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*The City of New York*  
Department of Juvenile Justice  
110 William Street, New York, NY 10038

**Neil Hernandez**  
*Commissioner*

Tel. 212.442.7630  
Fax 212.442.8521  
[www.nyc.gov/nycdjj](http://www.nyc.gov/nycdjj)

**Via Electronic Mail**

January 25, 2008

Ernest F. Hart, Esq., Chair  
Abraham May, Jr., Executive Director  
NYC Equal Employment Practices Commission  
40 Rector Street  
New York, NY 10006

Re: Determination Pursuant to the Audit of the Department of Juvenile Justice (DJJ) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 to June 30, 2007

Dear Chair and Executive Director:

First, allow me to thank you and your staff for the follow-up provided at the exit audit meeting held on December 19, 2007. We appreciate your feedback on this important matter, and look forward to continuing our efforts to protect and educate staff on their Equal Employment Opportunity rights and responsibilities as City employees.

As such, we are pleased that DJJ is in significant compliance with EEO rules and regulations and look forward to satisfying the four (4) recommendations provided by the Commission and received on December 26, 2007. I would like to note that a significant amount of progress has been made since our last EEPC audit, in June 2004.

Moreover, going beyond any recommendations, the Department has taken initiative in the following ways:

- It is Department policy to annually train all staff on EEO law and policy.
- The EEO training curriculum was enhanced in fiscal year '07 to raise engagement and effectiveness levels.
- In fiscal year '07 approximately 757 DJJ employees received this training.

- In fiscal year '07, the Office of Workforce Development was created, consisting of the Human Resources, Training, Labor Relations and Disciplinary Affairs departments to, among other reasons, enhance Agency recruitment and retention efforts.
- This fiscal year, the EEO Office introduced automated training. This program is currently being piloted with 25 employees from various job groups to assess its training effectiveness with the goal of raising staff competency levels.

As stated above, this Department goes beyond the mandated requirements as part of our continuous effort to promote diversity, competence and tolerance within the Agency.

In keeping with this policy the Department increased the number of women in our workforce by 3% during the audit period, as reflected in Appendix 2 of your report, and it is particularly noteworthy that the majority of current management staff is composed of women.

While the EEPC has observed some underutilization of certain minorities, the Commission should take note that in conjunction with steps DJJ will undertake to respond to the Citywide Equal Employment Database System (CEEDS) reports, as administered by the NYC Department of Citywide Administrative Services (DCAS), the Department also needs to remain culturally sensitive to the needs of the youth in our care and their families, as 57.8% of our residents identify as Black and 27.1% as Hispanic in fiscal year '07. As indicated on appendix 3 of your report, these percentages roughly mirror the composition of our staff and an effective staff needs to reflect, and culturally understand, the youth that it interacts with and supervises while serving as role models.

### **Actions Taken for Recommendations 1 and 2**

To address this recommendation in a meaningful way, the Department has promulgated Policy and Procedure # 3/08, "Agency Staff Diversity Strategic Efforts". The directive institutes a formal mechanism that coordinates the various departments, with oversight from the EEO Office, in advancing the diversification of the Department's workforce. For example, the directive requires the EEO Officer and the Directors, or their representatives, of Human Resources, Training, Career Counseling, Strategic Planning and Labor Relations to meet quarterly to review the CEEDS data and identify recruitment strategies focusing on reported underutilization. The directive also includes utilizing the DCAS Resource Guide, "Making the Most of New York City Recruitment Resources" by the Department.

The directive also provides that the EEO Officer will coordinate an annual adverse impact analysis by reviewing the CEEDS data and utilizing the Disparate Impact Analysis software located on the DCAS website as recommended by the EEPC Executive Director at our December 19<sup>th</sup> meeting. The findings will be used by the Department to meet its due diligence towards diversity. (See attachments).

### **Action Taken for Recommendation 3**

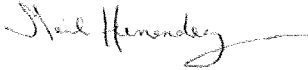
In response to this recommendation, DJJ has implemented Policy and Procedure #2/08, "Annual Managerial and Sub-Managerial Performance Evaluation Process" providing a formal mechanism for evaluations of all Department personnel on a yearly basis. This is intended to aid in developing the workforce and hold personnel accountable by advising of areas for career development and needing improvement. (See attachments).

#### **Actions Taken for Recommendation 4**

Contact information for DJJ's Career Counselor has been posted on the Agency's website ([www.nyc.gov/nycdjj](http://www.nyc.gov/nycdjj)) at <http://nyc.gov/html/djj/html/contact.html>. The Department will also inform its employees of the identity of the Career Counselor by way of distributing a memorandum from the EEO officer every six months.

The corrective measures promptly taken to respond to the Commission's recommendations, along with the Agency's independent initiatives to enhance diversification and employment opportunities attests to this Agency's commitment to Equal Employment Opportunity. I look forward to a promising year of progress in this area while continuing to serve the particular needs of the children in our care. Again, I thank you for your insight into these important matters and look forward to promptly receiving the letter of your determination of compliance as set forth in Chapter 36 of the New York City Charter.

Sincerely,



Neil Hernandez

c: Tonia Haynes, EEO Officer, DJJ  
Herman Dawson, General Counsel & Deputy Commissioner for Legal Affairs, DJJ  
Diane Crothers, Deputy Commissioner, Citywide EEO, DCAS  
Judith Pincus, First Deputy Commissioner, DJJ