



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

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

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

BY MAIL AND EMAIL

June 2, 2017

Mark G. Peters  
Commissioner  
NYC Department of Investigation  
80 Maiden Lane 16th Floor  
New York, NY 10038

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the NYC Department of Investigation's Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

Dear Commissioner Peters:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2014 to December 31, 2016.

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The NYC Department of Investigation, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates 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 purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> 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 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.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

### **Scope and Methodology**

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine 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. Personnel transactions are reviewed in order to ascertain the 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.

EEO professionals (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, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct

---

<sup>1</sup> Corresponding audit/analysis standards are numbered throughout the document.



additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

### Description of the Agency

The Department of Investigation promotes and maintains integrity and efficiency in government operations. Through its Inspectors General and other investigative staff, the Department investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, or employee of the City, as well as those who do business with, or receive benefits from, the City. The Department also analyzes and studies various aspects of the operation of City government to identify management practices, operations, and programs that can be improved. The Department provides the Mayor with recommendations for corrective actions to assist City agencies in the design and implementation of strategies to limit opportunities for criminal misconduct and waste. At the end of the period in review, the agency's employee headcount was 355. (See Appendix 2.)

### PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

#### I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in compliance with the standards for this subject area.

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.
- ✓ In July 2015, the Commissioner issued to managers via memorandum an *EEO Commitment Statement* (EEO Policy statement) that stated, "DOI is committed to diversity, inclusion and equal opportunity for all employees. I recognize and appreciate your continuing efforts to foster and draw upon the diversity and talent throughout our City. DOI managers have a special responsibility to promote diversity throughout our agency and to ensure that all employees value and foster fairness, equity and respect. To that end: Please work directly with our agency's HR Manager [(the Principal Human Resources Professional)...] and EEO Officer [(the principal EEO Professional)...] to integrate equal opportunity principles and practices into all hiring, promotion, compensation, training, evaluation, separation and other personnel decisions. Please be reminded that our EEO Officer is available to provide input on these personnel matters to assist managers and senior staff in addressing EEO and diversity issues. The EEO Officer also provides trainings and investigates EEO complaints." In August 2015, the principal EEO Professional emailed the EEO Policy statement to managers and supervisors; the email included the name, title, email address, and phone number of the principal EEO Professional.

- The EEO Policy statement was not distributed to all staff, did not include contact information for the agency's EEO professionals, and did not attach, or provide employees pertinent electronic links to, an EEO Policy/Handbook. Corrective Action Required.

**NOTE:** Subsequent to the period in review, on February 17, 2017, the Commissioner issued an EEO Policy statement via email to all employees. The EEO Policy statement reaffirmed the agency's commitment to "...creating a diverse and inclusive workforce" and attached the following documents: the agency's *Commitment Statement 2017* (EEO Policy statement), the City's 2016 EEO Policy addendum, and *DOI EEO Staff List 2017* (that listed the name, title, phone number, office location, and email address of the agency's EEO professionals).

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.
- ✓ During the period in review, the agency utilized the City's EEO Policy: *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*. The City's EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination complaint investigations; and URLs to the City's *Reasonable Accommodation Procedural Guidelines* and *EEO Complaint Procedural Guidelines*. In February 2014, the principal EEO Professional sent an email to all staff that linked to the City's EEO Policy and 2013 EEO Policy addendum, and reported that there was "*an amendment to the New York City Human Rights Law making it unlawful to deny reasonable accommodation for pregnancy, childbirth, and pregnancy/childbirth-related medical conditions. The City is updating its EEO Policy to include this new law as well. If you have any questions about this policy, wish to report a violation or want to request such an accommodation, please contact me by email or phone.*" In June 2016, principal EEO Professional sent an email to all staff that attached the City's 2016 EEO Policy addendum – which contained a list of the actual or perceived classes protected against employment discrimination under NYC and NYS Human Rights Laws. New employees received the EEO Policy, EEO Policy Handbook: *About EEO: What You May Not Know Booklet*, *DOI's Equal Employment Opportunity Staff Contact Sheet*, and the *55-a Program Overview* brochure during onboarding for which they signed an acknowledgement receipt. *DOI's Equal Employment Opportunity Staff Contact Sheet* and the EEO Policy Handbook respectively included the contact information for the agency's EEO professionals and the federal, state and local agencies that enforce laws against discrimination.

**NOTE:** The EEO Policy Handbook should also be updated to include "*caregiver status*" and "*consumer credit history*" as classes protected against employment discrimination.

**II. EEO TRAINING FOR AGENCY:**

**Determination:** The agency is in compliance with the standards for this subject area.

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.
- ✓ In its fiscal year (FY) 2016 *Diversity and Equal Employment Opportunity Plan*, the agency set forth an agency-wide biennial EEO training plan. In 2016, the agency implemented the training plan by ensuring that 332 employees (94% of the workforce<sup>2</sup>) completed the Department of Citywide Administrative Services' (DCAS) computer-based EEO training.

**III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):**

**Determination:** The agency is in partial compliance with the standards for this subject area.

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 the agency may otherwise use discretion in hiring.
- ✓ During the period in review, the CEEDS Report: *Work Force Compared with Internal and External Pools* indicated underutilization of Hispanics in the job groups: *Administrators* (3<sup>rd</sup> quarter FY 2015 – 4<sup>th</sup> quarter FY 2016) and *Technicians* (3<sup>rd</sup> quarter FY 2014 – 2<sup>nd</sup> quarter FY 2015; 1<sup>st</sup> quarter FY 2016), both of which were eliminated as of 1<sup>st</sup> quarter FY 2017. To address the underutilization in the *Administrators* job group, the agency reported (in agendas from its quarterly EEO meetings (see section III.5.)) that it recruited for *Inspector General* positions in the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of FY 2016 at the *Metropolitan Black Bar Association, Association of Black Women Attorneys, Asian American Bar Association, Latino Lawyers Association of Queens County, Puerto Rican Bar Association, and Black Bar Association of Bronx County*.
- The CEEDS Report: *Work Force Compared with Internal and External Pools* indicated underutilization of Hispanics (between 3<sup>rd</sup> quarter FY 2014 and 1<sup>st</sup> quarter FY 2016) and Blacks (for every quarter since 1<sup>st</sup> quarter FY 2016, except for 2<sup>nd</sup> quarter FY 2016) in the *Technicians* job group. The agency did not demonstrate that it assessed its recruitment efforts to determine whether such efforts adversely impact any particular group. (See **Appendices 3 – 5.**) Corrective Action Required.

**Corrective Action #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,

---

<sup>2</sup> Based on workforce headcount at the end of the period in review, December 31, 2016 (See Appendix 2).

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.

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 to correct deficiencies.
- ✓ Since January 2015, the principal EEO Professional, HR Professional, and General Counsel met on a quarterly basis to review the agency's employment practices, policies and programs and statistical information to identify whether there were barriers to equal opportunity within the agency. Agendas from the agency's quarterly EEO meetings indicated the following discussion topics: workforce composition, new hires, promotions, separations, career counseling, training programs & mentoring, recruitment & hiring, contacts at minority organizations, preparation for job fairs, diversity and inclusion commitment statement, annual EEO plans, computer-based EEO training, and legal updates. Subsequent emails from the agency head (to all staff and managers and supervisors) were sent regarding promotions, incentive programs, and training. (See section III.11.)
  - The agency did not indicate whether it identified barriers to EEO via the aforementioned meetings and what, if any, corrective actions were required to correct deficiencies.  
Corrective Action Required.

**Corrective Action #2:** 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). 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.
  - The agency did not demonstrate that it assessed the manner in which candidates were selected for employment to determine whether agency selection criteria adversely impacted women, minorities, or any other protected group. The CEEDS Reports: *Work Force Compared with Internal and External Pools* indicated underutilization of Blacks (that existed from 3<sup>rd</sup> quarter FY 2016 to present) in the *Technicians* job group. (See Appendices 3 – 5.) Corrective Action Required.

**Corrective Action #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.

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.

➤ The CEEDS Reports: *Work Force Compared with Internal and External Pools* indicated underutilization of Blacks (that has persisted since 3<sup>rd</sup> quarter FY 2016) in the *Technicians* job group, which included the *Special Investigator* and *Confidential Investigator* job titles that the agency identified as titles where the agency has discretion in hiring. (See Appendices 4 & 5.) Corrective Action Required.

**Corrective Action #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.

8. 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 Department of Citywide Administrative Services (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.

✓ The agency reported no underutilization in *civil service* (list) titles. The agency also reported in its FY 2016 *Annual EEO Plan*, that it “review[s] *civil service* positions to ensure that the employee’s *civil service* titles are consistent with their job specifications.”

9. 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).

✓ The agency reported that all interviews were structured in that they were conducted by a panel of two or more employees and all interview questions were predetermined and listed on the

*DOI Interview Questions* sheet given to all interviewers prior to each interview. Post interview, each interview panelist completed an interview evaluation form for each candidate; which included sections titled *Evaluation/Comments, Recommendations* and *Narrative*. The agency reported that the first round interview panel consisted of at least two interviewers selected by the hiring manager and the second-round interviews were conducted by the hiring manager and a member of the senior staff. The Commissioner and members of the Senior Executive Staff conducted interviews for high-level discretionary positions.

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

- ✓ The Human Resources department promoted employees' awareness opportunities for advancement and transfer within the agency by distributing job opportunities via email. Six (6) emails informed all employees of seventeen (17) job vacancies at the agency. The emails reminded employees that applications were only accepted through *New York City Automated Personnel System (NYCAPS) eHire, accessible via Employee Self-Service (ESS)* and the link "[www.nyc.gov/ESS](http://www.nyc.gov/ESS)". The agency also reported it was protocol to consider employees internally for open vacancies (including for transfer) and to interview all current employees that applied for and met the minimum qualification requirements of the vacancy.

Subsequent to the period in review, in May 2017, the Human Resources department notified employees of two (2) promotional opportunities for employees in certain job titles, available for applicants via *eHire, Job ID# 288264: Inspector General* and *Job ID# 288259: Digital Forensic Investigator*. The email stated, "[f]or those serving in the title of *Special Investigator*, this [Inspector General vacancy] will be a promotional opportunity" and "[f]or those serving in the title of *Confidential Investigator Level I*, this [Digital Forensic Investigator vacancy] will be a promotional opportunity to Level 2."

11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

- ✓ During the period in review, *CEEDS Reports: Ethnic/Gender Summary by Agency, Type, Job Group, and Title*; indicated 151 promotions in seven (7) job groups. The agency ensured that employees were considered internally for career enhancement, development opportunities and transfer by promoting employees with applicable knowledge/skills/abilities and encouraging employees to improve their performance and skills via training. In October 2015, the agency head notified staff (via email) of the promotions of two employees to the roles *Executive Officer for Operations* and *Director of Training* - in line with an agency goal (identified in its quarterly EEO meetings (see section III.5.)) to "*focus on diversity efforts at the top.*" Additionally, in 2016, the agency directed managers and supervisors (via email) to inform staff of training opportunities to develop their professional skills; including: DCAS's fall 2016



training offerings available to all staff, investigation analysis tools for investigators, continuing legal education credits for attorneys and management training for agency managers.

12. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- ✓ During the period in review, the agency advertised several vacant positions with the tagline, "The City of New York is an Equal Opportunity Employer," including: *Confidential Investigator* (two (2) vacancies), *Digital Forensic Investigator*, *Deputy Commissioner for External Affairs* and *Desktop Support Engineer*.

13. 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.

- ✓ During the period in review, the agency utilized NYCAPS eHire to receive applicants for vacant positions. NYCAPS eHire captured: *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, result, and recruitment source and disposition*. The agency reported that *ethnicity, gender, disability or veteran status* information was voluntarily provided by applicants. In addition, the agency also utilized its *Applicant Interview Log* that captured *position [Civil Service Title and Office Title], Applicant Name, Eth\* [ethnicity], Gen\* [gender], Disb\* [disability], Veteran? [veteran status], Interview Date, Selected? [result], Recruitment Sources, Interviewed By [interviewers names]* of each candidate who was invited for an interview. The *Applicant Interview Log* also captured *Reason Selected [reason selected/not selected or disposition]* via *Selection Criteria Codes*; options included: *Not Qualified, Communication Issues, Education Requirements, Citizenship Status, Withdrew Application, Lacks Necessary Experience, Poor Presentation, and Refused Interview/No Show*. The agency reported the demographic data on the *Applicant Interview Log* was completed by the interview panel.

#### IV. CAREER COUNSELING:

Determination: The agency is in compliance with the standards for this subject area.

14. 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.

- ✓ During the period in review, the *Human Resources Director* (the Principal Human Resources Professional) was the agency's Career Counselor responsible for providing career counseling to employees about career opportunities in City government. The name and contact information for the Career Counselor was accessible to staff via the agency's intranet and in the Human Resources packet distributed during new employee orientation. The Principal HR Professional has been a member of the Society for Human Resources Management (SHRM)

since March 2016 and completed an additional *SHRM* learning in December 2016. The *Human Resources Director* had over twelve (12) years of experience in Human Resources, eight (8) of which were at the agency.

15. 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; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; 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; 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.
- ✓ During the period in review, the *Human Resources Director* (the Principal Human Resources Professional) was also the agency's Career Counselor and Disability Rights Coordinator. The Human Resources department (HR) emailed all employees: on an ongoing basis with job postings, and on September 2015 with an intranet link to the *Employee Handbook* which contained information regarding examinations, training opportunities, and procedures for performance evaluations. Managers and supervisors were responsible for the administration of the annual performance evaluation and completion of tasks and standards (for the next evaluation period) for all employees. HR also distributed and tracked the agency's dissemination of new employee orientation materials which included URLs to the agency's intranet, EEO policies (to inform employees of their EEO rights and responsibilities, and the discrimination complaint procedures), *Employee Handbook*, a 55-a program brochure, and EEO professionals' contact information. The *Human Resources Director* was responsible for processing reasonable accommodation requests and informing the principal EEO Professional of efforts the agency made to employ, promote or accommodate qualified individuals with disabilities. During the period in review, the principal EEO Professional and Principal HR Professional and other Human Resources professionals regularly discussed EEO matters including if informed of or suspected that a violation of the EEO policy occurred.

V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/  
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:

Determination: The agency is in compliance with the standards for this subject area.

16. 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 and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported that it was committed to provide its EEO Policies in large print and audio formats upon request. During the period in review, the agency reported no requests for its EEO policies in alternative formats.

17. Document reasonable accommodation requests and their outcomes.

- ✓ During the period in review, reasonable accommodation requests and their outcomes were documented by the *Human Resources Director* (the agency's Disability Rights Coordinator) via the City's reasonable accommodations requests form and maintained separately from personnel folders in a confidential electronic folder; a screenshot was provided of the folder and its contents.

**VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:**

**Determination: The agency is in partial compliance with the standards for this subject area.**

18. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional 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.

- ✓ The *Deputy General Counsel and EEO Officer* was designated as the principal EEO Professional in February 2016. The principal EEO Professional completed DCAS' *Diversity and Equal Employment Opportunity Basic Training* for EEO Professionals in March 2016. The principal EEO Professional appeared twice on the agency's organizational charts; once as a direct report to the agency head for the role of *EEO Officer* and again as one (1) of three (3) direct reports to the *General Counsel* in the role of *Deputy General Counsel (Civil)*. The two additional direct reports to the *General Counsel* were *Deputy General Counsel (Generalist)* and *Deputy General Counsel (Criminal)*. The agency reported that, to maintain impartiality in their EEO role, the principal EEO Professional was not assigned to any external employment/personnel cases.

19. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

- ✓ In addition to the principal EEO Professional, the agency had two (2) EEO Counselors that conducted interviews for EEO complaint investigations in the presence of the principal EEO Professional.

- The agency reported but did not demonstrate that EEO Counselors were trained in EEO laws and procedures and knew how to carry out their responsibilities under the EEO Policy. Corrective Action Required.

**Corrective Action #5:** 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.

20. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ As reflected on the agency's organizational charts, the principal EEO Professional appeared twice; once as a direct report to the agency head for the role of *EEO Officer* and again as one (1) of three (3) direct reports to the *General Counsel* in the role of *Deputy General Counsel (Civil)*. (See section VI.18.)

21. To ensure the integrity and continuity of the EEO Program, 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.

- ✓ During the period in review, the principal EEO Professional and agency head met on an as needed basis; calendar invitations of EEO meetings between the principal EEO professional and the agency head indicated three (3) meetings in 2014, five (5) meetings in 2015, and six (6) meetings in 2016. In addition, the agency head was an attendee of quarterly EEO meetings (between the principal EEO Professional, Principal HR Professional and General Counsel), during which decisions were made that impacted the administration and operation of the EEO program.

- The agency did not maintain documentation of decisions made as a result of the aforementioned meetings that impacted the administration and operation of the EEO program. Corrective Action Required.

Corrective Action #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.

**VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:**

Determination: The agency is in partial compliance with the standards for this subject area.

22. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

- ✓ The *Employee Handbook* established the agency's annual performance evaluation program timeline and employees responsibilities. Managers and supervisors were responsible for the administration of the annual performance evaluation and completion of tasks and standards (for the next evaluation period) for all full-time and part-time employees. In December 2015, unit leaders were reminded (via email) of the agency's annual performance evaluation program and procedures for the 2015 evaluation period. The emails also reminded unit leaders that 2016 tasks & standards must be established for all full-time and part-time non-managerial and managerial employees; provided blank performance evaluation and tasks & standards templates; and reiterated the evaluation timeline. In February 2016, employees were notified that templates for performance evaluations and tasks and standards were accessible via the agency's intranet site. The agency's performance evaluation tracking logs

indicated 117 employees (33% of the workforce<sup>3</sup>) received performance evaluations for 2015; 105 employees (30% of the workforce<sup>4</sup>) received performance evaluations for 2016; and 95 employees (27% of the workforce<sup>5</sup>) signed for tasks and standards (at the start of the 2017 evaluation period) to be used for their 2017 performance evaluation.

- The agency did not demonstrate that it administered annual performance evaluations to all employees during the period in review. Corrective Action Required.

Corrective Action #7: Administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

23. 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).
- ✓ The agency's managerial performance evaluation form contained a rating for EEO; specifically, *"...IV. Utilizing Human Resources[:] This accountability area covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner consistent with citywide EEO guidelines. 7. Personnel Management: Projecting the number and types of staff needed by the work unit and using various personnel management system components (e.g.; recruitment, selection, promotion, performance appraisal) in managing the unit. 8. Supervision: Providing day-to-day guidance and Importance oversight of subordinates (e.g.; work assignments, consultation, etc.); and actively working to promote and recognize performance...."*

#### VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is in compliance with the standards for this subject area.

24. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>6</sup> (up to 30 days following each quarter) on efforts to implement the plan.
- ✓ The agency provided all *Annual EEO Plans: Diversity and Equal Employment Opportunity Plan*, and *Quarterly EEO Reports: Agency Quarterly Report on EEO Activity* for each year and quarter of the period in review.

---

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: 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 re-emphasizing the agency head's commitment to the EEO program.

### Conclusion

The agency has 7 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

*Optional Response to preliminary determination:* If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

*(Optional Conference)* During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

*(No Response Option)* If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

*Mandatory Response to Final Determination:* Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.




In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

  
William Peterson, EEO Program Analyst

Approved by,

  
Charise L. Terry, PHR  
Executive Director

c: Chantal N. Senatus, Principal EEO Professional

## **Appendix - 1**

Department of Investigation  
EEO Job Group Descriptions



**DESCRIPTION OF  
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)  
JOB GROUP CATEGORIES**

**001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.

**002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

**003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

**004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

**005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

**006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

**007 Social Workers:** Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

**008 Lawyers:** Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

**009 Public Relations:** Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

**010 Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: health technicians (clinical laboratory, dental hygienists, health records, radiologic

and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

**011 Sales:** Not applicable.

**012 Clerical Supervisors:** Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

**013 Clerical:** Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

**014 Household Services:** Not applicable.

**015 Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

**016 Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

**017 Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

**018 Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

**019 Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: school crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.

**020 Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

**021 Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.

**022 Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.

**023 Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

**024 Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

**025 Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.

**026 Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: printing press operators, high pressure boiler operators, laundry workers and kindred workers.

**027 Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

**028 Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

**029 Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: sanitation workers, debris removers and kindred workers.

**030 Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

**031 Paraprofessionals:** Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

## **Appendix - 2**

Department of Investigation  
Workforce Composition Summary  
2<sup>nd</sup> Quarter of Fiscal Year 2017  
(End of Audit Period)

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.0

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2017 AGENCY 032 DEPARTMENT OF INVESTIGATION

PAGE: 48  
 REPORT: EBEPR210

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06550	SPECIAL COMMISSIONER OF IN	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12935	DEPUTY COMMISSIONER	0	0	0	1	0	0	1	0	0	0	0	0	0	0	2
12991	COMMISSIONER	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
31145	INSPECTOR GENERAL	9	0	0	2	0	1	7	3	1	0	0	0	0	0	23
EEO JOB GROUP TOTAL.....:		10	0	0	3	0	2	8	3	1	0	0	0	0	0	27
		37.04	0.00	0.00	11.11	0.00	7.41	29.63	11.11	3.70	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06683	EXECUTIVE DIRECTOR (POLICE	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	1	2	0	0	0	0	0	0	3
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	2	0	0	0	0	1	0	3	
10050	COMPUTER SYSTEMS MANAGER	0	0	2	4	0	0	0	1	0	1	0	0	0	8	
12920	ASSISTANT COMMISSIONER (DI	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
3011A	EXAMINING ATTORNEY (MANAG	1	0	0	1	0	0	1	3	0	0	0	0	0	6	
30119	EXAMINING ATTORNEY	3	0	0	0	0	0	4	0	0	1	0	0	0	8	
31144	DEPUTY INSPECTOR GENERAL	7	2	0	2	0	0	7	1	1	2	0	0	0	22	
EEO JOB GROUP TOTAL.....:		12	2	2	7	0	0	17	7	1	4	0	1	0	53	
		22.63	3.77	3.77	13.21	0.00	0.00	32.08	13.21	1.89	7.55	0.00	1.89	0.00	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1002A	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	0	0	1	0	0	0	0	1
1002C	ADMINISTRATIVE MANAGER NON	0	0	0	0	0	0	0	7	3	0	0	0	0	10
12158	PROCUREMENT ANALYST	0	0	0	1	0	0	0	0	0	0	0	0	0	1
12627	ASSOCIATE STAFF ANALYST	0	0	0	1	0	0	0	0	0	0	0	0	0	1
40860	EXAMINER OF ACCOUNTS	0	2	0	0	0	0	0	1	0	0	0	0	0	3
EEO JOB GROUP TOTAL.....:		0	2	0	2	0	0	0	8	4	0	0	0	0	16
		0.00	12.50	0.00	12.50	0.00	0.00	0.00	50.00	25.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.0

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2017 AGENCY 032 DEPARTMENT OF INVESTIGATION

PAGE: 49  
 REPORT: EBEPR210

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
13611	COMPUTER ASSOCIATE (TECHNI	0	1	0	3	0	0	0	0	0	0	0	0	0	4
13632	COMPUTER SPECIALIST (SOFTW	1	1	0	0	0	0	0	0	1	0	0	0	3	
13652	CERTIFIED IT ADMINISTRATOR	0	1	0	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		1	3	0	3	0	0	0	0	1	0	0	0	8	
		12.50	37.50	0.00	37.50	0.00	0.00	0.00	0.00	12.50	0.00	0.00	0.00	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
31130	SPECIAL INVESTIGATOR	32	13	10	8	0	0	19	10	7	4	0	1	104	
31143	CONFIDENTIAL INVESTIGATOR	17	5	9	8	0	0	27	14	7	4	0	0	91	
EEO JOB GROUP TOTAL.....:		49	18	19	16	0	0	46	24	14	8	0	1	195	
		25.13	9.23	9.74	8.21	0.00	0.00	23.59	12.31	7.18	4.10	0.00	0.51	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	0	0	0	0	0	2	3	0	0	0	0	5	
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	2	3	0	0	0	0	5	
		0.00	0.00	0.00	0.00	0.00	0.00	40.00	60.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10251	CLERICAL ASSOCIATE	0	0	0	0	0	0	0	6	2	1	0	0	9	
10252	SECRETARY	0	0	0	0	0	0	0	1	1	0	0	0	2	
12200	STOCK WORKER	0	1	0	0	0	0	0	0	0	0	0	0	1	
12816	CONFIDENTIAL SECRETARY TO	0	0	0	0	0	0	1	1	0	1	0	0	3	
EEO JOB GROUP TOTAL.....:		0	1	0	0	0	0	1	8	3	2	0	0	15	
		0.00	6.67	0.00	0.00	0.00	0.00	6.67	53.33	20.00	13.33	0.00	0.00	100.00	

AGENCY CODE : 032 DEPARTMENT OF INVESTIGATION  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.0

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2017 AGENCY 032 DEPARTMENT OF INVESTIGATION

PAGE: 50  
 REPORT: EBEPR210

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN- KNOWN
56056	COMMUNITY ASSISTANT	1	0	0	1	0	0	0	0	0	0	0	0	0	2
56057	COMMUNITY ASSOCIATE	1	2	3	0	0	0	1	11	4	3	0	3	0	28
56058	COMMUNITY COORDINATOR	0	2	0	0	0	0	0	3	0	1	0	0	0	6
EEO JOB GROUP TOTAL.....:		2	4	3	1	0	0	1	14	4	4	0	3	0	36
		5.56	11.11	8.33	2.78	0.00	0.00	2.78	38.89	11.11	11.11	0.00	8.33	0.00	100.00
AGENCY TOTAL.....:		74	30	24	32	0	2	75	67	27	19	0	5	0	355
		20.85	8.45	6.76	9.01	0.00	0.56	21.13	18.87	7.61	5.35	0.00	1.41	0.00	100.00

## **Appendix - 3**

Department of Investigation  
Workforce Compared with Internal and External Pools  
3<sup>rd</sup> Quarter of Fiscal Year 2014  
(Start of Audit Period)



RUN DATE: 04/01/14  
 RUN TIME: 10:47:05  
 FY2014 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 129  
 PROGRAM: EBPPP961  
 EXTRACT DATE: 03/31/14

AGENCY: 032 DEPARTMENT OF INVESTIGATION  
 JOB GROUP: 010 TECHNICIANS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	44	51	95	.3514	33.38	10.62	2.28	0.011	O
ETH	BLACK	29	66	95	.3293	31.28	-2.28	-0.50	0.309	
ETH	HISPANIC	10	85	95	.1923	18.27	-8.27	-2.15	0.016	U
ETH	ASIAN / PAC ISL	11	84	95	.1005	9.55	1.45	0.50	0.310	
ETH	NATIVE AMERICAN	0	95	95	.0027	0.26	-0.26	-0.51	0.306	N-05%RUL
ETH	ETH UNKNOWN	1	94	95	.0182	1.73	-0.73	-0.56	0.288	N-05%RUL
GEN	MALE	49	46	95	.6181	58.72	-9.72	-2.05	0.020	U
GEN	FEMALE	46	49	95	.3662	34.79	11.21	2.39	<.01	O
GEN	GENDER UNKNOWN	0	95	95	.0098	0.93	-0.93	-0.97	0.166	N-05%RUL

## **Appendix - 4**

Department of Investigation  
Workforce Compared with Internal and External Pools  
2<sup>nd</sup> Quarter of Fiscal Year 2017  
(End of Audit Period)

RUN DATE: 01/04/17  
 RUN TIME: 13:18:37  
 FY2017 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 124  
 PROGRAM: EBPPP961  
 EXTRACT DATE: 12/31/16

AGENCY: 032 DEPARTMENT OF INVESTIGATION  
 JOB GROUP: 010 TECHNICIANS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	95	100	195	.3514	68.52	26.48	3.97	<.01	O
ETH	BLACK	42	153	195	.3293	64.21	-22.2	-3.38	<.01	U
ETH	HISPANIC	33	162	195	.1923	37.50	-4.50	-0.82	0.207	
ETH	ASIAN / PAC ISL	24	171	195	.1005	19.60	4.40	1.05	0.147	
ETH	NATIVE AMERICAN	0	195	195	.0027	0.53	-0.53	-0.73	0.234	N-05%RUL
ETH	ETH UNKNOWN	1	194	195	.0182	3.55	-2.55	-1.37	0.086	N-05%RUL
GEN	MALE	102	93	195	.6181	120.53	-18.5	-2.73	<.01	U
GEN	FEMALE	93	102	195	.3662	71.41	21.59	3.21	<.01	O
GEN	GENDER UNKNOWN	0	195	195	.0098	1.91	-1.91	-1.39	0.082	N-05%RUL

## **Appendix - 5**

Department of Investigation  
Workforce Compared with Internal and External Pools  
3<sup>rd</sup> Quarter of Fiscal Year 2017  
(Most Recent Quarter Available)

RUN DATE: 04/04/17  
 RUN TIME: 13:01:38  
 FY2017 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 125  
 PROGRAM: EBPPP961  
 EXTRACT DATE: 03/31/17

AGENCY: 032 DEPARTMENT OF INVESTIGATION  
 JOB GROUP: 010 TECHNICIANS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	96	99	195	.3514	68.52	27.48	4.12	<.01	O
ETH	BLACK	43	152	195	.3293	64.21	-21.2	-3.23	<.01	U
ETH	HISPANIC	29	166	195	.1923	37.50	-8.50	-1.54	0.061	N-05%RUL
ETH	ASIAN / PAC ISL	24	171	195	.1005	19.60	4.40	1.05	0.147	
ETH	NATIVE AMERICAN	0	195	195	.0027	0.53	-0.53	-0.73	0.234	N-05%RUL
ETH	ETH UNKNOWN	3	192	195	.0182	3.55	-0.55	-0.29	0.384	
GEN	MALE	102	93	195	.6181	120.53	-18.5	-2.73	<.01	U
GEN	FEMALE	93	102	195	.3662	71.41	21.59	3.21	<.01	O
GEN	GENDER UNKNOWN	0	195	195	.0098	1.91	-1.91	-1.39	0.082	N-05%RUL



JUN 22 2017 PM 3:37

The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

80 MAIDEN LANE  
NEW YORK, NY 10038  
(212) 825-5920  
FAX: (212) 825-3237

June 16, 2017

**BY MAIL AND EMAIL**

Charise L. Terry, PHR  
Executive Director

William Peterson  
EEO Program Analyst

NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, New York 10007

**Re:** Response to Preliminary Determination for Audit: Review, Evaluation and Monitoring of the NYC Department of Investigation's Employment Practices and Procedures from January 1, 2014 to December 31, 2016

Dear Executive Director Terry and Program Analyst Peterson:

The Department of Investigation ("DOI") has reviewed the Equal Employment Practices Commission ("EEPC") Preliminary Determination, dated June 2, 2017, detailing its review of DOI's employment practices and procedures between January 2014 and December 2016 ("Preliminary Determination"). We are gratified that, overall, the EEPC's review has found DOI to be generally in compliance with the City's EEO requirements and diversity initiatives.<sup>1</sup> This finding reflects the fact that DOI has been, and remains, fully committed to the City's goal of

---

<sup>1</sup> The areas where DOI has been deemed fully compliant are in the following audit subjects: (a) issuance, distribution and posting of EEO policies; (b) EEO training for the agency; (c) career counseling; (d) EEO and Reasonable Accommodations for employees/applicants with disabilities; (e) reporting standards established for agency head, including the submission of quarterly reports and an annual EEO and Diversity Plan.

maintaining effective equal opportunity programs for all who are employed, or seek employment, within City government.

The Preliminary Determination identifies three areas where it concludes that DOI is in “partial compliance,” and makes seven corrective action recommendations. We are pleased to report that the measures we have put into place, as fully discussed below, place DOI in full compliance at this time.

## I. Employment Practices (Recruitment, Hiring, Promotion)

### *Corrective Action #1- Recruitment Efforts*

The Preliminary Determination acknowledges that periods of underutilization<sup>2</sup> for Hispanics in the Administrators<sup>3</sup> and Technicians<sup>4</sup> job groups during the review period were eliminated by FY2017, Q1 and further states that during that period, DOI recruited for Inspector General positions through women and minority bar associations, which efforts may account for that elimination. It also notes, however, at p. 5, that there was an underutilization of Blacks in the Technicians job group.<sup>5</sup> EEPC determined that DOI “did not demonstrate that it assessed its recruitment efforts to determine whether such efforts adversely impact any particular group.”

DOI has established a working group for Outreach and Hiring that will address this concern. The group met periodically when the need arose; however, starting in April, we sought to formalize our efforts in light of the underutilization trends we have seen over the last fiscal year. Consistent with your corrective action recommendation, the group has been working to assess and augment our recruitment efforts. Additionally, we have been conducting research to find diverse schools and alternative organizations with which we may post job openings, visit as part of information sessions, and provide course presentations under relevant programs within such schools and organizations. Please see our preliminary organization and academic institution research, attached as Exhibit 1, as well as a memorandum to senior staff, attached as Exhibit 2, which articulates our goals.

### *Corrective Action #2- Review of EEO Complaints*

The Preliminary Determination, at page 6, acknowledges that quarterly EEO meetings, which included the General Counsel, EEO Officer and the HR Director, were conducted “to review the agency's employment practices, policies and programs and statistical information [workforce, hires, promotions and separations by ethnicity/gender] to identify whether there were barriers to equal opportunity within the agency.” However, DOI did not submit information specifically articulating any corrective action the agency may have taken, or provide any information demonstrating that the EEO complaints were made part of this review or were otherwise reviewed on an annual basis.

---

<sup>2</sup> According to the City’s CEEDS Reports: *Work Force Compared with Internal and External Pools* (“CEEDS”).

<sup>3</sup> The *Administrators* job group includes the following titles: Commissioner, Deputy Commissioner, and Inspector General.

<sup>4</sup> The *Technicians* job group includes the following titles: Special Investigator and Confidential Investigator

<sup>5</sup> The Preliminary Report notes that there was underutilization of “Blacks (for every quarter since 1st quarter FY 2016, except for 2nd quarter FY 2016) in the *Technicians* job group.” However, we note, that during that time, DOI increased its Black investigator hires, reducing the underutilization.

A review of the Citywide Equal Employment Database System indicates that there were ten complaints made during the review period, only one of which concerned hiring and promotion.<sup>6</sup> Therefore, in our estimation, such an analysis was not warranted at that time. However, consistent with the EEPC's corrective action recommendation, and recognizing that such an analysis may be warranted in the future, an annual meeting, examining closed internal complaints and external complaints by calendar year, is being scheduled. The meeting attendees will include, at a minimum, the General Counsel, EEO Officer, and HR Director. Further, as suggested in the Preliminary Determination, DOI will seek guidance from the Law Department; the NYC Department of Citywide Administrative Services ("DCAS"), Division of Citywide Diversity and EEO; and other resources where necessary.

### *Corrective Action #3- Candidate Selection Process*

The Preliminary Determination, at page 6, states that DOI "did not demonstrate that it assessed the manner in which candidates were selected for employment to determine whether agency selection criteria adversely impacted women, minorities, or any other protected group," Preliminary Recommendation, p. 6, pointing to underutilization of Blacks in the Technicians job group. (See footnote 5).

Consistent with the recommended corrective action, DOI's working group for Outreach and Hiring is charged with exploring the candidate selection process to make the recommended assessment and to the extent that adverse impact is discovered, the group will conduct reviews to determine whether the selection criteria is job-related. At this time, the working group, through the Associate Commissioner of Training and Outreach, is reaching out to DOI's hiring managers to clarify the skills and experience they require for particular titles in an effort to enhance our job postings. (See Exhibit 2) The working group will document its progress and findings through its meetings and follow-up communication. We understand from your office that, although DOI may have discussed such matters internally, your audit findings rely on the review of documentation rather than statements provided in support of the contention.

### *Corrective Action #4- Outreach and Internships*

The fourth corrective action recommendation, at page 7, states that:

"[i]f women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; [DOI should] 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."

Consistent with this recommendation, DOI's working group is also exploring additional ways of conducting outreach. In addition to establishing a revised list of diverse academic institutions, we are performing research to determine whether there are academic programs or departments relevant to work at DOI and contacting the chairs of those departments to create guest speaking opportunities where we can, for example, relate a completed DOI investigation,

---

<sup>6</sup> Additionally, in that case, the complainant filed with the EEOC, which subsequently determined that there was insufficient information to conclude that a violation of the statutes occurred. That being said, the nature of the allegation would be noted for the purposes of an internal discussion.



to what the students are learning in those programs (e.g. criminal justice, public policy, relevant certificate programs). (See Exhibit 2)

## II. Responsibility for EEO Plan Implementation- EEO Professionals:

### *Corrective Action #5- EEO Counselor Training*

The Preliminary Determination acknowledges that the EEO Officer has been trained through DCAS's *Diversity and Equal Employment Opportunity Basic training for EEO Professionals* in March 2016, less than one month after her appointment. The Preliminary Determination finds, however, at page 11, that DOI was unable to demonstrate that the two current EEO Counselors "were trained in EEO laws and procedures and knew how to carry out their responsibilities under the EEO Policy."

All DOI EEO investigations take place under the supervision of the principal EEO Professional. Additionally, the vast majority of the EEO investigation interviews are conducted by the EEO Officer, with a Counselor present. Further, as noted in the Preliminary Determination, it is the practice of the EEO Officer to be present should an EEO Counselor conduct an interview. Lynette Wade, one of DOI's EEO Counselors, has not attended the DCAS course, however, at the time of her appointment, the EEO Officer reviewed the DCAS course materials with Ms. Wade in order to familiarize her with the EEO requirements and her obligations in particular. In any event, consistent with your recommendation, Ms. Wade will be scheduled to attend the next available DCAS training, which we are informed will take place in the Fall of 2017. As we have been unable to locate information regarding EEO training for Alan Lefkof, DOI's other EEO Counselor, he will also attend training in the Fall.<sup>7</sup>

### *Corrective Action #6- Maintenance of Documentation*

DOI provided documentation to the EEPC reflecting that there were various meetings that took place concerning EEO and diversity matters, including the EEO Quarterly meetings (which include the General Counsel and the HR Director) and meetings between the HR Director and the EEO Officer. However, the Preliminary Determination, at page 12, states that DOI "did not maintain documentation of decisions made as a result of the aforementioned meetings that impacted the administration and operation of the EEO Program."

Consistent with this corrective action recommendation, minutes or detailed notes of the meetings will be maintained in the future. We are aware, through this audit process, that there are issues DOI has discussed internally which could not be reflected in your findings due to the absence of record keeping during the review period. During the time relevant to the audit, the roles of EEO Officer (acting as the Principal EEO Professional) and Human Resources Director (acting that the Principal Human Resources Professional) transitioned twice, resulting in three people holding each of the positions over the course of the three year period. In order to maintain the integrity and continuity of the EEO Program, we recognize the need to maintain documentation in a more formal and consistent manner. By way of example, I have provided the meeting minutes for the last EEO Quarterly meeting, which reflects how the EEO Officer will be retaining decision-making information, attached as Exhibit 3.

---

<sup>7</sup> In the interest of completing this training as soon as possible, DOI also considered the EEO Professionals Certificate courses offered through Cornell University's ILR School. However, those courses did not present a timesaving opportunity since they also take place in the Fall.

III. Responsibility for EEO Plan Implementation- Supervisors/Managers:

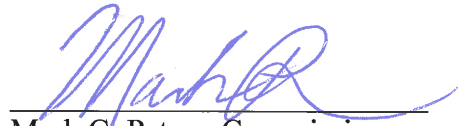
*Corrective Action #7- Administration of Performance Evaluations*

The Preliminary Determination acknowledges that DOI maintains a performance evaluation process, however, records reflect that, on average, only thirty percent of the agency received evaluations that were submitted to Human Resources. Preliminary Determination at pp. 12-13. The corrective action recommendation is that all employees received evaluations during the period of review to be used for probationary periods, promotions, assignments, incentives and training.

DOI's evaluation process is still ongoing for the 2016 review period - with staff reminding managers of their obligation to submit the evaluation documentation. Consistent with the recommendation, DOI is poised to implement "Reviewsnap", a web-based performance management software. DOI purchased the software to automate and streamline the Performance Evaluations review process. Consistent with the recommendation, this will ensure that the agency timely completes performance reviews for all employees. The invoice for the purchase of the software and informational material are attached as Exhibit 5.

DOI would like to thank you and your staff for your consideration and professionalism during the course of this audit and for the opportunity to submit our response to the Preliminary Determination. Please feel free to call me at 212-825-5928 if you have any questions or would like to discuss our response.

Respectfully submitted,



Mark G. Peters, Commissioner  
by Chantal N. Senatus, Deputy General Counsel  
and EEO Officer

CC: Mark G. Peters, Commissioner  
Lesley Brovner, 1<sup>st</sup> Deputy Commissioner  
Ganesh Ramratan, Deputy Commissioner, Operations  
Michael B. Siller, Deputy Commissioner and General Counsel  
William Jorgenson, Associate Commissioner for Training and Outreach  
Shayvonne Nathaniel, Director, Human Resources

attachments



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

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

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676.2724 fax

**BY MAIL AND EMAIL**

June 19, 2017

Mark G. Peters  
Commissioner  
NYC Department of Investigation  
80 Maiden Lane, 16th Floor  
New York, NY 10038

RE: Audit Resolution #2017/211 - 032: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Department of Investigation's Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

Dear Commissioner Peters:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your June 16, 2017 response to our June 2, 2017 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards<sup>1</sup> to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

**Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.**

---

<sup>1</sup> 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; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: July 2017 to December 2017.

**If corrective actions remain:** Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPCC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPCC will issue a *Determination of Compliance*.

**If no corrective actions remain:** Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional contact William B. Peterson, EEO Program Analyst at [wbpeterson@eepc.nyc.gov](mailto:wbpeterson@eepc.nyc.gov).

Thank you and your staff for your continued cooperation.

Sincerely,

  
Charise L. Terry, PHR  
Executive Director

c: Chantal N. Senatus, Principal EEO Professional, Department of Investigation

**FINAL DETERMINATION**

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans and Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

**Corrective Action #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.

*Agency Response: "DOI has established a working group for Outreach and Hiring... [S]tarting in April, we sought to formalize our efforts in light of the underutilization trends we have seen over the last fiscal year. Consistent with your corrective action recommendation, the group has been working to assess and augment our recruitment efforts. Additionally, we have been conducting research to find diverse schools and alternative organizations with which we may post job openings, visit as part of information sessions, and provide course presentations under relevant programs within such schools and organizations. Please see our preliminary organization and academic institution research ... as well as a memorandum to senior staff, ... which articulates our goals." (Response Pg. 2.)*

**EEPC Response:** The agency submitted a list of community and academic organizations, and a memo from the principal EEO Professional to senior staff regarding the agency's goals to address underutilization, including via recruitment efforts. The EEPC recognizes the agency's commitment to implement corrective action **#1**. An assessment of the agency's recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

---

<sup>2</sup> Excerpts are italicized.

**Corrective Action #2**

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

Agency Response: “...[C]onsistent with the EEPC’s corrective action recommendation, and recognizing that such an analysis may be warranted in the future, an annual meeting, examining closed internal complaints and external complaints by calendar year, is being scheduled. The meeting attendees will include, at a minimum, the General Counsel, EEO Officer, and HR Director. Further, as suggested in the Preliminary Determination, DOI will seek guidance from the Law Department; the NYC Department of Citywide Administrative Services (“DCAS”), Division of Citywide Diversity and EEO; and other resources where necessary.” (Response Pg. 3.)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #2. Documentation which demonstrates implementation of corrective action #2 will be required during the compliance-monitoring period.

**Corrective Action #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.

Agency Response: “Consistent with the recommended corrective action, DOI’s working group for Outreach and Hiring is charged with exploring the candidate selection process to make the recommended assessment and to the extent that adverse impact is discovered, the group will conduct reviews to determine whether the selection criteria is job-related. At this time, the working group...is reaching out to DOI’s hiring managers to clarify the skills and experience they require for particular titles in an effort to enhance our job postings. ... The working group will document its progress and findings through its meetings and follow-up communication.” (Response Pg. 3.)

EEPC Response: The agency submitted a memo from the principal EEO Professional to senior staff regarding the agency’s goals to address underutilization, including review and refinement of selection criteria. The EEPC recognizes the agency’s commitment to implement corrective action #3. An assessment of the manner in which candidates are selected for employment will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #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.

Agency Response: *“Consistent with this recommendation, DOI's working group is also exploring additional ways of conducting outreach. In addition to establishing a revised list of diverse academic institutions, we are performing research to determine whether there are academic programs or departments relevant to work at DOI and contacting the chairs of those departments to create guest speaking opportunities where we can, for example, relate a completed DOI investigation, to what the students are learning in those programs (e.g. criminal justice, public policy, relevant certificate programs)...”* (Response Pg. 2 - 3.)

EEPC Response: The agency submitted a memo from the principal EEO Professional to senior staff regarding the agency's goals to address underutilization, including development of relationships with academic institutions to attract and hire persons interested in career opportunities at the agency. The EEPC recognizes the agency's commitment to implement corrective action **#4**. Documentation which demonstrates implementation of corrective action **#4** will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

#### **Corrective Action #5**

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.

Agency Response: *“All DOI EEO investigations take place under the supervision of the principal EEO Professional. Additionally, the vast majority of the EEO investigation interviews are conducted by the EEO Officer, with a Counselor present. Further, as noted in the Preliminary Determination, it is the practice of the EEO Officer to be present should an EEO Counselor conduct an interview... DOI's EEO Counselors... will be scheduled to attend the next available DCAS training, which we are informed will take place in the Fall of 2017.”* (Response Pg. 4.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#5**. Documentation which verifies EEO professionals were trained in EEO laws and procedures will be required during the compliance-monitoring period.

#### **Corrective Action #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.

Agency Response: *“Consistent with this corrective action recommendation, minutes or detailed notes of the meetings will be maintained in the future... In order to maintain the integrity and continuity of the EEO Program, we recognize the need to maintain documentation in a more formal and consistent manner. By way of example, I have provided the meeting minutes for the*

*last EEO Quarterly meeting, which reflects how the EEO Officer will be retaining decision-making information..." (Response Pg. 4.)*

EEPC Response: This corrective action is focused on the agency's maintaining documentation of decisions that impact the administration and operation of the EEO program as a result of meetings and other communications between the agency head and the principal EEO Professional. Documentation which demonstrates implementation of corrective action **#6** will be required during the compliance-monitoring period.

**Corrective Action #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.

Agency Response: *"DOI's evaluation process is still ongoing for the 2016 review period- with staff reminding managers of their obligation to submit the evaluation documentation. Consistent with the recommendation, DOI is poised to implement "Reviewsnap", a web-based performance management software. DOI purchased the software to automate and streamline the Performance Evaluations review process... [and] ensure that the agency timely completes performance reviews for all employees."* (Response Pg. 5.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#7**. Documentation which demonstrates implementation of corrective action **#7** will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.



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

**RESOLUTION #2017/211-032:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Investigation's Employment Practices and Procedures from January 1, 2014 through December 31, 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 EEPCC 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 Investigation's (DOI) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 2, 2017, 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 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). 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. 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.
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. Administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 16, 2017; 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 19, 2017 and indicated that corrective action(s) nos. 1 - 7 require compliance monitoring; and

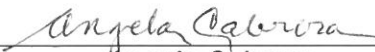
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2017 through December 2017, to determine whether it implemented remaining required corrective actions; and

**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 Mark G. Peters, Commissioner of the Department of Investigation.

Approved unanimously on June 22, 2017.



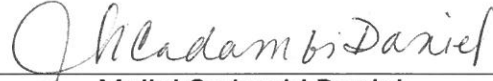
---

Angela Cabrera  
Commissioner

Absent

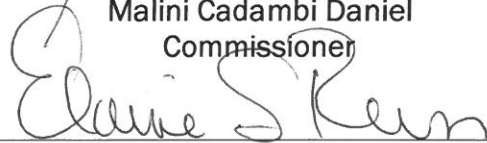
---

Arva Rice  
Commissioner



---

Malini Cadambi Daniel  
Commissioner



---

Elaine S. Reiss, Esq.  
Commissioner



The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

80 MAIDEN LANE  
NEW YORK, NY 10038  
212-825-5900

July 19, 2017

**BY MAIL AND EMAIL**

Charise L. Terry, PHR  
Executive Director  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, New York 10007

**Re:** Response to Final Determination for Audit (Audit Resolution #2017/211-032):  
Review, Evaluation and Monitoring of the NYC Department of Investigation's  
Employment Practices and Procedures from January 1, 2014 to December 31, 2016

Dear Executive Director Terry:

The Department of Investigation (“DOI”) has reviewed the Equal Employment Practices Commission (“EEPC”) Final Determination, dated June 19, 2017 (“Final Determination”). It is our position that DOI’s submission of June 16, 2017 addressed the areas of “partial compliance,”<sup>1</sup> identified in the EEPC Preliminary Determination, dated June 2, 2017, (“Preliminary Determination”) and, therefore, the monitoring period for the implementation of each corrective action below is unnecessary to assure continued compliance. In further support of our June 16, 2017 submission and in the interest of further demonstrating DOI’s commitment to the City’s goal of maintaining effective equal opportunity programs for City employees, and those who seek employment within City government, we provide the following supplemental documents and additional information herein.

---

<sup>1</sup> The areas where DOI has been deemed fully compliant are in the following audit subjects: (a) issuance, distribution and posting of EEO policies; (b) EEO training for the agency; (c) career counseling; (d) EEO and Reasonable Accommodations for employees/applicants with disabilities; and (e) reporting standards established for agency head, including the submission of quarterly reports and an annual EEO and Diversity Plan.

### Corrective Actions #1 and #4- Recruitment Efforts and Outreach & Internships

DOI has determined that there is currently underutilization of Blacks in the *Technicians* job group<sup>2</sup> and, has taken measures to identify whether our efforts adversely impact this group. While we do not believe this to be the case, our Outreach and Hiring working group continues to assess every part of our hiring and employment process, including recruitment, outreach and intern development, and candidate selection. Part of this assessment will continue to include the quarterly examination of the Citywide Equal Employment Database System (“CEEDS”) data and our internal records to stay abreast of any adverse impact to any particular group.

We have continued our research to find diverse schools and alternative organizations with which we may post job openings, visit as part of information sessions, and provide course presentations under relevant programs (e.g., criminal justice, public policy, relevant certificate programs) within such schools and organizations. Please see our updated organization and academic institution research, attached as Exhibit 1. We have continued to circulate our postings to these and other organizations. Documents demonstrating our efforts, both past and present, are attached as Exhibit 2. And as the academic year approaches, DOI will contact the Chairs of those departments to create guest speaking opportunities where we can.

DOI also has a robust internship program from which we have drawn applicants for full time positions. We hire a diverse pool of interns for the Fall Semester, Spring Semester and over the course of the Summer session. Interns are evaluated during the course of their internships to determine which interns should be encouraged to apply for future intern or full time positions at DOI. DOI’s Summer 2017 intern agency announcement and the intern evaluation form are attached as Exhibit 3. Of our thirty-seven Summer interns, 27 are women and 16 self-identified under minority categories (American Indian, Asian, Black, Hispanic, and of Two or More Races). We have also continued to communicate with schools regarding their fall internship programs and upcoming career fairs, attached here as Exhibit 4.

In order to adequately assess whether these measures are having some impact, we have discussed ways to document how candidates hear about DOI’s Job Vacancy Notices (“JVNs”). We are considering the following options: (1) requesting that NYCAPS add minority/women organizations as a source type in their dropdown menu; (2) adding a note to the JVNs encouraging applicants to indicate how they heard about the posting as part of their application; and (3) requiring hiring managers to ask the question at the time a candidate is initially interviewed.

---

<sup>2</sup> According to the City’s CEEDS Reports: *Work Force Compared with Internal and External Pools*, the Preliminary Determination notes that there was underutilization of “Blacks (for every quarter since 1st quarter FY 2016, except for 2nd quarter FY 2016) in the *Technicians* job group.” The *Technicians* job group consists of Confidential Investigators and Special Investigators. However, we note, once again, that during that time, DOI increased its Black investigator hires, reducing the underutilization.

The EEPD has acknowledged that underutilization in the *Administrators* job group (includes Commissioner, Deputy Commissioner, and Inspector General titles) during the review period was eliminated by FY2017.

### Corrective Action # 3 Candidate Selection Process

As part of addressing the current underutilization, we reviewed our 2017 JVN<sup>3</sup> to determine whether DOI has listed ‘non job-related selection criteria’ under the Preferred Qualifications. We found that, although some criteria could be clarified, the listed criteria are job-related. Since our Qualification Requirements are general, allowing for a combination of education and experience, the Preferred Qualifications provide the most useful information and are often reviewed and amended by the hiring managers. The hiring managers have primarily focused on subject-matter knowledge (e.g., “familiarity with the E-discovery platform”, “knowledge of the construction industry”, “prior work experience in the following fields: investigation, security, law enforcement”), and more general qualities (e.g., the “ability to create solutions,” “flexibility to meet challenging organizational needs”, the “capability for relationship building with strong interpersonal skills”). The preferred knowledge criteria was found to be directly related to the work of the unit (i.e., having a preference for someone with experience with the construction industry where DOI is investigating Department of Buildings Construction Code violations), or the level of responsibility required for the position (e.g., an Inspector General having experience “managing complex investigations”).

Based on the above-referenced review, DOI has completed the corrective action relating to job criteria. These criteria are related to the position sought and are therefore neutral- without the potential to cause a discriminatory impact. However, as part of DOI’s efforts to eliminate unconscious bias and the unintentional narrowing of our candidate pool’s diversity, DOI, through the Associate Commissioner of Training and Outreach, will be interviewing its hiring managers to clarify the more general qualities they have listed as criteria and create a more concise and uniform list of the skills and experience necessary for particular titles. This will allow us to improve our postings and clearly justify varying Preferred Qualifications for the same title. We have also had preliminary conversations about creating a more robust list of standard interview questions for the Confidential Investigator and Special Investigator titles in particular. On June 13, 2017, DOI’s Equal Employment Opportunity (“EEO”) Officer and Director of Human Resources attended the Department of Citywide Administrative Services (“DCAS”) course, *Structured Interviewing and Unconscious Bias*, and will apply the knowledge they obtained to assist in this effort. Their Certificates of Completion are attached as Exhibit 6.

---

<sup>3</sup> The 69 JVN<sup>s</sup> we reviewed include postings for Inspector General, Deputy Inspector General, Special Investigator, Confidential Investigator, Computer Systems Manager, Auditor, Examining Attorney, Clerical Associate and Community Associate. The majority of the JVN<sup>s</sup> are for Confidential Investigator (27) and Special Investigator (12) positions (falling under the CEEDS *Technicians* job group). A sampling of the JVN<sup>s</sup> are attached as Exhibit 5.

### Corrective Action #2- Review of EEO Complaints

DOI has represented that a review of the CEEDS indicates that there were ten complaints made during the review period, only one of which concerned hiring and promotion.<sup>4</sup> Therefore, an analysis of the complaints' impact on the hiring process was not merited at that time. However, recognizing that such an analysis may be warranted in the future, an annual meeting examining closed internal complaints and external complaints by calendar year, has been scheduled for January 4, 2018 for the review of our 2017 complaints. The meeting attendees are the General Counsel, EEO Officer, and HR Director. I have attached the meeting invitation as Exhibit 7.

Additionally, for the purposes of this exercise, in our July 24, 2017 Quarterly Meeting, this statistical information – i.e., the 2014 through 2016 complaints – will be examined in order to identify whether there were barriers to equal opportunity within the agency. The Quarterly Meetings include the General Counsel, the EEO Officer and the HR Director. A placeholder regarding the annual review of complaints will be maintained on the Quarterly Meeting Agenda and any trends observed at the time of the quarterly meeting will also be discussed. I have attached a sample meeting agenda as Exhibit 8.

### Corrective Action #5- EEO Counselor Training

In order to demonstrate that all EEO professionals are “trained in EEO laws and procedures and knew how to carry out their responsibilities under the EEO Policy,” the EEO Professionals will be scheduled for training, likely DCAS's *Diversity and Equal Employment Opportunity Basic Training for EEO Professionals*, in the Fall.<sup>5</sup> Attendees will include Alan Lefkof, for whom we have been unable to locate EEO training documentation, and any other EEO Professional appointed in the interim.

### Corrective Action #6- Maintenance of Documentation

DOI will maintain minutes or detailed notes of the meetings in the future, as articulated in our response to the Preliminary Determination. As we have previously noted, there are issues DOI has discussed internally which could not be reflected in your findings due to the absence of record keeping during the review period. In order to maintain the integrity and continuity of the

---

<sup>4</sup> In that case, the complainant filed with the EEOC, which subsequently determined that there was insufficient information to conclude that a violation of the statutes occurred. That being said, the nature of the allegation would be noted for the purposes of an internal discussion.

<sup>5</sup> In the interest of completing this training as soon as possible, DOI also considered the EEO Professionals Certificate courses offered through Cornell University's ILR School. However, those courses did not present a timesaving opportunity since they also take place in the Fall.

Additionally, please note that although the EEO professional may not possess a certificate, the EEO Officer does train the EEO professional upon his or her appointment using the material DCAS provided as part of the *Diversity and Equal Employment Opportunity Basic training for EEO Professionals*, 5 day course.

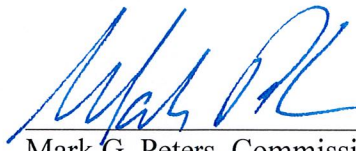
EEO Program, we recognize the need to maintain documentation in a more formal and consistent manner.

Corrective Action #7- Administration of Performance Evaluations (Responsibility for EEO implementations- supervisors/mangers)

As articulated in DOI's response to the Preliminary Determination, in order to ensure that DOI's employees receive evaluations during the period of review, DOI is in the process of implementing "Reviewsnap", a web-based performance management software. This will ensure that the agency timely completes performance reviews for all employees. I have attached as Exhibit 9 additional information regarding Reviewsnap.

DOI once again thanks you and your staff for your professionalism during the course of this audit. Should you have any questions, please feel free to contact me directly.

Respectfully submitted,



Mark G. Peters, Commissioner

**CC:** Lesley Brovner, 1<sup>st</sup> Deputy Commissioner  
Ganesh Ramratan, Deputy Commissioner, Operations  
Michael B. Siller, Deputy Commissioner and General Counsel  
William Jorgenson, Associate Commissioner for Training and Outreach  
Shayvonne Nathaniel, Director, Human Resources  
Chantal Senatus, Deputy General Counsel and EEO Officer  
William Peterson, EEPC EEO Program Analyst

attachments






The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

80 MAIDEN LANE  
NEW YORK, NY 10038

**MEMORANDUM**

**TO:** DOI STAFF

**FROM:** Mark G. Peters, Commissioner 

**DATE:** December 20, 2017

**SUBJECT:** Equal Employment Practices Commission Audit

---

The New York City Equal Employment Practices Commission ("EEPC"), pursuant to the NYC Charter, has the authority to monitor and evaluate the employment programs, practices, policies and procedures of all city agencies and performs audits of all agencies every three to four years.

The EEPC recently completed an audit of Department of Investigation ("DOI")'s compliance with the City's Equal Employment Opportunity Program between January 1, 2014 and December 31, 2016 and I am pleased to report that DOI was found to be in overall compliance during that period. Promoting the idea of equal opportunity for employees has been a goal during this DOI administration and I am proud of the DOI staff for all of the efforts that have been made to ensure full compliance with both the letter and the spirit of the law.

The EEPC listed only a few recommendations, all of which have been implemented during the six month audit period following the EEPC's initial review. Specifically:

- Assessing the manner in which candidates are selected for employment to determine whether there is an adverse impact on any particular protected group and, where such impact is found, evaluating and improving our selection criteria and recruitment efforts;
- Continuing to annually review statistical information, including EEO complaints, to identify potential barriers to equal opportunity within the agency;
- Ensuring that all EEO Staff attend the appropriate training to ensure that they understand their responsibilities under the EEO Policy;

- Maintaining documentation of meetings with the agency head where operational decisions impacting the EEO office are made; and
- Administering a robust annual managerial/non-managerial performance evaluation program.

I reaffirm DOI's commitment to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy and our commitment to maintaining fair employment practices for all employees and applicants.

I encourage all employees to access the resources available within the Department, including through our intranet, and to address any EEO related concerns you may have to Chantal Senatus, Deputy General Counsel and EEO Officer, at 212-825-5928 or [csestatus@doi.nyc.gov](mailto:csestatus@doi.nyc.gov).

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

**RESOLUTION #2017/216-032-C34:** Determination of **Compliance** (Monitoring Period Required) by the Department of Investigation 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, 2014 to December 31, 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 and analysis of the Department of Investigation's (DOI) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 2, 2017, 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 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). 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. 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.
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. Administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

**Whereas**, the DOI submitted its response to the EEPC's Preliminary Determination letter, on June 16, 2017; 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 19, 2017 which indicated that corrective action nos. 1 - 7 required compliance monitoring; and

**Whereas**, the DOI submitted its response to the EEPC's Final Determination letter, on July 19, 2017; 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 corrective actions from July 2017 - December 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 DOI submitted a copy of the agency head's memorandum to staff dated December 20, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated 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,

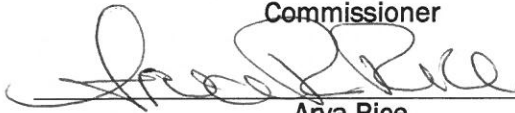
**Be It Resolved**, that the Department of Investigation has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission approves issuance of this Determination of Compliance to Commissioner Mark G. Peters of the Department of Investigation.

Approved unanimously on December 21, 2017.



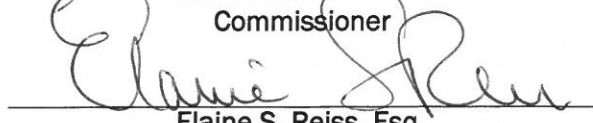
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

BY MAIL AND EMAIL

December 21, 2017

Mark G. Peters  
Commissioner  
NYC Department of Investigation  
80 Maiden Lane 16th Floor  
New York, NY 10038

Re: Resolution #2017/216-032-C34: Determination of Agency Compliance

Dear Commissioner Peters:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Department of Investigation. This Commission has determined that the Department of Investigation has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Principal EEO Professional Chantal N. Senatus for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Elaine S. Reiss". The signature is written in a cursive style.

Elaine S. Reiss, Esq.  
Commissioner

c: Chantal N. Senatus, Principal EEO Professional, Department of Investigation

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

*This*

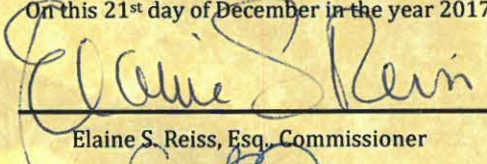
# *Determination of Compliance*

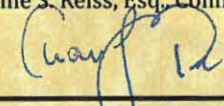
*is issued to*

## Department of Investigation

*for successfully implementing 7 of 7 required corrective actions pursuant to the Equal Employment Practices Commission's  
Employment Practices and Procedures Audit From January 1, 2014 to this date.*

On this 21<sup>st</sup> day of December in the year 2017,

  
Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Commissioner Mark G. Peters, and  
Principal EEO Professional Chantal N. Senatus.*