-(2020)
Labor Relations, New York City Office of • RESOLUTION #2020AP/241-214-(2020)
Law Department, New York City • RESOLUTION #2020AP/242-025-(2020)
New York County Public Administrator, Office of the • RESOLUTION #2020AP/240-941-(2020)
Parks and Recreation, Department of • RESOLUTION #2019AP/237-846-(2020)
Police Pension Fund, New York City • RESOLUTION #2020AP/242-256-(2020)
Public Advocate for the City of New York, Office of the • RESOLUTION #2020AP/242-101-(2020)

Queens Borough President, Office of the • RESOLUTION #2020AP/241-013-(2020)
Richmond County District Attorney, Office of the • RESOLUTION #2020AP/243-905-(2020)
Sanitation, Department of • RESOLUTION #2019AP/237-827-(2020)
Special Narcotics Prosecutor for the City of New York, Office of the • RESOLUTION #2020AP/243-906-(2020)
Transportation, Department of • RESOLUTION #2020AP/241-841-(2020)

**RESOLUTION NO.
 2020AP/240-008-(2020)
 Chief Actuary Sherry Chan
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 10	
Period Audit Covered:	January 1, 2018 to December 31, 2019	
Preliminary Determination Issued:	May 4, 2020	No Response Received
Final Determination Issued:	June 2, 2020	Response Due July 2, 2020
Compliance-Monitoring:	Required	July 1, 2020 to December 31, 2020

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Actuary’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Actuary’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 4, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
5. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 2, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9; and 10.

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 2, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chief Actuary Sherry Chan to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

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

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/240-021-(2020)
Office of Administrative Tax Appeals
President Frances J. Henn
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 11		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	June 9, 2020	Response Received	June 23, 2020
Final Determination Issued:	June 29, 2020	Response Due	July 29, 2020
Compliance-Monitoring:	Required	July 1, 2020 to December 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of Administrative Tax Appeals’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of Administrative Tax Appeals’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 9, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
8. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 26, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 29, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to President Frances J. Henn to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

Absent

Angela Cabrera
Commissioner

/s/Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/241-820-(2020)
 Office of Administrative Trials and Hearings
 Commissioner and Chief Administrative Law Judge Joni Kletter
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 15		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 17, 2020	Response Received	July 31, 2020
Final Determination Issued:	August 11, 2020	Response Due	September 10, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of Administrative Trials and Hearings’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of Administrative Trials and Hearings’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 17, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
7. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
8. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
9. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
10. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

11. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
12. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
13. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
14. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
15. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 11, 2020, which indicated that the following areas required corrective action: no(s). 2, 6, 7, 8, 9, 10, 11, 13, 14, and 15; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 11, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner and Chief Administrative Law Judge Joni Kletter to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/241-125-(2020)
Department for the Aging
Commissioner Lorraine Cortés-Vázquez
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 3		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	June 18, 2020	Response Received	July 1, 2020
Final Determination Issued:	July 14, 2020	Response Due	August 13, 2020
Compliance-Monitoring:	Required	August 1, 2020 to January 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department for the Aging’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department for the Aging’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 18, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
2. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
3. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 14, 2020, which indicated that the following areas required corrective action: no(s). 2 and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 14, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Lorraine Cortés-Vázquez to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/243-902-(2020)
Office of the Bronx County District Attorney
District Attorney Darcel D. Clark
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 27		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 10, 2020	Response Received	September 24, 2020
Final Determination Issued:	October 5, 2020	Response Due	November 4, 2020
Compliance-Monitoring:	Required	November 1, 2020 to April 30, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Bronx County District Attorney’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Bronx County District Attorney’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 10, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
5. Provide the option to file a complaint anonymously.
6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
20. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy
21. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
22. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues

pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

23. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
24. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
25. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
26. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).
27. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 5, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 5, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to District Attorney Darcel D. Clark to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/243-868-(2020)
Department of Citywide Administrative Services
Commissioner Lisette Camilo
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 9		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 11, 2020	Response Received	September 25, 2020
Final Determination Issued:	September 30, 2020	Response Due	October 30, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Citywide Administrative Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Citywide Administrative Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 11, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
8. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 3, 4, 6, and 7; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on

the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 30, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Lisette Camilo to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/240-134-(2020)
 Civil Service Commission
 Chair, Nancy Chaffetz
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s):	Total: 1		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	May 6, 2020	Response Received	May 12, 2020
Final Determination Issued:	May 18, 2020	Response Due	June 18, 2020
Compliance-Monitoring :	Required	June 1, 2020 to November 30, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Civil Service Commission’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Civil Service Commission’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 6, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 18, 2020, which indicated that the following areas required corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2020 to November 30, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on May 18, 2020, the entity was required to issue a response to the EEPC’s Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chair Nancy Chaffetz to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

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

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

RESOLUTION NO.
2020AP/241-054-(2020)
Civilian Complaint Review Board
Executive Director Jonathan Darche, Esq.
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total:	9
Period Audit Covered:	January 1, 2018 to December 31, 2019	
Preliminary Determination Issued:	July 8, 2020	No Response Received
Final Determination Issued:	July 24, 2020	Response Due August 23, 2020
Compliance-Monitoring:	Required	August 1, 2020 to January 31, 2021

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Civilian Complaint Review Board’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Civilian Complaint Review Board’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 8, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
5. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following

each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 24, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 24, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Executive Director Jonathan Darche, Esq. to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/240-226-(2020)
New York City Commission on Human Rights
Commissioner Carmelyn P. Malalis
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 4		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	May 19, 2020	Response Received	June 2, 2020
Final Determination Issued:	June 15, 2020	Response Due	July 15, 2020
Compliance-Monitoring:	Required	July 1, 2020 to December 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Commission on Human Rights’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Commission on Human Rights’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 19, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Serve the respondent with a notice of the complaint that includes the respondent’s right to

respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

2. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
3. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
4. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 15, 2020, which indicated that the following areas required corrective action: no(s). 3 and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 15, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Carmelyn P. Malalis to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

Absent

**Angela Cabrera
Commissioner**

/s/Malini Cadambi Daniel

**Malini Cadambi Daniel
Commissioner**

/s/Arva R. Rice

**Arva R. Rice
Commissioner**

/s/Elaine S. Reiss

**Elaine S. Reiss, Esq.
Commissioner**

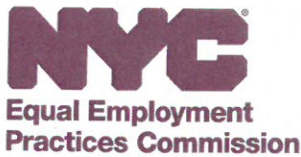
/s/Sasha Neha Ahuja

**Sasha Neha Ahuja
Chair**

On behalf all Commissioners in attendance,



**Charise L Terry
Executive Director**



**RESOLUTION NO.
2019AP/237-466-(2020)
Borough of Manhattan Community College
Interim President Karrin E. Wilks
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s):	Total: 3		
Period Audit Covered:	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued:	December 13, 2019	Response Received	December 20, 2019
Final Determination Issued:	January 6, 2020	Response Due	February 5, 2020
Compliance-Monitoring:	Required	February 1, 2020 to July 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Borough of Manhattan Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Borough of Manhattan Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 13, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive

procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 6, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, and 3; and

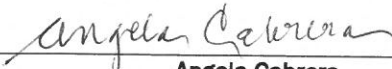
Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 6, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Karrin E. Wilks to assign compliance-monitoring.


Approved unanimously on January 30, 2020.



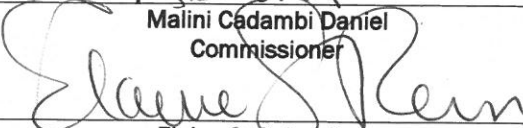
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Sasha Neha Ahuja
Chair

**RESOLUTION NO.
 2020AP/241-463-(2020)
 Bronx Community College
 President Thomas A. Isekenegebe
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 4		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 21, 2020	Response Received	August 4, 2020
Final Determination Issued:	August 6, 2020	Response Due	September 5, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Bronx Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Bronx Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 21, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual

harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 6, 2020, which indicated that the following areas required corrective action: no. 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 6, 2020, the entity was required to issue a response to the EEPC’s Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to President Thomas A. Isekenegbe to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

RESOLUTION NO.
 2020AP/241-468-(2020)
 Eugenio María de Hostos Community College
 Interim President Daisy Cocco De Filippis
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 5		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 4, 2020	Response Received	August 18, 2020
Final Determination Issued:	August 26, 2020	Response Due	September 25, 2020
Compliance-Monitoring :	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Eugenio María de Hostos Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Eugenio María de Hostos Community College’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated August 4, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 26, 2020, which indicated that the following areas required corrective action: no(s). 2, 3, 4, and 5; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 26, 2020, the entity was required to issue a response to the EEPC’s Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Daisy Cocco De Filippis to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/243-469-(2020)
 Fiorello H. LaGuardia Community College
 President Kenneth Adams
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 7		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 11, 2020	Response Received	September 24, 2020
Final Determination Issued:	September 30, 2020	Response Due	October 30, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Fiorello H. LaGuardia Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Fiorello H. LaGuardia Community College’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated September 11, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
4. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
5. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 2, 3, 5, 6, and 7; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 30, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to President Kenneth Adams to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/242-465-(2020)
 Kingsborough Community College
 President Claudia V. Schrader
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 3		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 26, 2020	Response Received	September 2, 2020
Final Determination Issued:	September 10, 2020	Response Due	October 10, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Kingsborough Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Kingsborough Community College’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated August 26, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 10, 2020, which indicated that the following areas required corrective action: no(s). 2, and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 10, 2020, the entity was required to issue a response to the EEPC’s Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to President Claudia V. Schrader to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2019AP/237-464-(2020)
Queensborough Community College
Interim President Timothy G. Lynch
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 5		
Period Audit Covered:	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued:	December 20, 2019	Response Received	January 10, 2020
Final Determination Issued:	January 16, 2020	Response Due	February 15, 2020
Compliance-Monitoring:	Required	February 1, 2020 to July 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Queensborough Community College's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Queensborough Community College's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 20, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 16, 2020, which indicated that the following areas required corrective action: no(s). 1 - 5; and

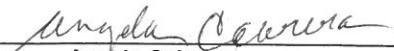
Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

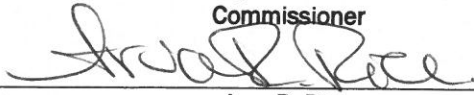
Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 16, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Timothy G. Lynch to assign compliance-monitoring.

Approved unanimously on January 30, 2020.



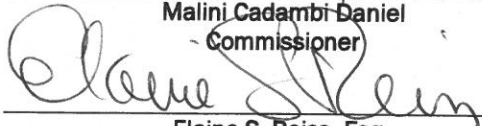
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Sasha Neha Ahuja
Chair



RESOLUTION NO.
2020AP/243-462-(2020)
Stella and Charles Guttman Community College
Interim President Doris Cintrón
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 1		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	October 1, 2020	Response Received	October 14, 2020
Final Determination Issued:	October 16, 2020	Response Due	November 15, 2020
Compliance-Monitoring:	Required	November 1, 2020 to April 30, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Stella and Charles Guttman Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Stella and Charles Guttman Community College’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated October 1, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 16, 2020, which indicated that no areas required corrective action; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 16, 2020, the entity was required to issue a response to the EEPC’s Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Doris Cintrón to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/242-072-(2020)
 New York City Department of Correction
 Commissioner Cynthia Brann
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 11		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 23, 2020	Response Received	August 6, 2020
Final Determination Issued:	August 31, 2020	Response Due	September 30, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Correction’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department of Correction’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 23, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
4. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
5. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure for all complaint cases.
6. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
7. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
8. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 31, 2020, which indicated that the following areas required corrective action: no(s). 1, 3, 8, 10 and 11.

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 31, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Cynthia Brann to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/241-521-(2020)
Board of Education Retirement System
Executive Director Sanford Rich
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 18		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 21, 2020	No Response Received	
Final Determination Issued:	August 6, 2020	Response Due	September 5, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Board of Education Retirement System’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Board of Education Retirement System’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 21, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head’s Review.
6. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
7. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
8. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
9. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
10. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to

consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

11. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
12. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
13. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
14. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
15. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
16. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
17. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
18. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 6, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 6, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Executive Director Sanford Rich to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director

**RESOLUTION NO.
 2019AP/241-740-(2020)
 New York City Department of Education
 Chancellor Richard Carranza
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 14		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 29, 2020	No Response Received	
Final Determination Issued:	August 13, 2020	Response Due	September 14, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Education’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Education’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual

harassment annually.

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
5. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
6. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
7. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
8. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
9. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact

the administration and operation of programs, policies or procedures concerning sexual harassment.

12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation
13. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 13, 2020, which indicated that the following areas required corrective action: no(s). 1 - 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 13, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chancellor Richard Carranza to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/241-826-(2020)
The Department of Environmental Protection
Commissioner Victor Sapienza
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 16		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 10, 2020	Response Received	July 24, 2020
Final Determination Issued:	August 12, 2020	Response Due	September 11, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Environmental Protection’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Environmental Protection’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 10, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review for all complaint files.
7. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
8. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted for all complaint files.
9. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure for all complaint cases.
10. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action taken as a result.
11. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
12. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

13. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
14. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
15. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
16. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 12, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 4, 5, 9, 12, 15 and 16.

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 12, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Victor Sapienza to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

**RESOLUTION NO.
 2020AP/241-057-(2020)
 Fire Department of the City of New York
 Fire Commissioner Daniel A. Nigro
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 9		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 31, 2020	Response Received	August 14, 2020
Final Determination Issued:	August 24, 2020	Response Due	September 23, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Fire Department of the City of New York’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Fire Department of the City of New York’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 31, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
5. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
8. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 24, 2020, which indicated that the following areas required corrective action: no(s). 2, 5, 6 and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 24, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Fire Commissioner Daniel A. Nigro to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/244-996-(2020)
New York City Housing Authority
Chair & Chief Executive Officer Gregory P. Russ
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 10		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	October 7, 2020	Response Received	
Final Determination Issued:	October 30, 2020	Response Due	November 30, 2020
Compliance-Monitoring:	Required	November 1, 2020 to April 30, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Housing Authority’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Housing Authority’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 7, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
6. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
7. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
8. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

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

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 7, and 10; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 30, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chair & Chief Executive Officer Gregory P. Russ to assign compliance-monitoring.

Approved unanimously on November 19, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/240-132-(2020)
 Independent Budget Office
 Director Ronnie Lowenstein
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 11		
Period Audit Covered:	January 1, 2018 to December 31, 2020		
Preliminary Determination Issued:	June 3, 2020	No Response Received	
Final Determination Issued:	June 18, 2020	Response Due	July 18, 2020
Compliance-Monitoring:	Required	July 1, 2020 to December 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Independent Budget Office’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Independent Budget Office’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 3, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms

to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
4. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
5. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
6. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
7. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
8. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
10. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 18, 2020, which indicated that the following areas required

corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 18, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Director Ronnie Lowenstein to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

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

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/242-858-(2020)
 Department of Information Technology and Telecommunications
 Commissioner Jessica S. Tisch
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 9		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 11, 2020	Response Received	August 25, 2020
Final Determination Issued:	September 9, 2020	Response Due	October 9, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Information Technology and Telecommunications’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Information Technology and Telecommunications’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 11, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that

conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
8. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 9, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 7, 8 and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 9, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Jessica S. Tisch to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/240-032-(2020)
Department of Investigation
Commissioner Margaret Garnett
Sexual Harassment Prevention and Response
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 13		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination		Response	
Issued:	May 29, 2020	Received	June 12, 2020
Final Determination Issued:	July 1, 2020	Response Due	July 31, 2020
Compliance-Monitoring:	Required		July 1, 2020 to December 31, 2020

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Investigation’s Sexual Harassment Prevention and Response; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Investigation’s Sexual Harassment Prevention and Response, the EEPC issued a Preliminary Determination, dated May 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
6. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
7. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
8. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
9. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 1, 2020, which indicated that the following areas required corrective action: no(s). 3; 4; 6; 8; 12 and 13

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 1, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Margaret Garnett to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

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

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/244-903-(2020)
 Office of the Kings County District Attorney
 District Attorney Eric Gonzalez
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 15		
Period Audit Covered:	December 1, 2018 to January 31, 2019		
Preliminary Determination Issued:	October 21, 2020	No Response Received	
Final Determination Issued:	November 10, 2020	Response Due	December 10, 2020
Compliance-Monitoring:	Required	December 1, 2020 to May 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Kings County District Attorney’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Kings County District Attorney’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 21, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
4. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
5. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
6. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
7. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of relevant facts gathered, a determination, a recommendation and documentation of the Agency Head’s Review.
8. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
9. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
10. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs

the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

11. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
12. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
13. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
14. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
15. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on November 10, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from December 1, 2020 to May 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on November 10, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to District Attorney Eric Gonzalez to assign compliance-monitoring.

Approved unanimously on November 19, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/241-943-(2020)
 Office of the Kings County Public Administrator
 Public Administrator Richard Buckheit
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 7		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 20, 2020	No Response Received	
Final Determination Issued:	July 31, 2020	Response Due	August 30, 2020
Compliance-Monitoring:	Required	August 1, 2020 to January 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Kings County Public Administrator’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Kings County Public Administrator’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 20, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 31, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, and 7; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination,

the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 31, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Public Administrator Richard Buckheit to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	<hr/> <p>/s/Angela Cabrera Angela Cabrera Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/241-214-(2020)
Office of Labor Relations
Commissioner Renee Campion
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 13		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	June 29, 2020	Response Received	July 13, 2020
Final Determination Issued:	July 31, 2020	Response Due	August 30, 2020
Compliance-Monitoring:	Required	August 1, 2020 to January 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of Labor Relations’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of Labor Relations’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
8. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 31, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 5, 6, 8, 9, 10, 11, 12, and 13; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 31, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Renee Campion to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/242-025-(2020)
New York City Law Department
Corporation Counsel James E. Johnson
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 14		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 20, 2020	Response Received	September 3, 2020
Final Determination Issued:	September 9, 2020	Response Due	October 9, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Law Department’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Law Department’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 20, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
7. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
8. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
9. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
10. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
11. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
12. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and

complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

13. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 9, 2020, which indicated that the following areas required corrective action: no(s). 1, 4, 5, 8, 10, 11, 12, 13, and 14.

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 9, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Corporation Counsel James E. Johnson to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/240-941-(2020)
Office of the New York County Public Administrator
Public Administrator Dahlia Damas
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 4		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	May 27, 2020	Response Received	June 4, 2020
Final Determination Issued:	June 17, 2020	Response Due	July 17, 2020
Compliance-Monitoring:	Required	July 1, 2020 to December 31, 2020	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the New York County Public Administrator’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York County Public Administrator’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 27, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual

harassment annually.

2. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
3. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 17, 2020, which indicated that the following areas required corrective action: no(s). 2, 3, and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 17, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Public Administrator Dahlia Damas to assign compliance-monitoring.

Approved unanimously on July 2, 2020.

Absent

Angela Cabrera
Commissioner

/s/Malini Cadambi Daniel

Malini Cadambi Daniel
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



**RESOLUTION NO.
2019AP/237-846-(2020)
New York City Department of Parks and Recreation
Commissioner Mitchell J. Silver, FAICP
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s):	Total: 6
Period Audit Covered:	January 1, 2017 to December 31, 2018
Preliminary Determination Issued:	January 8, 2020 No Response Received
Final Determination Issued:	January 27, 2020 Response Due February 26, 2020
Compliance-Monitoring:	Required February 1, 2020 to July 31, 2020

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Parks and Recreation's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department of Parks and Recreation's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated January 8, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
3. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
5. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
6. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 27, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5; and 6

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 27, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Mitchell J. Silver to assign compliance-monitoring.

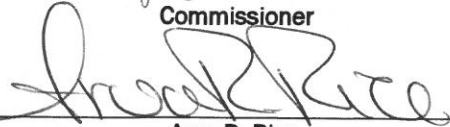
Approved unanimously on January 30, 2020.



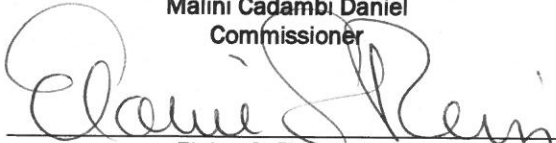
Angela Cabrera
Commissioner




Malini Cadambi Daniel
Commissioner



Arva R. Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Sasha Neha Ahuja
Chair



RESOLUTION NO.
2020AP/242-256-(2020)
New York City Police Pension Fund
Executive Director Kevin Holloran
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 4		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 28, 2020	Response Received	September 3, 2020
Final Determination Issued:	September 15, 2020	Response Due	October 14, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Police Pension Fund’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Police Pension Fund’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 28, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise

the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

2. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
3. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 15, 2020, which indicated that the following areas required corrective action: no(s). 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 15, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Executive Director Kevin Holloran to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/242-101-(2020)
Office of the New York City Public Advocate
Public Advocate Jumaane Williams
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 29		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	August 6, 2020	Response Received	August 20, 2020
Final Determination Issued:	September 4, 2020	Response Due	October 4, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the New York City Public Advocate’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York City Public Advocate’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 6, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
5. Provide the option to file a complaint anonymously.
6. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head’s Review.

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety

of levels within the organizational structure.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
29. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days Page 15 of 16 Preliminary Determination: Office of the New York City Public Advocate following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 4, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 4, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Public Advocate Jumaane Williams to assign compliance-monitoring.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/241-013-(2020)
Office of the Queens Borough President
Acting Borough President Sharon Lee
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 9		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	July 14, 2020	Response Received	July 28, 2020
Final Determination Issued:	August 11, 2020	Response Due	September 10, 2020
Compliance-Monitoring:	Required	September 1, 2020 to February 28, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Queens Borough President’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Queens Borough President’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 14, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
7. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
8. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 11, 2020, which indicated that the following areas

required corrective action: no(s). 1, 2, 6 and 9.

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 11, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Acting Borough President Sharon Lee to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



RESOLUTION NO.
2020AP/243-905-(2020)
Office of the Richmond County District Attorney
District Attorney Michael E. McMahon
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 24, 2020	Response Received	October 8, 2020
Final Determination Issued:	October 19, 2020	Response Due	November 18, 2020
Compliance-Monitoring:	Required	November 1, 2020 to April 30, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Richmond County District Attorney’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Richmond County District Attorney’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 24, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
8. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 19, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 7, 10, 11, and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 19, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to District Attorney Michael E. McMahon to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



RESOLUTION NO.
2019AP/237-827-(2020)
Department of Sanitation
Commissioner Kathryn Garcia
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s): Total: 3
Period Audit Covered: January 1, 2017 to December 31, 2018
Preliminary Determination Issued: December 23, 2019 Response Received January 6, 2020
Final Determination Issued: January 15, 2020 Response Due February 14, 2020
Compliance-Monitoring: Required February 1, 2020 to July 31, 2020

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Sanitation's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Sanitation's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 23, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 15, 2020, which indicated that the following areas required corrective action: no. 3; and



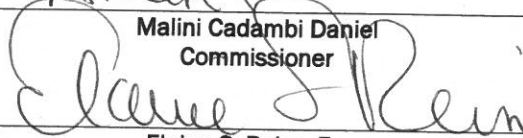

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 15, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Kathryn Garcia to assign compliance-monitoring.

Approved unanimously on January 30, 2020.

 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p>Angela Cabrera Commissioner</p>	<p style="font-size: 1.5em; font-weight: bold;">Absent</p> <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p>Malini Cadambi Daniel Commissioner</p>
 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p>Arva R. Rice Commissioner</p>	 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p>Elaine S. Reiss, Esq. Commissioner</p>
 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> <p>Sasha Neha Ahuja Chair</p>	

**RESOLUTION NO.
 2020AP/243-906-(2020)**
Office of the Special Narcotics Prosecutor for the City of New York
Special Narcotics Prosecutor Bridget G. Brennan
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 14, 2020	Response Received	September 28, 2020
Final Determination Issued:	September 30, 2020	Response Due	October 30, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 14, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
4. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
8. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 30, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Special Narcotics Prosecutor Bridget G. Brennan to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**RESOLUTION NO.
 2020AP/241-841-(2020)
 Department of Transportation
 Commissioner Polly Trottenberg
 Sexual Harassment Prevention and Response Practices
 DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 5		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	June 17, 2020	Response Received	July 1, 2020
Final Determination Issued:	July 13, 2020	Response Received	August 17, 2020
Compliance-Monitoring:	Required	August 1, 2020 to January 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Transportation’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Transportation’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 17, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence and

investigation immediately if allegations raised sufficiently warrant an investigation.

2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
3. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
4. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
5. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 13, 2020, which indicated that the following areas required corrective action: no(s). 1, 3, and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 13, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Polly Trottenberg to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Appendix III: Determination of Compliance Resolutions

Pursuant to the City Charter-mandated compliance-monitoring procedure and period, the EEPC considers, in consultation with an entity, whether programs, or procedures utilized by the entity are in compliance with the equal employment opportunity standards of the EEPC and requirements of Chapters 35 and 36 of the City Charter; and reviews, approves, and adopts a Determination of Compliance or Non-Compliance at the end of an assigned monitoring period. The following pages contain the EEPC's Resolutions pertaining to entities' compliance in 2020. Each entity's Resolution specifies the corrective action prescribed, the compliance-monitoring period assigned, the corrective actions implemented, and the entity's final disposition. Upon the adoption of a Resolution indicating a disposition of compliance, the EEPC issues and mails a *Determination of Compliance* to the head of the entity.

Entities that received a *Determination of -Compliance* are listed below (in alphabetical order, when applicable). These Resolutions are also accessible via the EEPC's website at:
http://www.nyc.gov/html/eepc/html/about/eepc_jurisdiction.shtml.

Actuary, New York City Office of the • RESOLUTION #2020AP/245-008-(2020)C28
Aging, Department for the • RESOLUTION #2020AP/245-125-(2020)C23
Children's Services, Administration for • RESOLUTION #2019AP/241-067-(2020)C16
City Planning, Department of • RESOLUTION #2019AP/240-030-(2020)C13
Citywide Administrative Services, Department of • RESOLUTION #2020AP/245-868-(2020)C31
Civil Service Commission, New York City • RESOLUTION #2020AP/240-134-(2020)C11
Commission on Human Rights, New York City • RESOLUTION #2020AP/241-226-(2020)C18
Community Board – Brooklyn No. 5 • RESOLUTION #2019AP/237-475-(2020)C2
Community College, Borough of Manhattan • RESOLUTION #2019AP/240-466-(2020)C12
Community College, Bronx • RESOLUTION #2020AP/245-463-(2020)C29
Community College, Kingsborough • RESOLUTION #2020AP/244-465-(2020)C20
Community College, Queensborough • RESOLUTION #2019AP/239-464-(2020)C7
Community College, Stella and Charles Guttman • RESOLUTION #2020AP/244-462-(2020)C21
Conflicts of Interest Board • RESOLUTION #2019AP/239-312-(2020)C5
Consumer and Worker Protection, Department of • RESOLUTION #2019AP/241-866-(2020)C15
Design and Construction, Department of • RESOLUTION #2019AP/240-850-(2020)C9
Economic Development Corporation (by consent), New York City • RESOLUTION #2019AP/241-998-(2020)C17
Employees' Retirement System, New York City • RESOLUTION #2019AP/241-009-(2020)C14
Fire Department, New York City • RESOLUTION #2020AP/245-057-(2020)C25
Housing Authority, New York City • RESOLUTION #2020AP/245-996-(2020)C30
Investigation, Department of • RESOLUTION #2020AP/245-032-(2020)C27
New York County Public Administrator, Office of the • RESOLUTION #2020AP/244-941-(2020)C22
Parks and Recreation, Department of • RESOLUTION #2019AP/242-846-(2020)C19
Police Pension Fund, New York City • RESOLUTION #2020AP/245-256-(2020)C24
Queens Borough President, Office of the • RESOLUTION #2020AP/245-013-(2020)C26
Sanitation, Department of • RESOLUTION #2019AP/240-827-(2020)C10
Small Business Services, Department of • RESOLUTION #2019AP/240-801-(2020)C8
Standards and Appeals, Board of • RESOLUTION #2019AP/239-059-(2020)C4
Teachers' Retirement System of the City of New York • RESOLUTION #2019AP/239-041-(2020)C6
Youth and Community Development, Department of • RESOLUTION #2019AP/237-261-(2020)C1

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2020AP/245-008-(2020)C28
 Office of the Actuary
 Chief Actuary Sherry Chan
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 10		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	May 4, 2020	No Response Received	
Final Determination Issued	June 2, 2020	Response Received	July 2, 2020
Compliance-Monitoring	Required	July 1, 2020 to December 31, 2020	
		without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Office of the Actuary’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Actuary’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated May 4, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
5. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 2, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 2, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Office of the Actuary was monitored until December 11, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chief Actuary submitted a copy of a memorandum to staff dated December 14, 2020, which recognized the EEPC's audit and reiterated commitment to the Office of the Actuary's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the Actuary has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chief Actuary Sherry Chan of the Office of the Actuary.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

Absent
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/245-125-(2020)C23

New York City Department for the Aging

Commissioner Lorraine Cortés-Vázquez

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 3		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	June 18, 2020	Response Received	July 1, 2020
Final Determination Issued	July 14, 2020	Response Received	August 7, 2020
Compliance-Monitoring	Required	August 1, 2020 to January 31, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department for the Aging’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department for the Aging’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 18, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
2. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy
3. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 14, 2020, which indicated that the following areas required corrective action: no(s). 2 and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 7, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department for the Aging was monitored until November 9, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated November 17, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Department for the Aging's equal employment practices; Now Therefore,

Be It Resolved, that the New York City Department for the Aging has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Lorraine Cortés-Vázquez of the New York City Department for the Aging.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja

**Sasha Neha Ahuja
Chair**

Absent

**Angela Cabrera
Commissioner**

/s/Arva R. Rice

**Arva R. Rice
Commissioner**

/s/Elaine S. Reiss

**Elaine S. Reiss, Esq.
Commissioner**

On behalf all Commissioners in attendance,


Charise L Terry
**Charise L Terry
Executive Director**

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/241-067-(2020)C16

Administration for Children’s Services

Commissioner David A. Hansell

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 9		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	October 3, 2019	Response Received	October 17, 2019
Final Determination Issued	October 18, 2019	Response Received	November 18, 2019
Compliance-Monitoring	Required	November 1, 2019 to July 31, 2020	with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Administration for Children’s Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Administration for Children’s Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 3, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
7. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
8. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 18, 2019, which indicated that the following areas required corrective action: no(s). 1, 3, 4; 5, 6, 7, 8, and 9

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2019 to April 30, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on November 18, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the was monitored until July 29, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated August 14, 2020, which recognized the EEPC's audit and reiterated commitment to the Administration for Children's Services' equal employment practices; Now Therefore,

Be It Resolved, that the has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner David A. Hansell of the Administration for Children's Services.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

**RESOLUTION NO.
 2019AP/240-030-(2020)C13
 Department of City Planning
 Chair Marisa Lago
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 14		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	October 24, 2019	Response Received	November 1, 2019
Final Determination Issued	November 8, 2019	Response Received	December 6, 2019
Compliance-Monitoring	Required	December 1, 2019 to May 31, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of City Planning’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of City Planning’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 24, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
6. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
7. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
8. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
9. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
10. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
11. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

13. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on November 8, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from December 1, 2019 to May 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on December 6, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of City Planning was monitored until June 1, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chair submitted a copy of a memorandum to staff dated June 22, 2020, which recognized the EEPC's audit and reiterated commitment to the Department of City Planning's equal employment practices; Now Therefore,

Be It Resolved, that the Department of City Planning has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chair Marisa Lago of the Department of City Planning.

Approved unanimously on July 2, 2020.

Absent

Angela Cabrera
Commissioner

/s/Malini Cadambi Daniel
Malini Cadambi Daniel
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2020AP/245-868-(2020)C31
 Department of Citywide Administrative Services
 Commissioner Lisette Camillo
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 9		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	September 11, 2020	Response Received	September 25, 2020
Final Determination Issued	September 30, 2020	Response Received	October 16, 2020
Compliance-Monitoring	Required	October 1, 2020 to March 31, 2021	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Citywide Administrative Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Citywide Administrative Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 11, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
8. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
9. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 3, 4, 6, and 7; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 16, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Citywide Administrative Services was monitored until December 15, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated December 28, 2020, which recognized the EEPC’s audit and reiterated commitment to the Department of Citywide Administrative Services’ equal employment practices; Now Therefore,

Be It Resolved, that the Department of Citywide Administrative Services has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC’s Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Lisette Camillo of the Department of Citywide Administrative Services.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

Absent
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/240-134-(2020)C11

Civil Service Commission

Chair Nancy Chaffetz

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 1		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	May 6, 2020	Response Received	May 12, 2020
Final Determination Issued	May 18, 2020	Response Received	May 26, 2020
Compliance-Monitoring	Required	June 1, 2020 to November 30, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Civil Service Commission’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Civil Service Commission’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 6, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 18, 2020, which indicated that the following areas required corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2020 to November 30, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on May 26, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Civil Service Commission was monitored until May 19, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chair submitted a copy of a memorandum to staff dated May 19, 2020, which recognized the EEPC's audit and reiterated commitment to the Civil Service Commission's equal employment practices; Now Therefore,

Be It Resolved, that the has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chair Nancy Chaffetz of the Civil Service Commission.

Approved unanimously on July 2, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2020AP/241-226-(2020)C18
 New York City Commission on Human Rights
 Commissioner Carmelyn P. Malalis
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 4		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	May 19, 2020	Response Received	June 2, 2020
Final Determination Issued	June 15, 2020	Response Received	July 1, 2020
Compliance-Monitoring	Required	July 1, 2020 to December 31, 2020	
		without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Commission on Human Rights’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the ’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 19, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Serve the respondent with a notice of the complaint that includes the respondent’s right to

respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

2. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
3. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
4. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 15, 2020, which indicated that the following areas required corrective action: no(s). 3 and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 1, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Commission on Human Rights was monitored until August 6, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated August 19, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Commission on Human Rights' equal employment practices; Now Therefore,

Be It Resolved, that the New York City Commission on Human Rights has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Carmelyn P. Malalis of the New York City Commission on Human Rights.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.
2019AP/237-475-(2020)C2
Brooklyn Community Board No. 5
Chairperson Andre T. Mitchell
DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s)	Total: 1	
Period Audit Covered	January 1, 2018 to December 31, 2018	
Preliminary Determination Issued	November 4, 2019	No Response Received
Final Determination Issued	November 20, 2019	Response Received January 17, 2020
Compliance-Monitoring	Required	December 1, 2019 to January 31, 2020 without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Brooklyn Community Board No. 5's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Brooklyn Community Board No. 5's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated November 4, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on November 20, 2019, which indicated that the following areas required corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from December 1, 2019 to January 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 17, 2020, the entity issued a response to the EEPC's Final Determination; and

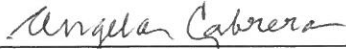
Whereas, in accordance with Charter Chapter 36, Section 832(c), the Brooklyn Community Board No. 5 was monitored until January 28, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chairperson submitted a copy of a memorandum to staff dated January 17, 2020, which recognized the EEPC's audit and reiterated commitment to the Brooklyn Community Board No. 5's equal employment practices; Now Therefore,

Be It Resolved, that the Brooklyn Community Board No. 5 has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chairperson Andre T. Mitchell of the Brooklyn Community Board No. 5.

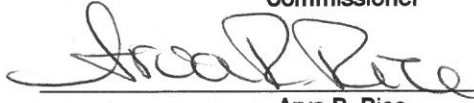
Approved unanimously on January 30, 2020.



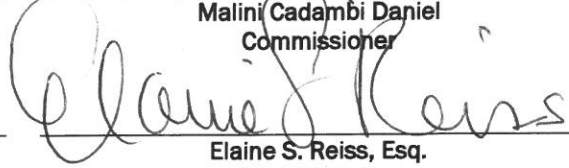
Angela Cabrera
Commissioner

Absent

Malini Cadambi Daniel
Commissioner



Arva R. Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Sasha Neha Ahuja
Chair

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2019AP/240-466-(2020)C12
 Borough of Manhattan Community College
 Interim President Karrin E. Wilks
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 3		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	December 13, 2019	Response Received	December 20, 2019
Final Determination Issued	January 8, 2020	Response Received	February 7, 2020
Compliance-Monitoring	Required	February 1, 2020 to July 31, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Borough of Manhattan Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Borough of Manhattan Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 13, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 8, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on February 7, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Borough of Manhattan Community College was monitored until June 17, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Interim President submitted a copy of a memorandum to staff dated June 25, 2020, which recognized the EEPC’s audit and reiterated commitment to the Borough of Manhattan Community College’s equal employment practices; Now Therefore,

Be It Resolved, that the Borough of Manhattan Community College has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters

35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Interim President Karrin E. Wilks of the Borough of Manhattan Community College.

Approved unanimously on July 2, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/245-463-(2020)C29

Bronx Community College

President Thomas A. Isekenegebe

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 4		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	July 21, 2020	Response Received	August 4, 2020
Final Determination Issued	August 6, 2020	Response Received	September 4, 2020
Compliance-Monitoring	Required	September 1, 2020 to February 28, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Bronx Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Bronx Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 21, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 6, 2020, which indicated that the following areas required corrective action: no. 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 4, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Bronx Community College was monitored until December 14, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the President submitted a copy of a memorandum to staff dated December 14, 2020, which recognized the EEPC’s audit and reiterated commitment to the Bronx Community College’s equal employment practices; Now Therefore,

Be It Resolved, that the Bronx Community College has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to President Thomas A. Isekenegbe of the Bronx Community College.

Approved unanimously on December 31, 2020.

<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	<hr/> <p>Absent Angela Cabrera Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/244-465-(2020)C20

Kingsborough Community College

President Claudia V. Schrader

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 3		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	August 26, 2020	Response Received	September 2, 2020
Final Determination Issued	September 10, 2020	Response Received	September 23, 2020
Compliance-Monitoring	Required	October 1, 2020 to March 31, 2021	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the Kingsborough Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Kingsborough Community College’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated August 26, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 10, 2020, which indicated that the following areas required corrective action: no(s). 2 and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 23, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Kingsborough Community College was monitored until October 29, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the President submitted a copy of a memorandum to staff dated October 29, 2020, which recognized the EEPC’s audit and reiterated commitment to the Kingsborough Community College’s equal employment practices; Now Therefore,

Be It Resolved, that the Kingsborough Community College has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC’s Board of Commissioners approves the issuance of this Determination of Compliance to President Claudia V. Schrader of the Kingsborough Community

College.

Approved unanimously on November 19, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

Abstained
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/239-464-(2020)C7

Queensborough Community College

Interim President Timothy G. Lynch

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 5		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	December 20, 2019	Response Received	January 10, 2020
Final Determination Issued	January 16, 2020	Response Received	February 18, 2020
Compliance-Monitoring	Required	February 1, 2020 to July 31, 2020	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Queensborough Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Queensborough Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 20, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 16, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, and 5; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on February 18, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Queensborough Community College was monitored until April 28, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and

effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Interim President submitted a copy of a memorandum to staff dated April 29, 2020, which recognized the EEPC's audit and reiterated commitment to the Queensborough Community College's equal employment practices; Now Therefore,

Be It Resolved, that the Queensborough Community College has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Interim President Timothy G. Lynch of the Queensborough Community College.

Approved unanimously on May 7, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2020AP/244-462-(2020)C21
 Stella and Charles Guttman Community College
 Interim President Doris Cintrón
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 1		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	October 1, 2020	Response Received	October 14, 2020
Final Determination Issued	October 16, 2020	Response Received	November 13, 2020
Compliance-Monitoring	Required	November 1, 2020 to April 30, 2021	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Stella and Charles Guttman Community College’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Stella and Charles Guttman Community College’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 1, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 16, 2020, which indicated that no areas required corrective action; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on November 13, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Stella and Charles Guttman Community College was monitored until November 13, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Interim President submitted a copy of a memorandum to staff dated October 22, 2020, which recognized the EEPC’s audit and reiterated commitment to the Stella and Charles Guttman Community College’s equal employment practices; Now Therefore,

Be It Resolved, that the Stella and Charles Guttman Community College has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC’s Board of Commissioners approves the issuance of this Determination of Compliance to Interim President Doris Cintrón of the Stella and Charles Guttman Community College.

Approved unanimously on November 19, 2020.

/s/Sasha Neha Ahuja

**Sasha Neha Ahuja
Chair**

/s/Angela Cabrera

**Angela Cabrera
Commissioner**

/s/Arva R. Rice

**Arva R. Rice
Commissioner**

Abstained

**Elaine S. Reiss, Esq.
Commissioner**

On behalf all Commissioners in attendance,



**Charise L Terry
Executive Director**

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/239-312-(2020)C5

Conflicts of Interest Board

Executive Director Carolyn Miller

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 6		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	July 29, 2019	Response Received	August 9, 2019
Final Determination Issued	August 15, 2019	Response Received	September 12, 2019
Compliance-Monitoring	Required	September 1, 2019 to February 29, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Conflicts of Interest Board’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Conflicts of Interest Board’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 29, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
5. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
6. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 15, 2019, which indicated that the following areas required corrective action: no(s). 2, 3, 4 and 5; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2019 to February 29, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 12, 2019, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Conflicts of Interest Board was monitored until March 5, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff dated March 6, 2020, which recognized the EEPC's audit and reiterated commitment to the Conflicts of Interest Board's equal employment practices; Now Therefore,

Be It Resolved, that the Conflicts of Interest Board has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Carolyn Miller of the Conflicts of Interest Board.

Approved unanimously on May 7, 2020.

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

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2019AP/241-866-(2020)C15
 Department of Consumer and Worker Protection
 Commissioner Lorelei Salas
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 14		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	August 26, 2019	No Response Received	
Final Determination Issued	September 11, 2019	Response Received	October 10, 2019
Compliance-Monitoring	Required	October 1, 2019 to July 31, 2020	with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Consumer and Worker Protection’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Consumer and Worker Protection’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 26, 2019, setting forth findings and the following corrective

actions required to remedy areas of non-compliance:

1. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes of words spoken and facts provided, during each interview. Include these notes in each complaint file.
4. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
5. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
6. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
7. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
8. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
9. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
10. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
11. Ensure that the principal EEO Professional, HR Professional, and General Counsel reviewed the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
12. Assign the principal EEO Professional (or EEO-related designee) the responsibility to

supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

13. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 11, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2019 to March 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 10, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Consumer and Worker Protection was monitored until August 5, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated July 29, 2020, which recognized the EEPC's audit and reiterated commitment to the Department of Consumer and Worker Protection's equal employment practices; Now Therefore,

Be It Resolved, that the Department of Consumer and Worker Protection has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Lorelei Salas of the Department of Consumer and Worker Protection.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2019AP/240-850-(2020)C9
 Department of Design and Construction
 Commissioner Lorraine Grillo
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 6		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	September 6, 2019	No Response Received	
Final Determination Issued	September 25, 2019	Response Received	October 25, 2019
Compliance-Monitoring	Required	October 1, 2019 to April 30, 2020	with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Design and Construction’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Design and Construction’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 6, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a timeframe for completion of the report. Notify the complainant and respondent of the delay.
5. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).
6. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on the efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 25, 2019, which indicated that the following areas required corrective action: no(s). 1-6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2019 to March 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 25, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Design and Construction was monitored until June 3, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group

members and women, the Commissioner submitted a copy of a memorandum to staff dated May 26, 2020, which recognized the EEPC's audit and reiterated commitment to the Department of Design and Construction's equal employment practices; Now Therefore,

Be It Resolved, that the Department of Design and Construction has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Lorraine Grillo of the Department of Design and Construction.

Approved unanimously on July 2, 2020.

<hr/> <p>Absent</p> <hr/> <p>Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel</p> <hr/> <p>Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice</p> <hr/> <p>Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss</p> <hr/> <p>Elaine S. Reiss, Esq. Commissioner</p>

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

**Monitoring of Sexual Harassment Prevention Response Practices
 RESOLUTION NO.
 2019AP/241-998-(2020)C17
 New York City Economic Development Corporation
 President and CEO James Patchett
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 20		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	October 3, 2019	Response Received	October 17, 2019
Final Determination Issued	October 24, 2019	Response Received	November 22, 2019
Compliance-Monitoring	Required	November 1, 2019 to May 31, 2020	with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Economic Development Corporation’s Sexual Harassment Prevention Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Economic Development Corporation’s Sexual Harassment Prevention Response Practices, the EEPC issued a Preliminary Determination, dated October 3, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
5. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
6. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
7. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head’s Review.
8. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
9. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
10. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
11. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
12. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

13. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
14. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
15. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
16. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
17. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
18. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
19. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
20. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 24, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, and 20; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2019 to April 30, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on November 22, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the was monitored until May 28, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the President and CEO submitted a copy of a memorandum to staff dated June 17, 2020, which recognized the EEPC's audit and reiterated commitment to the 's equal employment practices; Now Therefore,

Be It Resolved, that the New York City Economic Development Corporation has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to President and CEO James Patchett of the New York City Economic Development Corporation.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2019AP/241-009-(2020)C14
 New York City Employees' Retirement System
 Executive Director Melanie Whinnery
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 9		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	November 29, 2019	No Response Received	
Final Determination Issued	December 18, 2019	Response Received	January 16, 2020
Compliance-Monitoring	Required	January 1, 2020 to June 30, 2020	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEOC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEOC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEOC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEOC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEOC conducted an audit, review, and evaluation of the New York City Employees’ Retirement System’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Employees’ Retirement System’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated November 29, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
3. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
4. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
6. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
7. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
8. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
9. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 18, 2019, which indicated that the following areas

required corrective action: no(s). 1, 2, 3, 4; 5, 6, 7, 8 and 9

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2020 to June 30, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 16, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the was monitored until July 9, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff dated July 8, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Employees' Retirement System's equal employment practices; Now Therefore,

Be It Resolved, that the has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Melanie Whinnery of the New York City Employees' Retirement System.

Approved unanimously on August 27, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.**

**2020AP/245-057-(2020)C25
 Fire Department of the City of New York
 Fire Commissioner Daniel A. Nigro
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 9		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	July 31, 2020	Response Received	August 14, 2020
Final Determination Issued	August 24, 2020	Response Received	September 14, 2020
Compliance-Monitoring	Required	September 1, 2020 to February 28, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Fire Department of the City of New York’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Fire Department of the City of New York’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 31, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
5. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
8. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 24, 2020, which indicated that the following areas required corrective action: no(s). 2, 5, 6, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination,

the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 14, 2020, the entity issued a response to the EEPC’s Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Fire Department of the City of New York was monitored until November 17, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Fire Commissioner submitted a copy of a memorandum to staff dated December 8, 2020, which recognized the EEPC’s audit and reiterated commitment to the Fire Department of the City of New York’s equal employment practices; Now Therefore,

Be It Resolved, that the Fire Department of the City of New York has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC’s Board of Commissioners approves the issuance of this Determination of Compliance to Fire Commissioner Daniel A. Nigro of the Fire Department of the City of New York.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

Absent
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices
RESOLUTION NO.
2020AP/245-996-(2020)C30
New York City Housing Authority
Chair & Chief Executive Officer Gregory P. Russ
DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 10		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	October 7, 2020	Response Received	October 20, 2020
Final Determination Issued	October 30, 2020	Response Received	November 27, 2020
Compliance-Monitoring	Required	November 1, 2020 to April 30, 2021	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Housing Authority’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Housing Authority’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated October 7, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
6. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
7. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
8. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
10. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment

opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on October 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 7, and 10; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from November 1, 2020 to April 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on November 27, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, as a public corporation not required to submit an annual EEO plan, to demonstrate implementation of Corrective Action No. 10, the New York City Housing Authority has and will continue to submit semi-annual reports regarding sexual harassment; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Housing Authority was monitored until December 15, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chair & Chief Executive Officer submitted a copy of a memorandum to staff dated December 15, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Housing Authority's equal employment practices; Now Therefore,

Be It Resolved, that the New York City Housing Authority has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chair & Chief Executive Officer Gregory P. Russ of the New York City Housing Authority.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

Absent
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2020AP/245-032-(2020)C27
 New York City Department of Investigation
 Commissioner Margaret Garnett
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 13		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	May 29, 2020	Response Received	June 12, 2020
Final Determination Issued	July 1, 2020	Response Received	July 31, 2020
Compliance-Monitoring	Required	July 1, 2020 to December 31, 2020	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Investigation’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York City Department of Investigation's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 29, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
2. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
5. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
6. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
7. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
8. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
9. Where the agency's organizational structure necessitates multiple EEO professionals select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues

pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 1, 2020, which indicated that the following areas required corrective action: no(s). 3, 4, 6, 8, 12 and 13; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 31, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department of Investigation was monitored until December 11, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated December 10, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Department of Investigation's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the New York City Department of Investigation has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Margaret Garnett of the New York City Department of

Investigation.

Approved unanimously on December 31, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

Absent
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices
RESOLUTION NO.
2020AP/244-941-(2020)C22
Office of the New York County Public Administrator
Public Administrator Dahlia Damas
DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s)	Total: 4		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	May 27, 2020	Response Received	June 4, 2020
Final Determination Issued	June 17, 2020	Response Received	July 16, 2020
Compliance-Monitoring	Required	July 1, 2020 to December 31, 2020	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the New York County Public Administrator’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York County Public Administrator’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated May 27, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
3. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 17, 2020, which indicated that the following areas required corrective action: no(s). 2, 3, and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2020 to December 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 16, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Office of the New York County Public Administrator was monitored until November 13, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Public Administrator submitted a copy of a memorandum to staff dated November 16, 2020, which recognized the EEPC's audit and reiterated commitment to the Office of the New York County Public Administrator's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the New York County Public Administrator has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Public Administrator Dahlia Damas of the Office of the New York County Public Administrator.

Approved unanimously on November 19, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices
RESOLUTION NO.
2019AP/242-846-(2020)C19
New York City Department of Parks and Recreation
Commissioner Mitchell J. Silver, FAICP
DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 6		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	January 8, 2020	No Response Received	
Final Determination Issued	January 27, 2020	Response Received	February 26, 2020
Compliance-Monitoring	Required	February 1, 2020 to July 31, 2020	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Parks and Recreation’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department of Parks and Recreation’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated January 8, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
2. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
3. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
5. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
6. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 27, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, and 6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on February 26, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department of Parks and Recreation was monitored until August 6, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair

and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated September 4, 2020, which recognized the EEPC's audit and reiterated commitment to the New York City Department of Parks and Recreation's equal employment practices; Now Therefore,

Be It Resolved, that the New York City Department of Parks and Recreation has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Mitchell J. Silver of the New York City Department of Parks and Recreation.

Approved unanimously on September 24, 2020.

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/245-256-(2020)C24

New York City Police Pension Fund

Executive Director Kevin Holloran

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 4		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	August 28, 2020	Response Received	September 3, 2020
Final Determination Issued	September 15, 2020	Response Received	September 22, 2020
Compliance-Monitoring	Required	October 1, 2020 to March 31, 2021	without extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Police Pension Fund’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Police Pension Fund’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 28, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
2. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
3. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 15, 2020, which indicated that the following areas required corrective action: no(s). 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 22, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Police Pension Fund was monitored until November 25, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff dated November 18, 2020, which recognized the EEPC's audit and reiterated commitment to the New York

City Police Pension Fund's equal employment practices; Now Therefore,

Be It Resolved, that the New York City Police Pension Fund has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Kevin Holloran of the New York City Police Pension Fund.

Approved unanimously on December 31, 2020.

<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	<hr/> <p>Absent Angela Cabrera Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.**

**2020AP/245-013-(2020)C26
 Office of the Queens Borough President
 Borough President Donovan Richards Jr.
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 9		
Period Audit Covered	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued	July 14, 2020	Response Received	July 28, 2020
Final Determination Issued	August 11, 2020	Response Received	September 10, 2020
Compliance-Monitoring	Required	September 1, 2020 to February 28, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Queens Borough President’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Queens Borough President’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 14, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
7. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
8. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner).
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 11, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 6, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2020 to February 28, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 10, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Office of the Queens Borough President was monitored until December 11, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Borough President submitted a copy of a memorandum to staff dated December 10, 2020, which recognized the EEPC's audit and reiterated commitment to the Office of the Queens Borough President's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the Queens Borough President has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Borough President Donovan Richards Jr. of the Office of the Queens Borough President.

Approved unanimously on December 31, 2020.

<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	<hr/> <p>Absent Angela Cabrera Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

**RESOLUTION NO.
 2019AP/240-827-(2020)C10
 Department of Sanitation
 Commissioner Kathryn Garcia
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 3		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	December 23, 2019	Response Received	January 6, 2020
Final Determination Issued	January 15, 2020	Response Received	February 13, 2020
Compliance-Monitoring	Not Required	February 1, 2020 to July 31, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Sanitation’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Sanitation’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated December 23, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
3. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 15, 2020, which indicated that the following areas required corrective action: no(s). 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2020 to July 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on February 13, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Sanitation was monitored until February 14, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated May 22, 2020, which recognized the EEPC's audit and reiterated commitment to the Department of Sanitation's equal employment practices; Now Therefore,

Be It Resolved, that the Department of Sanitation has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Kathryn Garcia of the Department of Sanitation.

Approved unanimously on July 2, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

**Monitoring of Sexual Harassment Prevention and Response Practices
 RESOLUTION NO.
 2019AP/240-801-(2020)C8
 Department of Small Business Services
 Commissioner Jonnel Doris
 DETERMINATION: COMPLIANCE**

S Y N O P S I S

Corrective Action(s)	Total: 16		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	August 14, 2019	No Response Received	
Final Determination Issued	August 30, 2019	Response Received	September 30, 2019
Compliance-Monitoring	Required	September 1, 2019 to May 31, 2020	with extension

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Small Business Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Small Business Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated August 14, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment-for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
4. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
5. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
6. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
7. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
8. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
9. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
10. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
11. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions

are required to correct deficiencies.

12. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
13. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
14. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
15. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
16. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 30, 2019, which indicated that the following areas required corrective action: no(s). 1-16; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2019 to May 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 30, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Small Business Services was monitored until May 29, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated May 21, 2020, which recognized the EEPC's audit and reiterated commitment to the 's equal employment

practices; Now Therefore,

Be It Resolved, that the Department of Small Business Services has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Jonnel Doris of the Department of Small Business Services.

Approved unanimously on July 2, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>

/s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

On behalf all Commissioners in attendance,



Charise L. Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/239-059-(2020)C4

Board of Standards & Appeals

Executive Director Carlo Costanza

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 4		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	July 19, 2019	Response Received	July 30, 2019
Final Determination Issued	August 7, 2019	Response Received	September 6, 2019
Compliance-Monitoring	Required	September 1, 2019 to February 29, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Board of Standards & Appeals’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Board of Standards & Appeals’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated July 19, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
2. Ensure that managers and supervisors are held accountable for enforcing the entity's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
3. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on August 7, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from September 1, 2019 to February 29, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 6, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Board of Standards & Appeals was monitored until February 27, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff March 5, 2020, which recognized the EEPC's audit and reiterated commitment to the Board of Standards & Appeals' equal employment practices; Now Therefore,

Be It Resolved, that the Board of Standards & Appeals has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Costanza of the Board of Standards & Appeals.

Approved unanimously on May 7, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/239-041-(2020)C6

Teachers' Retirement System

Executive Director Patricia Reilly

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s)	Total: 13		
Period Audit Covered	August 1, 2019 to January 31, 2020		
Preliminary Determination Issued	June 28, 2019	Response Received	July 11, 2019
Final Determination Issued	July 16, 2019	Response Received	August 16, 2019
Compliance-Monitoring	Required	August 1, 2019 to January 31, 2020	
		without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Teachers’ Retirement System’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Teachers’ Retirement System’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 28, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
4. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
5. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
6. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
7. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
8. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
9. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
10. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
11. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
12. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

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

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 16, 2019, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2019 to January 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on August 16, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Teachers' Retirement System was monitored until February 27, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff dated March 9, 2020, which recognized the EEPC's audit and reiterated commitment to the Teachers' Retirement System's equal employment practices; Now Therefore,

Be It Resolved, that the Teachers' Retirement System has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Patricia Reilly of the Teachers' Retirement System.

Approved unanimously on May 7, 2020.

<hr/> <p>Absent Angela Cabrera Commissioner</p>	<hr/> <p>/s/Malini Cadambi Daniel Malini Cadambi Daniel Commissioner</p>
<hr/> <p>/s/Arva R. Rice Arva R. Rice Commissioner</p>	<hr/> <p>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner</p>
<hr/> <p>/s/Sasha Neha Ahuja Sasha Neha Ahuja Chair</p>	

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2019AP/237-261-(2020)C1

Department of Youth and Community Development

Commissioner Bill Chong

DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s)	Total: 3		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	November 4, 2019	Response Received	November 12, 2019
Final Determination Issued	November 20, 2019	Response Received	December 12, 2019
Compliance-Monitoring	Required	December 1, 2019 to May 31, 2020 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Youth and Community Development’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Youth and Community Development’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated November 4, 2019, setting forth findings and the following

corrective actions required to remedy areas of non-compliance:

1. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
2. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impacted the administration and operation of programs, policies or procedures concerning sexual harassment.
3. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on November 20, 2019, which indicated that the following areas required corrective action: no(s). 2; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from December 1, 2019 to May 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on December 12, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Department of Youth and Community Development was monitored until January 21, 2020; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated January 16, 2020, which recognized the EEPC's audit and reiterated commitment to the Department of Youth and Community Development's equal employment practices; Now Therefore,

Be It Resolved, that the Department of Youth and Community Development has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this

Determination of Compliance to Commissioner Bill Chong of the Department of Youth and Community Development.

Approved unanimously on January 30, 2020.



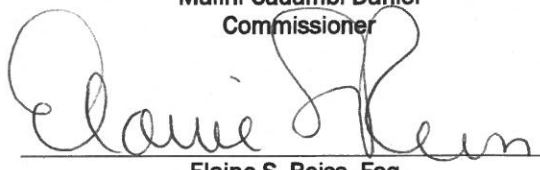
Angela Cabrera
Commissioner



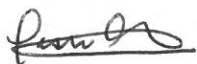
Malini Cadambi Daniel
Commissioner



Arva R. Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Sasha Neha Ahuja
Chair

Appendix IV: Determination of Non-Compliance Resolutions

Pursuant to the City Charter-mandated compliance-monitoring procedure and period, the EEPC considers, in consultation with an entity, whether programs, or procedures utilized by the entity are in compliance with the equal employment opportunity standards of the EEPC and requirements of Chapters 35 and 36 of the City Charter; and reviews, approves, and adopts a Determination of Compliance or Non-Compliance at the end of an assigned monitoring period. The following pages contain the EEPC's Resolutions pertaining to entities' non-compliance in 2020. Each entity's Resolution specifies the corrective action prescribed, the compliance-monitoring period assigned, the corrective actions implemented and/or unimplemented, and the entity's final disposition. Upon the adoption of a Resolution indicating a disposition of non-compliance, the EEPC issues and mails a *Determination of Non-Compliance* to the head of the entity. Within one (1) year, the EEPC conducts a follow-up audit with focus on previously unimplemented corrective actions.

Entities that received a *Determination of Non-Compliance* are listed below (in alphabetical order, when applicable). These Resolutions are also accessible via the EEPC's website at:
http://www.nyc.gov/html/eepc/html/about/eepc_jurisdiction.shtml.

Council, New York City • RESOLUTION #2019AP/238-102-(2020)NC3

Monitoring of Sexual Harassment Prevention and Response Practices

**RESOLUTION NO.
 2019AP/238-102-(2020)NC3
 New York City Council
 Speaker Corey Johnson
 DETERMINATION: NON-COMPLIANCE**

SYNOPSIS

Corrective Action(s)	Total: 29		
Period Audit Covered	January 1, 2017 to December 31, 2018		
Preliminary Determination Issued	June 25, 2019	No Response Received	
Final Determination Issued	July 19, 2019	Response Received	September 16, 2019
Compliance-Monitoring	Required	August 1, 2019 to February 21, 2020 with extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC initiated an audit, review, and evaluation of the New York City Council’s Sexual Harassment Prevention and Response Practices on January 31, 2019, and required a response to the EEPC’s Preliminary Interview Questionnaires (PIQs) by March 4, 2019; and

Whereas, after granting two (2) extensions of time to respond to the PIQs, the EEPC conducted an audit, review, and evaluation of the New York City Council’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Council's Sexual Harassment Prevention and Response Practices, the EEPCC issued a Preliminary Determination, dated June 25, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
5. Provide the option to file a complaint anonymously.
6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.
13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.
14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.
16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
29. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPCC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPCC issued a Final Determination on July 19, 2019, which indicated that the following areas required corrective action: no(s). 1 through 29; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPCC assigned a monitoring period from August 1, 2019 to January 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, by August 19, 2019, and make monthly reports thereafter for a period of up to six (6) months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, the New York City Council was granted an extension of time, to September 16, 2019, to respond to the Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on September 16, 2019, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Council's compliance-monitoring period was scheduled to end on January 31, 2019; and

Whereas, via three (3) letters to representatives at the New York City Council, the EEPC expressed its concern at the entity's progress toward implementing the assigned twenty-nine (29) corrective actions; and

Whereas, after meeting with representatives of the New York City Council, and at the entity's request, the compliance-monitoring period was extended to February 21, 2019; and

Whereas, to date, the New York City Council demonstrated its implementation of seven (7) corrective actions and had not remedied twenty-two (22) areas of non-compliance; Now Therefore,

Be It Resolved, that the New York City Council has not satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which require agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC's Board of Commissioners approves the issuance of this **Determination of Non-Compliance** to Speaker Corey Johnson of the New York City Council; and

Be It Resolved, that pursuant to Charter Chapter 36, Section 832(c), the EEPC may publish a report regarding the New York City Council's Non-Compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapter 36; and

Be It Resolved, that pursuant to Charter Chapter 36, Section 831(d)(5), the EEPC will initiate a follow-up audit within one (1) year to assess the New York City Council's implementation of the assigned corrective actions pertaining to its sexual harassment prevention and response practices.

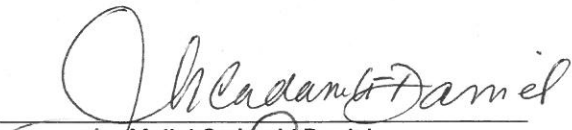
Approved unanimously on March 5, 2020.



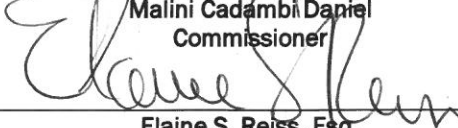
Angela Cabrera
Commissioner



Arva R. Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

Abstained
Sasha Neha Ahuja
Chair

Appendix V: 5 Most Frequently Issued Corrective Actions – 2020AP

<u>Rank</u>	<u>2020</u>	<u># of Entities</u>
1	<p><u>ASP/ Quarterly Report Submission</u> Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.</p>	23
2	<p><u>Communication: Entity Head & EEO Professional</u> Maintain documentation regarding directives or decisions between the entity head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.</p> <p><u>Criteria for Multiple EEO Professionals</u> Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.</p> <p><u>Distribution/Posting of Policy</u> Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Entities – or an entity Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the entity’s EEO professionals as well as federal, state and local entities that enforce laws against discrimination/sexual harassment.</p> <p><u>Review Statistical Information</u> Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.</p>	21
3	<p><u>EEO Rating</u> Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).</p>	18

4	<p><u>Supervisor/Manager Responsibilities</u> Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.</p>	17
5	<p><u>Notice of Investigation Delay</u> In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.</p> <p><u>Timeframe for Confidential Report</u> Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.</p>	16

RANK 1: ASP/Quarterly Report Submission (23)

- 2020AP-008 Actuary, New York City Office of the
- 2020AP-820 Administrative Trials & Hearings, Office of
- 2020AP-902 Bronx County District Attorney, Office of the
- 2020AP-054 Civilian Complaint Review Board
- 2020AP-469 Community College - Fiorello H. LaGuardia
- 2020AP-463 Community College, Bronx
- 2020AP-521 Education Retirement System, Board of
- 2020AP-740 Education, Department of
- 2020AP-826 Environmental Protection, Department of
- 2020AP-057 Fire Department, New York City
- 2020AP-996 Housing Authority, New York City
- 2020AP-132 Independent Budget Office of the City of New York
- 2020AP-858 Information Technology and Telecommunications, Department of
- 2020AP-903 Kings County District Attorney, Office of the
- 2020AP-943 Kings County Public Administrator, Office of the
- 2020AP-214 Labor Relations, New York City Office of

2020AP-025 Law Department, New York City
2020AP-941 New York County Public Administrator, Office of the
2020AP-256 Police Pension Fund, New York City
2020AP-101 Public Advocate for the City of New York, Office of the
2020AP-013 Queens Borough President, Office of the
2020AP-905 Richmond County District Attorney, Office of the
2020AP-841 Transportation, Department of

RANK 2: Communication: Agency Head & EEO Professional (21) TIE

2020AP-008 Actuary, New York City Office of the
2020AP-021 Administrative Tax Appeals, Office of
2020AP-902 Bronx County District Attorney, Office of the
2020AP-054 Civilian Complaint Review Board
2020AP-469 Community College - Fiorello H. LaGuardia
2020AP-072 Correction, Department of
2020AP-521 Education Retirement System, Board of
2020AP-740 Education, Department of
2020AP-826 Environmental Protection, Department of
2020AP-996 Housing Authority, New York City
2020AP-858 Information Technology and Telecommunications, Department of
2020AP-032 Investigation, Department of
2020AP-903 Kings County District Attorney, Office of the
2020AP-943 Kings County Public Administrator, Office of the
2020AP-214 Labor Relations, New York City Office of
2020AP-025 Law Department, New York City
2020AP-256 Police Pension Fund, New York City
2020AP-101 Public Advocate for the City of New York, Office of the

2020AP-013 Queens Borough President, Office of the
2020AP-905 Richmond County District Attorney, Office of the
2020AP-906 Special Narcotics Prosecutor for the City of New York, Office of the

RANK 2: Criteria for Multiple EEO Professionals (21) TIE

2020AP-008 Actuary, New York City Office of the
2020AP-021 Administrative Tax Appeals, Office of
2020AP-820 Administrative Trials & Hearings, Office of
2020AP-125 Aging, Department for the
2020AP-902 Bronx County District Attorney, Office of the
2020AP-868 Citywide Administrative Services, Department of
2020AP-054 Civilian Complaint Review Board
2020AP-072 Correction, Department of
2020AP-740 Education, Department of
2020AP-826 Environmental Protection, Department of
2020AP-057 Fire Department, New York City
2020AP-996 Housing Authority, New York City
2020AP-132 Independent Budget Office of the City of New York
2020AP-858 Information Technology and Telecommunications, Department of
2020AP-032 Investigation, Department of
2020AP-903 Kings County District Attorney, Office of the
2020AP-214 Labor Relations, New York City Office of
2020AP-025 Law Department, New York City
2020AP-941 New York County Public Administrator, Office of the
2020AP-101 Public Advocate for the City of New York, Office of the
2020AP-905 Richmond County District Attorney, Office of the

RANK 2: Distribution/Posting of Policy (21) TIE

2020AP-008 Actuary, New York City Office of the

2020AP-021 Administrative Tax Appeals, Office of

2020AP-902 Bronx County District Attorney, Office of the

2020AP-054 Civilian Complaint Review Board

2020AP-469 Community College - Fiorello H. LaGuardia

2020AP-463 Community College, Bronx

2020AP-468 Community College, Eugenio Maria De Hostos

2020AP-465 Community College, Kingsborough

2020AP-462 Community College, Stella and Charles Guttman

2020AP-521 Education Retirement System, Board of

2020AP-740 Education, Department of

2020AP-057 Fire Department, New York City

2020AP-996 Housing Authority, New York City

2020AP-132 Independent Budget Office of the City of New York

2020AP-858 Information Technology and Telecommunications, Department of

2020AP-903 Kings County District Attorney, Office of the

2020AP-943 Kings County Public Administrator, Office of the

2020AP-214 Labor Relations, New York City Office of

2020AP-101 Public Advocate for the City of New York, Office of the

2020AP-905 Richmond County District Attorney, Office of the

2020AP-906 Special Narcotics Prosecutor for the City of New York, Office of the

RANK 2: Review Statistical Information (21) TIE

2020AP-008 Actuary, New York City Office of the

2020AP-021 Administrative Tax Appeals, Office of

2020AP-820 Administrative Trials & Hearings, Office of

2020AP-902 Bronx County District Attorney, Office of the
2020AP-868 Citywide Administrative Services, Department of
2020AP-469 Community College - Fiorello H. LaGuardia
2020AP-463 Community College, Bronx
2020AP-072 Correction, Department of
2020AP-521 Education Retirement System, Board of
2020AP-740 Education, Department of
2020AP-826 Environmental Protection, Department of
2020AP-057 Fire Department, New York City
2020AP-858 Information Technology and Telecommunications, Department of
2020AP-032 Investigation, Department of
2020AP-903 Kings County District Attorney, Office of the
2020AP-943 Kings County Public Administrator, Office of the
2020AP-214 Labor Relations, New York City Office of
2020AP-025 Law Department, New York City
2020AP-101 Public Advocate for the City of New York, Office of the
2020AP-013 Queens Borough President, Office of the
2020AP-905 Richmond County District Attorney, Office of the

RANK 3: EEO Rating (18)

2020AP-008 Actuary, New York City Office of the
2020AP-021 Administrative Tax Appeals, Office of
2020AP-820 Administrative Trials & Hearings, Office of
2020AP-125 Aging, Department for the
2020AP-902 Bronx County District Attorney, Office of the
2020AP-868 Citywide Administrative Services, Department of
2020AP-134 Civil Service Commission, New York City

2020AP-226 Commission on Human Rights, New York City
2020AP-072 Correction, Department of
2020AP-521 Education Retirement System, Board of
2020AP-740 Education, Department of
2020AP-057 Fire Department, New York City
2020AP-132 Independent Budget Office of the City of New York
2020AP-032 Investigation, Department of
2020AP-101 Public Advocate for the City of New York, Office of the
2020AP-013 Queens Borough President, Office of the
2020AP-905 Richmond County District Attorney, Office of the
2020AP-841 Transportation, Department of

RANK 4: Supervisor/Manager Responsibilities (17)

2020AP-021 Administrative Tax Appeals, Office of
2020AP-820 Administrative Trials & Hearings, Office of
2020AP-902 Bronx County District Attorney, Office of the
2020AP-868 Citywide Administrative Services, Department of
2020AP-226 Commission on Human Rights, New York City
2020AP-468 Community College, Eugenio Maria De Hostos
2020AP-072 Correction, Department of
2020AP-521 Education Retirement System, Board of
2020AP-740 Education, Department of
2020AP-057 Fire Department, New York City
2020AP-132 Independent Budget Office of the City of New York
2020AP-858 Information Technology and Telecommunications, Department of
2020AP-032 Investigation, Department of
2020AP-214 Labor Relations, New York City Office of

2020AP-101 Public Advocate for the City of New York, Office of the

2020AP-905 Richmond County District Attorney, Office of the

2020AP-841 Transportation, Department of

RANK 5: Notice of Investigation Delay (16) TIE

2020AP-820 Administrative Trials & Hearings, Office of

2020AP-902 Bronx County District Attorney, Office of the

2020AP-868 Citywide Administrative Services, Department of

2020AP-469 Community College - Fiorello H. LaGuardia

2020AP-468 Community College, Eugenio Maria De Hostos

2020AP-465 Community College, Kingsborough

2020AP-072 Correction, Department of

2020AP-521 Education Retirement System, Board of

2020AP-740 Education, Department of

2020AP-826 Environmental Protection, Department of

2020AP-996 Housing Authority, New York City

2020AP-032 Investigation, Department of

2020AP-903 Kings County District Attorney, Office of the

2020AP-025 Law Department, New York City

2020AP-101 Public Advocate for the City of New York, Office of the

2020AP-841 Transportation, Department of

RANK 5: Timeframe for Confidential Report (16) TIE

2020AP-820 Administrative Trials & Hearings, Office of

2020AP-902 Bronx County District Attorney, Office of the

2020AP-868 Citywide Administrative Services, Department of

2020AP-469 Community College - Fiorello H. LaGuardia

2020AP-468 Community College, Eugenio Maria De Hostos
2020AP-465 Community College, Kingsborough
2020AP-072 Correction, Department of
2020AP-521 Education Retirement System, Board of
2020AP-740 Education, Department of
2020AP-826 Environmental Protection, Department of
2020AP-996 Housing Authority, New York City
2020AP-032 Investigation, Department of
2020AP-903 Kings County District Attorney, Office of the
2020AP-025 Law Department, New York City
2020AP-101 Public Advocate for the City of New York, Office of the
2020AP-841 Transportation, Department of



2020
ANNUAL REPORT

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