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BY MAIL AND EMAIL

June 5, 2017

Fidel F. Del Valle
Commissioner/ Chief Judge
Office of Administrative Trials and Hearings
100 Church Street, 12th Floor
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Employment Practices and Procedures of the Office of Administrative Trials and Hearings for the period July 1, 2014 to December 31, 2016.

Dear Commissioner Del Valle:

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 July 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 Office of Administrative Trials and Hearings, 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*¹ 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

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



return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Office of Administrative Trials and Hearings (OATH) was created in 1979 by mayoral executive order and established as a charter agency in 1988. OATH is the City's independent administrative law court and is authorized to conduct adjudicatory hearings for all agencies of the City. The Mayor appoints the Chief Administrative Law Judge. Administrative Law Judges are appointed by the Chief Administrative Law Judge to five-year terms. Administrative Law Judges (ALJ) preside over the proceedings at OATH's Trials Division.

OATH has instituted rule changes and procedural changes in the City's effort to streamline the administrative justice process to make it more equal and fair to New Yorkers who receive summonses. By consolidating the previously separate divisions that oversaw Environmental Control Board Hearings, Taxi and Vehicle for Hire Hearings, and Health Hearings into one Hearings Division, the City is making the hearing process easier to understand and navigate. All summonses are now subject to the same hearing procedures, rules and deadlines, regardless of what City enforcement agency issues the summons.

(Source <http://a856-gbol.nyc.gov/GBOLWebsite/GreenBook/Details?orgId=2920>)

At the end of the audit period, the agency's total workforce was 589. The agency reported that it has a large part-time workforce (which consists of approximately 300 part-time lawyers who serve as hearing officers). (A summary of the agency's workforce composition is included as **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.
- ✓ The Commissioner issued an EEO policy statement annually (in July 2014, October 2015, and August 2016). The Commissioner's August 2016 EEO policy statement conveyed, consistent with the others, "OATH is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the Citywide EEO Policy and by encouraging a work environment that is inclusive and values, respects, and appreciates differences among employees." The statement further asserted that "[t]he Policy provides that

all employment decisions be made on the basis of equal opportunity. Persons are not to be discriminated against based on their actual or perceived age, race, religion, creed, color, national origin, gender, gender identity (which refers to a person's actual or perceived sex), disability, marital status, military status, prior record of arrest or conviction, partnership status, caregiver status, sexual orientation, alienage or citizenship status, genetic information or predisposing genetic characteristics, status as a victim of or witness to domestic violence, status as a victim of or witness to sexual offenses or stalking, unemployment status or consumer credit history.” The names and contact information for the agency’s EEO professionals were distributed to employees annually via email along with the EEO policy statement.

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.
- ✓ The agency distributed to all employees via email the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, the *2016 Addendum to the EEO Policy*, and the EEO policy handbook *About EEO: What You May Not Know*. The EEO Policy included sections on Sexual Harassment, Requests for Reasonable Accommodations, and Discrimination Complaint Investigations. The EEO policy also has links to the City’s *Reasonable Accommodation Procedural Guidelines* and *EEO Complaint Procedural Guidelines*, as well as contact information for the federal, state and local agencies that enforce laws against discrimination. The *2016 Addendum to the EEO Policy*, included an up-to-date list of protected classes under NYC and NYS Human Rights Laws “[t]he City of New York is an equal opportunity employer and prohibits discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including “gender identity” – which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status, and consumer credit history.” The names and contact information for the agency’s EEO professionals were distributed to employees annually via email along with the EEO policy statement.

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.
- ✓ During the period in review, the agency established and implemented an EEO training plan for employees. The principal EEO Professional informed employees via emails of upcoming mandatory EEO training and registration information. During 2016, the agency's training log indicated that 492 employees (83% of the workforce) completed the *Equal Employment Opportunity Computer Based* training, and 430 (78% of the workforce) employees completed the *Diversity & Inclusion* training. Additionally, the agency's Diversity and EEO Plan FY2017 stated, "OATH will attempt to provide diversity and inclusion training throughout the year to all staff."

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.
- ✓ The principal EEO Professional reviewed the agency's CEEDS report on a quarterly basis and identified underutilization of *Hispanics* in the *Lawyers* job group. The agency's list of recruitment sources included various universities, professional organizations, and bar associations such as: *Hispanic Bar Association*, *Dominican Bar Association* and *Puerto Rican Bar Association*.
 - The agency did not demonstrate that it evaluated the effectiveness of its recruitment efforts. In addition, the CEEDS Report: *Work Force Compared with Internal and External Pools* 1st Quarter of FY2015 (the 1st quarter of the audit period), 2nd Quarter of FY2017 (the last quarter of the audit period), and 3rd Quarter of FY2017 (the most recent quarter available) indicated underutilization of *Hispanics* in the *Lawyers* job 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, 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.
- ✓ The principal EEO Professional conducted quarterly reviews of the agency's statistical information as presented in the internal memo reports, entitled *CEEDS Summary* reports. The principal EEO Professional reported the findings to the agency via memo (with a copy to the General Counsel and Human Resources Professional) on the status of the agency's underutilization and suggested targeted recruitment. The principal EEO Professional and HR Professional communicated via emails regarding the agency's training, statistical information and quarterly reports, policy distributions, and recruitment. Additionally, the agency reported that meetings between principal EEO Professional and HR Professional were also held on as needed basis regarding EEO-related inquiries, recruitment, hiring practices and employment decisions. The agency did not identify other barriers to equal opportunity.

NOTE: The agency reported one EEO complaint externally filed during the audit period.

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 assess the manner in which candidates were selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. In addition, the CEEDS Report: *Work Force Compared with Internal and External Pools 1st Quarter of FY2015 (the 1st quarter of the audit period), 2nd Quarter of FY2017 (the last quarter of the audit period), and 3rd Quarter of FY2017 (the most recent quarter available) indicated underutilization of Hispanics in the Lawyers job group. (See Appendices 3–5.) Correction Action Required.*

Corrective Action #2: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

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.

- ✓ During the audit period, the principal EEO Professional conducted quarterly reviews of the agency's statistical information, identified underutilization of Hispanics in the *Lawyers* job group, which included discretionary titles, reported the findings to the agency via memo (with a copy to the General Counsel and Human Resources Professional) and suggested targeted recruitment. The agency advertised in various professional organizations such: *Hispanic Bar Association, Dominican Bar Association* and *Puerto Rican Bar Association*.

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 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 CEEDS reports indicated no underutilization in job groups that included civil service titles. Therefore, no further analysis was conducted.

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 a copy of the *Structured Interviewing and Unconscious Bias* guide was posted on the agency's internal share drive. The Human Resources professional ensured interviews were conducted by a panel and questions were reviewed prior to interviews. Hiring personnel used written pre-determined questions which were prepared for each title.

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 agency used the following methods to communicate internal opportunities for advancement and transfers. To ensure employees were informed of opportunities, the Human Resources department advised employees via email of internal opportunities, civil service examinations and promotional opportunities. Job opportunities were made available to employees via the agency's website. Additionally, the principal EEO Professional informed employees to seek career guidance or information regarding civil service jobs and opportunities from the Human Resources professional.

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.
- ✓ The agency's FY2017 Diversity and Equal Employment Opportunity Plan reported that it has informal mentoring programs and conducted cross-training at all levels. With judicial mentoring, new employees are paired with a senior judge or hearing officer for the first several months of their tenure. The agency further stated that *"Mentoring and cross training is designed to help employees expand and improve their job skills for better public service, but also position employees for possible supervisory and review work. OATH has promoted highly qualified per diem hearing officers who were interested in permanent work to full time managerial or supervisory positions."* The agency's workforce was comprised of 56% lawyers. The agency conducted several in-house training for lawyers that covered the following topics: *Rules of Conduct and Ethical Issues, Mock Hearing, New Judges Training, New Hearing Officers' Training, Courtroom Skills: Judicial Conflict Management and Aikido, Substantive Legal Training, Evidence for Hearing Officers, Best Practices for Meeting the Challenge of the Unrepresented Litigant, Best Practices for Working with Remote Interpreters, and Hearing Observation Debrief.*
 - The agency did not demonstrate that other employees were considered internally for career enhancement, development opportunities and transfer.

Corrective Action #3: Ensure that all 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.

12. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
- ✓ The agency advertised several job vacancies during the period in review, including: *Administrative Contract Specialist, Administrative Staff Analyst, Community Service Aide, College Aide, and Computer Service Technician.* Each job vacancy notice stated, *"OATH and the City of New York are Equal Opportunity Employers."*
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.

- ✓ The agency used NYCAPS e-Hire, which captured the *position, applicants/ candidates' names, identification number, ethnicity, gender, disability status, veteran status, and recruitment source* of each applicant. Applicants who submitted resumes via email were directed to NYCAPS e-Hire. The agency also used the *Applicant Interview Log* to track candidates' information which captured: *Applicant Name, Job Title, Job Vacancy, Interview Date, Interviewed By, Observed Ethnicity, and Decision Regarding Applicant*. The agency reported the Human Resources professional recorded the information.

NOTE: 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.

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 *Assistant Commissioner* (the agency's Human Resources Professional) also served as the agency's Career Counselor. Employees were advised of the name, contact information, and type of guidance available from the Career Counselor via agency-wide emails. The Career Counselor completed the following training conducted by DCAS: *Building an Inclusive Culture: Understanding Unconscious Bias* in February 2016. Additionally, the agency's Career Counselor has educational and professional background in Human Relations and Business, and over 32 years of Human Resources experience. The Career Counselor has professional experience in City government and responsibilities including: providing career counseling to employees upon request, implementing Human Resources policies and procedures, managing agency Human Resources activities which encompass recruitment and selection, classification and compensation, organizational development and training, and labor relations.
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.
- ✓ The Human Resources Professional (also the agency's Career Counselor) was responsible for ensuring employees had access to civil service examinations, job opportunities, job responsibilities and performance evaluation standards. The principal EEO Professional (also the agency's 55-a Coordinator and Disability and ADA Coordinator) was responsible for

ensuring employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures, and for providing employees with information about the 55-a program. The Human Resources Professional informed the principal EEO Professional via emails regarding the 55-a program participants. The principal EEO Professional informed the Human Resources Professional regarding EEO policies and the agency's workforce.

**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 the EEO policy was available in large print and audio formats. The agency received no requests for EEO policies in alternative format during the period in review.

17. Document reasonable accommodation requests and their outcomes.

✓ Reasonable accommodation requests were documented via a *Reasonable Accommodation Request* form. Employees were required to submit requests on a written form available in the agency wide electronic folder. The EEO office was responsible for maintaining documentation of reasonable accommodation requests, their outcomes, and maintaining hard copy folder for all requests.

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 agency appointed the *Administrative Law Judge Director*, as the principal EEO Professional in 2011. The principal EEO Professional completed the *Diversity and Equal Employment Opportunity Basic Training* for EEO Professionals in June 2014, conducted by the Department of Citywide Administrative Services (DCAS). Employees were notified via email of the name and contact information of the principal EEO Professional. Additionally, the Principal EEO Professional was experienced in mediation, conflict resolution and negotiation. The principal EEO Professional is knowledgeable in EEO laws as a member of the NYC Bar Association.

NOTE: Subsequent to the audit period on April 3, 2017, the agency appointed a new principal EEO Professional. The principal EEO Professional completed the *Diversity and Equal*

Employment Opportunity Basic Training, five-day training in October and November 2011, *Equal Employment Opportunity Computer Based Training* in September 2015, *Conflict Resolution: Achieving Best Practices* in October 2012, *Training on Effective Complaint Investigations and How to Handle Challenging Situations* in May 2012, *Everybody Matters* in February 2014, *Workplace Realities: Responding to People with Disabilities* in May 2016, *the Structured Interviewing and Unconscious Bias Train-the-Trainer* in October 2015, all conducted by DCAS.

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

✓ During the audit period, in addition to the principal EEO Professional, the agency appointed an EEO Counselor and seven EEO Liaisons (one at each of the agency's seven locations). The EEO Counselor assisted in investigations and intake interviews. The EEO Counselor completed the Diversity & Inclusion training and Equal Employment Opportunity Computer Based Training (EEO CBT) in 2016. The EEO liaisons' responsibilities were to answer EEO-related questions, receive EEO-related inquiries, concerns or potential complaints and relay them to the agency's principal EEO Professional. All seven (7) EEO liaisons completed the Equal Employment Opportunity Computer Based Training (EEO CBT). Five (5) EEO liaisons completed the Diversity & Inclusion training in 2016.

➤ The agency did not demonstrate that the EEO Counselor was trained in EEO laws and procedures and knew how to carry out the responsibilities under the EEO Policy. Corrective Action Required.

Corrective Action #4: 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.

✓ The principal EEO Professional reported directly to the Commissioner in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship was indicated in the agency's organizational chart.

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 the Commissioner held meetings and communicated regarding EEO matters. The principal EEO Professional informed the agency head via email on decisions regarding changes to policies that would be reported

in the Diversity and EEO plan and quarterly reports. Additionally, the principal EEO Professional informed the agency head quarterly via memoranda regarding the agency's workforce and decisions on recruitment efforts. Various EEO meetings were scheduled as indicated by the meeting calendar invites. The meeting agenda included topics and status updates on the Citywide EEO policy, compliance, CEEDS reports, complaints, reasonable accommodation, workforce conflict, mediation program updates.

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

Determination: The agency is in 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 agency established and administered an annual managerial/non-managerial performance evaluation program. The agency maintained an *Evaluation Summary* log of the completed evaluations demonstrating that performance evaluations were conducted for 2014 and 2015. The log included employee's *last name, first name, title description, managerial status, date received, and comments*. All employees were asked to sign off on their tasks and standards upon hire, and sign off on their completed performance evaluations annually.
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 the following rating for EEO: *"Maintains a non-discriminatory work environment. Consults with the EEO Officer for guidance and/or assistance in handling EEO related issues. Promptly reports alleged discrimination to the EEO Officer and documents EEO related incidents in a timely manner. Supports agency's EEO policies and cooperates with the investigation and resolution of EEO complaints."*

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

24. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.
- ✓ The agency submitted to the EEPC Annual Plans for each year of the audit period in review, as well as quarterly reports on efforts to implement the plans.

²Submission 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 4 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.



**Equal Employment
Practices Commission**

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,

Elona Shehu, EEO Program Analyst

Approved by,

for

Charise L. Terry, PHR
Executive Director

c: Hon. Raymond E. Kramer, Principal EEO Professional

Appendix - 1

NYC Office of Administrative Trials and Hearings

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

NYC Office of Administrative Trials and Hearings

Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

RUN DATE: 01/04/17
 RUN TIME: 13:22:22.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY

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QUARTER 2 YEAR 2017 AGENCY 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 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			
94350	MEMBER OF THE ENVIRONMENTA	1	1	0	1	0	0	0	0	0	0	0	0	1	0	4
EEO JOB GROUP TOTAL.....:		25.00	25.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	100.00

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 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			
10001	ADMINISTRATIVE ACCOUNTANT	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
1002F	ADMINISTRATIVE COMMUNITY R	0	2	1	0	0	0	0	1	0	0	0	0	0	0	4
10022	ADMINISTRATIVE COMMUNITY R	0	0	0	0	0	0	0	1	1	0	0	0	0	2	
10026	ADMINISTRATIVE STAFF ANALY	1	0	0	0	0	0	2	0	0	0	0	0	0	3	
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	0	1	0	0	0	0	1	
10037	ADMINISTRATIVE SPACE ANALY	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
10050	COMPUTER SYSTEMS MANAGER	2	0	1	1	0	0	0	0	1	0	0	0	0	5	
82950	AGENCY CHIEF CONTRACTING O	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
95005	EXECUTIVE AGENCY COUNSEL	6	1	1	0	0	0	11	2	0	2	0	0	0	23	
EEO JOB GROUP TOTAL.....:		24.37	9.76	7.32	4.88	0.00	0.00	31.71	9.76	7.32	4.88	0.00	0.00	0.00	41	

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 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	1	0	0	0	0	0	0	0	1	0	0	0	0	2
1002C	ADMINISTRATIVE MANAGER NON	0	2	0	0	0	0	1	10	0	0	0	0	0	13
1002D	ADMINISTRATIVE STAFF ANALY	1	0	0	0	0	0	0	1	0	0	0	0	0	2
12158	PROCUREMENT ANALYST	0	1	0	0	0	0	0	1	0	0	0	0	0	2
12626	STAFF ANALYST	1	1	0	1	0	0	0	1	0	0	0	0	0	4
12627	ASSOCIATE STAFF ANALYST	0	0	0	0	0	0	0	2	0	0	0	0	0	2
8297A	ADMINISTRATIVE PROCUREMENT	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		15.38	15.38	0.00	3.85	0.00	0.00	3.85	57.69	3.85	0.00	0.00	0.00	0.00	26

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

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		

RUN DATE: 01/04/17
 RUN TIME: 13:22:22.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY

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QUARTER 2 YEAR 2017 AGENCY 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)

13621	COMPUTER ASSOCIATE (OPERAT	0	1	0	0	0	0	0	0	0	1	0	0	0	2
13631	COMPUTER ASSOCIATE (SOFTWA	0	1	0	1	0	0	0	0	0	0	0	0	0	2
13632	COMPUTER SPECIALIST (SOFTW	1	0	0	0	0	0	1	0	0	2	0	0	0	4
13643	CERTIFIED IT DEVELOPER (AP	0	0	0	1	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	2	0	2	0	0	1	0	0	3	0	0	0	9
		11.12	22.22	0.00	22.22	0.00	0.00	11.11	0.00	0.00	33.33	0.00	0.00	0.00	100.00

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 008 LAWYERS

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			
30085	*ATTORNEY AT LAW	0	0	0	0	0	0	3	0	0	0	0	0	0	0	3
30086	AGENCY ATTORNEY INTERNE	2	0	0	0	0	0	0	0	1	0	0	0	0	0	3
30087	AGENCY ATTORNEY	9	0	0	2	0	0	9	1	1	2	0	0	0	0	24
30181	ADMINISTRATIVE LAW JUDGE	4	0	1	0	0	0	4	2	0	0	0	0	0	0	11
30189	CHIEF ADMINISTRATIVE LAW J	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
95937	HEARING OFFICER (PER SESSI	100	8	8	9	0	1	120	30	5	7	0	1	0	0	289
EEO JOB GROUP TOTAL.....:		115	8	10	11	0	1	136	33	7	9	0	1	0	0	331
		34.75	2.42	3.02	3.32	0.00	0.30	41.09	9.97	2.11	2.72	0.00	0.30	0.00	100.00	

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 010 TECHNICIANS

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			
13615	COMPUTER SERVICE TECHNICIA	1	0	0	2	0	0	0	0	0	0	0	0	0	0	3
13616	SUPERVISING COMPUTER SERVI	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	2	0	0	0	1	0	0	0	0	0	0	4
		25.00	0.00	0.00	50.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

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			
10124	PRINCIPAL ADMINISTRATIVE A	0	2	0	0	0	0	1	6	2	0	0	0	0	0	11
EEO JOB GROUP TOTAL.....:		0	2	0	0	0	0	1	6	2	0	0	0	0	0	11
		0.00	18.18	0.00	0.00	0.00	0.00	9.09	54.55	18.18	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 013 CLERICAL

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		

RUN DATE: 01/04/17
 RUN TIME: 13:22:22.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY

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QUARTER 2 YEAR 2017 AGENCY 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)

10250	CLERICAL AIDE	1	0	0	0	0	0	0	1	0	0	0	0	0	2
10251	CLERICAL ASSOCIATE	2	6	1	1	0	0	1	17	6	1	0	0	0	35
10252	SECRETARY	0	0	0	1	0	0	0	1	0	0	0	0	0	2
12800	CONFIDENTIAL SECRETARY OF	0	0	0	0	0	0	0	2	0	0	0	0	0	2
40526	BOOKKEEPER	1	0	0	1	0	0	0	0	0	0	0	0	0	2
60215	PUBLIC RECORDS AIDE	0	1	0	0	0	0	0	6	1	0	0	0	0	8
EEO JOB GROUP TOTAL.....:		4	7	1	3	0	0	1	27	7	1	0	0	0	51
		7.84	13.73	1.96	5.88	0.00	0.00	1.96	52.94	13.73	1.96	0.00	0.00	0.00	100.00

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 025 CRAFT

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		
90698	MAINTENANCE WORKER	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	0	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 028 LABORERS

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		
90702	CITY LABORER	0	1	0	1	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	1	0	1	0	0	0	0	0	0	0	0	0	2
		0.00	50.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

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		
1020B	COLLEGE AIDE - ASSIGNMENT	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10209	COLLEGE AIDE	0	1	0	0	0	0	0	3	1	0	0	1	0	6
52406	COMMUNITY SERVICE AIDE	0	6	1	2	0	0	4	13	8	1	1	2	0	38
56056	COMMUNITY ASSISTANT	0	3	0	0	0	0	1	8	1	1	0	1	0	15
56057	COMMUNITY ASSOCIATE	2	6	3	0	0	0	2	13	6	1	0	0	0	33
56058	COMMUNITY COORDINATOR	2	1	1	1	0	0	3	4	1	2	0	1	0	16
EEO JOB GROUP TOTAL.....:		5	17	5	3	0	0	10	41	17	5	1	5	0	109
		4.58	15.60	4.59	2.75	0.00	0.00	9.17	37.61	15.60	4.59	0.92	4.59	0.00	100.00

RUN DATE: 01/04/17
RUN TIME: 13:22:22.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2017 AGENCY 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)

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AGENCY TOTAL.....:	141	46	19	26	0	1	163	128	37	20	1	7	0	589
	23.94	7.81	3.23	4.41	0.00	0.17	27.67	21.73	6.28	3.40	0.17	1.19	0.00	100.00

Appendix - 3

NYC Office of Administrative Trials and Hearings

Workforce Compared with Internal and External Pools
1st Quarter of Fiscal Year 2015

RUN DATE: 10/03/14
 RUN TIME: 7:50:42
 FY2015 Q1

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: 482
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/14
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 JOB GROUP: 001 ADMINISTRATORS

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	4	2	6	.5092	3.06	0.94	0.77	0.220	N - N<=8
ETH	BLACK	1	5	6	.1745	1.05	-0.05	-0.05	0.480	N - N<=8
ETH	HISPANIC	0	6	6	.1543	0.93	-0.93	-1.05	0.148	N - N<=8
ETH	ASIAN / PAC ISL	0	6	6	.1123	0.67	-0.67	-0.87	0.192	N - N<=8
ETH	NATIVE AMERICAN	0	6	6	.0068	0.04	-0.04	-0.20	0.420	N - N<=8
ETH	ETH UNKNOWN	1	5	6	.0247	0.15	0.85	2.24	0.013	N - N<=8
GEN	MALE	3	3	6	.5906	3.54	-0.54	-0.45	0.326	N - N<=8
GEN	FEMALE	3	3	6	.3841	2.30	0.70	0.58	0.280	N - N<=8
GEN	GENDER UNKNOWN	0	6	6	.0046	0.03	-0.03	-0.17	0.434	N - N<=8

RUN DATE: 10/03/14
 RUN TIME: 7:50:42
 FY2015 Q1

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: 483
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/14

AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 002 MANAGERS

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	17	15	32	.5133	16.43	0.57	0.20	0.420	
ETH	BLACK	6	26	32	.1889	6.04	-0.04	-0.02	0.492	
ETH	HISPANIC	4	28	32	.1297	4.15	-0.15	-0.08	0.468	
ETH	ASIAN / PAC ISL	5	27	32	.1017	3.25	1.75	1.02	0.154	
ETH	NATIVE AMERICAN	0	32	32	.0018	0.06	-0.06	-0.24	0.405	N-05%RUL
ETH	ETH UNKNOWN	0	32	32	.0402	1.29	-1.29	-1.16	0.123	N-05%RUL
GEN	MALE	14	18	32	.5345	17.10	-3.10	-1.10	0.136	
GEN	FEMALE	18	14	32	.4206	13.46	4.54	1.63	0.052	
GEN	GENDER UNKNOWN	0	32	32	.0197	0.63	-0.63	-0.80	0.211	N-05%RUL

RUN DATE: 10/03/14
 RUN TIME: 7:50:42
 FY2015 Q1

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: 484
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/14

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 003 MNGMNT SPECS 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	8	27	35	.4094	14.33	-6.33	-2.18	0.015	U
ETH	BLACK	21	14	35	.2958	10.35	10.65	3.94	<.01	O
ETH	HISPANIC	3	32	35	.1295	4.53	-1.53	-0.77	0.220	N-05%RUL
ETH	ASIAN / PAC ISL	3	32	35	.1301	4.55	-1.55	-0.78	0.218	N-05%RUL
ETH	NATIVE AMERICAN	0	35	35	.0022	0.08	-0.08	-0.28	0.391	N-05%RUL
ETH	ETH UNKNOWN	0	35	35	.0207	0.72	-0.72	-0.86	0.195	N-05%RUL
GEN	MALE	12	23	35	.5718	20.01	-8.01	-2.74	<.01	U
GEN	FEMALE	23	12	35	.4032	14.11	8.89	3.06	<.01	O
GEN	GENDER UNKNOWN	0	35	35	.0126	0.44	-0.44	-0.67	0.252	N-05%RUL

RUN DATE: 10/03/14
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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: 485
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/14

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 004 SCIENCE PROFNS 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	3	7	10	.4568	4.57	-1.57	-1.00	0.160	U-80%RUL
ETH	BLACK	2	8	10	.1762	1.76	0.24	0.20	0.422	
ETH	HISPANIC	0	10	10	.1023	1.02	-1.02	-1.07	0.143	U-80%RUL
ETH	ASIAN / PAC ISL	5	5	10	.2258	2.26	2.74	2.07	0.019	O
ETH	NATIVE AMERICAN	0	10	10	.0024	0.02	-0.02	-0.16	0.438	N-05%RUL
ETH	ETH UNKNOWN	0	10	10	.0315	0.32	-0.32	-0.57	0.284	N-05%RUL
GEN	MALE	6	4	10	.6586	6.59	-0.59	-0.39	0.348	
GEN	FEMALE	4	6	10	.3131	3.13	0.87	0.59	0.277	
GEN	GENDER UNKNOWN	0	10	10	.0201	0.20	-0.20	-0.45	0.325	N-05%RUL

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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: 486
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AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 008 LAWYERS

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	247	76	323	.5889	190.21	56.79	6.42	<.01	O
ETH	BLACK	42	281	323	.1310	42.31	-0.31	-0.05	0.479	
ETH	HISPANIC	12	311	323	.1020	32.95	-20.9	-3.85	<.01	U
ETH	ASIAN / PAC ISL	21	302	323	.0721	23.29	-2.29	-0.49	0.311	
ETH	NATIVE AMERICAN	0	323	323	.0011	0.36	-0.36	-0.60	0.275	N-05%RUL
ETH	ETH UNKNOWN	1	322	323	.0200	6.46	-5.46	-2.17	0.015	N-05%RUL
GEN	MALE	135	188	323	.4396	141.99	-6.99	-0.78	0.217	
GEN	FEMALE	188	135	323	.4738	153.04	34.96	3.90	<.01	O
GEN	GENDER UNKNOWN	0	323	323	.0010	0.32	-0.32	-0.57	0.285	N-05%RUL

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NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 010 TECHNICIANS 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	1	3	4	.3514	1.41	-0.41	-0.42	0.335	N - N<=8
ETH	BLACK	3	1	4	.3293	1.32	1.68	1.79	0.037	N - N<=8
ETH	HISPANIC	0	4	4	.1923	0.77	-0.77	-0.98	0.165	N - N<=8
ETH	ASIAN / PAC ISL	0	4	4	.1005	0.40	-0.40	-0.67	0.252	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0027	0.01	-0.01	-0.10	0.459	N - N<=8
ETH	ETH UNKNOWN	0	4	4	.0182	0.07	-0.07	-0.27	0.393	N - N<=8
GEN	MALE	3	1	4	.6181	2.47	0.53	0.54	0.294	N - N<=8
GEN	FEMALE	1	3	4	.3662	1.46	-0.46	-0.48	0.315	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0098	0.04	-0.04	-0.20	0.421	N - N<=8

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 012 CLERICAL SUPS 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	2	10	12	.2238	2.69	-0.69	-0.47	0.317	U-80%RUL
ETH	BLACK	8	4	12	.5619	6.74	1.26	0.73	0.232	
ETH	HISPANIC	2	10	12	.1348	1.62	0.38	0.32	0.373	
ETH	ASIAN / PAC ISL	0	12	12	.0511	0.61	-0.61	-0.80	0.211	U-80%RUL
ETH	NATIVE AMERICAN	0	12	12	.0038	0.05	-0.05	-0.21	0.415	N-05%RUL
ETH	ETH UNKNOWN	0	12	12	.0245	0.29	-0.29	-0.55	0.292	N-05%RUL
GEN	MALE	3	9	12	.2093	2.51	0.49	0.35	0.364	
GEN	FEMALE	9	3	12	.7769	9.32	-0.32	-0.22	0.411	
GEN	GENDER UNKNOWN	0	12	12	.0138	0.17	-0.17	-0.41	0.341	N-05%RUL

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 013 CLERICAL 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	5	57	62	.1867	11.58	-6.58	-2.14	0.016	U
ETH	BLACK	39	23	62	.5347	33.15	5.85	1.49	0.068	
ETH	HISPANIC	13	49	62	.1509	9.36	3.64	1.29	0.098	
ETH	ASIAN / PAC ISL	5	57	62	.0716	4.44	0.56	0.28	0.391	
ETH	NATIVE AMERICAN	0	62	62	.0039	0.24	-0.24	-0.49	0.311	N-05%RUL
ETH	ETH UNKNOWN	0	62	62	.0478	2.96	-2.96	-1.76	0.039	N-05%RUL
GEN	MALE	15	47	62	.2820	17.48	-2.48	-0.70	0.242	
GEN	FEMALE	47	15	62	.6776	42.01	4.99	1.36	0.088	
GEN	GENDER UNKNOWN	0	62	62	.0359	2.23	-2.23	-1.52	0.064	N-05%RUL

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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

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AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 028 LABORERS

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	0	2	2	.2630	0.53	-0.53	-0.84	0.199	N - N<=8
ETH	BLACK	1	1	2	.3027	0.61	0.39	0.61	0.272	N - N<=8
ETH	HISPANIC	0	2	2	.2268	0.45	-0.45	-0.77	0.222	N - N<=8
ETH	ASIAN / PAC ISL	1	1	2	.0821	0.16	0.84	2.15	0.016	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0029	0.01	-0.01	-0.08	0.470	N - N<=8
ETH	ETH UNKNOWN	0	2	2	.0534	0.11	-0.11	-0.34	0.368	N - N<=8
GEN	MALE	2	0	2	.6625	1.33	0.68	1.01	0.156	N - N<=8
GEN	FEMALE	0	2	2	.2356	0.47	-0.47	-0.79	0.216	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0332	0.07	-0.07	-0.26	0.397	N - N<=8

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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: 491
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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 031 PARA PROFESSION 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	12	92	104	.3243	33.73	-21.7	-4.55	<.01	U
ETH	BLACK	53	51	104	.2673	27.80	25.20	5.58	<.01	O
ETH	HISPANIC	28	76	104	.2449	25.47	2.53	0.58	0.282	
ETH	ASIAN / PAC ISL	10	94	104	.0964	10.03	-0.03	-0.01	0.497	
ETH	NATIVE AMERICAN	0	104	104	.0025	0.26	-0.26	-0.51	0.305	N-05%RUL
ETH	ETH UNKNOWN	1	103	104	.0269	2.80	-1.80	-1.09	0.138	N-05%RUL
GEN	MALE	29	75	104	.3798	39.50	-10.5	-2.12	0.017	U
GEN	FEMALE	75	29	104	.5812	60.44	14.56	2.89	<.01	O
GEN	GENDER UNKNOWN	0	104	104	.0011	0.11	-0.11	-0.34	0.368	N-05%RUL

Appendix - 4

NYC Office of Administrative Trials and Hearings

Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2017

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

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 EXTRACT DATE: 12/31/16

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 001 ADMINISTRATORS 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	1	3	4	.5092	2.04	-1.04	-1.04	0.150	N - N<=8
ETH	BLACK	1	3	4	.1745	0.70	0.30	0.40	0.345	N - N<=8
ETH	HISPANIC	0	4	4	.1543	0.62	-0.62	-0.85	0.196	N - N<=8
ETH	ASIAN / PAC ISL	1	3	4	.1123	0.45	0.55	0.87	0.192	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0068	0.03	-0.03	-0.17	0.434	N - N<=8
ETH	ETH UNKNOWN	1	3	4	.0247	0.10	0.90	2.90	<.01	N - N<=8
GEN	MALE	3	1	4	.5906	2.36	0.64	0.65	0.258	N - N<=8
GEN	FEMALE	1	3	4	.3841	1.54	-0.54	-0.55	0.291	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0046	0.02	-0.02	-0.14	0.446	N - N<=8

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: 501
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/16

AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 002 MANAGERS

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	23	18	41	.5133	21.05	1.95	0.61	0.271	
ETH	BLACK	8	33	41	.1889	7.74	0.26	0.10	0.459	
ETH	HISPANIC	6	35	41	.1297	5.32	0.68	0.32	0.376	
ETH	ASIAN / PAC ISL	4	37	41	.1017	4.17	-0.17	-0.09	0.465	
ETH	NATIVE AMERICAN	0	41	41	.0018	0.07	-0.07	-0.27	0.393	N-05%RUL
ETH	ETH UNKNOWN	0	41	41	.0402	1.65	-1.65	-1.31	0.095	N-05%RUL
GEN	MALE	19	22	41	.5345	21.91	-2.91	-0.91	0.181	
GEN	FEMALE	22	19	41	.4206	17.24	4.76	1.50	0.066	
GEN	GENDER UNKNOWN	0	41	41	.0197	0.81	-0.81	-0.91	0.182	N-05%RUL

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

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 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/16

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 003 MNGMNT SPECS 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	5	21	26	.4094	10.64	-5.64	-2.25	0.012	U
ETH	BLACK	19	7	26	.2958	7.69	11.31	4.86	<.01	O
ETH	HISPANIC	1	25	26	.1295	3.37	-2.37	-1.38	0.083	U-80%RUL
ETH	ASIAN / PAC ISL	1	25	26	.1301	3.38	-2.38	-1.39	0.082	U-80%RUL
ETH	NATIVE AMERICAN	0	26	26	.0022	0.06	-0.06	-0.24	0.405	N-05%RUL
ETH	ETH UNKNOWN	0	26	26	.0207	0.54	-0.54	-0.74	0.229	N-05%RUL
GEN	MALE	9	17	26	.5718	14.87	-5.87	-2.33	0.010	U
GEN	FEMALE	17	9	26	.4032	10.48	6.52	2.61	<.01	O
GEN	GENDER UNKNOWN	0	26	26	.0126	0.33	-0.33	-0.58	0.282	N-05%RUL

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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 004 SCIENCE PROFNS 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	2	7	9	.4568	4.11	-2.11	-1.41	0.079	U-80%RUL
ETH	BLACK	2	7	9	.1762	1.59	0.41	0.36	0.359	
ETH	HISPANIC	0	9	9	.1023	0.92	-0.92	-1.01	0.156	U-80%RUL
ETH	ASIAN / PAC ISL	5	4	9	.2258	2.03	2.97	2.37	<.01	O
ETH	NATIVE AMERICAN	0	9	9	.0024	0.02	-0.02	-0.15	0.442	N-05%RUL
ETH	ETH UNKNOWN	0	9	9	.0315	0.28	-0.28	-0.54	0.294	N-05%RUL
GEN	MALE	5	4	9	.6586	5.93	-0.93	-0.65	0.257	
GEN	FEMALE	4	5	9	.3131	2.82	1.18	0.85	0.198	
GEN	GENDER UNKNOWN	0	9	9	.0201	0.18	-0.18	-0.43	0.334	N-05%RUL

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NEW YORK CITY DEPARTMENT OF PERSONNEL
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 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

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 EXTRACT DATE: 12/31/16

AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 008 LAWYERS

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	251	80	331	.5889	194.93	56.07	6.26	<.01	O
ETH	BLACK	41	290	331	.1310	43.36	-2.36	-0.38	0.350	
ETH	HISPANIC	17	314	331	.1020	33.76	-16.8	-3.04	<.01	U
ETH	ASIAN / PAC ISL	20	311	331	.0721	23.87	-3.87	-0.82	0.206	
ETH	NATIVE AMERICAN	0	331	331	.0011	0.36	-0.36	-0.60	0.273	N-05%RUL
ETH	ETH UNKNOWN	2	329	331	.0200	6.62	-4.62	-1.81	0.035	N-05%RUL
GEN	MALE	145	186	331	.4396	145.51	-0.51	-0.06	0.478	
GEN	FEMALE	186	145	331	.4738	156.83	29.17	3.21	<.01	O
GEN	GENDER UNKNOWN	0	331	331	.0010	0.33	-0.33	-0.58	0.282	N-05%RUL

RUN DATE: 01/04/17
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NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 010 TECHNICIANS 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	1	3	4	.3514	1.41	-0.41	-0.42	0.335	N - N<=8
ETH	BLACK	1	3	4	.3293	1.32	-0.32	-0.34	0.368	N - N<=8
ETH	HISPANIC	0	4	4	.1923	0.77	-0.77	-0.98	0.165	N - N<=8
ETH	ASIAN / PAC ISL	2	2	4	.1005	0.40	1.60	2.66	<.01	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0027	0.01	-0.01	-0.10	0.459	N - N<=8
ETH	ETH UNKNOWN	0	4	4	.0182	0.07	-0.07	-0.27	0.393	N - N<=8
GEN	MALE	3	1	4	.6181	2.47	0.53	0.54	0.294	N - N<=8
GEN	FEMALE	1	3	4	.3662	1.46	-0.46	-0.48	0.315	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0098	0.04	-0.04	-0.20	0.421	N - N<=8

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
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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: 506
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/16

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 012 CLERICAL SUPS 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	1	10	11	.2238	2.46	-1.46	-1.06	0.145	U-80%RUL
ETH	BLACK	8	3	11	.5619	6.18	1.82	1.11	0.134	
ETH	HISPANIC	2	9	11	.1348	1.48	0.52	0.46	0.324	
ETH	ASIAN / PAC ISL	0	11	11	.0511	0.56	-0.56	-0.77	0.221	U-80%RUL
ETH	NATIVE AMERICAN	0	11	11	.0038	0.04	-0.04	-0.20	0.419	N-05%RUL
ETH	ETH UNKNOWN	0	11	11	.0245	0.27	-0.27	-0.53	0.300	N-05%RUL
GEN	MALE	2	9	11	.2093	2.30	-0.30	-0.22	0.411	
GEN	FEMALE	9	2	11	.7769	8.55	0.45	0.33	0.371	
GEN	GENDER UNKNOWN	0	11	11	.0138	0.15	-0.15	-0.39	0.347	N-05%RUL

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

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 EXTRACT DATE: 12/31/16

AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 013 CLERICAL

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	5	46	51	.1867	9.52	-4.52	-1.62	0.052	U-80%RUL
ETH	BLACK	34	17	51	.5347	27.27	6.73	1.89	0.029	
ETH	HISPANIC	8	43	51	.1509	7.70	0.30	0.12	0.453	
ETH	ASIAN / PAC ISL	4	47	51	.0716	3.65	0.35	0.19	0.425	
ETH	NATIVE AMERICAN	0	51	51	.0039	0.20	-0.20	-0.45	0.327	N-05%RUL
ETH	ETH UNKNOWN	0	51	51	.0478	2.44	-2.44	-1.60	0.055	N-05%RUL
GEN	MALE	15	36	51	.2820	14.38	0.62	0.19	0.424	
GEN	FEMALE	36	15	51	.6776	34.56	1.44	0.43	0.333	
GEN	GENDER UNKNOWN	0	51	51	.0359	1.83	-1.83	-1.38	0.084	N-05%RUL

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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 025 CRAFT 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	0	1	1	.3705	0.37	-0.37	-0.77	0.221	N - N<=8
ETH	BLACK	1	0	1	.3209	0.32	-0.68	1.45	0.073	N - N<=8
ETH	HISPANIC	0	1	1	.1322	0.13	-0.13	-0.39	0.348	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0686	0.07	-0.07	-0.27	0.393	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0030	0.00	-0.00	-0.05	0.478	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0983	0.10	-0.10	-0.33	0.371	N - N<=8
GEN	MALE	0	1	1	.8102	0.81	-0.81	-2.07	0.019	N - N<=8
GEN	FEMALE	1	0	1	.0986	0.10	0.90	3.02	<.01	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0846	0.08	-0.08	-0.30	0.381	N - N<=8

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 028 LABORERS 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	0	2	2	.2630	0.53	-0.53	-0.84	0.199	N - N<=8
ETH	BLACK	1	1	2	.3027	0.61	0.39	0.61	0.272	N - N<=8
ETH	HISPANIC	0	2	2	.2268	0.45	-0.45	-0.77	0.222	N - N<=8
ETH	ASIAN / PAC ISL	1	1	2	.0821	0.16	0.84	2.15	0.016	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0029	0.01	-0.01	-0.08	0.470	N - N<=8
ETH	ETH UNKNOWN	0	2	2	.0534	0.11	-0.11	-0.34	0.368	N - N<=8
GEN	MALE	2	0	2	.6625	1.33	0.68	1.01	0.156	N - N<=8
GEN	FEMALE	0	2	2	.2356	0.47	-0.47	-0.79	0.216	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0332	0.07	-0.07	-0.26	0.397	N - N<=8

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 031 PARA PROFESSION 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	15	94	109	.3243	35.35	-20.3	-4.16	<.01	U
ETH	BLACK	58	51	109	.2673	29.14	28.86	6.25	<.01	O
ETH	HISPANIC	22	87	109	.2449	26.69	-4.69	-1.05	0.148	
ETH	ASIAN / PAC ISL	8	101	109	.0964	10.51	-2.51	-0.81	0.208	N-05%RUL
ETH	NATIVE AMERICAN	1	108	109	.0025	0.27	0.73	1.40	0.081	
ETH	ETH UNKNOWN	5	104	109	.0269	2.93	2.07	1.22	0.110	
GEN	MALE	30	79	109	.3798	41.40	-11.4	-2.25	0.012	U
GEN	FEMALE	79	30	109	.5812	63.35	15.65	3.04	<.01	O
GEN	GENDER UNKNOWN	0	109	109	.0011	0.12	-0.12	-0.35	0.364	N-05%RUL

Appendix - 5

NYC Office of Administrative Trials and Hearings

Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2017

RUN DATE: 04/04/17
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 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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 001 ADMINISTRATORS 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	1	3	4	.5092	2.04	-1.04	-1.04	0.150	N - N<=8
ETH	BLACK	1	3	4	.1745	0.70	0.30	0.40	0.345	N - N<=8
ETH	HISPANIC	0	4	4	.1543	0.62	-0.62	-0.85	0.196	N - N<=8
ETH	ASIAN / PAC ISL	1	3	4	.1123	0.45	0.55	0.87	0.192	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0068	0.03	-0.03	-0.17	0.434	N - N<=8
ETH	ETH UNKNOWN	1	3	4	.0247	0.10	0.90	2.90	<.01	N - N<=8
GEN	MALE	3	1	4	.5906	2.36	0.64	0.65	0.258	N - N<=8
GEN	FEMALE	1	3	4	.3841	1.54	-0.54	-0.55	0.291	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0046	0.02	-0.02	-0.14	0.446	N - N<=8

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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

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AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 002 MANAGERS

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	23	19	42	.5133	21.56	1.44	0.44	0.328	
ETH	BLACK	9	33	42	.1889	7.93	1.07	0.42	0.337	
ETH	HISPANIC	6	36	42	.1297	5.45	0.55	0.25	0.400	
ETH	ASIAN / PAC ISL	4	38	42	.1017	4.27	-0.27	-0.14	0.445	
ETH	NATIVE AMERICAN	0	42	42	.0018	0.08	-0.08	-0.28	0.392	N-05%RUL
ETH	ETH UNKNOWN	0	42	42	.0402	1.69	-1.69	-1.33	0.092	N-05%RUL
GEN	MALE	21	21	42	.5345	22.45	-1.45	-0.45	0.327	
GEN	FEMALE	21	21	42	.4206	17.67	3.33	1.04	0.149	
GEN	GENDER UNKNOWN	0	42	42	.0197	0.83	-0.83	-0.92	0.179	N-05%RUL

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 003 MNGMNT SPECS 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	4	21	25	.4094	10.24	-6.24	-2.54	<.01	U
ETH	BLACK	19	6	25	.2958	7.40	11.61	5.09	<.01	O
ETH	HISPANIC	1	24	25	.1295	3.24	-2.24	-1.33	0.091	U-80%RUL
ETH	ASIAN / PAC ISL	1	24	25	.1301	3.25	-2.25	-1.34	0.090	U-80%RUL
ETH	NATIVE AMERICAN	0	25	25	.0022	0.06	-0.06	-0.23	0.407	N-05%RUL
ETH	ETH UNKNOWN	0	25	25	.0207	0.52	-0.52	-0.73	0.234	N-05%RUL
GEN	MALE	8	17	25	.5718	14.30	-6.30	-2.54	<.01	U
GEN	FEMALE	17	8	25	.4032	10.08	6.92	2.82	<.01	O
GEN	GENDER UNKNOWN	0	25	25	.0126	0.32	-0.32	-0.56	0.286	N-05%RUL

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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

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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 004 SCIENCE PROFNS 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	2	7	9	.4568	4.11	-2.11	-1.41	0.079	U-80%RUL
ETH	BLACK	2	7	9	.1762	1.59	0.41	0.36	0.359	
ETH	HISPANIC	0	9	9	.1023	0.92	-0.92	-1.01	0.156	U-80%RUL
ETH	ASIAN / PAC ISL	5	4	9	.2258	2.03	2.97	2.37	<.01	O
ETH	NATIVE AMERICAN	0	9	9	.0024	0.02	-0.02	-0.15	0.442	N-05%RUL
ETH	ETH UNKNOWN	0	9	9	.0315	0.28	-0.28	-0.54	0.294	N-05%RUL
GEN	MALE	5	4	9	.6586	5.93	-0.93	-0.65	0.257	
GEN	FEMALE	4	5	9	.3131	2.82	1.18	0.85	0.198	
GEN	GENDER UNKNOWN	0	9	9	.0201	0.18	-0.18	-0.43	0.334	N-05%RUL

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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

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AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 008 LAWYERS

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	265	85	350	.5889	206.12	58.89	6.40	<.01	O
ETH	BLACK	42	308	350	.1310	45.85	-3.85	-0.61	0.271	
ETH	HISPANIC	16	334	350	.1020	35.70	-19.7	-3.48	<.01	U
ETH	ASIAN / PAC ISL	20	330	350	.0721	25.23	-5.23	-1.08	0.140	N-05%RUL
ETH	NATIVE AMERICAN	0	350	350	.0011	0.39	-0.39	-0.62	0.267	N-05%RUL
ETH	ETH UNKNOWN	7	343	350	.0200	7.00	0.00	0.00	0.500	
GEN	MALE	150	200	350	.4396	153.86	-3.86	-0.42	0.339	
GEN	FEMALE	199	151	350	.4738	165.83	33.17	3.55	<.01	O
GEN	GENDER UNKNOWN	1	349	350	.0010	0.35	0.65	1.10	0.136	

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NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 010 TECHNICIANS 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	2	3	5	.3514	1.76	0.24	0.23	0.410	N - N<=8
ETH	BLACK	1	4	5	.3293	1.65	-0.65	-0.62	0.269	N - N<=8
ETH	HISPANIC	0	5	5	.1923	0.96	-0.96	-1.09	0.138	N - N<=8
ETH	ASIAN / PAC ISL	2	3	5	.1005	0.50	1.50	2.23	0.013	N - N<=8
ETH	NATIVE AMERICAN	0	5	5	.0027	0.01	-0.01	-0.12	0.454	N - N<=8
ETH	ETH UNKNOWN	0	5	5	.0182	0.09	-0.09	-0.30	0.380	N - N<=8
GEN	MALE	4	1	5	.6181	3.09	0.91	0.84	0.201	N - N<=8
GEN	FEMALE	1	4	5	.3662	1.83	-0.83	-0.77	0.220	N - N<=8
GEN	GENDER UNKNOWN	0	5	5	.0098	0.05	-0.05	-0.22	0.412	N - N<=8

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NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
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AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 012 CLERICAL SUPS 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	1	10	11	.2238	2.46	-1.46	-1.06	0.145	U-80%RUL
ETH	BLACK	9	2	11	.5619	6.18	2.82	1.71	0.043	
ETH	HISPANIC	1	10	11	.1348	1.48	-0.48	-0.43	0.335	N-05%RUL
ETH	ASIAN / PAC ISL	0	11	11	.0511	0.56	-0.56	-0.77	0.221	U-80%RUL
ETH	NATIVE AMERICAN	0	11	11	.0038	0.04	-0.04	-0.20	0.419	N-05%RUL
ETH	ETH UNKNOWN	0	11	11	.0245	0.27	-0.27	-0.53	0.300	N-05%RUL
GEN	MALE	2	9	11	.2093	2.30	-0.30	-0.22	0.411	
GEN	FEMALE	9	2	11	.7769	8.55	0.45	0.33	0.371	
GEN	GENDER UNKNOWN	0	11	11	.0138	0.15	-0.15	-0.39	0.347	N-05%RUL

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NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
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AGENCY:
 JOB GROUP:

820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR
 013 CLERICAL

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	5	46	51	.1867	9.52	-4.52	-1.62	0.052	U-80%RUL
ETH	BLACK	34	17	51	.5347	27.27	6.73	1.89	0.029	
ETH	HISPANIC	8	43	51	.1509	7.70	0.30	0.12	0.453	
ETH	ASIAN / PAC ISL	4	47	51	.0716	3.65	0.35	0.19	0.425	
ETH	NATIVE AMERICAN	0	51	51	.0039	0.20	-0.20	-0.45	0.327	N-05%RUL
ETH	ETH UNKNOWN	0	51	51	.0478	2.44	-2.44	-1.60	0.055	N-05%RUL
GEN	MALE	14	37	51	.2820	14.38	-0.38	-0.12	0.453	
GEN	FEMALE	37	14	51	.6776	34.56	2.44	0.73	0.232	
GEN	GENDER UNKNOWN	0	51	51	.0359	1.83	-1.83	-1.38	0.084	N-05%RUL

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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: 509
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/17

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 025 CRAFT 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	0	1	1	.3705	0.37	-0.37	-0.77	0.221	N - N<=8
ETH	BLACK	1	0	1	.3209	0.32	-0.68	1.45	0.073	N - N<=8
ETH	HISPANIC	0	1	1	.1322	0.13	-0.13	-0.39	0.348	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0686	0.07	-0.07	-0.27	0.393	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0030	0.00	-0.00	-0.05	0.478	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0983	0.10	-0.10	-0.33	0.371	N - N<=8
GEN	MALE	0	1	1	.8102	0.81	-0.81	-2.07	0.019	N - N<=8
GEN	FEMALE	1	0	1	.0986	0.10	0.90	3.02	<.01	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0846	0.08	-0.08	-0.30	0.381	N - N<=8

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: 510
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/17

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 028 LABORERS 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	1	1	2	.2630	0.53	0.47	0.76	0.223	N - N<=8
ETH	BLACK	1	1	2	.3027	0.61	0.39	0.61	0.272	N - N<=8
ETH	HISPANIC	0	2	2	.2268	0.45	-0.45	-0.77	0.222	N - N<=8
ETH	ASIAN / PAC ISL	0	2	2	.0821	0.16	-0.16	-0.42	0.336	N - N<=8
ETH	NATIVE AMERICAN	0	2	2	.0029	0.01	-0.01	-0.08	0.470	N - N<=8
ETH	ETH UNKNOWN	0	2	2	.0534	0.11	-0.11	-0.34	0.368	N - N<=8
GEN	MALE	2	0	2	.6625	1.33	0.68	1.01	0.156	N - N<=8
GEN	FEMALE	0	2	2	.2356	0.47	-0.47	-0.79	0.216	N - N<=8
GEN	GENDER UNKNOWN	0	2	2	.0332	0.07	-0.07	-0.26	0.397	N - N<=8

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: 511
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/17

AGENCY: 820 OFFICE OF ADMINISTRATIVE TRIALS AND HEAR PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 JOB GROUP: 031 PARA PROFESSION 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	14	97	111	.3243	36.00	-22.0	-4.46	<.01	U
ETH	BLACK	55	56	111	.2673	29.67	25.33	5.43	<.01	O
ETH	HISPANIC	26	85	111	.2449	27.18	-1.18	-0.26	0.397	
ETH	ASIAN / PAC ISL	8	103	111	.0964	10.70	-2.70	-0.87	0.193	N-05%RUL
ETH	NATIVE AMERICAN	1	110	111	.0025	0.28	0.72	1.37	0.085	
ETH	ETH UNKNOWN	7	104	111	.0269	2.99	4.01	2.35	<.01	N-05%RUL
GEN	MALE	29	82	111	.3798	42.16	-13.2	-2.57	<.01	U
GEN	FEMALE	82	29	111	.5812	64.51	17.49	3.36	<.01	O
GEN	GENDER UNKNOWN	0	111	111	.0011	0.12	-0.12	-0.35	0.363	N-05%RUL



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
100 CHURCH STREET 12TH FLOOR • NEW YORK, N. Y. 10007-2620
Tel #: (212) 933-3001 • www.nyc.gov/oath

FIDEL F. DEL VALLE
COMMISSIONER
CHIEF ADMINISTRATIVE LAW JUDGE

June 15, 2017

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

RE: Preliminary Determination Pursuant to the Audit of the Office of Administrative Trials and Hearings (OATH) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2014 to December 31, 2016.

Dear Ms. Terry,

Pursuant to Chapter 36 of the New York City Charter and the preliminary determinations relating to the EEPD's audit of the Office of Administrative Trials and Hearings compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in the Citywide EEO Policy, this letter serves to respond to the preliminary determinations.

Based on the Preliminary Determination Pursuant to the Audit of OATH, the following are the 4 recommended corrective actions and our responses:

EEPC Audit Recommendation #1: Asses 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.

OATH's Response: The only statistically significant underutilization reported for OATH during the audit period is in the job group "Lawyers", where fewer self-identified Hispanics than might be expected hold that position at OATH. Thus, the corrective action – an assessment - should be limited to that job group and that protected group.

Of the 350 lawyers working for OATH, the vast majority - 307 - are per session hearing officers. OATH questions whether the statistical analysis that is applied to a full time work force is applicable in the same way to per diem employees, since the applicant pool is different. The

nature of the work of a hearing officer is a significant limiting factor in recruitment of candidates, in this case professional candidates. Generally, the three types of lawyers that apply to be per session hearing officers have been 1) retired lawyers; 2) solo or small firm practitioners who are looking to supplement their legal work; 3) those lawyers with child care or other family responsibilities who only seek per diem work. When determining underutilization for OATH's lawyer group for Hispanics, the larger group against which the OATH group is measured consists of lawyers identifying as Hispanic but without distinction between full and per diem employees.

OATH has provided a list of the broad range of groups from which it recruits hearing officers, including sources targeted to Hispanic lawyers.

EEPC Audit Recommendation #2: Asses 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.

OATH's Response: Any required assessment here should also be limited to the only reported job group and protected category with a statistically significant underutilization. We have already reported in the audit process as to the process OATH uses in hiring hearing officers. The process involves: 1) applicant applies on line; 2) a panel interview that is structured; 3) a legal writing exercise which is directly related to the work; and 4) a final review by the First Deputy Commissioner. The selection criteria for the job has been assessed and includes tasks that are essential to the position (attach a copy of the posting). There are not non-job related criteria used in the selection process. OATH follows recommended best practices by DCAS in the selection process so a further assessment is not warranted.

EEPC Audit Recommendation #3: Ensure that all employees are considered internally for career enhancement, development opportunities, and transfers by: providing and encouraging training, development, or mentorship programs to improve their performance, 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.

OATH's Response: OATH employees are notified of all job openings on the agency's website; as well as occasional office bulletins which are distributed agency wide. In fact, OATH just promoted nearly 20 people from within to Procedural Justice Coordinators, which required significant raises for many. We also recently promoted a large number of employees to the newly created Clerk's Office. In addition, OATH promoted an African American female Administrative Law Judge to Agency General Counsel/Deputy Commissioner.

New fulltime administrative law judges and hearing officers are mentored by volunteer more senior judges and hearing officers. As part of OATH's reorganization, what had been three distinct tribunals within OATH were combined into one unified Hearings Division and a new OATH's Clerk's Office was created to support all of OATH's adjudications. As a result, all of the hearing officers now in OATH's Hearings Division – half of the OATH workforce – have been or are being cross-trained on all substantive and procedural areas of the law that might come before the Hearings Division so that any hearing officer can hear any type of case in any of OATH's Hearing Division locations.

OATH is also part of a major criminal justice reform initiative, the Criminal Justice Reform (CJRA) Act - passed by City Council and signed by the Mayor last year, and which is being implemented this week. The CJRA will allow police officers to issue civil summonses

returnable to OATH's Hearings Division for certain low level violations which had historically been venued in criminal court. As part of that roll out, all managers, supervisors, hearing officers and various clerical staff have been cross-trained in the procedures and substantive law applicable to the CJRA.

Judges, hearing officers and attorneys are regularly offered free continuing legal education training on a wide range of topics applicable to their work.

EEPC Audit Recommendation #4: 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.

OATH's Response: During the audit period, [REDACTED] was the EEO Counselor. As previously mentioned, she attended Diversity and EEO Basic Training held at DCAS on October 28, 2011, October 31, 2011, November 2, 2011, and November 3, 2011 and is an attorney. [REDACTED] was unable to locate her certificate of completion however; DCAS was able to confirm her attendance. Please see attached documentation.

If you require additional information or clarification, please contact OATH's EEO Officer,
[REDACTED]

Sincerely,



Fidel F. Del Valle
Commissioner and Chief Administrative Law Judge



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

Fidel F. Del Valle
Commissioner/ Chief Judge
Office of Administrative Trials and Hearings
100 Church Street, 12th Floor
New York, NY 10007

RE: Audit Resolution #2017/211-820: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of Administrative Trials and Hearings' Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

Dear Commissioner Del Valle:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your June 15, 2017 response to our Preliminary Determination June 5, 2017 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 standards¹ 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.

¹ 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 EEPC'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 EEPC 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 Elona Shehu, EEO Program Analyst at eshehu@eepc.nyc.gov.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

C: Sharina DeRoberts, Principal EEO Professional

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 (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #2

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

Agency Response: *"We have [...] reported in the audit process as to the process OATH uses in hiring hearing officers. The process involves: 1) applicant applies on line; 2) a panel interview that is structured; 3) a legal writing exercise which is directly related to the work; and 4) a final review by the First Deputy Commissioner. The selection criteria for the job has been assessed and includes tasks that are essential to the position. There are not non-job related criteria used in the selection process."* (Response, Pg. 2.)

EEPC Response: The EEPC accepts the agency's assessment of the manner in which candidates are selected for employment.

Corrective Action #4

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.

² Excerpts are italicized.

Agency Response: “During the audit period, Abayomi Ajaiyeoba Whint, Esq. was the EEO Counselor. [S]he attended Diversity and EEO Basic Training held at DCAS on October 28, 2011, October 31, 2011, November 2, 2011, and November 3, 2011 [for EEO Professionals]. Ms. Whint was unable to locate her certificate of completion however; DCAS was able to confirm her attendance.” (Response, Pg. 3.)

EEPC Response: The EEPC accepts the agency’s documentation *Employee Training Session Information* (DCAS) that demonstrates the EEO Counselor is trained.

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: “Of the 350 lawyers working for OATH, the vast majority - 307 - are per session hearing officers. OATH questions whether the statistical analysis that is applied to a full time work force is applicable in the same way to per diem employees, since the applicant pool is different. OATH has provided a list of the broad range of groups from which it recruits hearing officers, including sources targeted to Hispanic lawyers.” (Response, Pgs. 1-2.)

EEPC Response: The finding of underutilization in the agency’s workforce indicates an imbalance 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. The availability calculation is based on the labor pool as defined by the population with the requisite skills, knowledge and ability required for the job. The availability calculation is not affected by the extent to which the terms and conditions of the job attracts members of particular demographic groups. A written recruitment plan that includes a directive requiring its use when recruiting in the identified title(s) will be required during the compliance-monitoring period.

Corrective Action #3

Ensure that all 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.



Agency Response: “OATH employees are notified of all job openings on the agency's website; as well as occasional office bulletins which are distributed agency wide. In fact, OATH just promoted nearly 20 people from within to Procedural Justice Coordinators, which required significant raises for many. We also recently promoted a large number of employees to the newly created Clerk's Office. In addition, OATH promoted an [...] Administrative Law Judge to Agency General Counsel/Deputy Commissioner. [A]ll managers, supervisors, [...] and various clerical staff have been cross-trained in the procedures and substantive law applicable to the [Criminal Justice Reform Act].” (Response, Pg. 2.)

EEPC Response: Documentation of the agency’s response to corrective action #3 will be required during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2017/211-820: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Administrative Trials and Hearings' Employment Practices and Procedures from July 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 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 Office of Administrative Trials and Hearings' (OATH) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 5, 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. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. Ensure that all 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.
4. 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.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 15, 2017, with documentation of its actions to rectify required corrective action nos. 2 and 4; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 19, 2017, and indicated that corrective action(s) nos. 1 and 3 require compliance monitoring; and

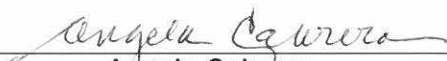
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2017 through December 2017, to determine whether it implemented the required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Commissioner/ Chief Judge Fidel F. Del Valle of the Office of Administrative Trials and Hearings.

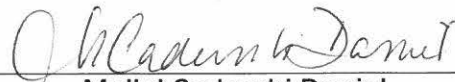
Approved unanimously on June 22, 2016.



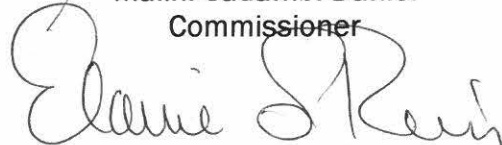
Angela Cabrera
Commissioner

Absent

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
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FIDEL F. DEL VALLE
COMMISSIONER
CHIEF ADMINISTRATIVE LAW JUDGE

July 19, 2017

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

RE: Audit Resolution #2017/211-820: Final Determination Pursuant to the Review, Evaluation, and Monitoring of the Office of Administrative Trials and Hearings' (OATH) Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

Dear Ms. Terry,

Pursuant to Chapter 36 of the New York City Charter and the Final Determination Pursuant to the Review, Evaluation, and Monitoring of OATH's Employment Practices and Procedures from July 1, 2014 to December 31, 2016, this letter serves to respond to the final determinations.

Based on the Final Determination Pursuant to the Audit of OATH, the following are the 2 recommended corrective actions and our responses:

EEPC Audit Recommendation #1: Asses 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.

OATH's Response: The only statistically significant underutilization reported for OATH during the audit period is in the job group "Lawyers", where fewer self-identified Hispanics than might be expected hold that position at OATH. Thus, the corrective action – an assessment - should be limited to that job group and that protected group.

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in this case professional candidates. Generally, the three types of lawyers that apply to be per session hearing officers have been 1) retired lawyers; 2) solo or small firm practitioners who are looking to supplement their legal work; 3) those lawyers with child care or other family responsibilities who only seek per diem work. When determining underutilization for OATH's lawyer group for Hispanics, the larger group against which the OATH group is measured consists of lawyers identifying as Hispanic but without distinction between full and per diem employees.

OATH has provided a list of the broad range of groups from which it recruits hearing officers, including sources targeted to Hispanic lawyers.

EEPC Response: The finding of underutilization in the agency's workforce indicates an imbalance 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. The availability calculation is based on the labor pool as defined by the population with the requisite skills, knowledge and ability required for the job. The availability calculation is not affected by the extent to which the terms and conditions of the job attracts members of particular demographic groups. A written recruitment plan that includes a directive requiring its use when recruiting in the identified title(s) will be required during the compliance-monitoring period.

OATH's Response: Please see attached recruitment plan signed by Commissioner Fidel F. Del Valle.

EEPC Audit Recommendation #3: Ensure that all employees are considered internally for career enhancement, development opportunities, and transfers by: providing and encouraging training, development, or mentorship programs to improve their performance, 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.

OATH's Response: OATH employees are notified of all job openings on the agency's website; as well as occasional office bulletins which are distributed agency wide. In fact, OATH just promoted nearly 20 people from within to Procedural Justice Coordinators, which required significant raises for many. We also recently promoted a large number of employees to the newly created Clerk's Office. In addition, OATH promoted an African American female Administrative Law Judge to Agency General Counsel/Deputy Commissioner.

New fulltime administrative law judges and hearing officers are mentored by volunteer more senior judges and hearing officers. As part of OATH's reorganization, what had been three distinct tribunals within OATH were combined into one unified Hearings Division and a new OATH's Clerk's Office was created to support all of OATH's adjudications. As a result, all of the hearing officers now in OATH's Hearings Division – half of the OATH workforce – have been or are being cross-trained on all substantive and procedural areas of the law that might come before the Hearings Division so that any hearing officer can hear any type of case in any of OATH's Hearing Division locations.

OATH is also part of a major criminal justice reform initiative, the Criminal Justice Reform (CJRA) Act - passed by City Council and signed by the Mayor last year, and which is being implemented this week. The CJRA will allow police officers to issue civil summonses returnable to OATH's Hearings Division for certain low level violations which had historically been venued in criminal court. As part of that roll out, all managers, supervisors, hearing officers

and various clerical staff have been cross-trained in the procedures and substantive law applicable to the CJRA.

Judges, hearing officers and attorneys are regularly offered free continuing legal education training on a wide range of topics applicable to their work.

EEPC Response: Documentation of the agency's response to corrective action #3 will be required during the compliance-monitoring period.

OATH's Response: As mentioned in our above response, between May and June 2017, all managers, supervisors, and hearing officers have since been cross-trained on all substantive and procedural areas of the law so that they are able to hear any type of case that comes before them. Please see attached sign-in sheets and agendas of these trainings.

In addition, please see attached documentation of past Bulletins that are sent to all employees regarding current employment opportunities and promotional opportunities for internal candidates only. All other employment opportunities are posted on the Agency's Intranet.

Also attached is the Agency's CEEDS report for Quarter 4 FY 2017. This report illustrates the 19 internal promotions during this quarter.

Also attached is the letter which has recently been mailed to all the legal and bar associations as indicated on our recruitment plan regarding our Hearing Officer positions.

If you require additional information or clarification, please contact OATH's EEO Officer,
[REDACTED]

Sincerely,




Fidel F. Del Valle
Commissioner and Chief Administrative Law Judge



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
100 CHURCH STREET 12TH FLOOR • NEW YORK, N. Y. 10007-2620
Tel #: (212) 933-3001 • www.nyc.gov/oath

MEMORANDUM

TO: All Staff
From: Fidel Del Valle, Commissioner & Chief Judge 
RE: Equal Employment Practices Commission (EEPC) Audit Findings
Date: August 11, 2017

The Equal Employment Practices Commission (EEPC) has adopted uniform standards 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. Consistent with its responsibility to perform periodic audits of City agencies' employment practices, the EEPC conducted an audit of OATH's practices and procedures for the period starting July 1, 2014 and ending December 31, 2016.

This memorandum to all staff is to inform of the changes that have been implemented in the agency's EEO program as a result of the audit findings.

I am pleased to inform you that the EEPC's audit found OATH to be in full compliance with the City's mandated EEO practices and policies. OATH has for years practiced recruitment practices that are intended to promote diversity and inclusion in its workforce. Nonetheless, following the audit, OATH decided to review these practices and memorialize them in writing as a standard policy directive to all HR personnel.

I would like to take this opportunity to reaffirm the Agency's commitment to maintaining fair employment practices for all employees and job applicants.

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

RESOLUTION #2017/212-820-C15: Determination of **Compliance** (Monitoring Period Required) by the Office of Administrative Trials and Hearings with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 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 Office of Administrative Trials and Hearings' (OATH) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 5, 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. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. Ensure that all 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.
4. 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.

Whereas, the Office of Administrative Trials and Hearings submitted its response to the EEPC's Preliminary Determination letter, on June 15, 2017, with documentation of its actions to rectify required corrective actions #2 and #4;

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 19, 2017, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1 and #3, remaining;

Whereas, the Office of Administrative Trials and Hearings 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 remaining corrective actions from July 2017 to August 2017 with no extension of the monitoring period;


Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Office of Administrative Trials and Hearings submitted a copy of the agency head's memorandum to staff dated August 11, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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


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

Be It Resolved, that the Commission will forward this Final Determination to Fidel F. Del Valle, Commissioner/Chief Judge of the Office of Administrative Trials and Hearings.


Approved unanimously on August 17, 2017.



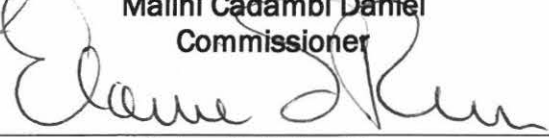
Angela Cabrera
Commissioner



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/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL EMAIL

August 17, 2017

Fidel F. Del Valle
Commissioner/ Chief Judge
Office of Administrative Trials and Hearings
100 Church Street, 12th Floor
New York, NY 10007

Re: Resolution **#2017/212-820-C15**: Determination of Agency Compliance

Dear Commissioner Del Valle:

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 Office of Administrative Trials and Hearings. This Commission has determined that the Office of Administrative Trials and Hearings 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 Officer Sharina DeRoberts for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,


Malini Cadambi Daniel
Commissioner

c: Sharina DeRoberts, Principal EEO Professional
Janet P. Ford, Esq., Agency Counsel/ Director of Compliance Monitoring

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

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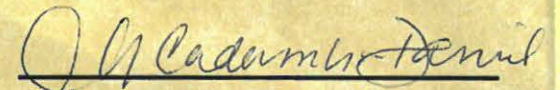
Determination of Compliance

is issued to the

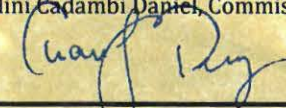
NYC Office of Administrative Trials and Hearings

for successfully implementing 4 of 4 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practices and Procedures Audit From July 1, 2014 to this date.

On this 17th day of August in the year 2017,



Malini Cadambi Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

In care of Commissioner Fidel F. Del Valle and
Principal EEO Professional Sharina DeRoberts