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**VIA MAIL AND EMAIL**

May 30, 2017

Robert W. Linn  
Commissioner  
Office of Labor Relations  
40 Rector Street, 4th Floor  
New York, NY 10006

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of Labor Relation's Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

Dear Commissioner Linn:

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

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Office of Labor Relations, 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*<sup>1</sup> and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

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

### Scope and Methodology

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

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the 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 return their individual questionnaires. The Commission's EEO Program Analysts also conduct

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





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

### Description of the Agency

The Office of Labor Relations (OLR) represents the Mayor in the conduct of labor relations between the City of New York and labor organizations representing employees of the City; represents the City at impasse proceedings; hears employee grievances; processes employee welfare funds; and administers the Employee Health Benefits Program, Management Benefits Fund, Employee Assistance Program, Medicare Reimbursement Program, Pre-Tax Benefits, and citywide programs including the Deferred Compensation Plan and New York City Employees' Individual Retirement Accounts. The Commissioner represents the Mayor before the Office of Collective Bargaining in negotiations and all other matters over which the Office of Collective Bargaining possesses jurisdiction. The Commissioner serves on behalf of the Mayor as the City's liaison with both labor and management in the private sector.

The OLR had 128 employees at the end of the period in review. (See workforce composition, attached as [Appendix 2.](#))

### PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

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

Determination: The agency is in partial 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 January 30, 2015, and January 26<sup>th</sup>, 2017, the agency head issued EEO policy statements, which read: "*The Office of Labor Relations is an Equal Employment Opportunity Employer. As Commissioner, I reaffirm the Office of Labor Relations' strong commitment to maintain fair employment practices.*" The statement included a list of all protected classes under federal, state, and local laws, as well as the contact information for the agency's EEO professionals. The agency reported that, during the period in review, the EEO handbook was distributed to employees via electronic mail.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints

and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- The agency did not demonstrate that, during the period in review, it posted or distributed 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; a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; or contact information for federal, state and local agencies that enforce laws against discrimination. **Corrective action required.**

**Corrective Action #1:** 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; and current contact information for federal, state and local agencies that enforce laws against discrimination.

## **II. EEO TRAINING FOR AGENCY:**

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ During the period in review, the agency established and implemented an EEO training plan for new and existing employees; the agency demonstrated that between May 20<sup>th</sup>, 2016 and June 16<sup>th</sup>, 2016, 27 employees completed the DCAS *Computer-Based Training*.
    - The agency did not demonstrate that all employees received EEO training. **Corrective action required.**

**NOTE:** The agency reported that it intends to have all employees complete the aforementioned EEO training by the fall of 2017.

**Corrective Action #2:** 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.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
  - The agency did not demonstrate that it assessed recruitment efforts to determine whether such efforts adversely impact any particular group. During the period in review, the CEEDS Report: *Workforce Compared with Internal and External Pools* for the 1<sup>st</sup> quarter of fiscal year 2017 indicated underutilization of Hispanics in the Managers job group. (See **Appendix 3.**)

**NOTE:** The underutilization of Hispanics in the Managers job group was eliminated as of the 2<sup>nd</sup> quarter of fiscal year 2017 (last quarter of the period in review.) Thus no further analysis was conducted in this area. The CEEDS Report: *Workforce Compared with Internal and External Pools* for the 3<sup>rd</sup> quarter of fiscal year 2017 (last available quarter) also indicated no underutilization of women or minorities in any job groups. (See **Appendix 4 – 5.**)

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.
- ✓ During the period in review, the principal EEO Professional also functioned as the principal HR Professional. The agency reported that, during the period in review, the principal EEO/HR Professional and the General Counsel met on a bi-weekly basis in order to discuss EEO and HR issues. The agency reported that the EEO/HR Professional reviewed the agency statistical information (workforce, hires, promotions, and separations) with the General Counsel. The agency reported that there were no EEO complaints during the period in review, and no barriers to equal employment opportunity within the agency.
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 CEEDS Report: *Workforce Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2017 (most recent available quarter) indicated no underutilization of minorities in any job groups, thus no further analysis was conducted in this area.

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.

NOTE: No underutilization was indicated, therefore, no further analysis was conducted in this area.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

NOTE: No underutilization was indicated, therefore, no further analysis was conducted in this area.

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).

- ✓ During the period in review, the agency used the DCAS *Guide to Structured Interviewing*; in addition to the list of structured interview questions, the guide included the following sections: *Checklist for Interviewer, Pre-Employment Inquiries, Effective Listening Techniques, and Barriers to Effective Listening, Language, Closing the Interview, Evaluating the Interview, Potential Pitfalls, and Skills Checklist.*

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 reported that, during the period in review, all job vacancies and opportunities for promotion were posted on the agency's bulletin boards in the office common areas. The agency reported no opportunities for transfer during the period in review.

- The agency did not demonstrate that, during the period in review, it administered incentive programs; publicized promotions, including promotions into, or changes in,



the managerial ranks; and/or used other methods to communicate internal opportunities. Corrective action required.

**Corrective Action #3:** 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.

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

- The agency did not demonstrate that it considered incumbent employees for career enhancement, development opportunities, and transfer. Corrective action required.

**Corrective Action #4:** 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.

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

- ✓ During the period in review, the agency advertised for the following positions: *WorksWell NYC Agency Coordinator, Communications Director, Labor Relations Analyst, Health and Wellness Program Analyst, and Assistant Commissioner*. Each job posting contained 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.

- ✓ During the period in review the agency maintained an in-house applicant log which captured the following information: *Job Opening Number, Title, Gender, and Ethnicity*. The log was maintained by the principal EEO/HR Professional. The agency also used NYCAPS to track applicant information, which included *position, applicants'/candidates' names, identification number, ethnicity, gender, disability and veteran status*.

- The agency did not demonstrate that it used and maintained an applicant/candidate log or tracking system which, at minimum, included the *interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and



*recruitment source* (information that NYCAPS eHire has the capability to capture). Also, the agency reported that the information captured in the in-house applicant log was recorded by the interviewer. Corrective action required.

Corrective Action #5: Use and maintain a 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.

#### IV. CAREER COUNSELING:

Determination: The agency is in partial 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.
  - ✓ The agency designated the principal EEO/HR Professional as the Career Counselor; employees were informed of the designation on January 30<sup>th</sup> 2015 via electronic mail and a bulletin board posting. The agency reported that the principal EEO/HR Professional had broad knowledge of City-specific human resource policies and procedures, civil service law, civil service examinations, and citywide job vacancies; and consulted with DCAS regarding the courses, workshops and seminars offered.
15. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
  - ✓ The principal EEO/HR Professional ensured, via electronic mail, that employees had access to information regarding job responsibilities and performance evaluation standards, and examinations; and ensured that all new employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures. The agency reported that the principal EEO/HR professional informed employees of job postings via the agency's bulletin boards. Additionally, the agency reported that new employees were provided with the agency head's EEO policy statement upon being hired. The agency reported that, during the period in review, the principal EEO Professional also functioned as the disability rights coordinator, and was aware of the number of 55-a program



participants and efforts the agency had made to employ, promote or accommodate qualified individuals with disabilities.

- The agency did not demonstrate that employees had access to information regarding training opportunities. Corrective action required.

Corrective Action #6: Ensure that all employees have access to information regarding training opportunities.

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

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

16. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio and/or Braille) upon request to employees and applicants for employment with disabilities.

- ✓ The agency reported that, during the period in review, information regarding employee rights and obligations, and the complaint, investigation, and reasonable accommodation procedures were available in large print and audio formats.

17. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported that requests for reasonable accommodation, and their outcomes, were documented in accordance to the *City of New York Reasonable Accommodation Guidelines*, which included a *Reasonable Accommodation Request* form. Although there were no requests during the period in review, the agency reported that it was the responsibility of the principal EEO/HR professional to process reasonable accommodation requests.

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

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

18. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

- ✓ The agency's principal EEO/HR Professional completed the following DCAS training: *Five Week Basic Training for EEO Professionals* (June 17<sup>th</sup> 1997), *Basic Training for EEO Representatives* (September 23<sup>rd</sup> 2008), *Influence Skills for EEO Officers* (February 3<sup>rd</sup> 2010), and *EEO Computer-Based Training* (April 20<sup>th</sup> 2011). The agency reported that, in order to remain abreast of current EEO laws and procedures, the principal EEO professional attended EEO training and quarterly meetings offered by the DCAS Office of Diversity, and



received updated information on EEO laws, policies and procedures from the DCAS Office of Diversity via electronic mail. On January 30, 2015, and January 26<sup>th</sup> 2017, employees were reminded of the name and contact information of the principal EEO professional via email and bulletin board postings.

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/HR professional, the agency designated the Deputy Director of Operations and the PAA/Office Manager as EEO counselors. The Deputy Director of Operations completed the following DCAS training: *Basic Training for EEO Professionals* (March 31<sup>st</sup>, 1998), and the *EEO Computer-Based Training* (May, 13<sup>th</sup>, 2009); the PAA/Office Manager completed the DCAS *Basic Training for EEO Representatives* (November, 18<sup>th</sup>, 2009). Employees were informed of the names and contact information of the EEO counselors via the agency heads EEO policy statement memo (see §I.1). The agency reported that the EEO professionals received updated information on EEO laws, policies and procedures from the DCAS Office of Diversity via electronic mail.

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.

- ✓ During the period in review, the principal EEO professional reported directly to the *Executive Director* in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship was reflected in the agency's organizational chart, dated January 5, 2017.

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 did not demonstrate that it maintained appropriate documentation of meetings and other communications between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **Corrective action is required.**

**Corrective Action #7:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.



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

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

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

- ✓ During the period in review, the agency established and administered annual performance evaluations for managerial and non-managerial employees. The performance evaluations were recorded via the *Office of Labor Relations Managerial and Non-Managerial Performance Evaluation* forms, which included the signatures of the employees, as well as the dates of administration.

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 *Managerial Performance Evaluation Form* does not contain a rating for EEO 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. Corrective action is required.

**Corrective Action #8:** Ensure that 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).

**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 reports<sup>2</sup> (up to 30 days following each quarter) on efforts to implement the plan.

- ✓ The agency submitted to the EEPC their Annual Plans, as well as quarterly reports, for each year of the period in review.

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<sup>2</sup>Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.





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

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

**Final Action:** Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

**Conclusion**

**The agency has 8 required corrective action(s) at this time.**

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

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

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

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

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





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

Respectfully Submitted by,

A handwritten signature in blue ink, appearing to read "Nathan P. Conway", written over a horizontal line.

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in black ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR  
Executive Director

c: Andrea Beach, Principal EEO/HR Professional



**Appendix 1**  
Office of Labor Relations  
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**  
Office of Labor Relations  
Workforce Composition Summary  
2nd Quarter of Fiscal Year 2017  
(End of Audit Period)

RUN DATE: 01/04/17  
RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY  
QUARTER 2 YEAR 2017 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 143  
REPORT: EBEPR210

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13366	DEPUTY COMMISSIONER OF LAB	0	0	0	0	0	0	2	0	0	0	0	0	0	2
13367	COMMISSIONER OF LABOR RELA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30100	COUNSEL (OLR)	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	2	0	1	0	0	0	0	4
		25.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	25.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
05346	EMPLOYEE HEALTH BENEFITS P	0	0	0	0	0	0	1	0	0	0	0	0	0	1
06409	DIRECTOR, EMPLOYEE ASSISTA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10025	ADMINISTRATIVE MANAGER	0	0	0	1	0	0	1	1	1	0	0	0	0	4
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	1	0	0	1	0	0	0	0	0	0	0	0	0	2
13365	ASSISTANT COMMISSIONER OF	3	0	0	0	0	0	3	0	0	1	0	0	0	7
30098	ASSOCIATE COUNSEL (OLR)	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
82994	ADMINISTRATIVE LABOR RELAT	1	0	0	1	0	0	4	1	0	0	0	0	0	7
95005	EXECUTIVE AGENCY COUNSEL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		8	0	0	3	0	0	11	3	1	1	0	0	0	27
		29.64	0.00	0.00	11.11	0.00	0.00	40.74	11.11	3.70	3.70	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
12626	STAFF ANALYST	0	0	0	0	0	0	1	0	0	0	0	0	0	1
12627	ASSOCIATE STAFF ANALYST	0	0	0	2	0	0	1	0	0	0	0	0	0	3
12704	TESTS AND MEASUREMENT SPEC	0	0	0	0	0	0	0	0	0	1	0	0	0	1
13368	LABOR RELATIONS ANALYST	0	0	1	1	0	0	1	1	0	2	0	0	0	6
40235	INSURANCE ADVISOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
40236	INSURANCE ADVISER (HEALTH)	1	0	0	0	0	0	1	1	0	0	0	0	0	3
40502	MANAGEMENT AUDITOR	0	0	0	0	0	0	0	0	1	0	0	0	0	1
40510	ACCOUNTANT	1	0	0	1	0	0	0	0	0	1	0	0	0	3
53059	EMPLOYEE ASSISTANCE PROGRA	2	0	0	0	0	0	5	2	1	0	0	0	0	10



RUN DATE: 01/04/17  
RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY  
QUARTER 2 YEAR 2017 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 144  
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....: 13.80 0.00 3.45 13.79 0.00 0.00 31.03 17.24 6.90 13.79 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13621	COMPUTER ASSOCIATE (OPERAT	0	0	1	0	0	0	0	0	0	0	0	0	0	1
13622	COMPUTER SPECIALIST (OPERA	0	0	0	0	0	0	0	1	0	0	0	0	0	1
13631	COMPUTER ASSOCIATE (SOFTWA	1	0	0	0	0	0	1	0	0	0	0	0	0	2
21744	CITY RESEARCH SCIENTIST (A	0	0	0	0	0	0	1	0	0	0	0	0	0	1

EEO JOB GROUP TOTAL.....: 20.00 0.00 20.00 0.00 0.00 0.00 40.00 20.00 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
06361	DEPUTY ASSISTANT COUNSEL (	4	0	0	0	0	0	3	2	0	0	0	0	0	9
30087	AGENCY ATTORNEY	2	0	0	0	0	0	0	0	0	0	0	0	0	2

EEO JOB GROUP TOTAL.....: 54.55 0.00 0.00 0.00 0.00 0.00 27.27 18.18 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	2	0	0	0	0	4	4	1	1	0	0	0	12

EEO JOB GROUP TOTAL.....: 0.01 16.67 0.00 0.00 0.00 0.00 33.33 33.33 8.33 8.33 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10251	CLERICAL ASSOCIATE	1	0	1	0	0	0	1	4	2	1	0	0	0	10
10252	SECRETARY	0	0	0	0	0	0	1	0	1	0	0	0	0	2
11704	SUPERVISOR OF OFFICE MACHI	0	0	0	0	0	0	0	1	0	0	0	0	0	1
12913	SECRETARY TO THE COMMISSIO	0	0	0	0	0	0	0	1	0	0	0	0	0	1

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2017 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 145  
 REPORT: EBEPR210

60888 CUSTOMER INFORMATION REPRE	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	1	0	1	0	0	0	2	7	3	1	0	0	0	15
	6.66	0.00	6.67	0.00	0.00	0.00	13.33	46.67	20.00	6.67	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 030 TEACHERS AND COUNSELORS

		MALE						FEMALE							
TITLE	TITLE	WHITE	BLACK	HISPN	ASIAN	AM IND	UN-	WHITE	BLACK	HISPN	ASIAN	AM IND	UN-	OTHER	TOTAL
CODE	DESCRIPTION				PACIS	ALASK	KNOWN				PACIS	ALASK	KNOWN		EMP
51110	PUBLIC HEALTH EDUCATOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	0	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

		MALE						FEMALE							
TITLE	TITLE	WHITE	BLACK	HISPN	ASIAN	AM IND	UN-	WHITE	BLACK	HISPN	ASIAN	AM IND	UN-	OTHER	TOTAL
CODE	DESCRIPTION				PACIS	ALASK	KNOWN				PACIS	ALASK	KNOWN		EMP
12752	LABOR RELATIONS ANALYST TR	0	1	0	0	0	0	0	0	0	2	0	0	0	3
56056	COMMUNITY ASSISTANT	0	1	1	0	0	0	2	3	0	1	0	0	0	8
56057	COMMUNITY ASSOCIATE	3	1	1	1	0	0	1	4	0	0	1	0	0	12
56058	COMMUNITY COORDINATOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		3	3	2	1	0	0	3	8	0	3	1	0	0	24
		12.50	12.50	8.33	4.17	0.00	0.00	12.50	33.33	0.00	12.50	4.17	0.00	0.00	100.00

AGENCY TOTAL.....:	24	5	5	8	0	0	36	31	8	10	1	0	0	128
	18.74	3.91	3.91	6.25	0.00	0.00	28.13	24.22	6.25	7.81	0.78	0.00	0.00	100.00



## Appendix 3

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*1<sup>st</sup> Quarter 2017*

RUN DATE: 10/04/16  
RUN TIME: 9:15:30  
FY2017 Q1

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

PAGE: 376  
PROGRAM: EBP961  
EXTRACT DATE: 09/30/16

AGENCY: 214 OFFICE OF LABOR RELATIONS  
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	20	6	26	.5133	13.35	6.65	2.61	<.01	O
ETH	BLACK	3	23	26	.1889	4.91	-1.91	-0.96	0.169	U-80%RUL
ETH	HISPANIC	0	26	26	.1297	3.37	-3.37	-1.97	0.025	U
ETH	ASIAN / PAC ISL	3	23	26	.1017	2.64	0.36	0.23	0.409	
ETH	NATIVE AMERICAN	0	26	26	.0018	0.05	-0.05	-0.22	0.414	N-05%RUL
ETH	ETH UNKNOWN	0	26	26	.0402	1.05	-1.05	-1.04	0.148	N-05%RUL
GEN	MALE	11	15	26	.5345	13.90	-2.90	-1.14	0.127	U-80%RUL
GEN	FEMALE	15	11	26	.4206	10.94	4.06	1.61	0.053	
GEN	GENDER UNKNOWN	0	26	26	.0197	0.51	-0.51	-0.72	0.235	N-05%RUL



## Appendix 4

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*2<sup>st</sup> Quarter 2017*

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

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

PAGE: 380  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/16

AGENCY: 214 OFFICE OF LABOR RELATIONS  
 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	19	8	27	.5133	13.86	5.14	1.98	0.024	O
ETH	BLACK	3	24	27	.1889	5.10	-2.10	-1.03	0.151	U-80%RUL
ETH	HISPANIC	1	26	27	.1297	3.50	-2.50	-1.43	0.076	U-80%RUL
ETH	ASIAN / PAC ISL	4	23	27	.1017	2.75	1.25	0.80	0.212	
ETH	NATIVE AMERICAN	0	27	27	.0018	0.05	-0.05	-0.22	0.413	N-05%RUL
ETH	ETH UNKNOWN	0	27	27	.0402	1.09	-1.09	-1.06	0.144	N-05%RUL
GEN	MALE	11	16	27	.5345	14.43	-3.43	-1.32	0.093	U-80%RUL
GEN	FEMALE	16	11	27	.4206	11.36	4.64	1.81	0.035	
GEN	GENDER UNKNOWN	0	27	27	.0197	0.53	-0.53	-0.74	0.231	N-05%RUL



## Appendix 5

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*3<sup>rd</sup> Quarter 2017*

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

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

PAGE: 382  
 PROGRAM: EBP961  
 EXTRACT DATE: 03/31/17

AGENCY: 214 OFFICE OF LABOR RELATIONS  
 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	19	8	27	.5133	13.86	5.14	1.98	0.024	O
ETH	BLACK	3	24	27	.1889	5.10	-2.10	-1.03	0.151	U-80%RUL
ETH	HISPANIC	1	26	27	.1297	3.50	-2.50	-1.43	0.076	U-80%RUL
ETH	ASIAN / PAC ISL	4	23	27	.1017	2.75	1.25	0.80	0.212	
ETH	NATIVE AMERICAN	0	27	27	.0018	0.05	-0.05	-0.22	0.413	N-05%RUL
ETH	ETH UNKNOWN	0	27	27	.0402	1.09	-1.09	-1.06	0.144	N-05%RUL
GEN	MALE	11	16	27	.5345	14.43	-3.43	-1.32	0.093	U-80%RUL
GEN	FEMALE	16	11	27	.4206	11.36	4.64	1.81	0.035	
GEN	GENDER UNKNOWN	0	27	27	.0197	0.53	-0.53	-0.74	0.231	N-05%RUL





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## BY MAIL AND EMAIL

June 16, 2017

Robert W. Linn  
Commissioner  
Office of Labor Relations  
40 Rector Street, 4th Floor  
New York, NY 10006

RE: Audit Resolution #2017/211-214: Final Determination Pursuant to the Review, Evaluation and Monitoring of Office of Labor Relation's Employment's Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

Dear Commissioner Linn:

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.

As the EEPC did not receive the Office of Labor Relation's response to our May 30, 2017 Preliminary Determination within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the attached Determination is now Final.

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

---

<sup>1</sup> Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



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 provides a written response within 30 days from the date of this letter indicating corrective action taken.

The assigned compliance-monitoring period is: JULY 2017 to DECEMBER 2017.

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

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

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Nathan Conway at 212-615-8946.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry, PHR  
Executive Director

c: Andrea Beach, Administrative Officer, Principal EEO/HR Professional





FINAL DETERMINATION  
06/15/2017

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**VIA MAIL AND EMAIL**

May 30, 2017

Robert W. Linn  
Commissioner  
Office of Labor Relations  
40 Rector Street, 4th Floor  
New York, NY 10006

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of Labor Relation's Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

Dear Commissioner Linn:

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

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Office of Labor Relations, 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*<sup>1</sup> and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

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

### Scope and Methodology

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

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the 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 return their individual questionnaires. The Commission's EEO Program Analysts also conduct

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



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

### Description of the Agency

The Office of Labor Relations (OLR) represents the Mayor in the conduct of labor relations between the City of New York and labor organizations representing employees of the City; represents the City at impasse proceedings; hears employee grievances; processes employee welfare funds; and administers the Employee Health Benefits Program, Management Benefits Fund, Employee Assistance Program, Medicare Reimbursement Program, Pre-Tax Benefits, and citywide programs including the Deferred Compensation Plan and New York City Employees' Individual Retirement Accounts. The Commissioner represents the Mayor before the Office of Collective Bargaining in negotiations and all other matters over which the Office of Collective Bargaining possesses jurisdiction. The Commissioner serves on behalf of the Mayor as the City's liaison with both labor and management in the private sector.

The OLR had 128 employees at the end of the period in review. (See workforce composition, attached as Appendix 2.)

### PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

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

Determination: The agency is in partial 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 January 30, 2015, and January 26<sup>th</sup>, 2017, the agency head issued EEO policy statements, which read: "*The Office of Labor Relations is an Equal Employment Opportunity Employer. As Commissioner, I reaffirm the Office of Labor Relations' strong commitment to maintain fair employment practices.*" The statement included a list of all protected classes under federal, state, and local laws, as well as the contact information for the agency's EEO professionals. The agency reported that, during the period in review, the EEO handbook was distributed to employees via electronic mail.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints



and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- The agency did not demonstrate that, during the period in review, it posted or distributed 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; a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; or contact information for federal, state and local agencies that enforce laws against discrimination. **Corrective action required.**

**Corrective Action #1:** 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; and current contact information for federal, state and local agencies that enforce laws against discrimination.

## II. **EEO TRAINING FOR AGENCY:**

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ During the period in review, the agency established and implemented an EEO training plan for new and existing employees; the agency demonstrated that between May 20<sup>th</sup>, 2016 and June 16<sup>th</sup>, 2016, 27 employees completed the DCAS *Computer-Based Training*.
    - The agency did not demonstrate that all employees received EEO training. **Corrective action required.**

**NOTE:** The agency reported that it intends to have all employees complete the aforementioned EEO training by the fall of 2017.

**Corrective Action #2:** 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.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
  - The agency did not demonstrate that it assessed recruitment efforts to determine whether such efforts adversely impact any particular group. During the period in review, the CEEDS Report: *Workforce Compared with Internal and External Pools* for the 1<sup>st</sup> quarter of fiscal year 2017 indicated underutilization of Hispanics in the Managers job group. (See **Appendix 3.**)

NOTE: The underutilization of Hispanics in the Managers job group was eliminated as of the 2<sup>nd</sup> quarter of fiscal year 2017 (last quarter of the period in review.) Thus no further analysis was conducted in this area. The CEEDS Report: *Workforce Compared with Internal and External Pools* for the 3<sup>rd</sup> quarter of fiscal year 2017 (last available quarter) also indicated no underutilization of women or minorities in any job groups. (See **Appendix 4 – 5.**)

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.
- ✓ During the period in review, the principal EEO Professional also functioned as the principal HR Professional. The agency reported that, during the period in review, the principal EEO/HR Professional and the General Counsel met on a bi-weekly basis in order to discuss EEO and HR issues. The agency reported that the EEO/HR Professional reviewed the agency statistical information (workforce, hires, promotions, and separations) with the General Counsel. The agency reported that there were no EEO complaints during the period in review, and no barriers to equal employment opportunity within the agency.
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 CEEDS Report: *Workforce Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2017 (most recent available quarter) indicated no underutilization of minorities in any job groups, thus no further analysis was conducted in this area.

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.

NOTE: No underutilization was indicated, therefore, no further analysis was conducted in this area.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

NOTE: No underutilization was indicated, therefore, no further analysis was conducted in this area.

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).

- ✓ During the period in review, the agency used the DCAS *Guide to Structured Interviewing*; in addition to the list of structured interview questions, the guide included the following sections: *Checklist for Interviewer, Pre-Employment Inquiries, Effective Listening Techniques, and Barriers to Effective Listening, Language, Closing the Interview, Evaluating the Interview, Potential Pitfalls, and Skills Checklist.*

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 reported that, during the period in review, all job vacancies and opportunities for promotion were posted on the agency's bulletin boards in the office common areas. The agency reported no opportunities for transfer during the period in review.

- The agency did not demonstrate that, during the period in review, it administered incentive programs; publicized promotions, including promotions into, or changes in,



the managerial ranks; and/or used other methods to communicate internal opportunities. Corrective action required.

**Corrective Action #3:** 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.

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

- The agency did not demonstrate that it considered incumbent employees for career enhancement, development opportunities, and transfer. Corrective action required.

**Corrective Action #4:** 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.

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

- ✓ During the period in review, the agency advertised for the following positions: *WorksWell NYC Agency Coordinator, Communications Director, Labor Relations Analyst, Health and Wellness Program Analyst, and Assistant Commissioner*. Each job posting contained 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.

- ✓ During the period in review the agency maintained an in-house applicant log which captured the following information: *Job Opening Number, Title, Gender, and Ethnicity*. The log was maintained by the principal EEO/HR Professional. The agency also used NYCAPS to track applicant information, which included *position, applicants'/candidates' names, identification number, ethnicity, gender, disability and veteran status*.

- The agency did not demonstrate that it used and maintained an applicant/candidate log or tracking system which, at minimum, included the *interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and



*recruitment source* (information that NYCAPS eHire has the capability to capture). Also, the agency reported that the information captured in the in-house applicant log was recorded by the interviewer. Corrective action required.

Corrective Action #5: Use and maintain a 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.

#### IV. CAREER COUNSELING:

Determination: The agency is in partial 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.
  - ✓ The agency designated the principal EEO/HR Professional as the Career Counselor; employees were informed of the designation on January 30<sup>th</sup> 2015 via electronic mail and a bulletin board posting. The agency reported that the principal EEO/HR Professional had broad knowledge of City-specific human resource policies and procedures, civil service law, civil service examinations, and citywide job vacancies; and consulted with DCAS regarding the courses, workshops and seminars offered.
15. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
  - ✓ The principal EEO/HR Professional ensured, via electronic mail, that employees had access to information regarding job responsibilities and performance evaluation standards, and examinations; and ensured that all new employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures. The agency reported that the principal EEO/HR professional informed employees of job postings via the agency's bulletin boards. Additionally, the agency reported that new employees were provided with the agency head's EEO policy statement upon being hired. The agency reported that, during the period in review, the principal EEO Professional also functioned as the disability rights coordinator, and was aware of the number of 55-a program



participants and efforts the agency had made to employ, promote or accommodate qualified individuals with disabilities.

- The agency did not demonstrate that employees had access to information regarding training opportunities. Corrective action required.

Corrective Action #6: Ensure that all employees have access to information regarding training opportunities.

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

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

16. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio and/or Braille) upon request to employees and applicants for employment with disabilities.

- ✓ The agency reported that, during the period in review, information regarding employee rights and obligations, and the complaint, investigation, and reasonable accommodation procedures were available in large print and audio formats.

17. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported that requests for reasonable accommodation, and their outcomes, were documented in accordance to the *City of New York Reasonable Accommodation Guidelines*, which included a *Reasonable Accommodation Request* form. Although there were no requests during the period in review, the agency reported that it was the responsibility of the principal EEO/HR professional to process reasonable accommodation requests.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

18. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

- ✓ The agency's principal EEO/HR Professional completed the following DCAS training: *Five Week Basic Training for EEO Professionals* (June 17<sup>th</sup> 1997), *Basic Training for EEO Representatives* (September 23<sup>rd</sup> 2008), *Influence Skills for EEO Officers* (February 3<sup>rd</sup> 2010), and *EEO Computer-Based Training* (April 20<sup>th</sup> 2011). The agency reported that, in order to remain abreast of current EEO laws and procedures, the principal EEO professional attended EEO training and quarterly meetings offered by the DCAS Office of Diversity, and



received updated information on EEO laws, policies and procedures from the DCAS Office of Diversity via electronic mail. On January 30, 2015, and January 26<sup>th</sup> 2017, employees were reminded of the name and contact information of the principal EEO professional via email and bulletin board postings.

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/HR professional, the agency designated the Deputy Director of Operations and the PAA/Office Manager as EEO counselors. The Deputy Director of Operations completed the following DCAS training: *Basic Training for EEO Professionals* (March 31<sup>st</sup>, 1998), and the *EEO Computer-Based Training* (May, 13<sup>th</sup>, 2009); the PAA/Office Manager completed the DCAS *Basic Training for EEO Representatives* (November, 18<sup>th</sup>, 2009). Employees were informed of the names and contact information of the EEO counselors via the agency heads EEO policy statement memo (see §I.1). The agency reported that the EEO professionals received updated information on EEO laws, policies and procedures from the DCAS Office of Diversity via electronic mail.

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.

- ✓ During the period in review, the principal EEO professional reported directly to the *Executive Director* in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship was reflected in the agency's organizational chart, dated January 5, 2017.

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 did not demonstrate that it maintained appropriate documentation of meetings and other communications between the agency head and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **Corrective action is required.**

**Corrective Action #7:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

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

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

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

- ✓ During the period in review, the agency established and administered annual performance evaluations for managerial and non-managerial employees. The performance evaluations were recorded via the *Office of Labor Relations Managerial and Non-Managerial Performance Evaluation* forms, which included the signatures of the employees, as well as the dates of administration.

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 *Managerial Performance Evaluation Form* does not contain a rating for EEO 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. Corrective action is required.

**Corrective Action #8:** Ensure that 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).

**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 reports<sup>2</sup> (up to 30 days following each quarter) on efforts to implement the plan.

- ✓ The agency submitted to the EEPC their Annual Plans, as well as quarterly reports, for each year of the period in review.

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<sup>2</sup>Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



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

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

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

**Conclusion**

The agency has 8 required corrective action(s) at this time.

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

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

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

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

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





FINAL DETERMINATION  
06/15/2017

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, appearing to read "Nathan P. Conway", written over a horizontal line.

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in black ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR  
Executive Director

c: Andrea Beach, Principal EEO/HR Professional

**Appendix 1**  
Office of Labor Relations  
EEO Job Group Descriptions

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

FINAL DETERMINATION

06/15/2017

**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



## FINAL DETERMINATION

06/15/2017

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.



## FINAL DETERMINATION

06/15/2017

**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**  
Office of Labor Relations  
Workforce Composition Summary  
2nd Quarter of Fiscal Year 2017  
(End of Audit Period)



# FINAL DETERMINATION

## 06/15/2017

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 143  
 REPORT: EBEPR210

QUARTER 2 YEAR 2017

AGENCY 214 OFFICE OF LABOR RELATIONS

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13366	DEPUTY COMMISSIONER OF LAB	0	0	0	0	0	0	2	0	0	0	0	0	0	2
13367	COMMISSIONER OF LABOR RELA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30100	COUNSEL (OLR)	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	2	0	1	0	0	0	0	4
		25.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	25.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
05346	EMPLOYEE HEALTH BENEFITS P	0	0	0	0	0	0	1	0	0	0	0	0	0	1
06409	DIRECTOR, EMPLOYEE ASSISTA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10025	ADMINISTRATIVE MANAGER	0	0	0	1	0	0	1	1	1	0	0	0	0	4
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	1	0	0	1	0	0	0	0	0	0	0	0	0	2
13365	ASSISTANT COMMISSIONER OF	3	0	0	0	0	0	3	0	0	1	0	0	0	7
30098	ASSOCIATE COUNSEL (OLR)	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
82994	ADMINISTRATIVE LABOR RELAT	1	0	0	1	0	0	4	1	0	0	0	0	0	7
95005	EXECUTIVE AGENCY COUNSEL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		8	0	0	3	0	0	11	3	1	1	0	0	0	27
		29.64	0.00	0.00	11.11	0.00	0.00	40.74	11.11	3.70	3.70	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
12626	STAFF ANALYST	0	0	0	0	0	0	1	0	0	0	0	0	0	1
12627	ASSOCIATE STAFF ANALYST	0	0	0	2	0	0	1	0	0	0	0	0	0	3
12704	TESTS AND MEASUREMENT SPEC	0	0	0	0	0	0	0	0	0	1	0	0	0	1
13368	LABOR RELATIONS ANALYST	0	0	1	1	0	0	1	1	0	2	0	0	0	6
40235	INSURANCE ADVISOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
40236	INSURANCE ADVISER (HEALTH)	1	0	0	0	0	0	1	1	0	0	0	0	0	3
40502	MANAGEMENT AUDITOR	0	0	0	0	0	0	0	0	1	0	0	0	0	1
40510	ACCOUNTANT	1	0	0	1	0	0	0	0	0	1	0	0	0	3
53059	EMPLOYEE ASSISTANCE PROGRA	2	0	0	0	0	0	5	2	1	0	0	0	0	10

# FINAL DETERMINATION

## 06/15/2017

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 144  
 REPORT: EBEPR210

QUARTER 2 YEAR 2017

EEO JOB GROUP TOTAL.....: 13.80 0.00 3.45 13.79 0.00 0.00 31.03 17.24 6.90 13.79 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13621	COMPUTER ASSOCIATE (OPERAT	0	0	1	0	0	0	0	0	0	0	0	0	0	1
13622	COMPUTER SPECIALIST (OPERA	0	0	0	0	0	0	0	1	0	0	0	0	0	1
13631	COMPUTER ASSOCIATE (SOFTWA	1	0	0	0	0	0	1	0	0	0	0	0	0	2
21744	CITY RESEARCH SCIENTIST (A	0	0	0	0	0	0	1	0	0	0	0	0	0	1

EEO JOB GROUP TOTAL.....: 20.00 0.00 20.00 0.00 0.00 0.00 40.00 20.00 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
06361	DEPUTY ASSISTANT COUNSEL (	4	0	0	0	0	0	3	2	0	0	0	0	0	9
30087	AGENCY ATTORNEY	2	0	0	0	0	0	0	0	0	0	0	0	0	2

EEO JOB GROUP TOTAL.....: 54.55 0.00 0.00 0.00 0.00 0.00 27.27 18.18 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	2	0	0	0	0	4	4	1	1	0	0	0	12

EEO JOB GROUP TOTAL.....: 0.01 16.67 0.00 0.00 0.00 0.00 33.33 33.33 8.33 8.33 0.00 0.00 0.00 100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10251	CLERICAL ASSOCIATE	1	0	1	0	0	0	1	4	2	1	0	0	0	10
10252	SECRETARY	0	0	0	0	0	0	1	0	1	0	0	0	0	2
11704	SUPERVISOR OF OFFICE MACHI	0	0	0	0	0	0	0	1	0	0	0	0	0	1
12913	SECRETARY TO THE COMMISSIO	0	0	0	0	0	0	0	1	0	0	0	0	0	1

# FINAL DETERMINATION

## 06/15/2017

RUN DATE: 01/04/17  
 RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2017 AGENCY 214 OFFICE OF LABOR RELATIONS

PAGE: 145  
 REPORT: EBEPR210

60888 CUSTOMER INFORMATION REPRE	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	1	0	1	0	0	0	2	7	3	1	0	0	0	15
	6.66	0.00	6.67	0.00	0.00	0.00	13.33	46.67	20.00	6.67	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 EEO JOB GROUP : 030 TEACHERS AND COUNSELORS

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		
51110	PUBLIC HEALTH EDUCATOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
	EEO JOB GROUP TOTAL.....:	0	0	0	0	0	0	0	1	0	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 214 OFFICE OF LABOR RELATIONS  
 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		
12752	LABOR RELATIONS ANALYST TR	0	1	0	0	0	0	0	0	0	2	0	0	0	3
56056	COMMUNITY ASSISTANT	0	1	1	0	0	0	2	3	0	1	0	0	0	8
56057	COMMUNITY ASSOCIATE	3	1	1	1	0	0	1	4	0	0	1	0	0	12
56058	COMMUNITY COORDINATOR	0	0	0	0	0	0	0	1	0	0	0	0	0	1
	EEO JOB GROUP TOTAL.....:	3	3	2	1	0	0	3	8	0	3	1	0	0	24
		12.50	12.50	8.33	4.17	0.00	0.00	12.50	33.33	0.00	12.50	4.17	0.00	0.00	100.00

AGENCY TOTAL.....:	24	5	5	8	0	0	36	31	8	10	1	0	0	128
	18.74	3.91	3.91	6.25	0.00	0.00	28.13	24.22	6.25	7.81	0.78	0.00	0.00	100.00



## Appendix 3

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*1<sup>st</sup> Quarter 2017*

# FINAL DETERMINATION 06/15/2017

RUN DATE: 10/04/16  
RUN TIME: 9:15:30  
FY2017 Q1

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

PAGE: 376  
PROGRAM: EBP961  
EXTRACT DATE: 09/30/16

AGENCY: 214 OFFICE OF LABOR RELATIONS  
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	20	6	26	.5133	13.35	6.65	2.61	<.01	O
ETH	BLACK	3	23	26	.1889	4.91	-1.91	-0.96	0.169	U-80%RUL
ETH	HISPANIC	0	26	26	.1297	3.37	-3.37	-1.97	0.025	U
ETH	ASIAN / PAC ISL	3	23	26	.1017	2.64	0.36	0.23	0.409	
ETH	NATIVE AMERICAN	0	26	26	.0018	0.05	-0.05	-0.22	0.414	N-05%RUL
ETH	ETH UNKNOWN	0	26	26	.0402	1.05	-1.05	-1.04	0.148	N-05%RUL
GEN	MALE	11	15	26	.5345	13.90	-2.90	-1.14	0.127	U-80%RUL
GEN	FEMALE	15	11	26	.4206	10.94	4.06	1.61	0.053	
GEN	GENDER UNKNOWN	0	26	26	.0197	0.51	-0.51	-0.72	0.235	N-05%RUL

## Appendix 4

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*2<sup>st</sup> Quarter 2017*



# FINAL DETERMINATION

## 06/15/2017

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

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

PAGE: 380  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/16

AGENCY: 214 OFFICE OF LABOR RELATIONS  
 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	19	8	27	.5133	13.86	5.14	1.98	0.024	O
ETH	BLACK	3	24	27	.1889	5.10	-2.10	-1.03	0.151	U-80%RUL
ETH	HISPANIC	1	26	27	.1297	3.50	-2.50	-1.43	0.076	U-80%RUL
ETH	ASIAN / PAC ISL	4	23	27	.1017	2.75	1.25	0.80	0.212	
ETH	NATIVE AMERICAN	0	27	27	.0018	0.05	-0.05	-0.22	0.413	N-05%RUL
ETH	ETH UNKNOWN	0	27	27	.0402	1.09	-1.09	-1.06	0.144	N-05%RUL
GEN	MALE	11	16	27	.5345	14.43	-3.43	-1.32	0.093	U-80%RUL
GEN	FEMALE	16	11	27	.4206	11.36	4.64	1.81	0.035	
GEN	GENDER UNKNOWN	0	27	27	.0197	0.53	-0.53	-0.74	0.231	N-05%RUL

## Appendix 5

### Office of Labor Relations

CEEDS Report: *Work Force Compared With Internal & External Pools*  
*3<sup>rd</sup> Quarter 2017*

# FINAL DETERMINATION

## 06/15/2017

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

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

PAGE: 382  
 PROGRAM: EBP961  
 EXTRACT DATE: 03/31/17

AGENCY: 214 OFFICE OF LABOR RELATIONS  
 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	19	8	27	.5133	13.86	5.14	1.98	0.024	O
ETH	BLACK	3	24	27	.1889	5.10	-2.10	-1.03	0.151	U-80%RUL
ETH	HISPANIC	1	26	27	.1297	3.50	-2.50	-1.43	0.076	U-80%RUL
ETH	ASIAN / PAC ISL	4	23	27	.1017	2.75	1.25	0.80	0.212	
ETH	NATIVE AMERICAN	0	27	27	.0018	0.05	-0.05	-0.22	0.413	N-05%RUL
ETH	ETH UNKNOWN	0	27	27	.0402	1.09	-1.09	-1.06	0.144	N-05%RUL
GEN	MALE	11	16	27	.5345	14.43	-3.43	-1.32	0.093	U-80%RUL
GEN	FEMALE	16	11	27	.4206	11.36	4.64	1.81	0.035	
GEN	GENDER UNKNOWN	0	27	27	.0197	0.53	-0.53	-0.74	0.231	N-05%RUL



## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2017/211-214:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Labor Relations' Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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

**Whereas,** pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas,** pursuant to its audit of the Office of Labor Relations' (OLR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 30<sup>th</sup>, 2017, setting forth findings and the following required corrective actions:

1. 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; and current contact information for federal, state and local agencies that enforce laws against discrimination.
2. 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.
3. 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.
4. 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.

5. Use and maintain a 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.
6. Ensure that all employees have access to information regarding training opportunities.
7. 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.
8. Ensure that 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).

Whereas, the agency did not submit a response to the EEPD's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD issued the Final Determination on June 16, 2016, which indicated that corrective actions nos. 1 through 8 require compliance monitoring; and

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

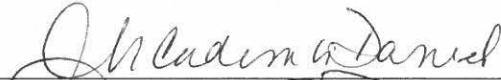

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Robert W. Linn, Commissioner of the Office of Labor Relations.

Approved unanimously on June 22<sup>nd</sup>, 2017.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner  
  
Absent  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner  
  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner



# OFFICE OF LABOR RELATIONS

40 Rector Street, New York, N.Y. 10006-1705  
nyc.gov/olr

ROBERT W. LINN  
*Commissioner*  
RENEE CAMPION  
*First Deputy Commissioner*  
CLAIRE LEVITT  
*Deputy Commissioner*  
*Health Care Cost Management*

MAYRA E. BELL  
*General Counsel*  
GEORGETTE GESTELY  
*Director, Employee Benefits Program*

July 20, 2017

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

Re: Resolution # 2017/211-214

Dear Ms. Terry

This office is in receipt of the EEPC's final letter of determination pursuant to the audit of OLR's Equal Employment Opportunity Policy for the period July 1, 2014 through December 31, 2016. Attached for your review is OLR's response to the corrective actions listed in the letter.

Very truly yours,

  
Robert W. Linn

Attachment



**Corrective Action #1:** Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy Standards and Procedures to be utilized by City Agencies.

**Action Taken:** OLR employees will receive annually an electronic copy of the Citywide Diversity and Equal Employment Opportunity - NYC EEO Policy Equal Employment Opportunity Policy Standards and Procedures.

**Corrective Action #2:** 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.

**Action Taken:** DCAS will provide EEO Diversity and Inclusive training to OLR employees, including managers and supervisors.

**Corrective Action #3:** 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.

**Action Taken:** Employees will be made aware of advancements within the agency via emails sent from the HR professional. Job vacancy notices are posted on staff bulletin boards within the office.

**Corrective Action #4:** 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.

**Action Taken:** Employees are considered internally for career advancements, cross divisional assignments and transfers within the agency. As vacancies occur due to resignation or retirement, job vacancies are posted on staff bulletin boards within the office.

**Corrective Action #5:** Use and maintain a 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

**Action Taken:** The agency's HR professional will maintain a candidate log or tracking system which, at minimum, includes the position, applicants name, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/ not selected (or disposition) of each applicant, and recruitment source.

**Corrective Action #6:** Ensure that all employees have access to information regarding training opportunities.

**Action Taken:** Employees receive information regarding training and career opportunities. The information is posted on staff bulletin boards within the office.

**Corrective Action #7:** 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.

**Action Taken:** Any notes or other relevant documentation will be maintained by the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

**Corrective Action #8:** Ensure that 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).

**Action Taken:** Managerial Performance Evaluation contain the EEO assignment 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.



# OFFICE OF LABOR RELATIONS

40 Rector Street, New York, N.Y. 10006-1705  
nyc.gov/olr

ROBERT W. LINN  
*Commissioner*

RENEE CAMPION  
*First Deputy Commissioner*

CLAIRE LEVITT  
*Deputy Commissioner  
Health Care Cost Management*

MAYRA E. BELL  
*General Counsel*

GEORGETTE GESTELY  
*Director, Employee Benefits Program*

To: Office of Labor Relations Staff

From: Robert W. Linn  
Commissioner

A handwritten signature in black ink, appearing to be "R. Linn", written over the printed name of Robert W. Linn.

Date: January 30, 2018

Re: Equal Employment Practices Commission Audit

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This memorandum serves to inform all employees of OLR's efforts in preventing illegal discrimination in the workplace and to reaffirm our commitment to ensure that employees are aware of their rights and obligations under the New York City EEO Policy.

Recently, OLR was audited by the Equal Employment Practices Commission (EEPC) to ensure compliance with Equal Employment policies. The agency's adherence with EEO policies and procedures was found to be in compliance. However, there are some areas that EEPC has requested that we enhance to ensure that all employees understand their rights and responsibilities under equal employment. As Commissioner, I want to emphasize this agency's commitment in maintaining fair employment practices for all our employees and encouraging a work environment that accepts and appreciates differences among employees.

As such, the agency has taken several steps to ensure that employees are informed regarding EEO matters:

- In November 2017 we distributed to all employees an electronic copy of the Citywide Diversity and Equal Employment Opportunity – NYC EEO Policy Equal Employment Opportunity Policy Standards and Procedures.
- Managers and supervisors have received Equal Employment Opportunity live or computer based training to ensure continued commitment and appreciation for the diversity reflected in our staff.
- The agency will continue to post and update information on the agency's bulletin boards regarding training and career opportunities within the City and OLR.

I would also like to remind you that OLR's EEO Officer Andrea Beach, and OLR EEO Counselors Sang Hong and Roseann Bucchino are always available to you if you have any questions or concerns.



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

**RESOLUTION #2017AP/218-214-(2018)C4: Determination of Compliance** (Monitoring Period Required) by the Office of Labor Relations with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 to December 31, 2016.

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

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for 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 Office of Labor Relations (OLR) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated May 16, 2017, setting forth findings and the following required corrective actions:

1. 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; and current contact information for federal, state and local agencies that enforce laws against discrimination
2. 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.
3. 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.
4. 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.

5. Use and maintain a 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.
6. Ensure that all employees have access to information regarding training opportunities.
7. 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.
8. Ensure that 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).

**Whereas**, the OLR did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and, consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and,

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on June 16, 2017 which indicated that corrective action nos. 1 - 8 required compliance monitoring; and

**Whereas**, the OLR submitted its response to the EEPC's final determination letter, on July 20, 2017, and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from July 2017 to December 2017 with no extension of the monitoring period;

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OLR submitted a copy of the agency head's memorandum to staff dated January 30, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

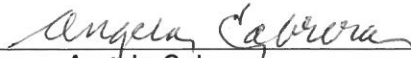
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

**Be It Resolved**, that the OLR 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.

EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK

Be It Resolved, that the Commission will forward this Determination of Compliance to Commissioner Ronnie W. Linn of the Office of Labor Relations.

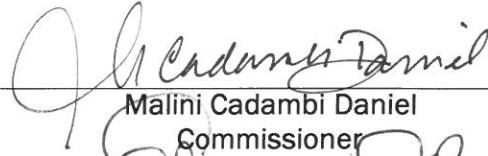
Approved unanimously on February 22, 2018.



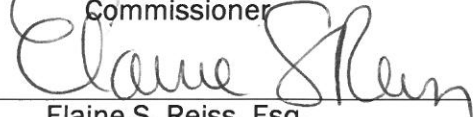
Angela Cabrera  
Commissioner

Absent

Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner





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

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 615. 8931 fax

**BY MAIL AND EMAIL**

February 22, 2018

Robert W. Linn  
Commissioner  
Office of Labor Relations  
40 Rector Street, 4th Floor  
New York, NY 10006

Re: Resolution #2017AP/218-214-(2018)C4: Determination of Agency Compliance

Dear Commissioner Linn:

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

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

Sincerely,



Malini Cadambi Daniel  
Commissioner

c: Principal EEO Professional, Andrea Beach, OLR



EEPC

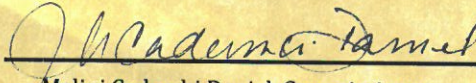
EQUAL EMPLOYMENT PRACTICES COMMISSION

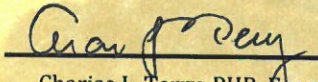
This  
*Determination of Compliance*  
is issued to the

*Office of Labor Relations*

*for successfully implementing 8 of 8 required corrective actions pursuant to the Equal Employment Practices Commission's  
Employment Practice and Procedures Audit From July 1, 2014 to this date.*

On this 22<sup>nd</sup> day of February in the year 2018

  
Malini Cadambi Daniel, Commissioner

  
Charise L. Terry, PHR, Executive Director

In care of Commissioner Robert W. Linn and  
Principal EEO Professional Andrea Beach