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October 24, 2012

Dennis M. Walcott, Chancellor  
New York Department of Education  
52 Chambers Streets  
New York, NY 10007

Re: Resolution #12/35-740: Preliminary Determination Pursuant to the Audit of the Department of Education's (DOE) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

Dear Chancellor Walcott:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The 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..." The New York City Department of Education (DOE) is considered a city agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members, women and other protected classes. This audit measures the DOE's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the federal, state and city laws prohibiting employment discrimination. All recommendations for corrective

actions are consistent with both the audit's findings and the parameters set forth in the DOE's Equal Employment Opportunity (EEO) Policy and Discrimination Complaint Procedure.

The purpose of this audit is to evaluate compliance of the DOE -- which may herein be referred to as "the agency" -- with the standards cited above, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope and Methodology**

Audit methodology included an analysis of the DOE's responses to the *EEPC Document and Information Request Form*. The EEPC held an Audit Entry Meeting with the Executive Director of the Office of Equal Opportunity & Diversity Management (which may herein be referred to as "the ED of OEO") and the General Counsel, and conducted electronic interviews with the agency's ED of OEO, Disability Rights Coordinator, Section 55-A Coordinator, General Counsel, HR Director, and four EEO Counselors/Investigators. In addition, the DOE assisted the EEPC by emailing a link and requesting that its (11,300) non-pedagogical employees complete the *EEPC's Employee Survey* online; 9.2% (1,039) employees responded. Because the EEPC considers a response rate of 20% (1 in 5) significant, the survey results will not be used in the analysis.

The DOE also distributed a link to the *EEPC's Supervisor/Manager Survey* to all employees and requested that only non-pedagogical supervisors and managers respond. Of 1,100 non-pedagogical supervisors/managers, 370 (33.6%) responded. (Results are attached for the agency's information - Appendix 1) Audit findings herein are based on the analysis of factual information, the responses to interview questionnaires, and the results of the *EEPC's Supervisor/Manager Survey*.

### **Description of the Agency**

The New York City Department of Education (DOE) is the branch of municipal government in New York City that manages the city's public school system. It is the largest school system in the United States, with over 1.1 million students taught in more than 1,700 schools. The DOE derives its powers from New York State law and is subject to the Regulations of the State Department of Education. The thirteen member body designated as the Board of Education in section 2590-b of the Educational Law is known as the Panel for Educational Policy -- a part of the governance structure responsible for the City School District of the City of New York. Each borough president appoints one member of the Panel for Education Policy and the mayor appoints the remaining eight. Other parts of the structure include the Chancellor, superintendents, community and citywide councils, principals, and school leadership teams.

There are a total of 148,800 employees; 11,300 are non-pedagogues. The EEPC has jurisdiction over non-pedagogical employees; therefore, audit findings pertain to this group.

## **Personnel Activity During the Audit Period**

According to data provided by the agency, during the audit period, 3,636 people were hired: 896 African-Americans, 373 Asians, 785 Hispanics, 1,428 Caucasians, 60 Native Americans and 94 "Unknown". Of the individuals hired, 2,101 were female. Nine hundred seventy-eight individuals were promoted during the audit period: 303 African Americans, 91 Asians, 183 Hispanics, 384 Caucasians, 2 Native Americans, and 15 "Unknown". Of the employees promoted, 689 were female. The total number of full-time separations due to layoff or firing during the audit period was 445: 200 African Americans, 82 Caucasians, 111 Hispanics, 20 Asians, 1 Native American, and 31 Unknown. Of the separations, 291 were female. (Appendix 2)

Between July 2008 and June 2011, the total number of employees increased from 134,380 to 148,800. (Appendix 3) As a result, the percentage of African-American employees remained the same at 24%, Asian employees remained the same at 5%, Hispanic employees increased from 18% to 20%, and Caucasian employees decreased from 52% to 48%. Female employees increased from 76% to 77%.

## **Discrimination Complaint Activity During the Audit Period**

During the period in review, 477 internal discrimination complaints were filed. (See Appendix 5 - *Attachment 1: Summary of Internal Discrimination Complaints* for breakdown.)

A total of 105 complaints were filed externally with the New York State Division on Human Rights, the US Equal Employment Opportunity Commission and the New York City Commission on Human Rights. (See Appendix 4 for breakdown.) The status of the complaints are as follows: 6 received administrative closure, 28 received no probable cause determinations, 1 received a probable cause determination, 7 were withdrawn, 33 were categorized as dismissed/right to sue, 1 were closed, and 2 were settled. In addition, during the information analysis phase of the audit, 27 other cases were pending.

## **Legal Issues**

During the past 5 years there were a total of 13 settlements in the amount of \$1,242,000 and no judgments. The DOE reported that 41 lawsuits (based on Race, Age, Arrest, Conviction, Sexual Orientation and Retaliation) were pending during the period in review. In 4 of these cases, a prior internal complaint was filed.

## **PRELIMINARY DETERMINATION**

Following are the preliminary determinations with required corrective actions and recommendations for the audit period.

## **Issuance, Distribution, and Posting of Equal Employment Opportunity Policies**

The DOE is in compliance with the following requirements:

1. The DOE has issued an EEO Policy and Policy Statement. *The Chancellor's Regulation A-830, Anti-Discrimination Policy and Procedure for Filing Internal Complaints of*

*Discrimination* includes an up-to-date list of protected classes and information on external agencies that handle complaints and establishes an internal review process for employees and applicants for employment who wish to file complaints of unlawful employment discrimination, harassment, or retaliation based on such complaints.

2. The agency distributed its EEO policies, which included its *Accommodation Request Memo, Policy and Procedures for Individual with a Disability, Office of Equal Opportunity & Diversity Management, Public Notification of Non-Discrimination Policy, and Sexual Harassment: No Place in the Work Place* pamphlets to all employees in December 2011 and to new employees via its new hire packet. The Chancellor's Regulation A-830 was also included in the training material during in-person staff training and distributed to managers as part of the DOE's online training program. In addition, 54% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they received a copy of the agency's EEO Policy Statement; and 51% indicated the agency's Discrimination Complaint procedure was included with the EEO policy.
3. The agency has posted its EEO policies and policy statements on its website and throughout its offices and schools. A message from the Chancellor was also posted on the DOE's website reaffirming the Department's commitment to maintaining a work environment that promotes dignity, respect, and fair employment practices for all employees and job applicants. The message referred to the EEO policies and provided contact information for the Office of Equal Opportunity & Diversity Management (OEO). In addition, 68% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated the Policy could be found either in the EEO or their own Offices; 53% indicated the policy could be found in the HR Office and 58% said it could be found on the agency's Intranet.

## **EEO Training Standards**

The DOE is in compliance with the following requirements:

1. The agency has developed a plan to ensure that all new and existing employees receive EEO training. Based on this plan, the OEO offered various types of training which included administrator, general staff, new hire, work experience program participant, corrective action and online training sessions. The DOE invited employees to attend new hire orientations sessions where multiple DOE departments, including the OEO, provide training for newly-hired employees. In addition to the abovementioned, 71% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they completed the *Citywide EEO Computer-Based Training for Managers and Supervisors* administered by Department of Citywide Administrative Services / Division of Citywide Diversity and EEO (DCAS/CDEEO).

Also, a memo was sent out in February 2009 requiring that all managers/supervisors complete the online training course entitled *Preventing Sexual Harassment*. The objective of the course was to enable employees to identify harassment behaviors and help maintain a work environment free of sexual harassment. In addition, 71% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they received sexual harassment prevention training.

2. The agency provided training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview. The agency contracted with

New Media Learning to provide online training entitled, *Avoiding Discrimination in Interviewing* to supervisors and managers. It addressed the need to interview potential employees in a manner that does not violate their rights for equal employment opportunities, while also protecting the employer against charges of discriminatory hiring. Sixty-eight percent of respondents to the *EEPC's Supervisor/Managers Survey* indicated that they interview candidates for positions in the agency; 58% of these respondents indicated they received structured interview training, a guide, or both.

## **Discrimination Complaint and Investigation Procedures**

The DOE is in compliance with the following requirements:

1. The DOE has identified its EEO Professionals via its Office of Equal Opportunity & Diversity Management website. The appointments of the ED of OEO, Deputy Director, and Senior Associate Counsel for EEO & Diversity Management were also announced via email. In addition, 52% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they know the name of the agency's EEO Officer.
2. The agency's EEO professionals have received formal EEO and Diversity training from the DOE/OEO, DCAS/CDEEO, Cornell University School of Industrial and Labor Relations, and Practicing Law Institute. Courses included, but were not limited to, *Employment Discrimination Law and Litigation*, *DCAS Basic Training for EEO Professionals*, *Advanced Issues in EEO Law*, *ADA Training*, *Diversity Awareness*, *Strategic Diversity Recruiting*, *Data Analysis for EEO Professionals*, *Writing Effective EEO Reports*, etc. The ED of OEO has certifications from Cornell in EEO Studies and all 4 EEO trainers have background experience in EEO Investigations.
3. The DOE has established uniform discrimination complaint and investigation procedures. The *Chancellor's Regulation A-830* outlines procedures for filing internal complaints of unlawful discrimination/harassment and establishes an internal review process for employees and applicants for employment to file complaints of unlawful discrimination or harassment, or retaliation based on such complaints. Regulation A-830 requires that: complainants use the complaint form attached to the Regulation; the OEO submits written recommended findings to the Chancellor/designee as to whether there has been a violation of this Regulation; the Chancellor/designee issue a written determination within 90 working days of receipt of the complaint, unless extenuating circumstances warrant extension of the time period; complainant(s) and respondent(s) are informed in writing of the determination. Six male and 12 female EEO investigators were available to receive and investigate discrimination complaints in conformance with Regulation A-830.

**The following sections refer to the last 10 internal discrimination complaints that were filed and completed by the DOE during the period in review.**

The DOE is in compliance with the following requirement:

Complaint files submitted by the DOE (C-152/11, C-245/11, C-488/11, C-438/11, C-534/11, C-192/11, C-209/11, C-227/11, C-435/11, and C-466/11) were investigated in accordance with Regulation A-830 (files included a complaint intake form, the OEO submitted recommended findings as to whether there had been a violation of the Regulation to the

Chancellor/designee, a written determination was issued within 90 working days of the receipt of a complaint, and the complainant(s) and respondent(s) were informed in writing of the determination.)

### **Selection and Recruitment System**

The DOE is in compliance with the following requirement:

1. The DOE maintained information on recruitment efforts. The DOE used an electronic applicant log system where applicants for employment voluntarily supplied race/ethnicity and gender identification information. This information remained confidential, was not included in personnel files or disclosed to individuals making employment decisions, and was used in accordance with the provisions of applicable laws and regulations that require information to be summarized and reported to the federal government for civil rights enforcement purposes.
2. Job vacancy notices submitted by the DOE [for Community Coordinator (The Bronx School for Law, Government and Justice), Community Coordinator (Bushwick Community High School), Community Assistant (Channel View School for Research), Community Assistant (The Eagle Academy for Young Men of Southeast Queens), School Business Manager, (West Brooklyn Community High School), Community Associate (Health Opportunities High School), Director, Teacher Effective Tools, Design Associate, Director, Achievement Support Initiatives, Procurement Coordinator, Administrative Assistant] all included the tagline: *An Equal Opportunity Employer*.

The DOE is in partial compliance with the following requirements:

1. Although the DOE typically included the EEO tagline in advertisements, it did not include the EEO tag line in advertisements for Confidential Investigators in the New York Post, The Chief Leader, and the Daily News. Corrective action is required.

Corrective Action: All agency recruitment literature should indicate that the agency is an equal opportunity employer.

2. The DOE primarily utilized its website to advertise and distribute available job opportunities. Individual DOE offices also had the option to utilize other recruitment resources to advertise job opportunities. During the audit period, some DOE offices utilized internet job sites, such as Monster.com and Idealist.com to advertise job opportunities. However, the DOE did not maintain a central or system-wide record of advertising resources utilized by individual offices or advertising resources geared toward females, minorities or individuals with disabilities. Corrective action is required.

NOTE: Pursuant to the Schools Governance Law, the DOE has already commenced several new Diversity & Inclusion initiatives. As part of these initiatives, DOE will be conducting several analyses for recruitment and retention activities and the Office of Equal Opportunity will work with hiring managers to standardize outreach efforts to a broader audience.

## Supervisor Responsibility

The DOE is in compliance with the following requirement:

DOE developed a procedure for conducting year-end evaluations for its managerial and non-managerial employees. Supervisors scheduled year-end performance review meetings to provide employees with feedback regarding their overall performance. On September 1, managers were assigned a deadline to enter year-end results, rate operational goals via the New York City Automated Personnel System (NYCAPS), and meet with employees to provide feedback on performance and discuss next-year goals. Employees used the NYCAPS tool to finalize their year-end evaluation for operations goals and sent self assessments to their supervisors.

The DOE also utilized the performance management system in NYCAPS to conduct annual performance evaluations for managers. In 2008, the agency provided performance management training for individuals who conduct evaluations. Currently the DOE is developing a new managerial performance system that will be easier and more user-friendly. In the interim, individual offices have maintained their own performance management systems.

The DOE is in partial compliance with the following requirements:

1. Although the agency provided performance management training for individuals who conduct performance evaluations and developed a procedure to use NYCAPS for conducting evaluations, it did not document that its managerial and non-managerial employees received performance evaluations on an annual basis. In addition, 67% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that they did not conduct formal performance evaluations of the employees under their supervision annually. Corrective action is required.

Corrective Action: The agency should direct supervisors/managers to conduct annual formal performance evaluations of the employees under their supervision. Completion of annual evaluations for all individuals who are employed by the agency should be documented.

2. The DOE's managerial performance evaluation form/process did not contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner). Corrective action is required.

Corrective Action: The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).

## **EEO Professionals**

The DOE is in compliance with the following requirements:

1. The agency has appointed an ED of OEO, who is responsible for overseeing the EEO Complaint, Disability Compliance, EEO Training and Outreach, Diversity Management and EEO Contract Compliance Units. To assist the ED of OEO in all aspects of implementing the DOE's EEO Program and serve as the primary recipients of EEO complaints from employees, the DOE has also appointed a Deputy Director of OEO, 7 EEO Investigators, 1 Disability Coordinator, 1 Disability Assistant, 1 Operations Coordinator, 1 Contract Compliance Office, 2 Contract Compliance Assistants, 1 Training Unit Chief, 3 Training Unit Specialists, 1 Senior Associate Counsel, 2 Assistant Counsels for Diversity, 2 Diversity Specialists, and 1 Administrative Assistant. These individuals meet daily to discuss internal/external EEO developments.
2. For non-pedagogical EEO-related responsibilities, the ED of OEO reported to the DOE Chancellor. The ED of OEO met with the Chancellor in March, 2011 about strategic planning and July, 2011 about the Strategic Diversity and Inclusion plan. During the audit period, the ED of OEO also had meetings with the Chief Executive Officer of the Division of Human Resources. The Chief Executive Officer and the ED of OEO serve on a joint taskforce that meets on a bi-weekly basis to discuss matters impacting the Office of Equal Opportunity and the Division of Human Resources.
3. EEO professionals of both genders are available for the intake and investigation of discrimination complaints.

## **EEO for Persons with Disabilities and Reasonable Accommodations**

The DOE is in compliance with the following requirements:

1. The agency participated in the Section 55-a Program – which permits municipalities to employ persons, who have been certified as physically or mentally disabled, in civil service positions on a non-competitive basis. There were 40 program participants during the audit period. The DOE has taken steps to place information about the Section 55-a Program with contact information on its website and through HR Connect, the school systems customer information service center for applicant and employee information.
2. The DOE has established a procedure by which its employees may request reasonable accommodations. An employee could request a reasonable accommodation informally from his/her supervisor, or formally by completing and submitting *Personnel Memorandum No. 4* (Accommodations Request) to the DOE's HR Connect Medical Administration. Accommodation requests were reviewed by the HR Connect Medical Administration doctor. The DOE submitted documentation of 12 accommodations that were requested/granted during the audit period.
3. The DOE has appointed a Disability Rights Coordinator (DRC) to ensure compliance with all federal, state, and local laws, as well as agency policies, pertaining to persons with disabilities. The DOE's HR Connect Medical Administration Office ensured that employees are aware of the identity of the Disability Rights Coordinator. Pamphlets were distributed



during employee training sessions. The DRC was responsible for working with supervisors to determine the feasibility of providing reasonable accommodations that would allow employees to perform essential job functions.

4. The DOE completed and submitted the EEPC's *Checklist to Determine Accessibility for Employees/Applicants with Disabilities* for 30 facilities. Responses indicated that 28 of the facilities were accessible to employees/applicants for employment with physical disabilities.

The DOE is in compliance with the following requirement:

The EEPC's *Checklists to Determine Accessibility for Employees/Applicants with Disabilities* indicated that 28 facilities were accessible to and useable by employees/applicants for employment with disabilities. Two remaining facilities (355 Park Place and 501 Courtland Avenue) were considered satellite locations of larger divisional offices and were previously utilized for student instruction. As a result these sites were not committed to permanent administrative use. The DOE has committed to relocating employees/applicants that could not be accommodated at these sites to an accessible divisional office.

#### **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:**

1. All agency recruitment literature should indicate that the agency is an equal opportunity employer.
2. The agency should direct supervisors/managers to conduct annual formal performance evaluations of the employees under their supervision. Completion of annual evaluations for all individuals who are employed by the agency should be documented.
3. The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).

In addition to the above recommendations, upon completion of the compliance monitoring process, the Commission will require that the agency head distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the audit. This memorandum should also re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

#### **Conclusion**


Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the DOE's compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in Federal, State, and City EEO laws, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned recommendations. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if the agency does not implement all of these recommendations for corrective actions during a compliance monitoring period not to exceed six months, this Commission may publish a report and recommend the appropriate corrective actions that the agency should implement.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

  
Cesar A. Perez, Esq.  
Chair

cc: Mecca E. Santana, Director of EEO & Diversity Management

Appendix 1

Supervisor/Manager Survey Results

Department of Education

# Supervisor/Manager Survey: Department of Education



## 1. City of New York

	Response Percent	Response Count
Agency: <input type="text"/>	100.0%	370
<b>answered question</b>		<b>370</b>
<b>skipped question</b>		<b>7</b>

## 2. Which of the following are you?

	Response Percent	Response Count
Supervisor <input type="text"/>	14.0%	50
Manager <input type="text"/>	86.0%	307
<b>answered question</b>		<b>357</b>
<b>skipped question</b>		<b>20</b>

## 3. How many employees are under your supervision?

	Response Percent	Response Count
5 or less <input type="text"/>	63.0%	218
6-10 <input type="text"/>	11.3%	39
11-20 <input type="text"/>	12.1%	42
21 or more <input type="text"/>	13.6%	47
<b>answered question</b>		<b>346</b>
<b>skipped question</b>		<b>31</b>

#### 4. How long have you worked for this agency?

	Response Percent	Response Count
Over 3 years	77.5%	268
3 years or less	22.5%	78
<b>answered question</b>		<b>346</b>
<b>skipped question</b>		<b>31</b>

#### 5. Each agency head may distribute a statement in support of Equal Employment Opportunity to all employees. Have you received a copy of your agency's EEO Policy Statement?

	Response Percent	Response Count
Yes	53.5%	184
No	18.3%	63
Do not remember	28.2%	97
<b>answered question</b>		<b>344</b>
<b>skipped question</b>		<b>33</b>

**6. In your agency, where can the EEO Policy be found? (Check all that apply.)**

	Response Percent	Response Count
The EEO Office	48.2%	162
The HR/Personnel Office	53.3%	179
The Intranet	58.0%	195
Your Office	16.4%	55
Do not know	20.2%	68
<b>answered question</b>		<b>336</b>
<b>skipped question</b>		<b>41</b>

**7. Of the choices above, which is most easily accessible to you?**

	Response Percent	Response Count
The EEO Office	5.7%	19
The HR/Personnel Office	13.1%	44
The Intranet	64.9%	218
Your Office	16.4%	55
<b>answered question</b>		<b>336</b>
<b>skipped question</b>		<b>41</b>

### 8. Is the Discrimination Complaint Procedure included with the EEO Policy?

	Response Percent	Response Count
Yes	50.8%	169
No	0.0%	0
Do not know	49.2%	164
<b>answered question</b>		<b>333</b>
<b>skipped question</b>		<b>44</b>

### 9. Do you know the name of your agency's EEO Officer?

	Response Percent	Response Count
Yes	51.7%	172
No	48.3%	161
<b>answered question</b>		<b>333</b>
<b>skipped question</b>		<b>44</b>

### 10. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO rights as an employee?

	Response Percent	Response Count
Yes	26.8%	89
No	73.2%	243
<b>answered question</b>		<b>332</b>
<b>skipped question</b>		<b>45</b>

**11. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO responsibilities as a supervisor or manager?**

	Response Percent	Response Count
Yes	29.2%	97
No	70.8%	235
<b>answered question</b>		<b>332</b>
<b>skipped question</b>		<b>45</b>

**12. Did you complete the Department of Citywide Administrative Services' Citywide EEO Computer-Based Training for Managers and Supervisors?**

	Response Percent	Response Count
Yes	70.5%	232
No	21.3%	70
Not applicable	8.2%	27
<b>answered question</b>		<b>329</b>
<b>skipped question</b>		<b>48</b>

**13. How often have you reaffirmed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year?**

	Response Percent	Response Count
Two or more times	21.9%	71
One time	25.9%	84
At no time	52.2%	169
<b>answered question</b>		<b>324</b>
<b>skipped question</b>		<b>53</b>



**14. How often have you discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?**

	Response Percent	Response Count
Two or more times	15.1%	49
One time	20.7%	67
At no time	64.2%	208
<b>answered question</b>		<b>324</b>
<b>skipped question</b>		<b>53</b>

**15. Did you receive sexual harassment prevention training from your agency?**

	Response Percent	Response Count
Yes	70.9%	229
No	29.1%	94
<b>answered question</b>		<b>323</b>
<b>skipped question</b>		<b>54</b>

**16. Did all of the employees that you supervise receive sexual harassment prevention training?**

	Response Percent	Response Count
Yes	33.1%	106
No	19.4%	62
Do not know	47.5%	152
<b>answered question</b>		<b>320</b>
<b>skipped question</b>		<b>57</b>

**17. When you were hired, did you receive an orientation session that included a review of the EEO policy?**

	Response Percent	Response Count
Yes	26.3%	83
No	34.5%	109
Do not remember	39.2%	124
<b>answered question</b>		<b>316</b>
<b>skipped question</b>		<b>61</b>

**18. Do you participate in orientation sessions for new employees?**

	Response Percent	Response Count
Yes	29.4%	93
No	70.6%	223
<b>answered question</b>		<b>316</b>
<b>skipped question</b>		<b>61</b>

**19. Do new employee orientation sessions include information on the EEO policy?**

	Response Percent	Response Count
Yes	66.7%	62
No	8.6%	8
Do not know	24.7%	23
<b>answered question</b>		<b>93</b>
<b>skipped question</b>		<b>284</b>

**20. Do you interview candidates for positions in your agency?**

		Response Percent	Response Count
Yes	<input type="checkbox"/>	68.0%	215
No	<input type="checkbox"/>	32.0%	101
<b>answered question</b>			<b>316</b>
<b>skipped question</b>			<b>61</b>

**21. A structured interview is a method that standardizes the type and order of interview questions asked to ensure that a fair comparison can be made between interviewees. Did your agency provide you with training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview?**

		Response Percent	Response Count
Training	<input type="checkbox"/>	11.6%	25
Guide	<input type="checkbox"/>	22.8%	49
Both training and guide	<input type="checkbox"/>	23.7%	51
Neither	<input type="checkbox"/>	41.9%	90
<b>answered question</b>			<b>215</b>
<b>skipped question</b>			<b>162</b>

**22. Were you informed that fulfillment of your EEO responsibilities will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?**

	Response Percent	Response Count
Yes	15.9%	50
No	84.1%	264
<b>answered question</b>		<b>314</b>
<b>skipped question</b>		<b>63</b>

**23. When was your last performance evaluation?**

	Response Percent	Response Count
Within the past year	29.3%	92
Over a year ago	29.3%	92
I have not received a performance evaluation	41.4%	130
<b>answered question</b>		<b>314</b>
<b>skipped question</b>		<b>63</b>

**24. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner.)**

	Response Percent	Response Count
Yes	19.6%	36
No	80.4%	148
<b>answered question</b>		<b>184</b>
<b>skipped question</b>		<b>193</b>

**25. Do you conduct formal performance evaluations of the employees under your supervision annually?**

		Response Percent	Response Count
Yes	<input type="checkbox"/>	32.6%	102
No	<input type="checkbox"/>	67.4%	211
<b>answered question</b>			<b>313</b>
<b>skipped question</b>			<b>64</b>

**26. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees who may complain about discrimination or harassment?**

		Response Percent	Response Count
Yes	<input type="checkbox"/>	51.1%	160
No	<input type="checkbox"/>	48.9%	153
<b>answered question</b>			<b>313</b>
<b>skipped question</b>			<b>64</b>

## 27. Race/Ethnicity

	Response Percent	Response Count
Asian or Pacific Islander	8.6%	23
American Indian or Alaska Native	0.4%	1
Black (not of Hispanic origin)	16.4%	44
Hispanic	11.9%	32
White (not of Hispanic origin)	54.5%	146
Other	8.2%	22
	<b>answered question</b>	<b>268</b>
	<b>skipped question</b>	<b>109</b>

## 28. Gender

	Response Percent	Response Count
Male	39.1%	107
Female	60.9%	167
	<b>answered question</b>	<b>274</b>
	<b>skipped question</b>	<b>103</b>

## APPENDIX – 2

The following table indicates personnel activity during the audit period, July 1, 2008 to June 30, 2011

### Department of Education

#### Hires by Gender and Ethnicity

Total Hires: 3,636

Male	Female	Unknown	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
1,517	2,101	18	3,636	1,428	896	785	373	60	94	3,636

#### Promotions by Gender and Ethnicity

Total Promotions: 978

Male	Female	Unknown	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
288	689	1	978	384	303	183	91	2	15	978

#### Separations by Gender and Ethnicity

Total Separations: 445

Male	Female	Unknown	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
152	291	2	445	82	200	111	20	1	31	445

Source: Audit data supplied by DOE

## Appendix 3

### Department of Education Workforce by Race and Gender<sup>1</sup>

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<sup>1</sup> Submitted by DOE Office of Equal Opportunity in response to this audit.



No. of Employees as values	2008/Jul				Gender - All
	MALE	FEMALE	GENDER UNKNOWN	MISSING	
WHITE	17,668	51,685	58	3	69,414
BLACK	7,195	24,372	18	4	31,589
HISPANIC	5,068	19,178	14	1	24,261
ASIAN	1,930	5,188	5	0	7,123
NATIVE AMERICAN	97	289	0	0	386
STUDENT	22	43	0	0	65
OTHER, MULTI, OR DECLINED	1	1	1	0	3
UNIDENTIFIED	1	5	0	0	6
MISSING	360	1,081	31	61	1,533
<b>Ethnicity - All</b>	<b>32,342</b>	<b>101,842</b>	<b>127</b>	<b>69</b>	<b>134,380</b>

No. of Employees as values	2011/Jun				Gender - All
	MALE	FEMALE	GENDER UNKNOWN	MISSING	
WHITE	17,194	54,270	63	5	71,532
BLACK	8,163	26,963	21	4	35,151
HISPANIC	5,953	23,618	15	1	29,587
ASIAN	2,096	5,959	6	0	8,061
NATIVE AMERICAN	122	360	1	0	483
W	3	9	0	0	12
H	0	4	0	0	4
N	6	15	0	0	21
A	1	1	0	0	2
B	0	2	0	0	2
O	25	129	0	0	154
STUDENT	60	112	0	0	172
OTHER, MULTI, OR DECLINED	54	126	1	0	181
UNIDENTIFIED	2	0	0	0	2
MISSING	737	2,293	41	365	3,436
<b>Ethnicity - All</b>	<b>34,416</b>	<b>113,861</b>	<b>148</b>	<b>375</b>	<b>148,800</b>

Appendix - 4  
 Department of Education  
External Complaints\*

Total number of external complaints filed: 105\*

Nature of complaint	#
Arrest Conviction	10
National Origin	20
Race	43
Color	29
Creed	4
Retaliation	30
Age	9
Disability	27
Religion	4
Sex	18
Sexual Orientation	1
Marital Status	1
Total*	196

\*Since some external complaints included multiple categories, the aggregate total of discrimination complaints was 196.

\*Filed During the Audit Period

Appendix 5 - Attachment 1  
Summary of Internal Discrimination Complaints

# Attachment 1 - Summary of Internal Discrimination Complaints

Agency: New York City Department of Education

For the period in review, please indicate the following:

1. Total # of INTERNAL complaints filed: 477
2. # of investigation reports completed by EEO Director: 450
3. # of complaints that received a Substantiated (Violation) determination: 34
4. # of complaints that received an Unsubstantiated (Non-Violation) determination: 71
5. # of complaints that were also filed with an external agency: 138
6. Of the 477 total complaints, 27 are pending, 34 are substantiated and 71 are unsubstantiated. There are 318 cases remaining.<sup>1</sup>

Type/Basis (Allegation) of Complaint	# of this Complaint Type <sup>2</sup>	Dates(s)
Age	23	7/23/2008, 10/1/2008, 11/3/2008, 1/12/2009, 2/2/2009, 2/5/2009, 3/8/2009, 12/13/2009, 1/29/2010, 2/17/2010, 3/11/2010, 4/19/2010, 5/28/2010, 8/9/2010, 9/1/2010, 9/8/2010, 9/27/2010, 10/15/2010, 10/20/2010, 1/26/2011, 2/17/2011, 4/18/2011, 6/3/2011
Alienage/ Citizenship Status	0	
Arrest/Conviction	12	10/1/2008, 1/15/2009, 3/2/2009, 3/19/2009, 6/21/2009, 6/26/2009, 9/3/2009, 11/16/2009, 12/28/2009, 2/22/2010, 11/10/2010, 3/15/2011
Color	26	7/30/2008, 12/4/2008, 1/26/2009, 2/2/2009, 2/5/2009, 3/23/2009, 4/30/2009, 5/15/2009, 6/17/2009, 7/28/2009, 8/3/2009, 12/2/2009, 1/15/2010, 1/22/2010, 3/22/2010, 6/30/2010, 6/30/2010, 10/25/2010, 12/17/2010, 12/20/2010, 1/18/2011, 1/18/2011, 3/2/2011, 5/16/2011, 11/19/2009, 5/11/2010
Creed	3	12/4/2008, 5/15/2009, 10/18/2010
Disability	19	7/11/2008, 12/23/2008, 2/2/2009, 7/9/2009, 8/3/2009, 10/13/2009, 3/16/2010, 5/13/2010, 5/18/2010, 7/28/2010, 9/28/2010, 10/18/2010, 12/27/2010, 3/9/2011, 1/4/2010, 5/14/2010, 6/15/2010, 5/10/2011, 6/3/2011
Ethnicity/National Origin	62	12/19/2008, 2/2/2009, 2/5/2009, 3/11/2009, 3/19/2009, 4/2/2009, 4/22/2009, 5/3/2009, 5/21/2009, 6/17/2009, 7/16/2009, 9/19/2009, 10/16/2009, 10/29/2009, 11/16/2009, 1/22/2010, 1/22/2010, 3/3/2010, 3/10/2010, 3/17/2010, 3/30/2010, 4/19/2010, 4/20/2010, 5/10/2010, 5/11/2010, 5/21/2010, 5/28/2010, 5/28/2010, 5/28/2010, 6/4/2010, 7/8/2010, 7/22/2010, 9/10/2010, 10/18/2010, 10/25/2010, 11/5/2010, 11/29/2010, 12/15/2010, 12/17/2010, 12/21/2010, 12/23/2010, 1/18/2011, 2/1/2011, 2/3/2011, 2/4/2011, 2/11/2011, 2/16/2011, 2/17/2011, 2/17/2011, 3/2/2011, 3/18/2011, 4/11/2011, 6/2/2011, 6/3/2011, 6/3/2011, 6/3/2011, 6/3/2011, 6/23/2011, 6/28/2011, 7/29/2010, 11/19/2009, 5/21/2010, 5/23/2011
Gender	28	7/23/2008, 9/12/2008, 10/17/2008, 1/15/2009, 2/2/2009, 3/23/2009, 4/9/2009, 4/22/2009, 5/14/2009, 6/17/2009, 8/13/2009, 9/19/2009, 10/8/2009, 10/21/2009, 2/22/2010, 4/19/2010, 6/21/2010, 10/25/2010, 10/28/2010, 11/16/2010, 12/17/2010, 12/20/2010, 1/21/2011, 2/14/2011, 4/11/2011, 4/18/2011, 6/3/2011, 11/19/2009
Marital Status	0	
Military Status	1	C-822/10
Partnership Status	2	C-486/09, C-018/10
Redisposing Genetic Characteristics	0	

# Attachment 1 - Summary of Internal Discrimination Complaints

Agency: New York City Department of Education

Type/Basis (Allegation) of Complaint	# of this Complaint Type <sup>2</sup>	Dates(s)
Race	144	7/30/2008, 9/15/2008, 10/1/2008, 10/3/2008, 10/28/2008, 11/14/2008, 11/17/2008, 12/4/2008, 12/8/2008, 1/12/2009, 1/15/2009, 1/15/2009, 1/26/2009, 3/5/2009, 3/12/2009, 3/19/2009, 3/20/2009, 3/25/2009, 4/2/2009, 4/2/2009, 4/22/2009, 4/30/2009, 5/3/2009, 5/6/2009, 5/7/2009, 5/15/2009, 6/9/2009, 6/17/2009, 7/10/2009, 8/3/2009, 10/13/2009, 10/15/2009, 10/21/2009, 10/29/2009, 11/9/2009, 12/2/2009, 12/13/2009, 12/13/2009, 12/14/2009, 12/15/2009, 12/23/2009, 12/28/2009, 1/15/2010, 1/20/2010, 1/29/2010, 2/4/2010, 2/17/2010, 2/25/2010, 2/25/2010, 3/3/2010, 3/3/2010, 3/8/2010, 3/10/2010, 3/17/2010, 3/18/2010, 3/22/2010, 3/30/2010, 4/7/2010, 4/8/2010, 4/13/2010, 4/19/2010, 4/19/2010, 4/19/2010, 4/20/2010, 4/29/2010, 5/3/2010, 5/5/2010, 5/6/2010, 5/6/2010, 5/7/2010, 5/10/2010, 5/10/2010, 5/10/2010, 5/11/2010, 5/25/2010, 5/28/2010, 6/23/2010, 6/23/2010, 6/30/2010, 6/30/2010, 6/30/2010, 7/8/2010, 7/16/2010, 7/22/2010, 8/10/2010, 8/31/2010, 9/1/2010, 9/8/2010, 9/24/2010, 9/29/2010, 10/5/2010, 10/12/2010, 10/20/2010, 10/25/2010, 10/25/2010, 10/25/2010, 11/3/2010, 11/4/2010, 11/8/2010, 11/17/2010, 11/18/2010, 11/23/2010, 11/29/2010, 11/30/2010, 12/17/2010, 12/20/2010, 12/20/2010, 12/21/2010, 1/7/2011, 1/18/2011, 1/18/2011, 3/14/2011, 3/21/2011, 4/5/2011, 4/18/2011, 4/28/2011, 5/3/2011, 5/16/2011, 5/18/2011, 5/26/2011, 6/2/2011, 6/3/2011, 6/10/2011, 6/28/2011, 1/4/2010, 6/24/2010, 7/29/2010, 11/16/2009, 11/19/2009, 5/11/2010, 5/21/2010, 6/14/2010, 11/8/2010, 1/21/2011, 5/23/2011
Religion	13	11/3/2008, 12/2/2008, 12/4/2008, 12/19/2008, 1/12/2009, 12/14/2009, 1/22/2010, 7/22/2010, 8/31/2010, 10/18/2010, 12/8/2010, 2/17/2011, 4/18/2011
Sexual Offenses And Stalking	0	
Sexual Orientation	13	1/13/2009, 6/28/2009, 7/3/2009, 8/13/2009, 8/13/2009, 1/4/2010, 6/14/2010, 10/22/2010, 4/7/2011, 5/20/2011, 12/15/2010, 3/14/2011, 4/5/2011
Status As A Victim Of Domestic Violence	0	
Retaliation	43	7/30/2008, 10/27/2008, 12/2/2008, 12/17/2008, 1/9/2009, 4/22/2009, 7/28/2009, 8/3/2009, 9/19/2009, 11/16/2009, 1/22/2010, 3/11/2010, 4/10/2010, 4/11/2010, 4/22/2010, 4/28/2010, 4/28/2010, 5/2/2010, 5/7/2010, 5/13/2010, 5/18/2010, 5/25/2010, 6/30/2010, 6/30/2010, 9/8/2010, 9/20/2010, 10/28/2010, 11/29/2010, 12/15/2010, 12/16/2010, 12/20/2010, 2/2/2011, 2/24/2011, 3/7/2011, 3/18/2011, 3/30/2011, 4/15/2011, 6/13/2011, 6/15/2011, 7/9/2008, 12/3/2008, 1/4/2010, 11/19/2009
Sexual Harassment	133	7/1/2008, 9/12/2008, 9/15/2008, 9/15/2008, 9/17/2008, 9/26/2008, 10/2/2008, 11/17/2008, 11/25/2008, 12/3/2008, 2/12/2009, 2/13/2009, 3/9/2009, 3/11/2009, 3/20/2009, 3/23/2009, 4/9/2009, 4/27/2009, 5/14/2009, 5/15/2009, 5/18/2009, 6/28/2009, 8/13/2009, 8/13/2009, 9/11/2009, 9/18/2009, 9/19/2009, 10/8/2009, 10/19/2009, 10/20/2009, 11/10/2009, 11/16/2009, 11/24/2009, 12/4/2009, 12/8/2009, 12/16/2009, 1/27/2010, 1/28/2010, 2/12/2010, 2/17/2010, 2/25/2010, 3/3/2010, 3/8/2010, 3/24/2010, 3/25/2010, 3/26/2010, 4/13/2010, 4/13/2010, 4/14/2010, 4/21/2010, 4/28/2010, 5/3/2010, 5/5/2010, 5/18/2010, 5/24/2010, 5/25/2010, 5/26/2010, 6/1/2010, 6/9/2010, 6/14/2010, 6/16/2010, 6/21/2010, 6/30/2010, 6/30/2010, 7/21/2010, 8/3/2010, 8/6/2010, 8/13/2010, 8/31/2010, 9/2/2010, 9/20/2010, 9/30/2010, 10/1/2010, 10/5/2010, 10/7/2010, 10/18/2010, 10/22/2010, 10/25/2010, 10/25/2010, 11/5/2010, 11/29/2010, 12/8/2010, 12/10/2010, 12/23/2010, 1/3/2011, 1/6/2011, 1/21/2011, 1/25/2011, 2/7/2011, 2/9/2011, 2/10/2011, 2/10/2011, 2/14/2011, 2/15/2011, 2/16/2011, 2/17/2011, 2/18/2011, 2/23/2011, 3/9/2011, 3/16/2011, 3/18/2011, 3/23/2011, 3/30/2011, 4/7/2011, 4/8/2011, 4/27/2011, 5/13/2011, 5/13/2011, 5/13/2011, 5/14/2011, 5/24/2011, 6/3/2011, 6/6/2011, 6/13/2011, 6/14/2011, 6/22/2011, 7/2/2008, 1/29/2009, 3/2/2009, 4/7/2009, 5/28/2009, 12/2/2009, 3/10/2010, 5/5/2010, 6/22/2010, 11/12/2010, 11/17/2010, 2/16/2011, 5/6/2011

There are 318 cases remaining. The remaining cases are all matters that were closed by OEO, for reasons including: complainant withdrew the complaint, the complaint is not jurisdictional under Chancellor's Regulation A-830 or the complainant failed to articulate a jurisdictional allegation within the confines of Regulation A-830, and complaint was filed with an external agency (and therefore, is not investigated by OEO).

Please note that the number of protected class allegations does not match the number of complaints (477). This occurs because one complainant may file multiple protected class allegations per complaint.