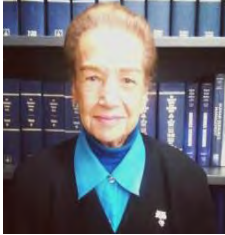




**ANNUAL REPORT
2016**

BOARD MEMBERS - COMMISSIONERS

Angela Cabrera
Mayoral Appointee



Malini Cadambi-Daniel
City Council Appointee



Arva Rice
City Council Appointee



Elaine Reiss, Esq.
Mayoral Appointee



Message from the Commission:

The Commissioners of the Equal Employment Practices Commission view as sacrosanct our duty to aid agencies in implementing equal employment opportunities for employees of and applicants to the City of New York. Toward this end, in 2016, we endorsed the use of the *Employment Practices Audit*, which assesses agencies' recruiting, hiring, and promotion practices, and staffed our newly established research unit to identify future areas for exploration. As we continue to meet our New York City Charter mandate of auditing each agency once every 4 years, we also strive to enhance the quality and reliability of our audits by augmenting both our staff and technological capabilities.

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 city agencies 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 Staff



Executive Director
Charise L. Terry, PHR



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

Executive Summary

Success in Achieving Quadrennial Audit Mandate

Section 831(d)(5) of the Charter, empowers the Equal Employment Practices Commission (EEPC) to audit and evaluate city agencies' employment practices, programs, policies and efforts to ensure fair and effective equal employment opportunities at least once every four years. The EEPC has met and exceeded the quadrennial audit mandate delineated in the Charter, while enhancing the quality and reliability of our audits. The EEPC achieved this success through a consistent plan to maximize resources, increase the headcount of employees and streamline the audit and compliance-monitoring process.

In 2016, the EEPC initiated the review, evaluation and monitoring of the employment practices of City agencies using the Employment Practices Audit (EPA). The EPA examines whether an agency has reviewed and analyzed statistical workforce data for job groups experiencing underutilization; requires an assessment of an agency's selection procedures to determine whether job qualifications/criteria are job-related and required by business necessity; and requires an agency to develop and implement recruitment and/or selection plans to increase employment opportunities in appropriate areas. Intricate remedial measures require that agencies develop prospective recruitment plans/policies for titles currently closed for recruitment, but experiencing underutilization. If an agency is not hiring during the monitoring period, an action plan that adheres to the EPA standards must be submitted to achieve a Determination of Compliance. The plan must also be communicated to personnel involved in hiring, and provide direction to enable management to coordinate recruitment, selection and promotion efforts when hiring resumes.

In sum, fifty-three (53) agency-audits were either occurring or initiated to accommodate the Commission's 2016 and 2017 Audit Plans. A total of thirty-seven (37) agencies¹ participated in intricate remedial measures, and were monitored for up to six (6) months to observe their implementation of corrective actions prescribed as a result of audit and evaluation; thirty-one (31) successfully implemented all corrective actions by the first quarter of 2017 and Determinations of Compliance certificates were issued. The agency-facing component of the EEPC's new audit management program, TeamCentral, was rolled out and used to accommodate agency monitoring. The monitoring of an additional 3 agencies – which had implemented at least half of their corrective actions – was ongoing at publishing of this report.

Of 25 agencies that received audit initiation letters at the commencement of the 2016 Audit Plan, 52% (13) submitted requests for extension. The granting of extensions, especially to agencies that experience delays implementing corrective actions during the Charter-mandated 6-month compliance-monitoring period, has been detrimental to the fulfillment of the EEPC's Annual Plan and work schedule. In effect, each deferment re-defines and/or lengthens the monitoring period and often inhibits the closing of the agency's audit within the assigned Annual Plan. In 2016, three (3) agencies received *Determinations of Non-Compliance* after implementing less than half of the required corrective actions. After monitoring their actions and efforts over an assigned 6-month period and forewarning of the impending non-compliance determination, the EEPC Commissioners concluded that a Determination of Non-Compliance was appropriate for each. These agencies will receive a follow-up audit within 1 year. In anticipation of future delays, the EEPC initiated the review and evaluation phases for twenty-eight (28) agencies at the conclusion of 2016 in order to facilitate the fulfillment of the 2017 audit plan.

Research Initiatives

In response to the EEPC's mandate to conduct studies and/or investigations for the purpose of ascertaining facts or determining whether agencies comply with equal employment opportunity laws, policies and regulations, the Research Unit produced a report entitled, *EEPC on FDNY History, Progress, and Recommendations for Promoting Diversity among Firefighters*. The Report offers the FDNY a comprehensive, historical account of the (4) audits conducted by the EEPC, provides insight arising from issues that surfaced during the 24-year history where the two agencies worked together via audit and compliance-monitoring and recommends future areas of exploration.

¹ Twelve (12) agencies were initiated in 2015 and were completing monitoring at the beginning of 2016 and twenty-five (25) were initiated in 2016.

Mission Statement

The Equal Employment Practices Commission (EEPC or Commission) audits, evaluates, and monitors the City of New York's employment programs, practices, policies and procedures to ensure that individual agencies and the City as an employer maintain a firm and effective 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 City agencies 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 which are non-discriminatory; and utilize discrimination complaint investigation procedures that conform to federal, state and local laws, regulations, policies and procedures.

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About the EEPC

Created by the 1989 amendment to the New York City Charter, the Equal Employment Practices Commission (EEPC or Commission) is the independent monitor of the City of New York's employment practices. The Commission audits, evaluates, and monitors the employment programs, practices, and procedures of city agencies to ensure that they maintain effective equal employment opportunity (EEO) programs for all who are employed by or seek employment with New York City government. City agencies which meet the following criteria are subject to the Commission's audit, evaluation and monitoring:

- ✚ 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 agency is funded, in whole or in part, by the City treasury.

New York City Charter Chapter 36 authorizes the EEPC to ensure compliance with its standards, the City's Human Rights Law, state and federal anti-discrimination laws, and affirmative employment programs established by the City in order to promote effective equal employment opportunity in City employment.

The EEPC has a duty to:

- ✚ review the standards, procedures, and programs established by the Department of Citywide Administrative Services to ensure a fair and effective affirmative employment plan of equal employment opportunity for city agencies;
- ✚ review the affirmative employment plan of each city agency and provide appropriate comments and suggestions;
- ✚ advise city agencies in their efforts to increase employment of minority group members and women who seek employment with city agencies;
- ✚ audit and evaluate the employment practices and procedures of each City

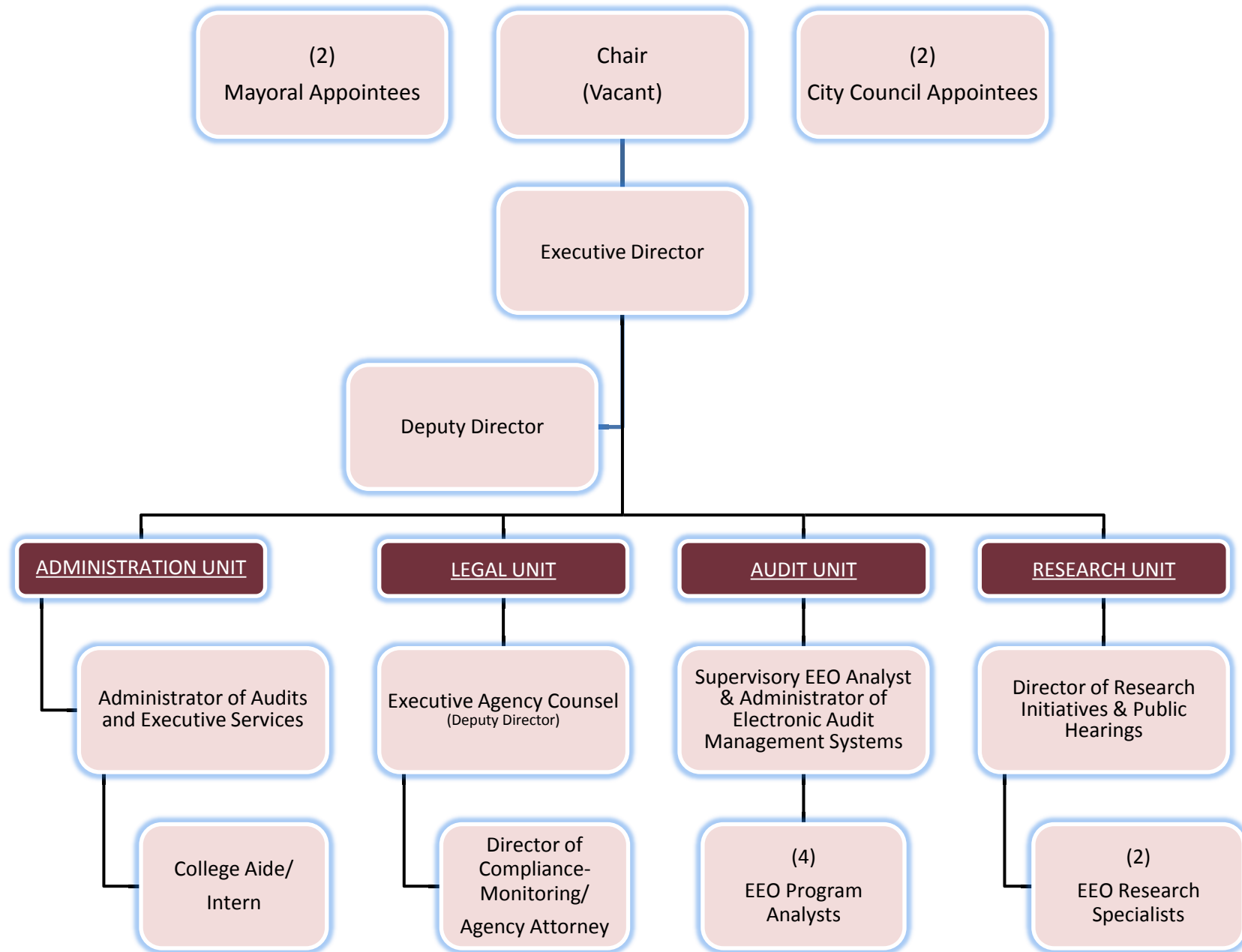
agency at least once every four years and whenever requested by the Civil Service Commission or City Human Rights Commission, and recommend procedures, standards, and programs to be utilized to ensure fair and effective programs of equal employment opportunity;

- ✚ 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 agencies are in compliance with equal employment opportunity requirements;
- ✚ establish advisory committees;
- ✚ serve 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;
- ✚ publish a report to the Mayor and City Council on 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; and
- ✚ make policy, legislative and budgetary recommendations to the Mayor, City Council, and Department of Citywide Administrative Services necessary to ensure equal employment opportunity for minority group members.

Although the EEPC is not authorized to investigate individual complaints of employment discrimination, this Commission believes that without properly structured, efficiently administered Equal Employment Opportunity Programs that comply with federal, state, and city equal employment opportunity requirements, the potential cost to the City for illegal employment discrimination will continue to be exorbitant. This Commission's audit and evaluation processes provide a mechanism to prevent errors in judgment or procedure from potentially becoming lawsuits.

EEPC Organizational Chart

2016 Annual Report



EEPC Structure

The Commission

The Commission consists of 5 per diem members. The Mayor and the New York City Council appoint two members each. The fifth member – Chairperson of the Commission – is appointed jointly by the Mayor and the Speaker of the Council.

The Commission performs the following duties and responsibilities essential to the mandate:

- ✚ review and approve the annual audit plan;
- ✚ review the auditing standards used to ensure agencies' 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 agencies' 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 agencies;
- ✚ publish an annual report to the Mayor and City 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 employees and applicants for employment with city agencies;
- ✚ make budgetary, legislative and policy recommendations to improve the City's equal employment opportunity program;

- ✚ conduct public hearings on major EEO topics relevant to the City of New York; and

- ✚ when appropriate, compel the testimony of witnesses, and establish advisory committees.

Executive Director

The Executive Director performs the following duties and responsibilities essential to the mandate:

- ✚ develop the commission's annual audit plans;
- ✚ develop the Commission's audit, evaluation and monitoring standards to ensure agencies' 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 Commission's decisions and in conformance with the aforementioned laws and policies;
- ✚ manage the audit and evaluation processes for agencies under the Commission's jurisdiction;
- ✚ advise the Commission in its deliberations, reports issues, and present audit Determinations/Resolutions;
- ✚ present audit findings to agency heads;
- ✚ develop public hearings on topics of interest to the Commission; and
- ✚ testify at relevant New York City Council hearings.

Legal Unit

The Legal Unit performs the following duties and responsibilities essential to the mandate:

- ✚ interpret legal issues relative to the administration of the responsibilities, duties and authority of the Commission;
- ✚ provide guidance to ensure audit and evaluation protocols are legally sound;

- ✚ conduct legal research and investigations relative to compliance within the legal framework of current federal, state and local EEO laws, regulations and judicial decisions;
- ✚ manage the City Charter-mandated compliance monitoring process by evaluating agencies' implementation of corrective actions; and
- ✚ inform the Commission whether agencies have taken appropriate and effective corrective actions to remedy non-compliance, and if not, whether further action is warranted under the City Charter.

Research Unit

The Research Unit performs the following duties and responsibilities essential to the mandate:

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

Audit Unit

The Audit Unit performs the following duties and responsibilities essential to the mandate:

- ✚ conduct comprehensive and issue-specific analyses, audits, and evaluations of agencies' employment and EEO programs at least once every 4 years;
- ✚ administer surveys, and conduct 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 agencies into compliance with city, state, and federal EEO laws, regulations, procedures and policies; and
- ✚ serve as a resource to the Executive Director and Commission for audit findings and conclusions.

Commission Meetings

The New York City Charter requires that the Commission meet at least once every eight weeks. Consequently, the Commission meets eight to ten times a year. Pursuant to the State Open Meetings Law, meetings are open to the public. Three Commissioners constitute a quorum for a meeting. Notices of the Commission's meetings are published in the City Record at least five days prior. Pursuant to Local Law 103 of 2013, Commission meetings are recorded and made available to the public online.

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

The Commission deliberates on whether issues and trends revealed through agency 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 improve the City's equal employment opportunity policy or program.

Authority

The EEPAC audits, evaluates and monitors the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment.

Chapter 36, Section 831(a) of the City Charter defines city agency as any “city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

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

For a comprehensive understanding of our mandate, Chapter 36 of the City Charter is provided in its entirety as an Appendix.

New York City Corporation Counsel’s Opinion 11-90

The New York City Corporation Counsel issued Opinion No. 11-90 concerning 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 – may be 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 parameters of this Commission’s jurisdiction are clarified by Opinion No. 11-90, which states that the EEO provisions of Chapter 36 are a central component of the City’s personnel administration. The Opinion further cites the record of the 1989 Charter Revision Commission which expressed its intention to incorporate as broad a definition of “agency” as legally possible in order “to widen the effect of the City’s anti-discrimination policies [...]” (1990 NYC Corp. Counsel LEXIS 11, December 20, 1990).

Opinion 11-90 discusses the EEPAC’s jurisdiction with respect to the following entities:

New York City Housing Authority (NYCHA)

The New York City Housing Authority is a public benefit corporation established pursuant to New York State Public Housing Law. NYCHA is required by 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. In fact, NYCHA hires employees from the same civil service lists as are used by City agencies. Based on these requirements, Opinion 11-90 concluded that the provisions of Chapter 36, apply to NYCHA.

Department of Education (DOE): Non-Pedagogues and Pedagogues

Opinion 11-90 recognized the clear distinction between non-pedagogical and pedagogical personnel in function and in employment as established in New York State Education Law. The hiring and promotion of the DOE’s non-pedagogues is subject to City Charter Chapter 36 because the DOE is an entity funded in part from the City treasury, and because non-pedagogical employees are in the classified service within the jurisdiction of the City Civil Service Commission.

The Department of Education’s pedagogical employees are hired and promoted pursuant to standards and tests prepared and

administered by the Chancellor and State Board Examiners. Therefore, employment practices regarding teachers and teaching supervisors are not subject to local authority, such as compliance with Chapter 36 of the City Charter.

Housing Development Corporation (HDC)

The New York City Housing Development Corporation is a public benefit corporation that is headed by two mayoral and two gubernatorial appointees. HDC is not paid from the City treasury and its employees are not city employees. However, Opinion 11-90 concluded that because HDC follows many of the same personnel standards as city agencies, Chapter 36 could be applied consistently. In recognition of the importance of promoting equal employment opportunity practices, the HDC consents to the EEPC's audit and evaluation of its EEO Program and consistently adopts and implements prescribed corrective actions, if any.

New York City Economic Development Corporation (EDC)

The New York City Economic Development Corporation is a public benefit corporation similar to the HDC, leading to the same conclusion. In recognition of the importance of promoting equal employment opportunity practices, the EDC also consents to the EEPC's audit and evaluation of its EEO Program and consistently adopts and implements prescribed corrective actions, if any.

New York City Health and Hospitals Corporation

The New York City Health and Hospitals Corporation (HHC) is a public benefit corporation that operates the citywide health and medical services system. The City Charter states the HHC is within the EEPC's jurisdiction; however, because the HHC has autonomy in its personnel administration, its employment practices are not subject to operational review by the EEPC.

Board of Elections (BOE)

Opinion 11-90 determined that although the Board of Elections 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 (SCA)

The School Construction Authority 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 (WB) and Water Finance Authority (WFA)

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 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.

EEO-Related Responsibilities Assigned by the City Charter

The New York City Charter ascribes EEO-related responsibilities to the head of each City agency. In addition, the Department of Citywide Administrative Services has specific responsibilities that play a role in the EEPC's audits.

Chapter 35 §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.

City Charter Chapter 35 §814 assigns the following responsibilities to the Commissioner of the Department of Citywide Administrative Services (DCAS):

- ✦ establish and enforce uniform procedures and standards to be utilized by city agencies, such as the Citywide EEO Policy, for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies;
- ✦ set the procedures for each agency to develop its Annual EEO plan; and
- ✦ review and provide comments and suggestions on each agency's draft EEO plan.

The DCAS Commissioner also has an annual responsibility to submit a report to the EEPC on:

- ✦ DCAS' activities to ensure equal employment opportunity for City

employees and those who seek employment with city agencies;

- ✦ an analysis of the city government workforce and applicants for such employment by agency;
- ✦ 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 a quarterly responsibility to submit a report to the Mayor, New York City Council, Civil Service Commission and EEPC on the:

- ✦ number of provisional employees specified by agency 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 §815 assigns the following powers and duties concerning personnel management to Agency Heads:

- ✦ ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- ✦ provide assistance to minority group members and women employed, or interested in being employed, by city agencies;
- ✦ ensure that minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs; and
- ✦ ensure that their agencies do not discriminate against employees or applicants for employment as prohibited by federal, state and local law.

Toward those goals, Chapter 35 §815(h) requires the head of each city agency 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 who are employed by, or who seek employment with, the agency;
- ✦ adopt and implement an annual plan in accordance with the uniform procedures and standards established by DCAS;
- ✦ present a draft Annual EEO Plan for review by DCAS and the EEPC;
- ✦ file copies of the Annual EEO Plan with the Mayor, New York City Council, Civil Service Commission, DCAS and the EEPC; and
- ✦ submit quarterly reports on their agencies' efforts during the previous quarter to implement the Annual EEO Plan to the Mayor, New York City Council, DCAS, and the EEPC.

The EEPC meticulously considers the responsibilities the City Charter assigns to city agencies, the heads of agencies and the DCAS Commissioner, when 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 Department of Citywide Administrative Services regarding equal employment opportunities for women and minority group members.

Jurisdiction

- ✦ Actuary, Office of the
- ✦ Administrative Tax Appeals, Office of
- ✦ Administrative Trials & Hearings, Office of
- ✦ Aging, Dept. for the
- ✦ Borough President's Office, Bronx
- ✦ Borough President's Office, Brooklyn
- ✦ Borough President's Office, Manhattan
- ✦ Borough President's Office, Queens
- ✦ Borough President's Office, Staten Island
- ✦ Buildings, Dept. of
- ✦ Business Integrity Commission
- ✦ Campaign Finance Board
- ✦ Children's Services, Administration for
- ✦ City Clerk/Clerk of the Council
- ✦ City Commission on Human Rights
- ✦ City Comptroller, Office of
- ✦ City Council, New York
- ✦ City Planning, Dept. of
- ✦ Citywide Administrative Services, Dept. of
- ✦ Civil Service Commission
- ✦ Civilian Complaint Review Board
- ✦ Collective Bargaining, Office of
- ✦ Community Boards - Bronx (Nos. 1-12)
- ✦ Community Boards - Brooklyn (Nos. 1-18)
- ✦ Community Boards - Manhattan (Nos. 1-12)
- ✦ Community Boards - Queens (Nos. 1-14)
- ✦ Community Boards - Staten Island (Nos. 1-3)
- ✦ 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
- ✦ Conflicts of Interest Board
- ✦ Consumer Affairs, Dept. of
- ✦ Correction, Board of
- ✦ Correction, Dept. of
- ✦ Cultural Affairs, Dept. of
- ✦ Design & Construction, Dept. of
- ✦ District Attorney - Bronx County Office
- ✦ District Attorney - Kings County Office
- ✦ District Attorney - New York County Office
- ✦ District Attorney - Queens County Office
- ✦ District Attorney - Richmond County Office
- ✦ Economic Development Corporation, New York City (by consent)
- ✦ Education, Dept. of
- ✦ Education Retirement System, Board of
- ✦ Emergency Management, Office of
- ✦ Employees' Retirement System, New York City
- ✦ Environmental Protection, Dept. of
- ✦ Finance, Dept. of
- ✦ Financial Information Services Agency
- ✦ Fire Department, New York
- ✦ Health & Mental Hygiene, Dept. of
- ✦ Homeless Services, Dept. of
- ✦ Housing Authority, New York City
- ✦ Housing Development Corporation (by consent)
- ✦ Housing Preservation & Development, Dept. of
- ✦ Human Resources Administration
- ✦ Independent Budget Office
- ✦ Information Technology & Telecomm., Dept. of
- ✦ Investigation, Dept. of
- ✦ Labor Relations, Office of
- ✦ Landmarks Preservation Commission
- ✦ Law Department, New York
- ✦ Management & Budget, Office of
- ✦ Mayor, Office of the
- ✦ Parks & Recreation, Dept. of
- ✦ Payroll Administration, Office of
- ✦ Police Department, New York
- ✦ Police Pension Fund, New York City
- ✦ Probation, Dept. of
- ✦ Public Administrator - Bronx County Office
- ✦ Public Administrator - Kings County Office
- ✦ Public Administrator - New York County Office
- ✦ Public Administrator - Queens County Office
- ✦ Public Administrator - Richmond County Office
- ✦ Public Advocate, Office of the
- ✦ Records & Information Services, Dept. of
- ✦ Sanitation, Dept. of
- ✦ Small Business Services, Dept. of
- ✦ Special Narcotics Prosecutor, Office of
- ✦ Standards & Appeals, Board of
- ✦ Taxi & Limousine Commission
- ✦ Teachers' Retirement System
- ✦ Transportation, Dept. of
- ✦ Youth & Community Development, Dept. of

Audits

Review and Evaluation

The purpose of an EEPC audit is to analyze and evaluate an agency's employment practices and EEO Program to ensure that they fulfill the EEO-related responsibilities assigned by the New York City Charter. 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. Rather the EEPC examines an agency'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.

This Commission has established uniform standards to audit, evaluate, and monitor agencies' EEO programs and policies for compliance with local, state and federal laws, regulations, policies and procedures which are designed to increase equal opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law, §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the

New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Subject Areas

A typical EEPC audit examines the following aspects of an agency's EEO program: Discrimination Complaint and Legal Activities; Issuance, Distribution and Posting of EEO Policies; EEO Training; Discrimination and Sexual Harassment Complaint and Investigation Procedures; Selection and Recruitment Systems (including Career Counseling, if applicable); EEO and Reasonable Accommodations 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 Agency Heads.

Methodology

This Commission's audit and evaluation methodology includes the collection and analysis of documents, records and data that an agency provides in response to the EEPC Document and Information Request Form (which identifies the audit period); review of Annual EEO Plans and Quarterly EEO Reports; analysis of utilization data from the Citywide Equal Employment Database System (CEEDS); review of responses to interview questionnaires for EEO personnel and others involved in EEO program administration; and analysis of responses to the EEPC Employee Survey and the EEPC Supervisor/Manager Survey.

Employee and Supervisor/Manager Surveys

To encourage a robust response, the EEPC requests that the head of an agency send emails -- which contain links to our surveys -- to employees and to supervisors/managers. Both groups are given a 2- to 3-week window to complete their surveys. A minimum response rate of 20% is desired. Survey results are used to support audit findings and are attached to each audit as an appendix.

Interview Questionnaires

Personnel, 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 Agency Counsel and Human Resources/Personnel Directors, are given two weeks to complete individual interview questionnaires regarding their role in their agency's employment practices and programs. EEO Program Analysts also conduct follow-up discussions or interviews with EEO personnel, when appropriate.

Citywide Equal Employment Database System (CEEDS) Reports

The Commission's EEO Program Analysts review data from the Citywide Equal Employment Database System (CEEDS) to understand the concentrations of race/gender groups within an agency'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. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPCC requests that these agencies submit similar statistics and analyses.) Personnel transactions are also reviewed in order to ascertain an agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

Discrimination Complaints

The Commission's EEO Program Analysts review the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established effective and responsive procedures for investigating discrimination complaints. Analysts examine the number and types of complaints the agency has received; the availability of personnel for complaint intake

and investigation; the complaint tracking and monitoring system; documentation of investigations conducted; communications between the agency and parties to a complaint; and the roles and responsibilities of the EEO personnel, Agency Counsel and agency head in the complaint investigation process.

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

Preliminary / Final Determination

If the EEPCC makes a preliminary Determination that an agency (or DCAS) has adopted or utilized a plan, program, procedure, approach, measure or standard that does not provide equal employment opportunity; and/or an agency has not provided equal employment opportunity, the Commission notifies the agency in writing of its findings, prescribes appropriate corrective action, and provides an opportunity for the agency to respond.

The Commission then considers the agency's response and consults with the agency. If corrective actions taken or planned by the agency are not sufficient to correct the non-compliance identified in the preliminary Determination, the Commission issues a Final Determination on any remaining corrective action, to which the agency must respond within 30 days.

Merging of Audit, Evaluation and Compliance-Monitoring Procedures

Last year, the Commission implemented a new compliance-driven procedure, which immediately eliminates findings of non-compliance if an agency demonstrates it has taken corrective activity during the audit. The EEPCC issues a preliminary Determination after its initial EEO program audit and evaluation; the agency may issue an optional response; if the agency submits a response with attached

documentation of corrective activity since the initial analysis, the EEPC revises or eliminates any corresponding corrective action. The Commission votes on a Resolution to issue a Final Determination with contemporaneous findings/corrective action, if any, and assigns a 6-month period for monitoring. The agency is then monitored for a written reply and implementation of the remaining corrective action(s).

Agencies 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.

Monitoring

Compliance -Monitoring Procedure

After receiving the agency's written reply, the Commission commences monitoring agency efforts to achieve compliance for up to 6-months. During this period, the agency submits *Monthly Compliance Monitoring Reports* on its progress implementing any remaining corrective action. Each agency receives an assigned period of up to 6 months for compliance monitoring; however, implementing corrective actions immediately is encouraged.

Determination of Compliance

Upon the agency's final compliance report, or at the end of the monitoring period, the Commission makes a *Determination of Compliance* (or *Non-Compliance*). In order for the Commission to determine that an agency has satisfactorily completed the compliance monitoring phase, the Commission requires that the head of the agency inform employees of the corrective actions that the agency received and implemented as a result of this Commission's audit.

Because the Charter mandates this Commission to recommend actions agencies should consider including in their Annual EEO Plans, the Commission also requires that an

agency incorporate the corrective actions into prospective EEO Plans and its EEO Program.

Non-Compliance

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

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

Availability of Audit Determinations

Pursuant to Chapter 49, §1133(a) of the City Charter, the Commission forwards at least four copies of each agency's audit Determinations, responses, *Resolutions* (which includes the corrective actions the agency has implemented) and the agency head's memorandum to staff to the Department of Records and Information Services. Pursuant to Local Law 11, these documents are also transmitted electronically.

EEO Policies and Laws

City of New York's EEO Policy

The *Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies*, or Citywide EEOP, was established by the Department of Citywide Administrative Services (DCAS) to assist mayoral agencies in developing annual EEO plans, and other measures and programs to ensure consistency with the Mayor's directives for equal employment opportunity. It includes the city's anti-discrimination policies; and training, accountability, and reporting requirements for agency heads, managers, and supervisors.

City, state, and federal laws and regulations provide job applicants and employees equal opportunities to the various terms, conditions and privileges of employment. The EEPC evaluates agencies' compliance with EEO laws and regulations to ensure equal employment practices and policies for employees and applicants for employment in City agencies throughout the City of New York.

The city, state, and federal EEO laws that play a role in the EEPC's audits include, but are not limited to:

New York City's EEO Laws

New York City Human Rights Law

The New York City Human Rights Law (NYCHRL), prohibits an employer from discharging, refusing to hire/employ, or discriminating in compensation or in terms, conditions or privileges of employment based on: actual or perceived race, color, creed, age, national origin, alienage or citizenship status, caregiver status, consumer credit history, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, partnership status, pregnancy, unemployment status and status as a victim of domestic violence, stalking, and sex offenses; or to deny employment due to arrest or 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.

Under the NYCHRL, the City Commission on Human Rights (CCHR) is charged with receiving, investigating and making Determinations regarding complaints of discrimination and investigating group tensions, bias, or discrimination against persons or groups of persons. The CCHR has the authority to work with other government agencies, 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 State Human Rights Law (NYSHRL) it is an unlawful discriminatory practice for an employer 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, marital status, or status as a victim of domestic violence; or to deny employment due to arrest or conviction record.

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.

Federal EEO Laws

Federal laws require that state and local governments, educational institutions, labor organizations and private employers with fifteen or more employees provide equal opportunities to employees and applicants for employment.

To this end, 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 and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability. Section 503 also requires that government agencies that work on or under federal contracts take affirmative action to employ and advance in employment qualified 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 disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans 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 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: In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

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.

Resources for Filing Complaints

The local, state, and federal agencies 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 the 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

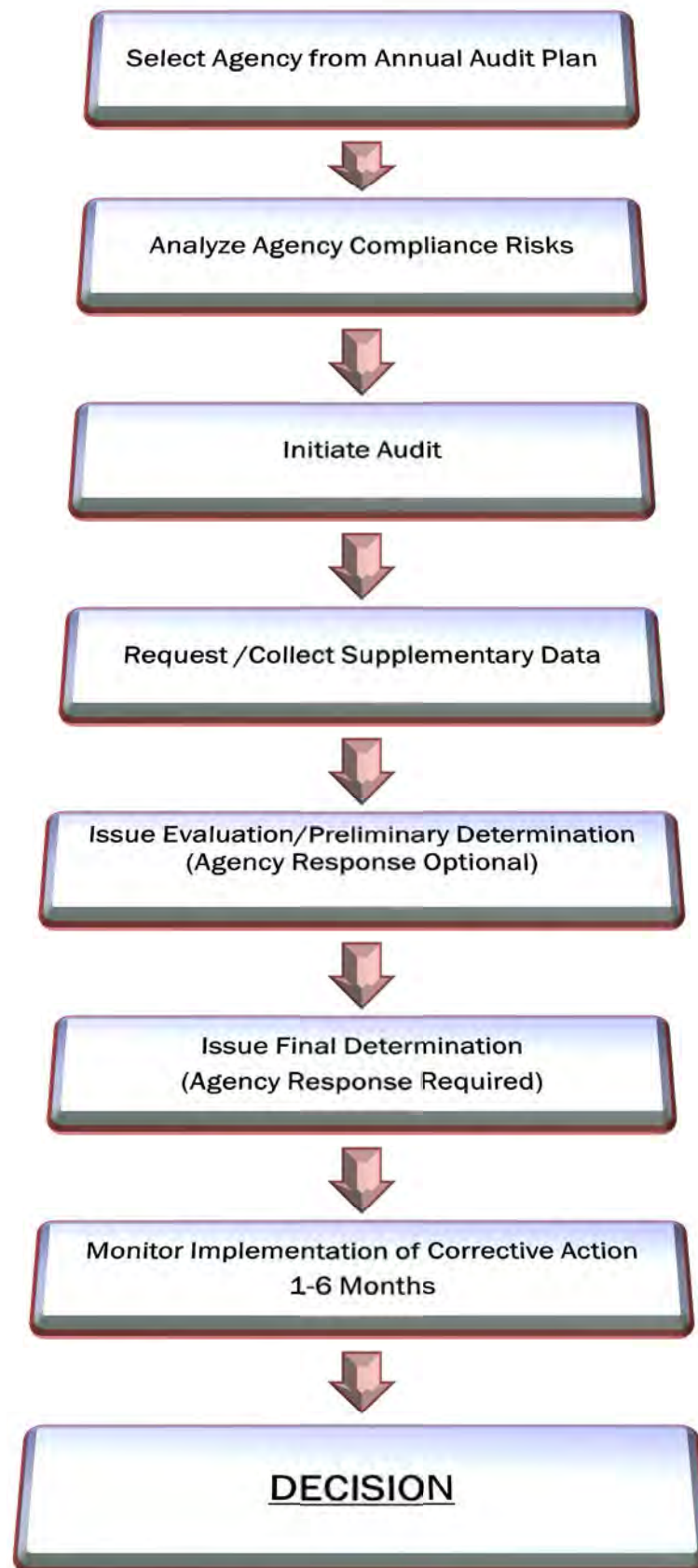
Fax: 212-336-3790

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)).

City employees have the right to file a complaint of employment discrimination with their agency's EEO Personnel prior to contacting any of the federal, state, and local agencies.

Audit Process: Compliance or Non-Compliance?



Audit Types

An audit is a methodical review and analysis for the purpose of evaluating the condition of an agency's employment practices (including EEO Program). 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 an agency's employment and EEO program, policies and/or practices for compliance with this Commission's standards and local, state and federal rules, regulations, laws and policies designed to increase equal opportunity for employees and job applicants.

Agencies with 150 or more employees

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

Agencies with fewer than 150 employees

Specific protocols are used for a general employment and EEO Program audit of city agencies with fewer than 150 employees. These smaller agencies are evaluated to ensure that they: issue, distribute, and post EEO policies and EEO Policy Statement;

promote EEO in internal/external job advertisements; provide EEO training to employees; appoint trained and appropriate EEO personnel for complaint intake/investigation (or secure such personnel through a memorandum of agreement with another agency); establish a procedure whereby employees may request and receive consideration for reasonable accommodations; and ensure that facilities are accessible to employees and applicants for employment with physical disabilities.

Community Boards (5 or fewer employees)

The Community Boards are comprised of members appointed by the respective Borough Presidents. Under the Commission'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 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 EEO tagline in advertising; and assessment of facilities for accessibility to applicants/employees with disabilities.

After reviewing a Community Board's responses to the requested information in the *EEPC Interview Questionnaire for Community Board* and having follow-up discussions with appropriate personnel, the EEPC issues a Determination with findings and prescribed corrective action, if necessary, for improving the Community Board's EEO program and/or employment procedures. EEO Program Analysts then verify the Community Board has implemented all corrective actions prescribed.

Issue-Specific Audits

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

Employment Practices Audit (EPA)

The EPA (former Selection and Recruitment Audit) analyzes and evaluates an agency's workforce data and employment practices (i.e. recruitment, selection, and retention), policies, programs, and procedures to identify whether the agency 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 agency 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 agency's development of plans to correct deficiencies (e.g. underutilization) within the agency's selection, recruitment, and retention systems. If underutilization or adverse impact is identified in titles where an agency has discretion in hiring, the EEPC examines the agency'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 agency'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 audits, evaluates and monitors the complaint and investigation component of an agency's EEO Program to ascertain whether the agency has established a meaningful and responsive procedure for investigating discrimination complaints. EEO Program Analysts examine the number and types of complaints the agency has received; the agency'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, Agency Counsel and agency head in the agency's complaint investigation process.

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

Disability, Accessibility & Reasonable Accommodation Audit (DARAA)

The DARAA examines the accessibility of facilities, reviews reasonable accommodation procedures and evaluates compliance with federal, state, and local laws, as well as City and agency policies pertaining to employees, and applicants for employment, with physical disabilities.

The DARAA reviews an agency's assessment of barriers within its facilities and the efforts the agency 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, send an email to mramsukh@eeepc.nyc.gov.

YEAR 2016

Audits Initiated

A total of 53 audits, occurred or were initiated during the calendar year.

Audits Occurring:

1. Parks & Recreation, Dept. of
2. District Attorney – New York Office:
3. Public Administrator – Richmond County:
4. Conflicts of Interest Board
5. Business Integrity Commission:
6. District Attorney - Bronx County Office:
7. Design and Construction, Dept.
8. Housing Development Corporation:
9. Public Administrator - New York County:
10. Public Administrator Kings County Office
11. Public Administrator - Queens County:
12. Actuary, Office of:
13. Civilian Complaint Review Board:
14. Correction, Dept. of:
15. City Commission on Human Rights
16. Bronx Community College:
17. Queensborough Community College:
18. Kingsborough Community College;
19. Borough of Manhattan Community College:
20. Hostos Community College:
21. Fiorello H. LaGuardia Community College:
22. District Attorney - King County Office:
23. District Attorney - Queens County Office:
24. District Attorney - Richmond County Office:
25. Public Administrator - Bronx County Office

Audits initiated at the end of 2016* to facilitate fulfillment of the 2017 Audit Plan: 28

26. Administrative Tax Appeals, Office of
27. Administrative Trials & Hearings, Office of
28. Aging, Dept. for the

29. Citywide Administrative Services, Dept. of
30. Community Board - Queens No. 01
31. Community Board - Queens No. 02
32. Community Board - Queens No. 03
33. Community Board - Queens No. 04
34. Community Board - Queens No. 05
35. Community Board - Queens No. 06
36. Community Board - Queens No. 07
37. Community Board - Queens No. 08
38. Community Board - Queens No. 09
39. Community Board - Queens No. 10
40. Community Board - Queens No. 11
41. Community Board - Queens No. 12
42. Community Board - Queens No. 13
43. Community Board - Queens No. 14
44. Employees Retirement System, New York City
45. Independent Budget Office
46. Information Technology & Telecomm., Dept. of
47. Investigation, Dept. of
48. Labor Relations, Office of
49. Police Department, New York
50. Police Pension Fund, New York City
51. Public Advocate
52. Special Narcotics Prosecutor, Office of
53. Transportation, Dept. of

*Initiated ahead of the 2017 Plan to accommodate enhanced compliance-monitoring procedures.

Determinations

Total Number of Determinations Issued After Audit Review and Evaluation of Agencies (In Chronological Order): 25

Agencies that received Determinations with corrective actions: 25

1. Parks & Recreation, Dept. of
Received 9 corrective actions.
2. District Attorney – New York Office:
Received 14 corrective actions.
3. Public Administrator – Richmond County:
Received 7 corrective actions.
4. Conflicts of Interest Board
Received 9 corrective actions.
5. Business Integrity Commission:
Received 6 corrective actions.
6. District Attorney - Bronx County Office:
Received 13 corrective actions.
7. Design and Construction, Dept.
Received 4 corrective actions.
8. Housing Development Corporation:
Received 12 corrective actions.
9. Public Administrator - New York County:
Received 9 corrective actions.
10. Public Administrator Kings County Office
Received 8 corrective actions.
11. Public Administrator - Queens County:
Received 8 corrective actions.
12. Actuary, Office of:
Received 16 corrective actions.
13. Civilian Complaint Review Board:
Received 14 corrective actions.
14. Correction, Dept. of:
Received 9 corrective actions.
15. City Commission on Human Rights
Received 12 corrective actions.
16. Bronx Community College:
Received 7 corrective actions.
17. Queensborough Community College:
Received 4 corrective actions.

18. Kingsborough Community College;
Received 13 corrective actions.
19. Borough of Manhattan Community College:
Received 9 corrective actions.
20. Hostos Community College:
Received 10 corrective actions.
21. Fiorello H. LaGuardia Community College:
Received 10 corrective actions.
22. District Attorney - King County Office:
Received 9 corrective actions.
23. District Attorney - Queens County Office:
Received 16 corrective actions.
24. District Attorney - Richmond County Office:
Received 11 corrective actions.
25. Public Administrator - Bronx County Office
Received 13 corrective actions.

As a result of the corrective actions received, the abovementioned agencies were assigned a 6-month compliance monitoring period.

Agencies that received NO corrective actions: 0

1. All agencies audited in 2016 received corrective actions.
-

For specific information on the audit findings and corrective actions, please see Appendix II for Agency Resolutions or visit the EEPC's website at www.nyc.gov/eeepc and click on the agency's link.²

² Each agency's audit documents are made available upon the issuance of a Determination of Compliance/Non-Compliance.

Compliance-Monitoring

The City Charter requires that this Commission monitor agencies for a period of up to 6 months to ensure implementation of prescribed corrective action.

Total Agencies Monitored for Implementation of Corrective Actions Prescribed: 37

Agencies that Achieved Compliance While Being Monitored in 2016: 31

1. Business Integrity Commission:
Received/Implemented 6 corrective actions.
2. Campaign Finance Board*:
Received/Implemented 10 corrective actions.
3. City Council, New York*:
Received/Implemented 18 corrective actions.
4. City Planning, Dept. of*:
Received/Implemented 13 corrective actions.
5. Civilian Complaint Review Board:
Received/Implemented 14 corrective actions.
6. Community College, Borough of Manhattan:
Received /Implemented 9 corrective actions
7. Community College, Bronx
Received /Implemented 7 corrective actions
8. Community College, Eugenio Maria De Hostos:
Received/Implemented 10 corrective actions.
9. Community College, Kingsborough
Received /Implemented 13 corrective actions
10. Community College, Queensborough:
Received/Implemented 4 corrective actions.
11. Conflicts of Interest Board:
Received/Implemented 10 corrective actions.
12. Correction, Board of*:
Received/Implemented 10 corrective actions.
13. Correction, Department of:
Received/Implemented 9 corrective actions.
14. Design and Construction, Dept.:
Received/Implemented 4 corrective actions.
15. District Attorney- Bronx County Office:
Received/Implemented 13 corrective actions.
16. District Attorney- Kings County Office:
Received/Implemented 9 corrective actions.
17. District Attorney- New York County Office:
Received/Implemented 14 corrective actions.

18. District Attorney- Richmond County Office:
Received/Implemented 11 corrective actions.
19. Economic Development Corporation*:
Received/Implemented 6 corrective actions.
20. Fire Department, New York*:
Received/Implemented 9 corrective actions.
21. Housing Development Corporation:
Received/Implemented 12 corrective actions.
22. Housing Preservation and Development*:
Received/Implemented 10 corrective actions.
23. Landmarks Presevation Commission:
Received/Implemented 11 corrective actions.
24. Management and Budget, Office of*:
Received/Implemented 10 corrective actions.
25. Parks & Recreation, Dept. of:
Received/Implemented 6 corrective actions.
26. Payroll Administration, Office of*:
Received/Implemented 4 corrective actions.
27. Public Administrator – Kings County Office:
Received/Implemented 8 corrective actions
28. Public Administrator – New York County Office:
Received/Implemented 9 corrective actions
29. Public Administrator – Queens County Office:
Received/Implemented 8 corrective actions
30. Records and Information Services, Office of*:
Received/Implemented 14 corrective actions.
31. Teachers' Retirement System*:
Received/Implemented 14 corrective actions.

Agencies Undergoing Monitoring at the Conclusion of 2016: 3

1. Actuary, Office of the
Received 16 /Implemented 9 corrective actions
2. City Commission on Human Rights
Received 12 /Implemented 7 corrective actions
3. Community College, Fiorello H. LaGuardia
Received 10 /Implemented 8 corrective actions

*Agency carried over from the 2015 Audit Plan.

For specific information on the monitoring period, and the corrective actions implemented, see Appendix III or visit the EEPC's website at www.nyc.gov/eeepc and click on the agency's link.

Compliance without Monitoring

If an agency has already implemented the prescribed corrective actions upon receiving a Preliminary Determination, a *Determination of Compliance* is promptly issued and the agency is deemed to be in “Compliance Without Monitoring.”

Agencies exempt* from a Compliance-Monitoring Period: 0

All agencies audited in 2016, received corrective actions and were assigned a monitoring period to ensure the implementation of corrective actions.

*In accordance with new procedure, agencies are immediately exempt from the monitoring period if all corrective actions are accomplished during and/or after the audit period.

Non-Compliance

Three (3) agencies did not implement all corrective actions prescribed. After monitoring these agencies actions and efforts over an assigned 6-month period, less than half of the corrective actions received were implemented. As a result, the Commission determined that a *Determination of Non-Compliance* was appropriate.

Agencies that received a Determination of Non- Compliance**: 3

1. District Attorney– Queens County Office
Received 16 corrective actions
Implemented 5
2. Public Administrator– Bronx County Office
Received 13 corrective actions
Implemented 3
3. Public Administrator– Richmond County Office
Received 2 corrective actions
Implemented 7

The aforementioned agencies were notified that further delays in implementation of the required corrective actions would cause a Determination of non- Compliance to be issued. Historically, extensions, especially for agencies that prove slow to implement corrective actions, have been detrimental to the fulfillment of the Commission’s Annual Audit Plan.

The EEPC will initiate follow-up audits for these agencies within 1 year.

**Corrective action prescribed, but not implemented results in a Determination of Partial or Full Non-Compliance.

Meeting Calendar: 2016

The Commission held at 8 meetings in 2016.
The dates are as follows:

Thursday, February 4th @ 9:00 AM
Thursday, March 24th @ 9:00 AM
Thursday, May 5th @ 9:00 AM
Thursday, June 16th @ 9:00 AM
Thursday, September 8th @ 9:00 AM
Thursday, November 3rd @ 9:00 AM
Thursday, December 15th @ 9:00 AM

Meetings typically commenced between 9:00 and 9:30 am and adjourned by 11:00am.
As required by Local Law 103 of 2013, beginning April 3rd, 2015, the Commission's meetings were recorded and made available to the public online at:
<https://www.youtube.com/channel/UCdgAeD4p-esdjymDTdGScfA>

Public notices of the Commission's meetings are published in the City Record for five successive days prior to the date of the meeting.

2017 and Beyond

The EEPC audits are scheduled on a 4-year cycle. To meet our Charter mandate, Annual Audit Plans are developed to ensure agencies not audited within the previous 4 years receive priority.

Upcoming Audits:

A portion of these audits were initiated at the conclusion of 2016 to accommodate any delay that may typically occur in the compliance-monitoring phase of the audit.

Administrative Tax Appeals, Office of
 Administrative Trials & Hearings, Office of
 Aging, Dept. for the
 Borough President's Office, Queens
 Citywide Administrative Services, Dept. of
 Community Board - Queens No. 01
 Community Board - Queens No. 02
 Community Board - Queens No. 03
 Community Board - Queens No. 04
 Community Board - Queens No. 05
 Community Board - Queens No. 06
 Community Board - Queens No. 07
 Community Board - Queens No. 08
 Community Board - Queens No. 09
 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
 Education Retirement System, Board of
 Employees Retirement System, New York City
 Housing Authority, New York City
 Independent Budget Office
 Information Technology & Telecomm., Dept. of
 Investigation, Dept. of
 Labor Relations, Office of
 Law Department, New York
 Police Department, New York
 Police Pension Fund, New York City
 Public Advocate, Office of the
 Special Narcotics Prosecutor, Office of
 Transportation, Dept. of

In addition, the EEPC participates in Basic Training for EEO Personnel administered by the Department of Citywide Administrative Services' Citywide Diversity and EEO. Contact DCAS-CDEEO for the next training session.

Meeting Calendar: 2017

11 meetings are scheduled for the following dates:

Thursday, January 19th @ 9:15 AM
 Thursday, February 16th @ 9:15 AM
 Thursday, March 30th @ 9:15 AM
 Thursday, April 27th @ 9:15 AM
 Thursday, May 25th @ 9:15 AM
 Thursday, June 29th @ 9:15 AM
 Thursday, July 27th @ 9:15 AM
 Thursday, September 28th @ 9:15 AM
 Thursday, October 26th @ 9:15 AM
 Thursday, November 30th @ 9:15 AM
 Thursday, December 15th @ 9:15 AM

This schedule is subject to revision. Public notices of the Commission's meetings are published in the City Record for five successive days prior to the date of the meeting.

Learn more about this Commission and its audits by visiting our website at: www.nyc.gov/eepe.

Conference/Hearing

The Commission is in the planning and budgeting phase of its next Conference. Please check the EEPC's website for further updates.

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

APPENDICES

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

The following pages contain the Commission's 2016 Resolutions pursuant to the audit and evaluation of agencies' employment practices. The Commission reviews, approves, and adopts Resolutions of EEO Program Analysts' findings for each agency. An audit-related Resolution specifies the audit period, delineates the corrective action prescribed to an agency as a result of the EEPC's audit and evaluation, and authorizes the mailing of a Final Determination. The agencies are listed below in alphabetical order. In addition, Resolutions can be found on the EEPC's website at: http://www.nyc.gov/html/eeepc/html/about/eeepc_jurisdiction.shtml.

- | | |
|---|---|
| 1. Actuary, Office of the
RESOLUTION #2016/008 | 14. District Attorney - Bronx County Office
Resolution #2016/902 |
| 2. Business Integrity Commission
Resolution #2016/831 | 15. District Attorney - King County Office
RESOLUTION #2016/903 |
| 3. City Commission on Human Rights
RESOLUTION #2016/226 | 16. District Attorney - New York Office
Resolution #2016/901 |
| 4. Civilian Complaint Review Board
RESOLUTION #2016/054 | 17. District Attorney - Queens County Office
RESOLUTION #2016/904 |
| 5. Community College, Borough of
Manhattan RESOLUTION #2016/466 | 18. District Attorney - Richmond County Office
RESOLUTION #2016/905 |
| 6. Community College, Bronx
RESOLUTION #2016/463 | 19. Housing Development Corporation
Resolution #2016/907 |
| 7. Community College, Eugenio Maria De
Hostos RESOLUTION #2016/468 | 20. Parks & Recreation, Dept. of
Resolution #2016/846 |
| 8. Community College, Fiorello H. LaGuardia
RESOLUTION # 2016/469 | 21. Public Administrator - Bronx County Office
RESOLUTION #2016/942 |
| 9. Community College, Kingsborough
RESOLUTION #2016/465 | 22. Public Administrator - Kings County Office
Resolution #2016/943 |
| 10. Community College, Queensborough
RESOLUTION #2016/464 | 23. Public Administrator - New York County
Office Resolution #2016/941 |
| 11. Conflicts of Interest Board
Resolution #2016/312 | 24. Public Administrator - Queens County
Office Resolution #2016/944 |
| 12. Correction, Dept. of
RESOLUTION #2016/072 | 25. Public Administrator - Richmond County
Office Resolution #2016/945 |
| 13. Design and Construction, Dept. of
Resolution #2016/850 | |

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

RESOLUTION #2016/008: Final Determination Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Actuary's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Actuary's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 14, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the principal EEO/HR Professional and General Counsel reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or

adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
12. Ensure that all employees have access to information regarding performance evaluation

standards.

13. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that 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).
16. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 28, 2016 with documentation of its actions to rectify required corrective action no. 1; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on August 5, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action nos., 2 through 16 require compliance monitoring; and

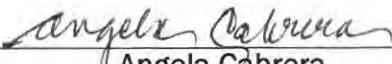
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August, 2016 through January, 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Chief Actuary Sherry S. Chan of the Office of the Actuary.

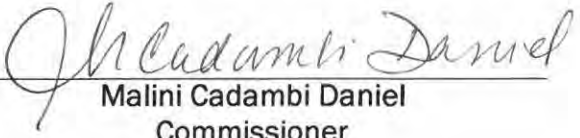
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/831: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Business Integrity Commission (BIC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 5, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 20, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 27, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

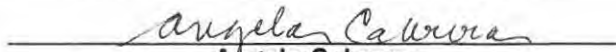
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to Daniel D. Brownell Chair of the Business Integrity Commission.

Approved unanimously on June 16, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/226: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the City Commission on Human Rights' Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the City Commission on Human Rights' (CCHR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 10, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- 3.[sic] If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of

bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

6. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
7. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards.
8. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
11. Ensure that 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 quarterly reports (up to 30 days following each quarter) on efforts to implement the Annual Plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 24, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on **September 7, 2016**, which indicated that corrective action(s) nos. 1 through 12 require compliance monitoring; and

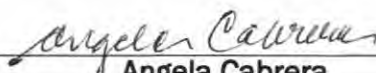
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from September 2016 through February 2017, to determine whether it implemented the required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Carmelyn P. Malalis, Esq., Chair/Commissioner of the City Commission on Human Rights.

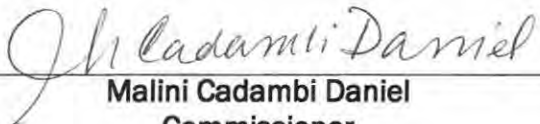
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/054: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Civilian Complaint Review Board's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Civilian Complaint Review Board's (CCRB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. Redistribute a copy of the EEO Policy which contains an up-to-date list of protected classes under NYC and NYS Human Rights Laws, and a copy of the *Discrimination Complaint Procedure*.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel (if any) review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the

selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
8. Distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
9. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards; inform the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involve the principal EEO Professional in EEO-related matters; and promptly consult with the principal EEO Professional if informed of, or suspect that, a violation of the EEO Policy has occurred.
10. Document reasonable accommodation requests and their outcomes.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 20, 2016 with documentation of its actions to rectify required corrective action no. 14; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 6, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective actions nos. 1 through 13 require compliance monitoring; and

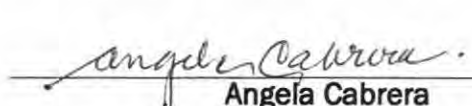
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2016 through December 2016, to determine whether it implemented remaining required corrective actions; and

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

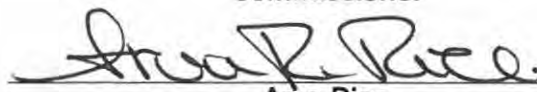
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission approves issuance of this Final Determination to Mina Q. Malik, Esq., Executive Director of the Civilian Complaint Review Board.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/466: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Borough of Manhattan Community College's Employment Practices and Procedures from January 1, 2014 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Borough of Manhattan Community College's (BMCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated May 26, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the *City University of New York (CUNY) Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment* current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints, and the agency's employment policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate

in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, also captures the *applicants'/candidates' disability or veteran status*.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
9. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter, on June 8, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on July 8, 2016 and indicated that corrective action(s) nos., 1-9 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

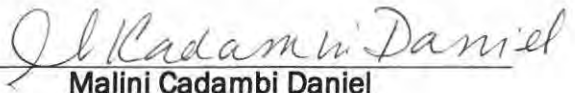
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/463: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Bronx Community College's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Bronx Community College's (BCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 1, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy, current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Unit if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the ethnicity, gender, disability or veteran status, of each applicant, and recruitment source.

6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 15, 2016, with documentation of its actions to rectify required corrective action no. 7; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 22, 2016 which indicated that corrective actions nos. 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2016 through January 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Dr. Thomas A. Isekenegbe, President of the Bronx Community College.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner

Absent
Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/468: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Hostos Community College's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Hostos Community College's (Hostos) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 10, 2016, setting forth findings and the following required corrective actions:

1. Include current contact information for federal, state and local agencies that enforce laws against discrimination in the agency's EEO Policy.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
4. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central, Civil Service Unit if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes applicants'/candidates' ethnicity, gender, disability or veteran status, interview date, interviewers' names, reason selected/ not selected, and recruitment sources.
8. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, training opportunities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
9. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
10. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter, on May 23, 2016 with documentation of its actions to rectify required corrective actions nos. 2 and 7; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on July 8, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 1, 3, 4, 5, 6, 8, 9 and 10 require compliance monitoring; and

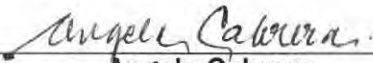
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2016 through December 2016, to determine whether it implemented remaining required corrective actions; and

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

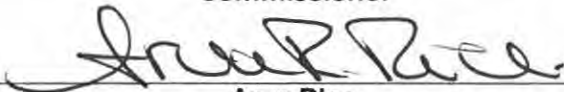
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission approves issuance of this Final Determination to Dr. David Gómez, President of the Hostos Community College.

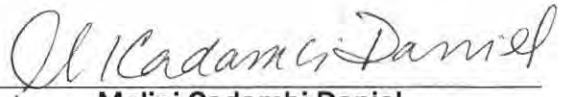
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION # 2016/469: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of Fiorello H. LaGuardia Community College's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit of Fiorello H. LaGuardia Community College's (LAGCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 15, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the federal, state and local agencies that enforce laws against discrimination.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact).
4. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate

in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

6. If women, minorities, or other protected groups are underrepresented in civil service (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures disability or veteran status, interview date, interviewers' names, result, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding performance evaluation standards.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter, on August 29, 2016 with documentation of its actions to rectify required corrective action nos. 5, and 7; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on September 2, 2016 which agreed and indicated that corrective action(s) nos. 1, 2, 3, 4, 6, 8, 9, and 10 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPD is required to monitor the agency for a period not to exceed six months, from September 2016 through February 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to President Dr. Gail O. Mellow, of Fiorello H. LaGuardia Community College.

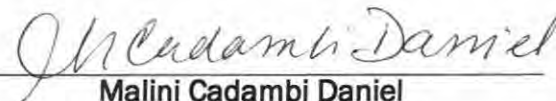
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/465: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Kingsborough Community College's Employment Practices and Procedures from July 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Kingsborough Community College's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 20, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy current contact information for the federal, state and local agencies that enforce laws against discrimination, and an up-to date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's annual number of EEO complaints on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with the CUNY Central, Civil Service Unit if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
8. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the *disability or veteran status* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
10. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; and that the Human Resources Professional involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
11. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
12. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 2, 2016 with documentation of its actions to rectify required corrective actions nos. 7 and 8; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on August 11, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos., 1-6 and 9-13 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2016 through January 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Farley Herzek, President of the Kingsborough Community College.

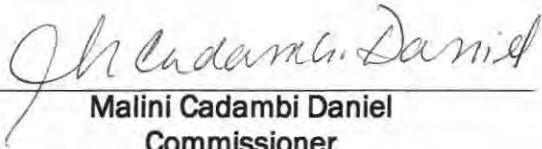
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/464: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Queensborough Community College's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Queensborough Community College's (QCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 17, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
3. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the *disability or veteran status*.
4. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 28, 2016, with documentation of its actions to rectify required corrective actions nos. 3 and 4; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 8, 20016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos. 1 and 2 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Dr. Diane B. Call, President of the Queensborough Community College.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/312: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Conflicts of Interest Board's Employment Practices and Procedures through from July 1, 2012 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Conflicts of Interest Board's (COIB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 12, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Implement an EEO training plan to ensure that all new and existing employees, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition) of each

applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

5. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and examinations.
7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO professional regarding decisions that impact the administration and operation of the EEO program.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that 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. Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and reemphasizing the agency head's commitment to the EEO program.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 23, 2016 with documentation of its actions to rectify required corrective action no. 4.

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 13, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 1, 2, 3, 5, 6, 7, 8, 9, and 10 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission will forward this Final Determination to Richard Briffault Chair of the Conflicts of Interest Board.


Approved unanimously on June 16, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/072: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Correction's Employment Practices and Procedures from July 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Department of Correction's (DOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 3, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts for to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these

standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned fields also captures the ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, and that the Human Resources Professional involves the principal EEO professional in EEO-related matters and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that 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, the agency submitted its response to the EEPD's Preliminary Determination letter, on June 16, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on July 6, 2016 which indicated that corrective action(s) nos., 1 through 9 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Commissioner Joseph Ponte of the Department of Correction.


Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/850: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Design and Construction's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
2. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use

uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 11, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 1, 2016 which agreed and indicated that corrective action(s) nos. 1, 2, 3 and 4 require compliance monitoring; and

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

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

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

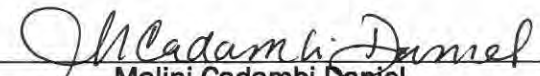
Be It Resolved, that the Commission will forward this Final Determination to Commissioner Feniosky Peña-Mora, of the Department of Design and Construction.

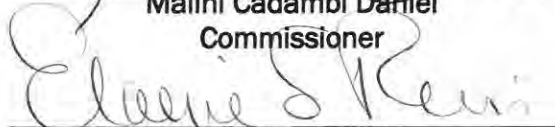
Approved unanimously on June 16, 2016.



Angela Cabrera
Commissioner


Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION # 2016/902: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Bronx County District Attorney's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Bronx County District Attorney's (BCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 24, 2016, setting forth findings and the following required corrective actions:

1. Re-distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or

gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that all employees have access to information regarding performance evaluation standards, and training opportunities.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
12. Ensure that 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 EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter, on June 6, 2016; and with documentation of its actions to rectify required corrective action nos. 1, 9, 12 and 13; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on June 16, 2016 which agreed and indicated that corrective action(s) nos., 2, 3, 4, 5, 6, 7, 8, 10 and 11 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission will forward this Final Determination to District Attorney Darcel D. Clark, of the Office of the Bronx County District Attorney.

Approved unanimously on June 16, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/903: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the King's County District Attorney's Employment Practices and Procedures from January 1 , 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the King's County District Attorney's (KCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 17, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy

notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that all personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of all applicants, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
8. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 1, 2016 with documentation of its actions to rectify required corrective actions nos. 3, 6 and 9; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 8, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 1, 2, 4, 5, 7, and 8 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2016 through December 2016, to determine whether it implemented remaining required

corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Kenneth Thompson, District Attorney of Kings County.

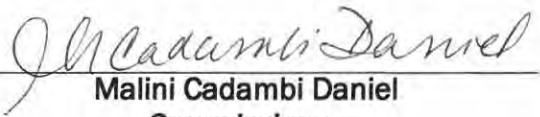
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION # 2016/901: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York County District Attorney's Office's Employment Practices and Procedures from July 1, 2014 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the New York County District Attorney's Office (DANY) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in civil service (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

13. Ensure that all managerial performance evaluation forms contain 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on April 5, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 require compliance monitoring; and


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

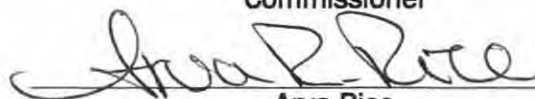
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

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

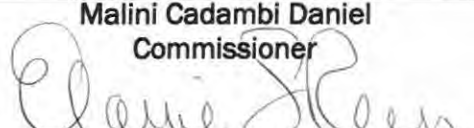
Be It Resolved, that the Commission will forward this Final Determination to the District Attorney of the New York County District Attorney's Office.

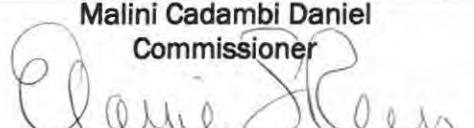
Approved unanimously on May 5, 2016.


Angela Cabrera
Commissioner


Arva Rice
Commissioner

Absent


Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016/904: Final Determination pursuant to the Audit, Review, Evaluation and Monitoring of the Office of the Queens County District Attorney's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Queens County District Attorney's (QCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 13, 2016, setting forth findings and the following required corrective actions:

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or

gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
9. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Ensure that all employees have access to information regarding performance evaluation standards, and training opportunities.
12. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of

completion.

13. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that 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).
16. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 29, 2016 which indicated that corrective action(s) nos. 1 through 16 require compliance monitoring; and

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

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


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

Be It Resolved, that the Commission approves issuance of this Final Determination to District Attorney Richard A. Brown of the Office of the Queens County District Attorney.

| Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner

Absent
Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/905: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Richmond County District Attorney's Employment Practices and Procedures from July 1, 2014 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Richmond County District Attorney's (RCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 10, 2016, setting forth findings and the following required corrective actions:

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: an up-to date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

4. Ensure that the Director of Human Resources/principal EEO professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 24, 2016 with documentation of its actions to rectify required corrective action no. 1; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 8, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 2 - 11 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission will forward this Final Determination to Michael E. McMahon, District Attorney of Richmond County.

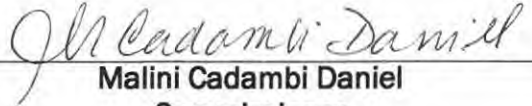
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/907: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York City Housing Development Corporation's Employment Practices and Procedures from July 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the New York City Housing Development Corporation's (HDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 29, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

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

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 13, 2016 with documentation of its actions to rectify required corrective action nos. 6; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 2, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 require compliance monitoring; and

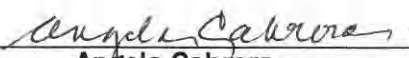
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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


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

Be It Resolved, that the Commission will forward this Final Determination to President Gary Rodney of the New York City Housing Development Corporation.

Approved unanimously on June 16, 2016.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/846: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Parks & Recreation's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Department of Parks & Recreation (DPR) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 8, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on April 22, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5, and 6 require compliance monitoring; and

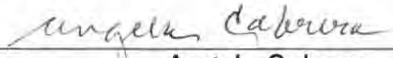
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to the Commissioner of the Department of Parks & Recreation.

Approved unanimously on May 5, 2016.



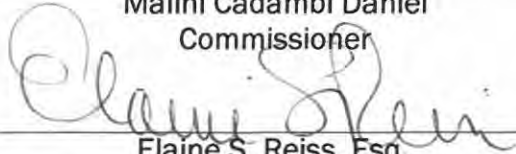
Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/942: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Bronx County Public Administrator's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Bronx County Public Administrator's (BCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 14, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo, from the current agency head, reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

4. Ensure that the principal EEO/HR Professional reviews the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
5. Ensure that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, and training opportunities.
9. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
12. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on July 6, 2016, which indicated that corrective actions nos. 1 through 13 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Public Administrator Frank Randazzo, Esq. of the Office of the Bronx County Public Administrator.

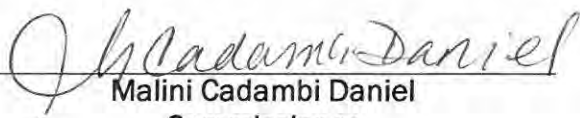
Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

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

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

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

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

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

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

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

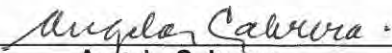
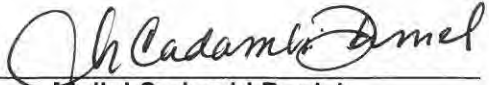


Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPD is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

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

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

Approved unanimously on June 16, 2016.

 _____ Angela Cabrera Commissioner	 _____ Malini Cadambi Daniel Commissioner
 _____ Arva Rice Commissioner	 _____ Elaine S. Reiss, Esq. Commissioner

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

RESOLUTION #2016/941: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the New York County Public Administrator's Employment Practices and Procedures through July 1, 2016.

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

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

Whereas, pursuant to its audit of the Office of the New York County Public Administrator's (PANY) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 25, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO professional and HR Professional review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
3. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

4. Ensure that the professional designated as the Career Counselor has appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
5. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensure that the principal HR professional informs principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the EEO professional in EEO-related matters.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
7. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
8. Ensure that 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. Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and reemphasizing the agency head's commitment to the EEO program.

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

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on June 8, 2016, which indicated that corrective actions nos. 1 through 9 require compliance monitoring; and

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

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

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

Be It Resolved, that the Commission will forward this Final Determination to Dahila Damas, Public Administrator of the Office of the New York County Public Administrator.

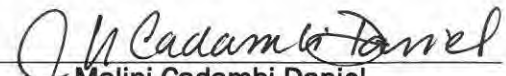
Approved unanimously on June 16, 2016.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/944: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Queens County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Queens Public Administrator's (QCPA) Employment Practices and Procedures from July 1, 2012 to December 31, 2015, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 11, 2016, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO/HR Professional reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Use and maintain an applicant/candidate log or tracking system which, addition to the aforementioned fields, also captures the ethnicity of the candidate and interviewers' names. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
3. Designate a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
4. Ensure that employees have access to information regarding performance evaluation standards.

5. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
6. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
7. Ensure that 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).
8. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 19, 2016 with documentation of its efforts to rectify required corrective actions nos. 2, 4 and "Final Action"; and

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

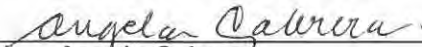
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

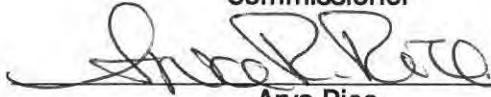
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved that the Commission will forward this Final Determination to Public Administrator Lois A. Rosenblatt of the Office of the Queens County Public Administrator.

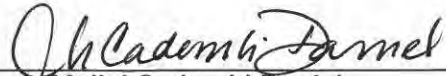
Approved unanimously on June 16, 2016.



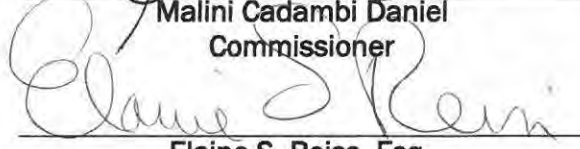
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION # 2016/945: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Richmond County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

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

1. Establish an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
2. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
3. Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.
4. Ensure the integrity and continuity of the EEO Program by maintaining appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
5. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

RESOLUTION # 2016/945: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Richmond Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

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

1. Establish an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
2. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
3. Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.
4. Ensure the integrity and continuity of the EEO Program by maintaining appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
5. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

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

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on April 19, 2016 with documentation of its efforts to rectify required corrective actions nos. 5 and 6; and

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

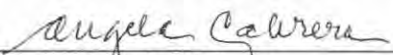
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved that the Commission will forward this Final Determination to Public Administrator Gary D. Gotlin of the Office of the Richmond County Public Administrator.

Approved unanimously on May 5, 2016.

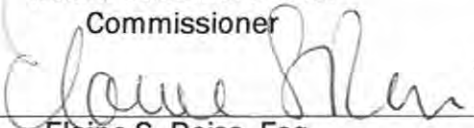


Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner


Elaine S. Reiss, Esq.
Commissioner

Appendix III:

Determination of Compliance Resolutions

Pursuant to the City Charter-mandated compliance-monitoring procedure and period, the Commission considers, in consultation with an agency, whether programs, or procedures utilized by the agency are in compliance with the equal employment opportunity standards of this Commission 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 Commission's 2016 Compliance Resolutions, which specify whether the agency required corrective action, whether the agency required monitoring, the compliance-monitoring period, the corrective actions implemented by the agency and the agency's status at the end of the period. Adoption of a Compliance Resolution authorizes the mailing of a Determination of Compliance and Certificate, if applicable, to the agency head. The agencies are listed below in alphabetical order. In addition, Resolutions can be found on the EEP's website at: http://www.nyc.gov/html/eeep/html/about/eeep_jurisdiction.shtml. Revised 9/27/2019 Page

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| 1. Actuary, Office of the
RESOLUTION #2016/008C-37 | 13. Community College,
Queensborough
RESOLUTION #2016/464C-14 | 24. Housing Development Corporation
RESOLUTION #2016/907C-18 |
| 2. Business Integrity Commission
RESOLUTION #2016/831C-11 | 14. Conflicts of Interest Board
RESOLUTION #2016/312C-20 | 25. Housing Preservation and
Development
RESOLUTION #2016/806C-03 |
| 3. Campaign Finance Board
RESOLUTION #2016/004C-05 | 15. Correction, Board of
RESOLUTION #2016/073C-10 | 26. Landmarks Presevation
Commission
RESOLUTION #2016/136C-09 |
| 4. City Commission on Human Rights
RESOLUTION #2016AP/226C-36 | 16. Correction, Dept. of
RESOLUTION#2016AP/072C-23 | 27. Management & Budget, Office of
RESOLUTION #2016/019C-04 |
| 5. City Council, New York
RESOLUTION #2016/102C-07 | 17. Design & Construction, Dept. of
RESOLUTION #2016/850C-17 | 28. Parks & Recreation, Dept. of
RESOLUTION #2016/846C-19 |
| 6. City Planning, Dept. of
RESOLUTION #2016/030C-08 | 18. District Attorney – Bronx County
Office
RESOLUTION#2016AP/902C-21 | 29. Payroll Administration, Office of
RESOLUTION #2016/126C-02 |
| 7. Civilian Complaint Review Board
RESOLUTION#2016AP/054C-22 | 19. District Attorney – Kings County
Office
RESOLUTION#2016AP/903C-25 | 30. Public Administrator – Kings
County Office
RESOLUTION#2016AP/943C-28 |
| 8. Community College, Borough of
Manhattan
RESOLUTION #2016/466C-16 | 20. District Attorney – New York Office
RESOLUTION #2016/901C-13 | 31. Public Administrator – New York
County Office
RESOLUTION#2016AP/941C-29 |
| 9. Community College, Bronx
RESOLUTION #2016AP/463C-33 | 21. District Attorney – Richmond
County Office
RESOLUTION#2016AP/905C-24 | 32. Public Administrator-Queens
County Office
RESOLUTION #2016/944-12C |
| 10. Community College, Eugenio
Maria De Hostos
RESOLUTION#2016AP/468C-27 | 22. Economic Development
Corporation
RESOLUTION #2016/998C-01 | 33. Records & Information Services,
Dept. of
RESOLUTION #2016/860C-06 |
| 11. Community College, Kingsborough
RESOLUTION #2016AP/465C-34 | 23. Fire Department, New York
RESOLUTION#2016AP/057C-26 | 34. Teachers' Retirement System
RESOLUTION #2016/041C-15 |
| 12. Community College, Fiorello G.
LaGuardia
RESOLUTION #2016AP/469C-35 | | |

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016AP/008C-37: Determination of **Compliance** (Monitoring Period Required) by the Office of the Actuary with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the New York City Commission on Human Rights' Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Office of the Actuary's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 14, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the principal EEO/HR Professional and General Counsel reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to

attract interested persons and to develop and hire interested and qualified candidates.

7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
12. Ensure that all employees have access to information regarding performance evaluation standards.
13. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that 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).
16. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPCC's Preliminary Determination letter, on July 28, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC considered the agency's response and issued a Final Determination on August 5, 2016, which indicated that corrective action nos. 1 through 16 require compliance monitoring; and

Whereas, the Office of the Actuary submitted its response to the EEPCC's final determination letter, on September 2, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from August 2016 – January 2017, with no extension of the monitoring period; and

Whereas, the Chief Actuary appointed the OA General Counsel as Principal Equal Employment Opportunity Officer; and

Whereas, the EEPC brought to the agency's attention the risk of conflict of interest for the an agency general counsel to concurrently serve as Equal Employment Opportunity Officer; and

Whereas, at the EEPC's request, the OA General Counsel consulted with the New York City Law Department to determine whether it is permissible; and

Whereas, the Law Department stated that given the size and structure of the Office of the Actuary, it is acceptable for an agency general counsel to concurrently serve, on an interim basis as an EEO Officer with the proviso that he consult with the Chief Citywide EEO and Diversity Officer and request a third party investigation if he believes that the role as GC and EEO officer are in conflict; and that every effort should be made to select a permanent EEO officer as soon as possible; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Office of the Actuary submitted a copy of the agency head's memorandum to staff dated February 7, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

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

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Chief Actuary Sherry Chan., of the Office of the Actuary.

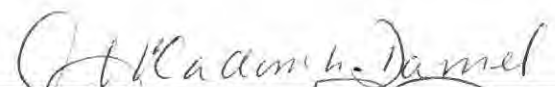
Approved unanimously on March 30, 2017.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner (Absent)

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016/831C-11: Determination of **Compliance** (Monitoring Period Required) by the Business Integrity Commission with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Business Integrity Commission's (BIC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 5, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Whereas, BIC submitted its response to the EEPC's Preliminary Determination letter, on May 20, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 27, 2016 which indicated that corrective actions Nos. 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

Whereas, BIC submitted its response to the EEPC's Final Determination letter, on July 8, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from June 2016 – October 2016, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, BIC submitted a copy of the agency head's memorandum to staff dated November 2, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to Daniel D. Brownell, Commissioner of the Business Integrity Commission.

Approved unanimously on November 3, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/004C-05 Determination of **Compliance** (Monitoring Period Required) by the Campaign Finance Board with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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

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

Whereas, pursuant to its audit and analysis of the Campaign Finance Board (CFB) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 12, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected

groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
6. Ensure that the process of avoids the appearance of bias by delegating the responsibility for recording and maintaining an applicant/candidate information to an individual other than the hiring manager.
7. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Notify employees of the identity/type of guidance available from the Career Counselor at least once each year.
8. Ensure that the principal EEO Professional is kept abreast of the number of 55-program participants and efforts the agency has made to employ, promote or accommodate qualified Individuals with disabilities.
9. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the CFB submitted its response to the EEPC's Preliminary Determination letter, on September 10, 2015, with documentation of its actions to rectify four (4) required corrective actions, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 21, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with six (6) corrective actions remaining;

Whereas, the CFB submitted its response to the EEPC's Final Determination letter, on October 21, 2015, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 with no extension of the monitoring period;

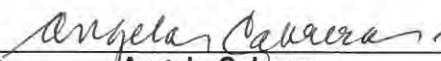
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CFB submitted a copy of the agency head's memorandum to staff dated February 9, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to Executive Director Amy Loprest, of the New York City Campaign Finance Board.


Approved unanimously on March 24, 2016.



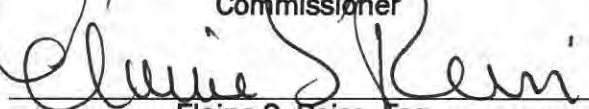
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016AP/226C-36: Determination of **Compliance** (Monitoring Period Required) by the New York City Commission on Human Rights with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the New York City Commission on Human Rights' Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the New York City Commission on Human Rights' (CCHR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 10, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. [sic] If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned information, also captures identification number, disability or veteran status, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the

hiring manager.

6. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
7. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards.
8. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
11. Ensure that 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 (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 24, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 7, 2016, which indicated that corrective action nos. 1 through 12 require compliance monitoring; and

Whereas, the New York City Commission on Human Rights submitted its response to the EEPC's final determination letter, on October 4, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from September 2016 through February 2017, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the New York City Commission on Human Rights submitted a copy of the agency head's memorandum to staff dated March 10, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

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

Be It Resolved, that the New York City Commission on Human Rights has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Commissioner and Chair Carmelyn P. Malalis, Esq., of the New York City Commission on Human Rights.

Approved unanimously on March 30, 2017.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/102C-07: Determination of Compliance by the New York City Council with the Equal Employment Practices Commission pursuant to its audit and analysis of the New York City Council's Equal Employment Opportunity Program from July 1, 2009 to June 30, 2012.

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

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

Whereas, pursuant to its audit and analysis of the New York City Council's (NYCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 18, 2013, setting forth findings and the following required corrective actions:

1. Include in the complaint file a Discrimination Complaint Form or a complaint that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
2. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
3. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s) taken as a result of the determination made in its complaint investigation.
4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where agencies may otherwise use discretion in hiring.
5. The principal EEO Professional, HR Professional and General Counsel review the

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

6. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Demonstrate that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process is nondiscriminatory, by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Re-distribute the identity and responsibilities of the Disability Rights Coordinator to ensure that employees are aware of this information.
12. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
13. Establish guidelines for accessibility of the satellite or district offices and implement a plan that will ensure incumbents and new council members receive and adhere to the Council's guidelines, as well as its reasonable accommodation procedures.
14. Indicate the reporting relationship between the principal EEO Professional and agency

head (or a direct report other than the Agency Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

15. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
16. Require that managers and supervisors emphasize the agency's commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Document this requirement and its implementation.
17. Develop and implement a plan, which includes a timetable, to conduct annual performance evaluations of all managerial and non-managerial employees.
18. Ensure that 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, the New York City Council submitted its response to the EEPCC's preliminary determination letter, on November 8, 2013, with documentation of its actions to rectify required corrective actions #1, #2, #3, #4, and #11; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC considered the agency's response and issued a Final Determination on December 19, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #5, #6, #7, #8, #9, #10, #12, #13, #14, #15, #16, #17 and #18, remaining; and

Whereas, on January 17, 2014 the EEPCC granted the NYCC's January 13, 2014 request for an extension of time to respond to the EEPCC's Final Determination; and

Whereas, on February 25, 2014 the EEPCC granted the NYCC's February 21, 2014 request for additional time to respond to the EEPCC's Final Determination; and

Whereas, the NYCC submitted its response to the EEPCC's Final Determination letter, on March 7, 2014; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPCC monitored the agency's implementation of the remaining corrective actions for the six-month period from April 2014 to October 2014; and

Whereas, on October 31, 2014 the EEPCC granted the NYCC's September 22, 2014 request for an extension of the compliance monitoring period to November 13, 2014 in order to complete implementation of outstanding corrective actions; and

Whereas, at the EEPCC's request pursuant to Section 815.a.(15) of the New York City

Charter, the NYCC submitted a copy of the agency head's memorandum to staff dated November 7, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, on November 13, 2014, the NYCC submitted its Final Compliance Monitoring Report, which demonstrated that the NYCC implemented 15 of 18 corrective actions; and

Whereas, on February 10, 2015, the Commission formally extended the NYCC's compliance monitoring period, to allow the agency to resolve or take steps to toward remedying the remaining corrective actions, #10, #17 and #18; and

Whereas, on February 27, 2015, the NYCC declined the Commission's extension and asserted that as New York City's legislative body, an independent branch of city government, it was not subject to the EEPC's jurisdiction; and

Whereas, on March 30, 2015, the Commission requested the New York Law Department to issue a formal opinion on the matter of the EEPC's jurisdiction to audit and monitor the employment practices of the New York City Council; and

Whereas, on May 14, 2015, the New York Law Department issued a Memorandum confirming the Charter authorizes the Equal Employment Practices Commission to audit and monitor the employment policies, programs and practices of the New York City Council; and

Whereas, on June 3, 2015, the EEPC transmitted the Law Department's Memorandum to the NYCC and requested the agency to respond with its intention to implement the prescribed corrective actions within 30 days; and

Whereas, on July 30, 2015, the Commission postponed issuance of the New York City Council's pending Determination of Partial Non-compliance in order to accommodate a request from the New York Law Department; and

Whereas, the Commission made subsequent requests to resume discussions on the remaining corrective actions, including but not limited to e-mails and telephone calls to the Council's General Counsel and Chief of Staff, as well as other representatives; and

Whereas, the Commission and the NYCC resumed discussions and participated in concerted efforts which include collaborative meetings held on December 30, 2015 and February 18, 2016 and subsequent telephone conferences to discuss implementation of the remaining corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c), the EEPC considered and accepted documentation submitted on March 23, 2016, which demonstrated the NYCC's implementation of corrective actions #10, #17, and #18;

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job

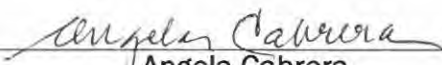
applicants identified for protection from discrimination in employment within municipal government; and

Whereas, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapter 36 of the New York City Charter; Now Therefore,

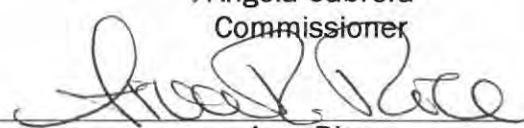
Be It Resolved, that the New York City Council implemented the required corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapter 36 of the New York City Charter; and

Be It Finally Resolved, that the Commission will forward its Final Resolution to the Honorable Melissa Mark-Viverito, Speaker of the New York City Council.

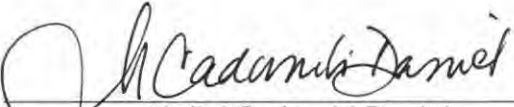
Approved unanimously on March 24, 2016,



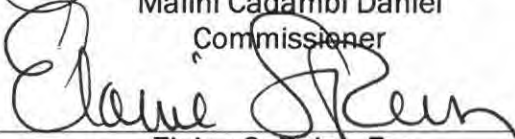
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2016/030C- 08: Determination of Compliance (Monitoring Period Required) by the Department of City Planning with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

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

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

Whereas, pursuant to its audit and analysis of the Department of City Planning (DCP) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 29, 2015, setting forth findings and the following required corrective actions:

1. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes in addition to the above, disability or veteran status, interview date, interviewers' names, reason selected/not selected (or disposition) of each applicant, and recruitment source.
8. Re-distribute the identity of the Career Counselor to remind employees of the identity and type of career guidance available.
9. Ensure and maintain documentation that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
12. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
13. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the DCP submitted its response to the EEPD's Preliminary Determination letter, on August 13, 2015, with documentation of its actions to rectify required corrective action(s) No. 7, 11 and 13; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on September 9, 2015,

which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, and 12, remaining;

Whereas, the DCP submitted its response to the EEPC's final determination letter, on October 6, 2015; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DCP submitted a copy of the agency head's memorandum to staff dated May 4, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to Director Carl Weisbrod of the Department of City Planning.

Approved unanimously on May 5, 2016.



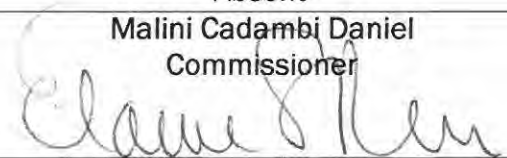
Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016AP/054C-22: Determination of **Compliance** (Monitoring Period Required) by the Civilian Complaint Review Board with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Civilian Complaint Review Board's (CCRB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. Redistribute a copy of the EEO Policy which contains an up-to-date list of protected classes under NYC and NYS Human Rights Laws, and a copy of the Discrimination Complaint Procedure.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel (if any) review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
8. Distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
9. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards; inform the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involve the principal EEO Professional in EEO-related matters; and promptly consult with the principal EEO Professional if informed of, or suspect that, a violation of the EEO Policy has occurred.
10. Document reasonable accommodation requests and their outcomes.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that 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 EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the CCRB submitted its response to the EEPD's Preliminary Determination letter, on May 23, 2016, with documentation of its actions to rectify required corrective action no. 14; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on July 6, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action no. 14, with corrective actions nos. 1 through 13 remaining; and

Whereas, the CCRB submitted its response to the EEPC's final determination letter, on August 5, 2016, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from January 1, 2013 to December 31, 2015 with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CCRB submitted a copy of the agency head's memorandum to staff dated January 6, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

Be It Resolved, that the Civilian Complaint Review Board has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Determination of Compliance to Jonathan Darche, Esq., Executive Director of the Civilian Complaint Review Board.

Approved unanimously on January 19, 2017.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner