



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

August 16, 2017

Zachary W. Carter
Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

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

Dear Corporation Counsel Carter:

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

The New York City Charter, Chapter 36, Section 831(d)(5) 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 New York City Law Department, 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 EEPD 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). (A description of the EEO Job Groups used for this analysis is attached as Appendix 1.)

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 EEPD 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 New York City Law Department represents the City, the Mayor, other elected officials, and the City's many agencies in all affirmative and defensive civil litigation as well as in juvenile delinquency proceedings brought in Family Court, and Administrative Code enforcement proceedings brought in Criminal Court. The Law Department is led by the Corporation Counsel who is appointed by, and serves at the pleasure of, the Mayor. The Law Department's lawyers and support professionals work to pursue justice while providing the City with the highest quality legal representation. Law Department attorneys draft and review local and State legislation, real estate leases, procurement contracts, and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as immigration, education, and environmental policy. There is rarely a major City initiative that is not molded by the Law Department's staff. At the end of the period in review, the agency's headcount was 1,677. (See Appendix 2.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ On September 18, 2015, the Corporation Counsel issued the annual "*Diversity and Equal Employment Opportunity Commitment Statement*" to all employees via email, which stated, "[i]n my role as the Corporation Counsel for the City of New York, I have a special responsibility for the pursuit of justice while serving the long-term institutional interests of the City. Justice is demonstrated not only in the manner in which we advocate for and counsel clients but also is demonstrated in how the Law Department's operations are managed. Our external legal work and our internal work environment both must continue to reflect our core values: a commitment to public service, excellence, integrity, diversity and justice. We all must continuously commit ourselves to creating and maintaining a work environment where each and every employee is treated with dignity and respect. I am pleased to announce the appointment of several EEO Professionals who aid in ensuring internal justice. Our central EEO personnel are responsible for investigations, mediations, reasonable accommodations and training. All EEO personnel have been trained and are available to provide EEO counseling. Employees are free to consult with any EEO Professional, including in an office or

division other than an employee's work location. Additional information about Equal Employment Opportunity can be found on the Law Department's intranet page." Contact information (name, title, phone number, and office location) for the agency's EEO professionals was included in the agency head's email.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ During the period in review, the agency utilized the City's EEO Policy: *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* and 2016 EEO Policy addendum that were posted on the agency's intranet site and distributed during orientation with 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; and contained links to the City's *Reasonable Accommodation Procedural Guidelines* and *EEO Complaint Procedural Guidelines*. The City's 2016 EEO Policy addendum reported "[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 EEO Policy Handbook included sections on sexual harassment; reasonable accommodations; the EEO complaint process (which included a procedural chart for employees who believe they have been discriminated against); current contact information for federal, state and local agencies that enforce laws against discrimination; and a URL to the agency's "Citywide Diversity and Equal Employment Opportunity" website. The names and contact information for the agency's EEO professionals, were included on the agency's *Equal Employment Opportunity* intranet page and within the agency head's 2015 EEO Policy statement email.

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

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ In its annual *Diversity and Equal Employment Opportunity Plan* for fiscal year (FY) 2017, the agency outlined its plan for live EEO training with the principal EEO Professional for new employees during orientation and for biennial EEO and diversity training for existing employees. Orientation agendas indicated 75 minute EEO training for legal staff with the principal EEO Professional and 60 minute EEO training for non-legal (support) staff with the Deputy EEO Officer/Investigator EEO. Sign in sheets documented that 204 employees completed EEO orientation training between 2014 and 2016. During the period in review, three (3) employees completed the Department of Citywide Administrative Services' (DCAS) computer based EEO training; 1,461 employees (approximately 87% of the workforce²) completed DCAS' computer based diversity & inclusion training titled "*Everybody Matters*"; and 1,644 employees (approximately 98% of the workforce³) completed the Anti-Defamation League's "*A Workplace of Difference*" training which covered inclusion and anti-bias. Subsequent to the period in review 48 employees completed orientation EEO training in February and March 2017.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ During the period in review, the agency conducted recruitment for legal staff at over 40 law school and professional career fairs and used internships to attract interested persons and to develop and hire interested and qualified candidates into discretionary positions in the *Managers and Lawyers* job groups, which according to CEEDS Report: *Work Force Compared with Internal & External Pool*,⁴ had underutilization of Blacks at the end of the period of review and to date. (See Appendices 3 – 5.) The agency utilized the following recruitment resources

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

³ Ibid

⁴ The agency provided alternative calculations which were based on the U.S. Census American Community Survey data in lieu of CEEDS. Since the NYC Charter mandates DCAS (Chapter 35, Section 814b(8)) to "*annually publish and submit to . . . the commission on equal employment practices a report ...[which] shall include ... an analysis of the city government workforce and applicants for such employment by agency, title and classification ...*" the EEPC utilizes and defers to the CEEDS employment statistics generated by DCAS.

geared towards Black applicants: Howard University School of Law, Black Prosecutors Job Fair and Northeast National Black Law Students Association Job Fair. The law school and professional career fairs that the agency attended were listed on its website and documented via registration confirmation emails and logs of legal recruitment activities. The agency emailed attorney vacancies to law schools, bar associations, agency attorneys, and all individuals who signed up to receive email notifications via its website. The agency also reported representatives from its *Diversity Recruitment and Retention Committee* met with minority affinity groups at law schools to introduce them to the Law Department as a potential employer.

- The agency did not demonstrate that during the audit period, it assessed the efficacy of its recruitment to determine whether specific sources/efforts had an adverse impact on (a) particular group(s).

Subsequent to the period in review, the agency ran reports (on the “Law School” field) in *LawCruit* (the agency’s applicant tracking system for legal staff). The agency’s *LawCruit* hiring reports showed that minorities were approximately 41.7% of hires in the *Summer Honors Program* (its paid summer internship program for law school students) and full-time entry-level attorney vacancies. Blacks and Hispanics were 16.3% and 11.7% of the agency’s aforementioned hires respectively.

With regard to its recruitment efforts for support staff (all employees not within the legal staff), according to CEEDS, approximately 94% of the agency’s support staff were in competitive *civil service* (list) titles and 6% were in discretionary titles. The agency provided a succession plan and procedures for support staff, which included contacting targeted recruitment sources that specifically serve the underrepresented group(s) when a vacancy occurred in a job group with underutilization.

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 reviewed workforce data (including workforce, hires, promotions, and separations) and EEO complaints on a quarterly basis. Emails between the principal EEO Professional and Principal Human Resources Professional documented that regular meetings were held to discuss EEO matters, EEO and personnel related webinars, individual EEO complaints, personnel issues, EEO and implicit bias trainings, career counseling and the agency’s policies. The agency annually reviewed its *Diversity and Equal Employment Opportunity Plan* and EEO program activities for barriers to EEO and reported no barriers were found.
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 assessed the manner in which candidates were selected for employment. In 2014 and 2016 the Deputy Director of Legal Recruitment, Division Chiefs and Deputy Chiefs reviewed and discussed revisions to the selection criteria for legal staff to ensure that the title qualifications were updated and job-related. In 2014, the legal experience requirement was discussed and determined to be three (3) years for an *Assistant Corporation Counsel* posting in the Tort: Bronx Unit. In 2016, the legal experience preferences for *Assistant Corporation Counsel* postings in the Toxic and Mass Tort and Special Litigation Units were decreased from two (2) years to one (1). Selection procedures and interviews were assessed at each interview round: Interview evaluations were reviewed to ensure that only job-related criteria were used by the interviewer in their assessment of the candidate. An interviewer that utilized inappropriate criteria was retrained on appropriate criteria or not invited again to interview.

The agency reported that during the audit period, when support staff vacancies occurred, it was standard protocol for the Principal Human Resources Professional to meet with the department head where the vacancy existed to review job criteria for job relatedness and to ensure that the titles being used were appropriate for the agency and position.

Subsequent to the period in review, the agency identified the *civil service* (list) titles in the job groups with underutilization, provided an informal succession plan for support staff titles (approximately 94% were in *civil service* titles) and reported its succession plan had been implemented. The plan outlined the following procedures for when a vacancy occurred in a support staff position: HR personnel were responsible to: meet with the department head where the vacancy occurred to review the position tasks and required skills; determine if: the position or required skills changed, the civil service title was appropriate for the job function, whether an active eligibility list existed; and hire following civil service list procedures, including provisionally if there was no eligibility list in effect. If a title was flagged by the principal EEO Professional as belonging to a job group with underutilization, the job vacancy notice would be sent to targeted recruitment sources serving the underrepresented group(s). The agency reported its succession plan would also be followed for discretionary titles in the job groups which experienced underutilization.

NOTE: To facilitate continuity in the agency's efforts to diminish underutilization the agency's selection procedures for legal staff and succession plan for support staff titles should be formalized.

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 period in review, the agency conducted recruitment for legal staff at over 40 law school and professional career fairs and used internships to attract interested persons and to develop and hire interested and qualified candidates into discretionary positions in the *Managers* and *Lawyers* job groups, which according to CEEDS⁵ had underutilization of Blacks at the end of the period of review and to date. The agency utilized the following recruitment resources geared towards Black applicants: Howard University School of Law, Black Prosecutors Job Fair and Northeast National Black Law Students Association Job Fair. The law school and professional career fairs that the agency attended were listed on its website and documented via registration confirmation emails and logs of legal recruitment activities. The agency emailed attorney vacancies to law schools, bar associations, agency attorneys, and all individuals who signed up to receive email notifications via its website. The agency also reported representatives from its *Diversity Recruitment and Retention Committee* met with minority affinity groups at law schools to introduce them to the Law Department as a potential employer.

As reported in CEEDS Report: *Work Force Compared with Internal & External Pools*, the agency eliminated underutilization in the *Lawyers* job group (Hispanics) which existed between 3rd quarter FY 2014 (start of the audit period) and 4th quarter FY 2016. In addition, the underutilization in the *Paraprofessionals* job group (Hispanics) that existed between the 1st quarter FY 2016 and 2nd quarter FY 2017 was also eliminated. (See Appendices 3 – 5.)

According to CEEDS, approximately 6% of the support staff held discretionary titles. Subsequent to the period in review, the agency identified the discretionary titles in the job groups with underutilization and provided an informal succession plan. The agency reported its support staff succession plan had been in practice and the plan would also be followed in the event vacancies occurred in discretionary support staff titles in the job groups which experienced underutilization (*Managers* (Blacks) and *Management Specialists* (Hispanics)). (See Appendices 3 – 5.) The plan outlined procedures to be used when a vacancy occurred, including sending the job vacancy notice to targeted recruitment sources serving the underrepresented group(s) if in a job group with underutilization.

NOTE: To facilitate continuity in the agency's efforts to diminish underutilization, the succession plan for support staff titles should be formalized.

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;

⁵ The agency provided alternative calculations which were based on the U.S. Census American Community Survey data in lieu of CEEDS. Since the NYC Charter mandates DCAS (Chapter 35, Section 814b(8)) to “annually publish and submit to . . . the commission on equal employment practices a report ...[which] shall include ... an analysis of the city government workforce and applicants for such employment by agency, title and classification ...” the EEPC utilizes and defers to the CEEDS employment statistics generated by DCAS.

participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

- ✓ Approximately 94% of the agency's support staff were in competitive *civil service* (list) titles. The agency recruited internal candidates for support staff positions via email notice from the Chief of Personnel which included the links to the notices of examination— a practice the agency reported to be protocol. The agency also reported in its FY 2017 *Diversity and Equal Employment Opportunity Plan* that it supplied subject matter experts to assist in civil service examination development for titles utilized by the agency to ensure that exam questions were based on actual work skills and tasks.

Subsequent to the period in review, the agency identified the *civil service* (list) titles in the job groups with underutilization and provided an informal succession plan for support staff titles and reported it had been implemented. The plan outlined the following procedures for when a vacancy occurred in a support staff *civil service* (list) position: HR personnel were responsible to: meet with the department head where the vacancy occurred to review the position tasks and required skills; determine if: the position or required skills changed, the civil service title was appropriate for the job function, an active civil service list existed; and hire following civil service list procedures, including provisionally if there was no civil service list available. The agency also reported that if a civil service title was flagged by the principal EEO Professional as a title in a job group with underutilization, the job vacancy notice would be sent to targeted recruitment sources serving the underrepresented group(s).

NOTE: To facilitate continuity in the agency's efforts to diminish underutilization, the agency's succession plan for support staff titles should be formalized.

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).
- ✓ Attendance sheets from the period in review indicated that 363 employees completed structured interview training. The agency reported that only employees trained in structured interviewing were allowed to conduct interviews, and invitations for such training were regularly sent to all employees. The agency's *NYC Law Department Interviewer Training Trainer's Guide* covered: diversity and inclusion, implicit bias, the interview process and procedures, use of interview panels, EEO topics to avoid in interviews, and approved interview questions. In addition, the agency ensured that interviews conducted during civil service hiring pools were structured and uniform by adhering to the protocol: *"Interviewers at these pools are required to submit their standardized questions [to the Principal HR Professional] for review prior to the day of the hiring pool. If the questions are approved...the interviewer is permitted to interview. If the questions require modification or additional questions there is a conversation with the interviewer and the list is adjusted and they proceed with the approved adjusted questions. Human Resources is present for all of the interviews conducted at the hiring pool...[E]ach applicant is given an interview by 3 different panels. Each panel has a pre-approved list of standard questions that they ask each applicant...After the interviews are*

completed each division submits...[to the Principal Human Resources Professional or their] designee a list of their top 3 choices for each position they have vacant. These rankings are used in order to make assignments/ offers to the applicants on the civil service list in order of score and in accordance with civil service rules and regulations."

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 promoted employees' awareness of opportunities for advancement and transfer within the agency via email and establishing incentive programs. In 2016 the agency emailed staff about the *New York City Law Department Law Day* to provide support staff with information about attending law school; nine (9) civil service examination opportunities including promotional exams; and three (3) civil service informational sessions about navigating the civil service process. The agency also hosted the *New York City Law Department Paralegal Day*, panel discussions with "*stars of the legal profession who began their careers at the Law Department*," and encouraged employees to check the City's job posting website, NYC Jobs, for job postings. The agency's electronic bulletin boards – large displays in the entrance to the agency – regularly displayed transitioning slides about current events and job opportunities at the agency. Divisions were also encouraged by the Principal Human Resources Professional to interview all qualified employees who applied for vacant positions in the respective departments.
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.
 - ✓ CEEDS Reports: *Ethnic/Gender Summary by Agency, Type, Job Group, and Title*; indicated 176 promotions across twelve (12) job groups during the period in review. The agency ensured employees were considered internally for career enhancement, development opportunities and transfer by: conducting training, administering coaching and mentorship programs to improve employees' performance and skills, cross-training, cross divisional assignments, and job transfers to establish and develop internal talent pools. Continuing legal education classes and professional development trainings were provided to legal and support staff to learn about work related topics as well as matters outside their usual work assignments. The agency's mentoring program provided support staff interested in attending law school the opportunity to engage with a mentor attorney about the law school experience, successfully navigating the application process, and how to best prepare for the work of a law student. The agency also offered employees the opportunity to participate in various committees, including but not limited to; quality of work life, women's committee, and the diversity committee. These committees recommended policy and programs to the agency, and developed, designed and offered events open to all agency employees, including lunch time lectures. The agency also offered a merit-based promotion program for legal staff, entitled the *Senior Counsel Program*.

The *Senior Counsel Program* had six (6) levels of promotion and recognized legal staff who: excelled in their roles as *Assistant Corporation Counsel* (ACC); have been employed as an ACC for a certain amount of time; and have demonstrated competency in their contributions to the agency.

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

- ✓ The agency advertised several vacancies during the period in review including: *Assistant Corporation Counsel*, *Senior Student Specialist*, *Associate Quality Assurance SP*, *Clerical Associate*, and *Claim Specialist*; all of which included the EEO tagline “*The City of New York is an Equal Opportunity Employer.*”

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 utilized *New York City Automated Personnel System (NYCAPS) eHire* for the recruitment of support staff, which captured the *position*, *applicants’/candidates’ names*, *identification number*, *ethnicity*, *gender*, *disability status*, *veteran status*, *result*, *reason selected/not selected* (or *disposition*) and *recruitment source*. The agency captured *interview date* and *interviewers’ names* for support staff via an interview sheet signed off by all interviewers and maintained by personnel in the recruitment file for the position. The agency also utilized *LawCruit* for recruitment of legal staff, which captured *position*, *applicants’/candidates’ names*, *identification number*, *ethnicity*, *gender*, *disability or veteran status*, *interview date*, *interviewers’ names*, *result* (“*Status*”), *reason selected/not selected* (or *disposition*) (“*Score*”) and *recruitment source* (“*Law School*”) for each candidate.

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 agency had two (2) Career Counselors responsible to provide career counseling upon request and notify employees of internal promotion and transfer opportunities. The agency’s *Equal Employment Opportunity* intranet page and the agency head’s September 2015 EEO Policy statement informed employees of the *Director of Legal Recruitment’s* and the *Director of Human Resources’* designations as the Career Counselors for legal and support staff, respectively. The *Director of Legal Recruitment* has 30 years of legal experience including 22 years at the agency in the current role (directing the recruitment of legal staff). The *Director of Human Resources* has over 28 years of experience at the

agency in the current role, is a Society of Human Resources (SHRM) certified SPHR (Senior Professional in Human Resources) since 2004, and completed DCAS's Agency Personnel Officer Master Class in July 2005.

15. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ During the period in review, the *Director of Human Resources* (the Principal Human Resources Professional) was also the agency's Career Counselor for support staff. The agency's *Equal Employment Opportunity* intranet page and the agency head's September 2015 EEO Policy statement informed employees of the Career Counselors for legal and support staff. The Personnel department emailed employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities and job postings. The agency's Personnel and Payroll/Timekeeping departments ensured that all new employees were advised during orientation of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures. The Disability Rights Coordinator notified the principal EEO Professional of the agency's four (4) 55-a program participants. The Principal Human Resources Professional regularly involved the principal EEO professional with EEO-matters and reasonable accommodations; and promptly consulted with the principal EEO Professional when a violation of the EEO Policy occurred.

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

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

16. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported that EEO policies were available in large print and that it was prepared to provide its EEO policy information via a sign language interpreter and audio format upon request. During the period in review, no requests were made for its EEO policies in an alternate format.
17. Document reasonable accommodation requests and their outcomes.

- ✓ The agency documented reasonable accommodation requests and their outcomes via its reasonable accommodation request form and requests log, which captured the date, type of accommodation being requested, and if the request was granted.

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 *Diversity and EEO Officer* (the principal EEO Professional) was appointed in September 2015. The principal EEO Professional completed the following EEO trainings provided by DCAS: *ADA and Reasonable Accommodation* (May 2013), *Computer Based Diversity and Inclusion Training* (February 2014), *EEO Complaint Investigation Procedural Guidelines* (March 2016), *Workplace of Difference Training* (March 2016), *EEO Best Practices* (March 2016, August 2016, February 2017), *Diversity and Inclusion: Unconscious Bias Training* (April 2016), and *Disability Etiquette* (May 2016); and the following continuing legal education credits: *The Explicit Impact of Implicit Bias: Unpacking and Interrupting Implicit Bias to Create More Diverse & Inclusive Legal Workplaces* (April 2016) and *Equal Employment Opportunity* (September 2016).
19. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ In addition to the principal EEO Professional, the agency's EEO professionals included one (1) Deputy EEO Officer/EEO Investigator, one (1) Deputy EEO Officer, one (1) Deputy EEO Officer/Disability Rights Coordinator, eleven (11) EEO Counselors, and one (1) EEO Assistant. The agency reported that only the Deputy EEO Officer/EEO Investigator conducted EEO complaint investigations in addition to the principal EEO Professional, and that the Deputy EEO Officer and Deputy EEO Officer/Disability Rights Coordinator assisted the principal EEO Professional with reasonable accommodation requests. The Deputy EEO Officer/EEO Investigator completed *Diversity & Inclusion in Law Practice 2015* (February 2015) training provided by the Practicing Law Institute, *The Explicit Impact of Implicit Bias: Unpacking and Interrupting Implicit Bias to Create More Diverse & Inclusive Legal Workplaces* (April 2016) training provided by the New York City Bar Center for CLE; and EEO trainings provided by DCAS: *Basic Diversity & EEO training* (October 2014), *Computer Based Diversity and Inclusion Training* (March 2015), and *EEO Complaint Investigation Procedural Guidelines* (March 2016). The Deputy EEO Officer completed *Computer Based Diversity and Inclusion Training* (March 2015) and *Reasonable Accommodation Procedural Guidelines* (September 2015) trainings provided by DCAS. The Deputy EEO Officer/Disability Rights Coordinator completed *Computer Based Diversity and Inclusion Training* (March 2015), *Reasonable Accommodation Procedural Guidelines* (September 2015) and *Diversity and Inclusion: Unconscious Bias Training* (April 2016) trainings provided by DCAS.

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 agency's March 2017 organizational chart illustrated a direct reporting relationship between the principal EEO Professional and the agency head.
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.
- ✓ The agency reported that the principal EEO professional and agency head (Corporation Counsel) and/or First Assistant Corporation Counsel regularly discussed EEO matters. Discussion topics (documented by emails and MS Outlook meeting invitations) included: EEO and personnel issues, implicit bias training, EEO investigations, disparate impact and statistical analyses of the agency's FY 2017 Senior Counsel Program, developing new EEO training programs, and the creation of new EEO and diversity & inclusion materials.
 - The agency did not maintain documentation of decisions from the aforementioned meetings that impacted the administration and operation of the EEO program. Corrective Action Required.

Corrective Action #1: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:
Determination: The agency is in 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.
- ✓ Agency records indicated performance evaluations were completed for 75%, 46% and 100% of eligible employees in 2014, 2015 and 2016 respectively. Performance evaluation completion was tracked by the Personnel department for each unit and division. In July 2014 and September 2016, Personnel notified Division Chiefs and Deputy Chiefs via email of the need to complete performance evaluations for support staff. Included in the Personnel department's emails were the evaluation period, due date, routing procedure, information regarding how to access performance evaluations on the intranet and the availability of training sessions for those who require a refresher course. Employees were separately emailed by the Personnel department about performance evaluations, including the evaluation period, access to performance evaluation, necessity to review their evaluation within ten (10) business days, and the procedure by which their tasks and standards may be

updated. The performance evaluation forms utilized by the agency (were accessible to all employees via an *Evaluations* link from the agency's intranet site) ensured that the tasks and standards established at the start of the evaluation period for each employee were used for their evaluation at the end of the evaluation period.

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 ratings for EEO: *"...D. Effectively Implements Equal Employment Opportunity Policies: 1. Provides employees with appropriate EEO information and referrals 2. Ensures that employees participate in scheduled EEO training 3. Performs supervisory duties in a manner that utilizes all staff effectively and appropriately E. Ensures Non-Discrimination within Workplace: 1. Ensures that all staff are treated in a fair and equitable manner 2. Promptly consults with the Agency's EEO Officer if a violation of the EEO Policy is observed, discovered, or suspected 3. Fosters a work environment that is supportive of diversity."*

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 reports⁶ (up to 30 days following each quarter) on efforts to implement the plan.
- ✓ The agency provided all *Annual EEO Plans (Diversity and Equal Employment Opportunity Plan)*, and *Quarterly EEO Reports (Agency Quarterly Report on EEO Activity)* for the period in review.

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

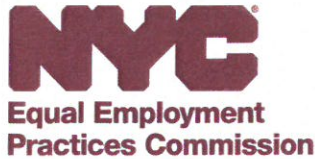
1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

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 1 required corrective action at this time.

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



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

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

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

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

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

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

Respectfully Submitted by,

A handwritten signature in blue ink that reads "William Peterson".

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in blue ink that reads "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Sosimo J. Fabian, Principal EEO Professional

Appendix - 1

New York City Law Department
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

New York City Law Department
Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

PAGE: 39
REPORT: EBEPR210

AGENCY 025 WORK FORCE COMPOSITION
LAW DEPARTMENT

[illegible]

PAGE: 40
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....:	10	9	1	3	0	0	5	11	0	0	0	0	0	39
	25.64	23.08	2.56	7.69	0.00	0.00	12.82	28.21	0.00	0.00	0.00	0.00	0.00	100.00

[illegible]

EEO JOB GROUP TOTAL.....:	4	2	3	5	1	0	3	2	1	2	0	0	0	23
	17.38	8.70	13.04	21.74	4.35	0.00	13.04	8.70	4.35	8.70	0.00	0.00	0.00	100.00

[illegible][illegible][illegible]

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

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2017 AGENCY 025 LAW DEPARTMENT

PAGE: 41
REPORT: EBEP210

30112 ASSISTANT CORPORATION COUN	267	13	19	24	1	12	325	45	30	41	1	15	0	793
EEO JOB GROUP TOTAL.....:	268	13	19	24	1	12	325	45	30	41	1	15	0	794
	33.75	1.64	2.39	3.02	0.13	1.51	40.93	5.67	3.78	5.16	0.13	1.89	0.00	100.00

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 009 PUBLIC RELATIONS

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
91415	GRAPHIC ARTIST	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	EEO JOB GROUP TOTAL.....:	0	0	1	0	0	0	0	0	0	0	0	0	0	1
		0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 010 TECHNICIANS

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
05072	STUDENT LEGAL SPECIALIST (0	1	0	0	0	0	2	1	0	0	0	0	0	4
06426	FIELD INVESTIGATION SPECIA	0	0	0	0	0	0	0	1	0	0	0	0	0	1
06517	SENIOR STUDENT LEGAL SPECI	2	0	0	0	0	0	1	0	0	0	0	0	0	3
13615	COMPUTER SERVICE TECHNICIA	0	2	0	2	0	0	0	1	0	0	0	0	0	5
13616	SUPERVISING COMPUTER SERVI	1	0	0	0	0	0	0	0	1	0	0	0	0	2
13620	COMPUTER AIDE	2	1	2	1	0	0	1	0	0	0	0	0	0	7
30080	PARALEGAL AIDE	23	25	15	3	0	0	35	96	19	10	0	0	0	226
30726	CLAIM SPECIALIST	7	14	1	5	0	0	12	41	8	3	0	0	0	91
30810	SENIOR TITLE EXAMINER	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30820	PRINCIPAL TITLE EXAMINER	3	0	0	1	0	0	1	0	0	0	0	0	0	5
40482	WORKERS' COMPENSATION BENE	6	0	2	5	0	0	20	15	4	10	0	0	0	62
	EEO JOB GROUP TOTAL.....:	45	43	20	17	0	0	72	155	32	23	0	0	0	407
		11.06	10.57	4.91	4.18	0.00	0.00	17.69	38.08	7.86	5.65	0.00	0.00	0.00	100.00

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 012 CLERICAL SUPERVISORS

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	3	2	0	1	0	0	2	6	0	1	0	0	0	15
	EEO JOB GROUP TOTAL.....:	3	2	0	1	0	0	2	6	0	1	0	0	0	15
		20.00	13.33	0.00	6.67	0.00	0.00	13.33	40.00	0.00	6.67	0.00	0.00	0.00	100.00

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 013 CLERICAL

PAGE: 42
REPORT: EBEPR210

AGENCY 025 WORK FORCE COMPOSITION
LAW DEPARTMENT

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 022 BUILDING SERVICES

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 025 CRAFT

AGENCY CODE : 025 LAW DEPARTMENT
EEO JOB GROUP : 027 TRANSPORTATION

[illegible]

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

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2017 AGENCY 025 LAW DEPARTMENT

PAGE: 43
REPORT: EBEP210

AGENCY CODE : 025 LAW DEPARTMENT
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	0	0	1	0	0	0	0	0	0	1	0	0	0	2
10209	COLLEGE AIDE	0	1	2	0	0	0	0	4	2	2	0	1	0	12
56057	COMMUNITY ASSOCIATE	0	0	0	0	0	0	0	0	0	1	0	0	0	1
56058	COMMUNITY COORDINATOR	0	3	1	0	0	0	2	3	0	0	0	0	0	9
EEO JOB GROUP TOTAL.....:		0	4	4	0	0	0	2	7	2	4	0	1	0	24
		0.01	16.67	16.67	0.00	0.00	0.00	8.33	29.17	8.33	16.67	0.00	4.17	0.00	100.00

AGENCY TOTAL.....:		372	128	66	55	2	14	476	347	108	86	3	20	0	1677
		22.19	7.63	3.94	3.28	0.12	0.83	28.38	20.69	6.44	5.13	0.18	1.19	0.00	100.00

Appendix - 3

New York City Law Department
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2014
(Start of Audit Period)

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

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

PAGE: 100
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/14

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 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	60	14	74	.5133	37.98	22.02	5.12	<.01	O
ETH	BLACK	6	68	74	.1889	13.98	-7.98	-2.37	<.01	U
ETH	HISPANIC	5	69	74	.1297	9.60	-4.60	-1.59	0.056	U-80%RUL
ETH	ASIAN / PAC ISL	3	71	74	.1017	7.53	-4.53	-1.74	0.041	U-80%RUL
ETH	NATIVE AMERICAN	0	74	74	.0018	0.13	-0.13	-0.37	0.357	N-05%RUL
ETH	ETH UNKNOWN	0	74	74	.0402	2.97	-2.97	-1.76	0.039	N-05%RUL
GEN	MALE	40	34	74	.5345	39.55	0.45	0.10	0.459	
GEN	FEMALE	34	40	74	.4206	31.12	2.88	0.68	0.249	
GEN	GENDER UNKNOWN	0	74	74	.0197	1.46	-1.46	-1.22	0.111	N-05%RUL

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

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

PAGE: 105
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/14

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 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	535	146	681	.5889	401.04	134.0	10.43	<.01	O
ETH	BLACK	55	626	681	.1310	89.21	-34.2	-3.89	<.01	U
ETH	HISPANIC	26	655	681	.1020	69.46	-43.5	-5.50	<.01	U
ETH	ASIAN / PAC ISL	56	625	681	.0721	49.10	6.90	1.02	0.153	
ETH	NATIVE AMERICAN	2	679	681	.0011	0.75	1.25	1.45	0.074	
ETH	ETH UNKNOWN	7	674	681	.0200	13.62	-6.62	-1.81	0.035	N-05%RUL
GEN	MALE	296	385	681	.4396	299.37	-3.37	-0.26	0.397	
GEN	FEMALE	385	296	681	.4738	322.66	62.34	4.78	<.01	O
GEN	GENDER UNKNOWN	0	681	681	.0010	0.68	-0.68	-0.83	0.205	N-05%RUL

Appendix - 4

New York City Law Department
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

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

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

PAGE: 99
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/16

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 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	593	201	794	.5889	467.59	125.4	9.05	<.01	O
ETH	BLACK	58	736	794	.1310	104.01	-46.0	-4.84	<.01	U
ETH	HISPANIC	49	745	794	.1020	80.99	-32.0	-3.75	<.01	N-05%RUL
ETH	ASIAN / PAC ISL	65	729	794	.0721	57.25	7.75	1.06	0.144	
ETH	NATIVE AMERICAN	2	792	794	.0011	0.87	1.13	1.21	0.114	
ETH	ETH UNKNOWN	27	767	794	.0200	15.88	11.12	2.82	<.01	N-05%RUL
GEN	MALE	337	457	794	.4396	349.04	-12.0	-0.86	0.195	
GEN	FEMALE	457	337	794	.4738	376.20	80.80	5.74	<.01	O
GEN	GENDER UNKNOWN	0	794	794	.0010	0.79	-0.79	-0.89	0.186	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

PAGE: 101
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/16

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 010 TECHNICIANS

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

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	117	290	407	.3514	143.02	-26.0	-2.70	<.01	U
ETH	BLACK	198	209	407	.3293	134.03	63.97	6.75	<.01	O
ETH	HISPANIC	52	355	407	.1923	78.27	-26.3	-3.30	<.01	U
ETH	ASIAN / PAC ISL	40	367	407	.1005	40.90	-0.90	-0.15	0.441	
ETH	NATIVE AMERICAN	0	407	407	.0027	1.10	-1.10	-1.05	0.147	N-05%RUL
ETH	ETH UNKNOWN	0	407	407	.0182	7.41	-7.41	-2.75	<.01	N-05%RUL
GEN	MALE	125	282	407	.6181	251.57	-127	-12.9	<.01	U
GEN	FEMALE	282	125	407	.3662	149.04	133.0	13.68	<.01	O
GEN	GENDER UNKNOWN	0	407	407	.0098	3.99	-3.99	-2.01	0.022	N-05%RUL

Appendix - 5

New York City Law Department
Workforce Compared with Internal and External Pools
4th Quarter of Fiscal Year 2017
(Most Recent Quarter Available)

RUN DATE: 07/06/17
 RUN TIME: 11:37:54
 FY2017 Q4

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: 95
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/17

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 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	59	17	76	.5133	39.01	19.99	4.59	<.01	O
ETH	BLACK	7	69	76	.1889	14.36	-7.36	-2.16	0.016	U
ETH	HISPANIC	6	70	76	.1297	9.86	-3.86	-1.32	0.094	U-80%RUL
ETH	ASIAN / PAC ISL	4	72	76	.1017	7.73	-3.73	-1.42	0.078	N-05%RUL
ETH	NATIVE AMERICAN	0	76	76	.0018	0.14	-0.14	-0.37	0.356	N-05%RUL
ETH	ETH UNKNOWN	0	76	76	.0402	3.06	-3.06	-1.78	0.037	N-05%RUL
GEN	MALE	36	40	76	.5345	40.62	-4.62	-1.06	0.144	
GEN	FEMALE	40	36	76	.4206	31.97	8.03	1.87	0.031	
GEN	GENDER UNKNOWN	0	76	76	.0197	1.50	-1.50	-1.24	0.108	N-05%RUL

RUN DATE: 07/06/17
 RUN TIME: 11:37:54
 FY2017 Q4

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: 96
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/17

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 003 MNGMNT SPECS

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	14	28	42	.4094	17.19	-3.19	-1.00	0.158	
ETH	BLACK	22	20	42	.2958	12.42	9.58	3.24	<.01	O
ETH	HISPANIC	1	41	42	.1295	5.44	-4.44	-2.04	0.021	U
ETH	ASIAN / PAC ISL	5	37	42	.1301	5.46	-0.46	-0.21	0.416	
ETH	NATIVE AMERICAN	0	42	42	.0022	0.09	-0.09	-0.30	0.380	N-05%RUL
ETH	ETH UNKNOWN	0	42	42	.0207	0.87	-0.87	-0.94	0.173	N-05%RUL
GEN	MALE	23	19	42	.5718	24.02	-1.02	-0.32	0.376	
GEN	FEMALE	19	23	42	.4032	16.93	2.07	0.65	0.258	
GEN	GENDER UNKNOWN	0	42	42	.0126	0.53	-0.53	-0.73	0.232	N-05%RUL

RUN DATE: 07/06/17
 RUN TIME: 11:37:54
 FY2017 Q4

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: 100
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/17

AGENCY: 025 LAW DEPARTMENT
 JOB GROUP: 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	599	224	823	.5889	484.66	114.3	8.10	<.01	O
ETH	BLACK	66	757	823	.1310	107.81	-41.8	-4.32	<.01	U
ETH	HISPANIC	50	773	823	.1020	83.95	-33.9	-3.91	<.01	N-05%RUL
ETH	ASIAN / PAC ISL	70	753	823	.0721	59.34	10.66	1.44	0.075	
ETH	NATIVE AMERICAN	2	821	823	.0011	0.91	1.09	1.15	0.125	
ETH	ETH UNKNOWN	36	787	823	.0200	16.46	19.54	4.87	<.01	N-05%RUL
GEN	MALE	350	473	823	.4396	361.79	-11.8	-0.83	0.204	
GEN	FEMALE	473	350	823	.4738	389.94	83.06	5.80	<.01	O
GEN	GENDER UNKNOWN	0	823	823	.0010	0.82	-0.82	-0.91	0.182	N-05%RUL



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

SOSIMO J. FABIAN
Diversity & EEO Officer
Phone: (212) 356-3195
Fax: (212) 356-1148
sfabian@law.nyc.gov

August 30, 2017

William B. Peterson
EEO Program Analyst
253 Broadway, Suite 602
New York, NY 10007

Dear Mr. Peterson:

Please find enclosed the New York City Law Department's response to the EEPC's Preliminary Findings. As you can see, we have taken the necessary steps to address the sole corrective finding identified by your agency. In short, and as reflected by the attached document, as of July 31, 2017 we have begun to better memorialize the meetings between the Corporation Counsel and myself, the principal EEO Officer. The annexed memorandum reflects the decisions that impact the administration and operation of the EEO program. [See Exhibit A and B.] Please note that based on your Audit, there are now quarterly meetings scheduled between myself and the Corporation Counsel in addition to those meetings which regularly occur on an as needed basis. The next quarterly meeting is scheduled for October 26, 2017. [See Exhibit C.]

I am hopeful that the annexed documents are sufficient to satisfy the corrective action you have identified and that it makes it unnecessary for there to be a compliance period.

Sincerely,

Sosimo J. Fabian, J.D., Ph.D.
Diversity and EEO Officer



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

September 6, 2017

Zachary W. Carter
Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

RE: Audit Resolution #2017/213 - 025: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Law Department's Employment Practices and Procedures from January 1, 2014 to December 31, 2016.

Dear Corporation Counsel Carter:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you the Principal EEO Professional's August 30, 2017 response to our August 16, 2017 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform 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.



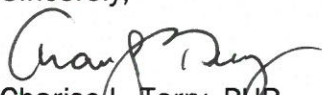
If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's 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 Janet P. Ford, Esq., Agency Counsel/Director of Compliance Monitoring at janford@eepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

C: Sosimo J. Fabian, Principal EEO Professional, Law Department

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 response² (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

Agree

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

Corrective Action #1

Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: *"..[W]e have taken the necessary steps to address the sole corrective finding identified by your agency. In short, and as reflected by the attached document, as of July 31, 2017 we have begun to better memorialize the meetings between the Corporation Counsel and myself, the principal EEO Officer. The annexed memorandum reflects the decisions that impact the administration and operation of the EEO program. Please note that based on [EEPC's] Audit, there are now quarterly meetings scheduled between [principal EEO Professional] and the Corporation Counsel in addition to those meetings which regularly occur on an as needed basis. The next quarterly meeting is scheduled for October 26, 2017..." (Response Pg. 1.)*

EEPC Response: The EEPC accepts the agency's response and *Exhibit B*, a memorandum to the EEO file, dated August 3, 2017, which memorialized decisions made at the July 31, 2017 meeting with the principal EEO Professional and Corporation Counsel, as proof that corrective action #1 has been implemented.

Thank you and your staff for your continued cooperation.

² Excerpts are italicized.

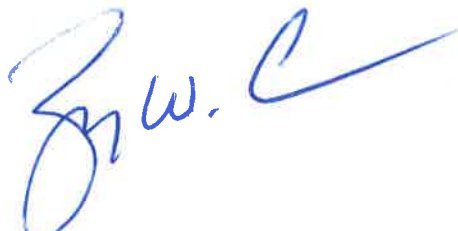


THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

MEMORANDUM

TO: ALL EMPLOYEES

FROM: ZACHARY W. CARTER 

DATE: SEPTEMBER 27, 2017

SUBJECT: SUCCESSFUL COMPLETION OF EQUAL EMPLOYMENT PRACTICES
AUDIT

The Equal Employment Practices Commission (EEPC) is empowered by the New York City Charter to audit and evaluate the employment programs, practices, policies and procedures of all city agencies. The EEPC recently completed an audit of the Law Department covering the period of January 1, 2013 through December 31, 2016. As a result, of this audit, the Law Department took the following action:

- Better document the operational and administrative achievements of our EEO program so that future administrations may benefit from lessons learned.

The agency's core values demonstrate our continuing commitment to maintaining and encouraging a work environment where every employee is treated with mutual dignity and respect. As you may have often heard me say, I have a special responsibility for the pursuit of justice while serving the long-term institutional interests of the City. Justice is demonstrated not only in the manner of which we advocate for and counsel clients but also is demonstrated in how the Law Department's operations are managed. The outcome of this audit is a confirmation of our core values. As a result, of our collective commitment to these principles, the EEPC audit reveals that 23 out of 24 standards have been met by the Law Department. The change referenced above, has already been implemented and there will not be a need for a compliance period.

I would like to take this opportunity to thank each of you for your important role in fulfilling the missions of this agency. Thank you also to the office EEO personnel for their continuous pursuit of excellence, fairness and justice in the workplace.

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

RESOLUTION #2017/213-025-C18: Determination of Compliance (No Compliance-Monitoring Period Required) by the New York City Law Department with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2014 through December 31, 2016.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPD 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 New York City Law Department's (NYLD) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 16, 2017, setting forth findings and the following required corrective actions:

1. 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.

Whereas, the NYLD submitted its response to the EEPC's Preliminary Determination letter, on August 30, 2017, with documentation of its actions to rectify the required corrective action; 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 September 6, 2017, which agreed and accepted documentation for implementation of the aforementioned corrective action; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the NYLD submitted a copy of the agency head's memorandum to staff dated September 27, 2017, which outlined the corrective action 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 New York City Law Department 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 the Corporation Counsel Zachary W. Carter, Esq., of the New York City Law Department.

Approved unanimously on September 28, 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 AND EMAIL

September 28, 2017

Zachary W. Carter, Esq.
Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

Re: Resolution #2017/213-025-C18: Determination of Agency Compliance

Dear Corporation Counsel Carter:

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 New York City Law Department. This Commission has determined that the New York City Law Department 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 EEO Officer Sosimo J. Fabian for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Elaine S. Reiss". The signature is fluid and cursive.

Elaine S. Reiss, Esq.
Commissioner

c: Sosimo J. Fabian, J.D., Ph.D., Principal EEO Professional, Law Department
Janet P. Ford, Esq., Director of Compliance Monitoring

This

Determination of Compliance

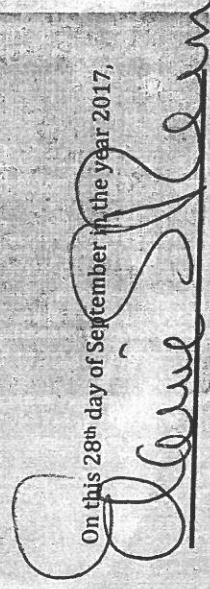
is issued to

New York City Law Department

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

In care of Corporation Counsel Zachary W. Carter, Esq.
and Principal EEO Professional Sosimo J. Fabian, Esq.

On this 28th day of September in the year 2017,



Elaine S. Reiss, Esq, Commissioner



Charise L. Terry, PHR, Executive Director