



# EQUAL EMPLOYMENT PRACTICES COMMISSION

## SUMMARY AUDIT COMPLIANCE RESPONSE TO RECOMMENDATIONS #3, #6, #9 & #10

**Agency:** Administration for Children's Services

**Agency Head:** William C. Bell, Commissioner

**EEO Officer:** Mary Ann Salley

**Audit:** Audit of the Administration for Children's Services and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 1997 to December 31, 1999.

Date of Preliminary Findings Letter:	<i>April 26, 2001</i>
Date of Response Letter:	<i>May 25, 2001</i>
Compliance Initiated:	<i>April 2002</i>
Compliance Completed:	<i>September 2002</i>
Covering Months:	<i>March 2002 – August 2002</i>
Date of Final Determination Letter	<i>December 11, 2002</i>

**Date:** June 30, 2003

### Recommendation #3:

To ensure that individuals of both sexes are available to receive and investigate discrimination complaints, ACS should aggressively seek approval to hire the male EEO Investigator/Trainer.

### ACS' Response

#### First Monthly Compliance Report – April 10, 2002

*"A male was hired from April 2001 to September 2001. He was terminated. The ACS OEEEO will revisit looking for a male investigator, however, we are also keeping in mind looking for the most qualified personnel."*

#### Second Monthly Compliance Report – May 3, 2002

*"As mentioned in the previous monthly report, a male was hired from April 2001 to September 2001. He was terminated. The ACS OEEEO will revisit looking for a male investigator, however, we are also keeping in mind looking for the most qualified personnel."*

Third Monthly Compliance Report – June 4, 2002

*“Please note that there are budget constraints at this time. However, ACS OEEEO will revisit searching for a qualified male investigator when we have approval to do so.”*

Fourth Monthly Compliance Report – July 1, 2002

*“Please note that there are budget constraints at this time. However, ACS OEEEO will revisit searching for a qualified male investigator when we have approval to do so.”*

Fifth Monthly Compliance Report - August 1, 2002

*“Please note that there are budget constraints at this time. However, ACS OEEEO will revisit searching for a qualified male investigator when we have approval to do so.”*

Sixth Monthly Compliance Report - September 12, 2002

*“ACS is seeking a male EEO Investigator/Trainer.”*

Additional Information- October 10, 2002

*“ACS is seeking a male EEO Investigator/Trainer as requested by the EEPC. However, it should be noted here, that there has been no compromise of the ACS EEO Program due to the absence of a male investigator. The current Investigators are highly qualified, and certified in EEO Studies.”*

Response to EEPC’s Final Determination Letter – April 30, 2003

*“In 2000, ACS began the process to hire a male investigator and in December 2000 was granted budget approval. This position was filled and the employee worked as an EEO investigator at ACS between April 2001 and September 2001. Since his departure, ACS has made extensive efforts to hire another male investigator. On October 15, 2002, another candidate was interviewed and accepted; however, ACS was unable to employ him due to New York City’s residency requirement. ACS is currently aggressively recruiting a male investigator and an additional EEO investigator. We will fill both of these positions as soon as successful candidates are identified.”*

**Recommendation #6:**

**ACS should ensure that all employees involved in interviewing receive structured interview training, either through internal training or training provided by DCAS.**

**ACS’ Response**

First Monthly Compliance Report – April 10, 2002

*“ACS OEEEO has issued a memo to all agency staff on April 15, 2002 reminding*

*personnel who interview staff for entry level/internal promotions and discretionary positions to register for Structured Interviewing workshops offered by DCAS. The aforementioned personnel are mandated to acquire EEO structured interviewing training. OEEEO has also requested the DCAS roster of all ACS employees that have attended training. See attached documentation."*

#### Second Monthly Compliance Report – May 3, 2002

*"ACS OEEEO has issued a memo to all agency staff on April 15, 2002 reminding personnel who interview staff for entry level/internal promotions and discretionary positions to register for Structured Interviewing workshops offered by DCAS. The aforementioned personnel are mandated to acquire EEO structured interviewing training. OEEEO has received the DCAS roster of all ACS employees that attended training. DCAS has agreed that the ACS rosters will be sent as needed.*

*On April 17, 2002 OEEEO contacted DCAS to inquire when scheduling for structured interview training would take place. DCAS Division of Citywide EEO stated that training scheduling has not been established as of yet. OEEEO placed a request to be kept informed of such action when it takes place.*

#### Third Monthly Compliance Report – June 4, 2002

*"ACS OEEEO has requested a roster from DCAS [see attached]. As ACS staff is trained DCAS will send the roster to inform OEEEO who has attended training.*

*The purpose of the April 15, 2002 memo was to remind and advise staff who function as interviewers that attendance of structured interview training is required.*

*DCAS has assured that they will inform OEEEO when scheduling for structured interview training will resume.*

*Due to the size of ACS, internal structured interview training would not be practical."*

#### Fourth Monthly Compliance Report – July 1, 2002

*"ACS OEEEO has requested a roster from DCAS [see attached]. As ACS staff is trained DCAS will send the roster to inform OEEEO who has attended training.*

*The purpose of the April 15, 2002 memo was to remind and advise staff who function as interviewers that attendance of structured interview training is required.*

*DCAS has assured that they will inform OEEEO when scheduling for structured interview training will resume.*

*Due to the size of ACS, internal structured interview training would not be practical."*

#### Fifth Monthly Compliance Report - August 1, 2002

*"Refer to the fourth monitoring report submitted in July 2002."*

Sixth Monthly Compliance Report - September 12, 2002

*“ACS OEEEO re-issued a memo to all agency staff on August 26, 2002 reminding personnel responsible for interviewing staff for entry level/internal promotions and discretionary positions to register for Structured Interviewing workshops offered by DCAS. The aforementioned personnel are mandated to acquire EEO structured interviewing training.*

*On August 23, 2002 OEEEO contacted DCAS to inquire when scheduling for structured interview training would take place. DCAS Division of Citywide EEO stated that scheduling would not resume until September 2002 ACS OEEEO requested to be kept informed of such action when it takes place.*

*In order to better achieve “Required Action 6, ACS will identify staff that will be potential interviewers, and provide training to those identified in addition to those who have previously been selected to interview.*

*As of August 31, 2002, 127 ACS employees have completed training.*

*As DCAS CEEEO resumes training, and as ACS employees attend training, ACS OEEEO will continue to request and receive rosters to track the number of employees who have attended training.”*

Additional Information- October 10, 2002

*“The EEPC was given a copy of the Structured Interviewing ACS roster in our third report, June 2002. DCAS Citywide EEO has previously been able to accommodate the Structured Interview training for ACS employees and will continue to do so in the future. They have agreed to notify ACS when their next class is scheduled.”*

Response to EEPC’s Final Determination Letter – April 30, 2003

*“All staff currently certified as interviewers have been trained in the structured interviewing process. All future interviewers will received interviewing training by their division manager prior to being certified as an interviewer for employee candidate interviews.*

*Finally, “A Guide for Structured Interviewing” will be inserted on the ACS Intranet. The guide will enable staff to continuously review the procedure. In addition, the ACS Intranet will direct staff to call OEEEO for technical assistance. A certificate of completion will be distributed after employees receive the briefing. This certificate will be used to track employees who have received the briefing. In addition, a refresher update will consist of a questionnaire, which will generate a second certificate. After one year, if an interviewer does not hold two certificates, the interviewer will be required to cease interviewing. In addition, all new appointed interviewers will be required to follow this process.”*

**Recommendation #9:**

**The EEO Officer should be involved in developing recruitment strategies and selecting recruitment media, including newspapers and other publications.**

## ACS' Response

### First Monthly Compliance Report – April 10, 2002

*“EEO is in the process of reviewing this recommendation.”*

### Second Monthly Compliance Report – May 3, 2002

*“On April 3, 2002 an initial meeting took place with ACS Personnel regarding this required action.*

*A written request was made to DCAS for a copy of ACS CEEDS Reports on April 4, 2002. As of May 3, 2002 this document has not been received.”*

### Third Monthly Compliance Report – June 4, 2002

*“The Personnel Director and OEEEO are meeting on this issue.”*

### Fourth Monthly Compliance Report – July 1, 2002

*“As indicated in the third monitoring report, the Personnel Director and OEEEO are meeting on this issue.”*

### Fifth Monthly Compliance Report - August 1, 2002

*“As indicated in the fourth monitoring report, the Personnel Director and OEEEO are meeting on this issue.”*

### Sixth Monthly Compliance Report - September 12, 2002

*“ACS recruits candidates by utilizing internal job vacancy notices that provide employment information about opportunities to ACS employees. ACS also participates in the citywide job vacancy program that distributes ACS employment notices to all mayoral agencies.*

*In addition, ACS Personnel representatives attend job fairs scheduled at city and private colleges and universities to recruit qualified candidates. Personnel also advertises vacancies in meetings with community board leaders as well as established advertisements in newspapers, and some journals where appropriate.*

*The EEO Officer, using information provided through CEEDS, will advise the Personnel Director of any under utilization in EEO job categories so that strategic efforts can be made to reach these groups when filling vacancies. This will be particularly useful where we have full discretion – [no active civil service list].*

*The EEO Officer and the Director of Personnel will review any under utilization in EEO job categories and plan strategic efforts to reach these groups when filling vacancies.”*

Additional Information- October 10, 2002

*"The EEO Officer and ACS Personnel have met and will continue to work closely together in developing recruitment strategies and selecting recruitment media, including newspapers and other publications selection of future recruitment media. All recruitment literature will include a comment that identifies ACS and the City of New York as an equal opportunity employer. As previously stated in our report the EEO Officer and the Director of Personnel will review any under utilization in EEO job categories and plan strategic efforts to reach these groups when filling vacancies.*

Response to EEPC's Final Determination Letter – April 30, 2003

*"EEO is heavily involved in the recruitment of qualified candidates. EEO monitors the recruitment of candidates by reviewing internal vacancy notices. In addition, EEO works closely with the personnel office regarding the citywide job vacancy program and recruitment at private and public university job fairs. Finally, EEO reviews and edits ACS's vacancy advertisements, attends meetings with community board leaders regarding recruitment, and is involved with the recruitment efforts in the media.*

*In further response to recommendation nine, .... In June 2002 ACS OEEO prepared and submitted to the EEPC the ACS Agency-Specific Plan for Fiscal year 2003. Please refer to the section entitled "Assessment of Employment Practices" (pps. 3-5) which addresses your concerns for recommendation number nine. In addition, EEO and personnel have had meetings on the following dates: April 9, 2002, April 25, 2002, June 25, 2002, and August 25, 2002.*

**Recommendation #10:**

**To meet its obligations under the EEOP, ACS should hire another EEO Investigator in addition to the male Investigator awaiting hiring approval.**

**ACS' Response**

First Monthly Compliance Report – April 10, 2002

*"Due to the budgetary constraints this would not be a possibility in the near future. However, ACS would be willing to revisit this after the constraints have been lifted."*

Second Monthly Compliance Report – May 3, 2002

*"Due to the budgetary constraints this would not be a possibility in the near future. However, ACS would be willing to revisit this after the constraints have been lifted."*

Third Monthly Compliance Report – June 4, 2002

*"At this time there are no staff vacancies to transfer. We are looking toward allocating staff in the future."*

Fourth Monthly Compliance Report – July 1, 2002

*“At this time there are no staff vacancies to transfer. We are looking toward allocating staff in the future.”*

Fifth Monthly Compliance Report - August 1, 2002

*“At this time there are no staff vacancies to transfer. We are looking toward allocating staff in the future.”*

Sixth Monthly Compliance Report - September 12, 2002

*“This recommendation has been brought to the attention of the agency’s Deputy Commissioner of Administration. ACS is recruiting of another EEO investigator.”*

Additional Information- October 10, 2002

*“This matter has been brought to the Commissioner’s attention, and we are looking forward to allocating staff in the future. Additionally, the EEOP does not specify the number of staff that should be designated within each EEO office.”*

Response to EEPC’s Final Determination Letter – April 30, 2003

*“In 2000, ACS began the process to hire a male investigator and in December 2000 was granted budget approval. This position was filled and the employee worked as an EEO investigator at ACS between April 2001 and September 2001. Since his departure, ACS has made extensive efforts to hire another male investigator. On October 15, 2002, another candidate was interviewed and accepted; however, ACS was unable to employ him due to New York City’s residency requirement. ACS is currently aggressively recruiting a male investigator and an additional EEO investigator. We will fill both of these positions as soon as successful candidates are identified.”*