

COMMISSION ON HUMAN RIGHTS

- Letter of Preliminary Determination August 6, 2010
- Agency Response September 20, 2010
- Letter of Final Determination September 30, 2010



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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August 6, 2010

Patricia Gatling

Commissioner

City Commission on Human Rights

40 Rector Street, 10th Floor

New York, NY 10006

Re: Preliminary Determination Pursuant to the Audit of the City Commission on Human Rights (CCHR) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008.

Dear Commissioner Gatling:

Pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for women and minority municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment by city agencies.

Pursuant to Chapter 36, Section 831(d)(5) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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.

Section 831(d)(2) authorizes this Commission to recommend all necessary and appropriate measures, standards and programs to be utilized by city agencies to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women employed by, or seeking employment with, city agencies.

The Charter defines 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...”

This letter contains the preliminary determinations of the EEPC pursuant to its audit of compliance by the City Commission on Human Rights (CCHR) during the thirty-six month period commencing January 1, 2006 and ending December 31, 2008. Requests for corrective actions and/or recommendations are included where the EEPC has determined that CCHR has failed to comply in whole or in part with the City’s EEO Policy.

All recommendations for corrective actions are consistent with both the audit’s findings and the parameters set forth in the EEO Policy, which, in accordance with section 815 of the City Charter, holds agency heads responsible for the effective implementation of Equal Employment Opportunity. Therefore, the City Commission on Human Rights should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City’s EEO Policy are cited in parenthesis at the end of each recommendation.

The purpose of this audit is to evaluate the agency’s compliance with the EEOP, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included an analysis of the agency’s responses to an EEPC Document and Information Request Form. EEPC auditors also conducted in-depth, on-site interviews with the agency’s EEO Officer, four EEO Counselors, Disability Rights Coordinator, Human Resources Director, Human Resources Office Manager, and Agency Counsel. In addition, employees were asked to participate in the *EEPC’s Employee Survey* and managers/supervisors were asked to complete the *EEPC’s Manager/Supervisor Interview Questionnaire*. A survey of 88 people currently employed by the CCHR was distributed. Thirty-seven people (42%) responded. Survey findings are attached (Appendix 1). A survey of 19 CCHR supervisors was distributed. Fifteen supervisors (79%) responded. Survey findings are attached (Appendix 5).

The City-wide Equal Employment Database System (CEEDS) data prepared by the Department of Citywide Administrative Services (DCAS) determines underutilizations and concentrations of targeted groups within the agency’s workforce. These designations represent 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. CEEDS data is critical in identifying underutilization in the city’s workforce. Where underutilization is revealed within an agency’s workforce, auditors determine whether an agency has undertaken reasonable measures for addressing underutilization.

Typically, auditors would analyze underutilization data for a complete measure of the employment practices of an agency. At present, the CEEDS data for the entire period is unavailable. The EEPC anticipates updated data for this period from the DCAS. Upon its availability, the EEPC will review the data and make supplemental recommendations pursuant to this audit.

Description of the Agency

The New York City Commission on Human Rights (CCHR) is a Charter-mandated agency that was established in 1955 under Local Law 55 as the Commission on Intergroup Relations. Following its renaming in 1962 to City Commission on Human Rights, the investigative and enforcement powers of the Commission were expanded.

The New York City Human Rights Law is one of the most comprehensive civil rights laws in the nation. The Law prohibits discrimination in employment, housing and public accommodations based on race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, and partnership status. In addition, the Law affords protection against discrimination in employment based on arrest or conviction record and status as a victim of domestic violence, stalking and sex offenses. In housing, the Law affords additional protections based on lawful occupation, family status, and any lawful source of income. The City Human Rights Law also prohibits retaliation and bias-related harassment.

Personnel Activity During the Audit Period

According to data provided by the CCHR, during the audit period, 51 people were hired: 8 Caucasians, 20 African-Americans, 12 Hispanics, 8 Asians, and 3 others. Of the individuals hired, 38 were female. Four individuals were promoted during the audit period: 2 Caucasians and 4 African Americans. All the employees promoted were female. (Appendix 4)

The CCHR reports that 2 employees were involuntarily separated during the audit period: one Black male, and one White female. Between January 1, 2006 and December 31, 2008, the total number of employees increased by 4 from 84 to 88. The number of African-American employees decreased from 38 to 33, Hispanics decreased from 16 to 14, Caucasians increased from 27 to 29, and the number of employees that were unknown increased from 0 to 9. Female employees increased from 42 to 44. (Appendices 2 and 3)

Discrimination Complaint Activity During the Audit Period

During the audit period, six internal discrimination complaints were filed. The complaints were based on race, retaliation, national origin, FMLA, sexual harassment, and denial of reasonable accommodation. The EEO Officer completed and issued reports for all of the complaints. Of the six complaints, five received no probable cause determinations. The remaining complaint received a probable cause determination. During the audit period, four external complaints were filed with the Equal Employment Opportunity Commission (EEOC) against the CCHR. All of these complaints received right to sue letters.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination – Internally

The CCHR is in compliance with the following requirements:

1. The Citywide EEO Policy was distributed to all legal, human resources and EEO representatives, as well as managers and supervisors, electronically and during EEO training sessions. In addition, 86% of the respondents to the *EEPC's Supervisor/Manager Questionnaire* indicated that they are familiar with the Citywide EEO Policy.
2. The EEO Policy Handbook and addendums was distributed to all employees electronically and during EEO training sessions. The agency head also issued a general EEO policy statement, policies on disability, sexual harassment, and procedures on reasonable accommodation and discrimination complaints to all employees during EEO training sessions and new hire training sessions. In addition, 70% of the respondents to the *EEPC's Employee Survey Questionnaire* said that they were given a copy of the EEO Policy Handbook and 57% of the respondents said that they were given a copy of the agency's EEO Policy statement.
3. The EEO Policy and EEO Policy statement has been posted on the agency's 9th and 10th floor bulletin boards. The EEO officer continually checks and maintains the boards to ensure the EEO information is clearly posted and current. Employees are also informed that the EEO Policy can be accessed through the DCAS website. In addition, 73% of the respondents to the *EEPC's Employee Survey Questionnaire* said that the Citywide EEO Policy is posted on the agency's bulletin boards or kept in an area otherwise accessible to employees.
4. A list of the EEO professionals and their contact information has been included in the agency's EEO Policy Statement. In addition, 97% of the respondents to the *EEPC's Employee Survey questionnaire* stated that they know who the agency's EEO Officer is.

Plan Dissemination – Externally

The CCHR is in partial compliance with the following requirement:

One job vacancy notice and one job advertisement for Agency Attorney was submitted to the EEPC by the CCHR. The job vacancy notice and advertisement (posted in the NY Law Journal) did not indicate that the CCHR and the City of New York is an equal opportunity employer. Corrective action is required.

Recommendation: All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)

EEO and Reasonable Accommodation for Persons with Disabilities

The CCHR is in compliance with the following requirements:

1. The agency participates in the Section 55-A program and appointed its ADA Officer as the coordinator for the program. There is currently one Section 55-a program participant.
2. The EEO Officer was listed in the agency's EEO Policy Statement dated July 28, 2006 as the ADA Officer. In October 2008, the agency appointed a consultant to act as the ADA/Disability Rights Coordinator; however, the EEO Officer, EEO counselors, and Deputy Commissioner handled reasonable accommodation requests. During the audit period, seven requests were made. The agency initially provided documentation that only two accommodations were granted; subsequently, documentation for all 7 was provided.
3. In March 2008, the agency began following the City's Reasonable Accommodation procedure and using the appropriate reasonable accommodation request form. A memo from the Assistant Commissioner dated April 25, 2008 was disseminated to all staff informing them of the new reasonable accommodation procedure.
4. The EEO Officer is aware that the EEO policies are available in alternate formats from DCAS upon request and would make such formats available upon request. No requests for the policies in alternate formats were made during the audit period.
5. The CCHR's response to the EEPC's accessibility for persons with disabilities checklist indicated that its offices at 40 Rector Street (9th and 10th floors), 1932 Arthur Avenue, Bronx, NY, 275 Livingston St., Brooklyn, NY, 153-01 Jamaica Ave, Jamaica, NY, and 60 Bay Street, Staten Island, are accessible to, and useable by, persons with disabilities. Each location has a street accessible entrance, wheelchair accessible elevators, Braille in elevators, wide restroom stalls, grab bars, low sink and fixtures in both the male and female bathrooms. In addition, the agency's telephone in the 9th floor lobby of the 40 Rector St. office was lowered for wheelchair accessibility.

Discrimination Complaint and Investigation Procedures

The CCHR is in compliance with the following requirements:

1. The EEO Officer has maintained and updated a monthly log of discrimination complaints filed against the agency:
2. The agency appointed EEO representatives of both genders (male EEO Officer, two male EEO Counselors and two female EEO Counselors) to receive and investigate discrimination complaints.
3. The agency's EEO Officer and four EEO counselors attended the basic training course for EEO professionals conducted by the Department of Citywide Administrative Services (DCAS).

The following section refers to the last six internal discrimination complaints that were filed and investigated (01-0006, 02-0006, 01-0007, 01-0008, 02-0008, and 03-0008) during the period in review.

The CCHR is not in compliance with the following requirements:

1. None of the confidential written reports contained the agency head's signature to indicate that the reports were reviewed and approved by the agency head. Corrective action required.

Recommendation: The agency head should sign-off on all final determinations concerning EEO complaint resolutions to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted. Such sign-off may be in written or electronic form. (Sect. VB, EEOP and Sect. 12b, DCPIG)

2. None of the complaint files contain a written notice of discrimination complaint to the respondent. Corrective action is required.

Recommendation: The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))

3. Complaint file #02-0006 does not contain investigative interview notes. Corrective action required.

Recommendation: Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)

4. Complaint files #02-0006, 01-0007, and 03-0008 do not contain a written notice to the complainant/respondent regarding the determination. Corrective action is required.

Recommendation: After review of the confidential written report by the agency head and recommendation(s), if any, have been approved and adopted, the EEO Officer shall inform all parties in writing of the outcome of the complaint. (Sect. III, EEOP and Sect. 12b, DCPIG)

EEO Training

The CCHR is in compliance with the following requirement:

During the audit period, all new hires received EEO training which was conducted by the EEO Officer and EEO Counselors. According to the CCHR's Agency Specific Plan and quarterly reports for Fiscal Years 2006, 2007, and 2008, a total of 177 employees were

trained. In addition, 59% of the respondents to the EEPC's employee survey said that they received EEO training in the past 2 years. The CCHR has a plan to train all new and existing employees on an ongoing basis. The training curriculum consists of topics including EEO laws, reasonable accommodation procedures, discrimination complaint investigation procedures, the citywide EEO Policy, employees' rights and responsibilities, and sexual harassment.

Selection and Recruitment

The CCHR is in compliance with the following requirement:

According to the CCHR's Agency-Specific EEO Plans for fiscal years 2006, 2008, and 2009, all managers and supervisors involved in the interviewing process would receive structured interviewing training and new employees who will participate in the interviewing process would also receive training. Also, 75% of respondents to the EEPC's *Manager/Supervisor Questionnaire* who indicated they interviewed candidates for positions also indicated they had received training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview.

The CCHR is not in compliance with the following requirements:

The agency did not formally assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. Corrective action is required.

Recommendation: Since the EEOP requires that each agency assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the agency should conduct an assessment of its selection criteria for discretionary titles. The CCHR can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm>. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)

Promotional Opportunities

The CCHR is in compliance with the following requirements:

1. The agency conducted annual performance evaluations during the audit period. In addition, 73% of the respondents to the EEPC's *Supervisor/Manager Questionnaire* indicated that they received their last performance evaluation within a year.

2. The EEO Officer was also appointed as the Career Counselor. An agency-wide memo notifying employees of the name and telephone number of the Career Counselor was distributed and posted on agency bulletin boards.

The CCHR is in partial compliance with the following requirement:

Although the agency has appointed a Career Counselor, 65% of the respondents to the EEPC Employee Survey indicated that they do not know the name of the person in the agency that is responsible for providing career counseling. Corrective action is required.

Recommendation: To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor. This should be done at least once each year. (12/14/ 2006 *Addendum to EEOP Standards and Procedures to Be Utilized By City Agencies (2005)* and Sect. VF, EEOP)

Supervisory Responsibility in EEO Plan Implementation

The CCHR is not in compliance with the following requirement:

Managers and supervisors were not instructed to discuss the agency's EEO policies with their subordinates during normal staff meetings. Corrective action is required.

Recommendation: At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

EEO Officer Reporting Arrangement

The CCHR is in compliance with the following requirements:

1. The EEO Officer meets with the EEO counselors periodically to review their work and keep them abreast of EEO developments.
2. The agency submitted its agency-specific plan, three quarterly reports, and an annual fourth quarter final report to the EEPC for each fiscal year.

The CCHR is not in compliance with the following requirements:

1. The EEO Officer reports to the agency head and meets with her on EEO matters as needed. Documentation of these meetings, however, is not maintained. Corrective action is required.

Recommendation: Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), it is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program be maintained. (Sect. VB, EEOP)

2. The agency's organization chart does not show the reporting relationship between the EEO Officer and Agency head. The EEO Officer title is absent from the chart. Corrective action is required.

Recommendation: Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP)

EEO Officer Responsibilities

The CCHR is in compliance with the following requirement:

The EEO Officer spent approximately 10% of his time on EEO and Career Counseling matters. The remainder of his time was spent on his Director of CRB/Dispute Resolution duties. Three EEO Counselors also serve part-time in their EEO capacity.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)
2. The agency head should sign off on all final determinations concerning EEO complaint resolutions to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted. Such sign off may be in written or electronic form. (Sect. VB, EEOP and Sect. 12b, DCPIG)
3. The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))
4. Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)
5. After review of the confidential written report by the agency head and recommendation(s), if any, have been approved and adopted, the EEO Officer shall

inform all parties in writing of the outcome of the complaint. (Sect. III, EEOP and Sect. 12b, DCPIG)

6. Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the agency should conduct an adverse impact study for [recommended job groups]. The agency can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm> for this purpose. To the extent that adverse impact is discovered, the agency should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)
7. To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor. This should be done at least once each year. (12/14/ 2006 *Addendum to EEOP Standards and Procedures to Be Utilized By City Agencies (2005)* and Sect. VF, EEOP)
8. At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)
9. Because the EEOP requires the EEO Officer report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), it is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program be maintained. (Sect. VB, EEOP)
10. Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

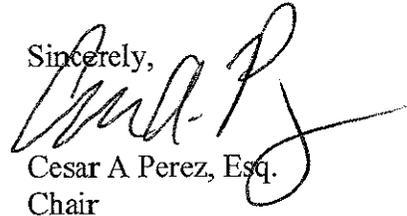
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the CCHR's compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perez", with a long horizontal flourish extending to the right.

Cesar A Perez, Esq.
Chair

APPENDIX - 1

City Commission on Human Rights
EMPLOYEE SURVEY RESULTS

Employees = 88

Survey Respondents = 37

A. GENERAL OVERVIEW

1. Equal Employment Opportunity (EEO) guarantees the right of all persons to be accorded full and equal consideration on the basis of merit, regardless of protected group status. Do you agree with this principle?
Yes (34) No (2)
2. Do you know who your agency's EEO Officer is?
Yes (36) No (0)
3. Is the City's EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?
Yes (27) No (8)
4. Each agency head is required to distribute a statement in support of Equal Employment Opportunity to all employees. Were you given your agency's EEO Policy statement?
Yes (21) No (1) Do not remember (14)
5. Were you given a copy of the EEO Policy Handbook - About EEO: What You Need to Know?
Yes (26) No (8)
6. Do you believe your agency practices equal opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?
Yes (14) No (17)
7. Has your manager or supervisor discussed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year?
Yes (12) No (18) Do not remember (5)
8. Has your manager or supervisor discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?
Yes (13) No (14) Do not remember (8)
9. When hired, were you advised of the City's EEO policies, and of your rights and responsibilities under such policies?
If No, please skip to question #11.
Yes (14) No (7) Do not remember (14)

B. EEO COMPLAINTS

10. Do you know how to file an EEO complaint?
Yes (29) No (5)
11. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (15) No (12) Undecided (8)
12. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?
Yes (16) No (5) Undecided (13)
13. During the past 3 years, did you file a complaint with your agency's EEO Office?
Yes (2) No (33)

SURVEY RESULTS CONTINUED

14. If yes, what was the basis of your complaint? (Check all that apply)

- | | |
|------------------------------------|--|
| Age (0) | Partnership Status (0) |
| Alienage or Citizen Status (0) | Predisposing genetic characteristic (0) |
| Arrest or Conviction Record (0) | Race (0) |
| Color (0) | Sexual Harassment (0) |
| Creed (0) | Sexual Orientation (0) |
| Disability (1) | Veteran's Status (0) |
| Gender (incl. gender identity) (0) | Victim of Domestic Violence,
Stalking, and Sex Offenses (0) |
| Marital Status (0) | Other (0) |
| Military Status (0) | Not Applicable (1) |
| National Origin (0) | |

15. Was your manager or supervisor supportive of your right to file a complaint?

- Yes (3) No (1) Not Applicable (27)

C. EEO TRAINING

16. During the past 2 years, did you receive EEO training?

- Yes (22) No (13)

17. How informative was this training?

- | | |
|----------------------------|---------------------------|
| Very informative (12) | Somewhat informative (10) |
| Not really informative (0) | Not Applicable (10) |

D. JOB PERFORMANCE/ADVANCEMENT

18. Were vacant positions advertised on bulletin boards or other areas accessible to employees in a timely manner?

- Yes (12) No (14) Do not remember (9)

19. Did you receive an annual performance evaluation within the past 12 months?

- Yes (27) No (9) Employed for less than 12 mos (0)

20. Did your evaluation contain recommendations for improving your job performance?

- Yes (16) No (12) Not Applicable (0)

21. Did your evaluation contain recommendations for career advancement with your agency?

- Yes (2) No (26) Not Applicable (0)

22. Do you know the name of the person in your agency that is responsible for providing career counseling?

- Yes (11) No (24)

E. SPECIFIC PROTECTIONS

23. Do you know who your agency's Disability Rights Coordinator is?

- Yes (26) No (9)

24. The Americans with Disabilities Act requires that public buildings and facilities be accessible to persons with disabilities. Are your agency's facilities accessible to persons with disabilities?

- Yes (29) No (1) Don't Know (5)

25. The City's EEO Policy requires that agencies take appropriate action to reasonably accommodate qualified employees and applicants with disabilities, and those who are victims of domestic violence, sex offenses, or stalking, to enable to them to perform their jobs or enjoy equal benefits and privileges of employment. It also requires agencies to provide reasonable accommodations for the religious observances, beliefs and practices of an employee or applicant. During the past 3 years, did you ask for a reasonable accommodation due to any of the above?

- Yes (11) No (24)

SURVEY RESULTS CONTINUED

OPTIONAL INFORMATION

26. Race/Ethnicity

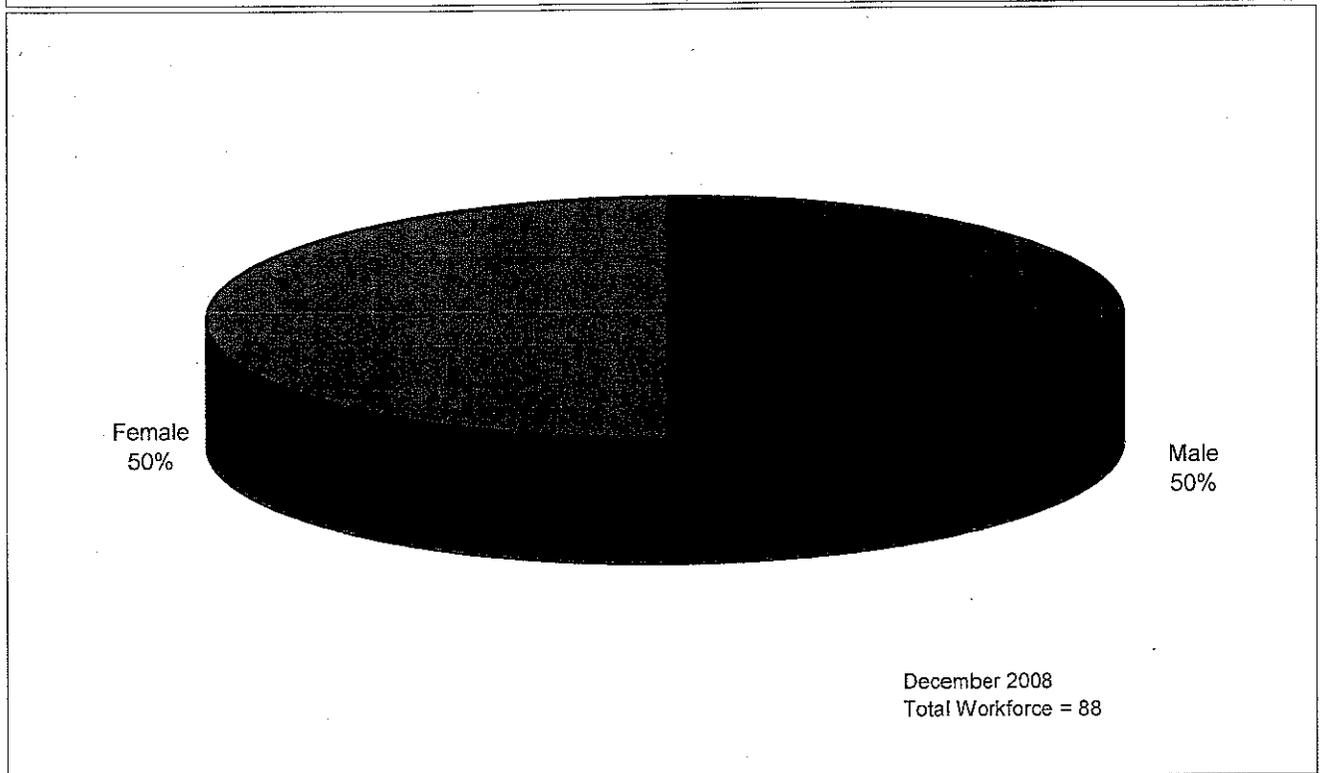
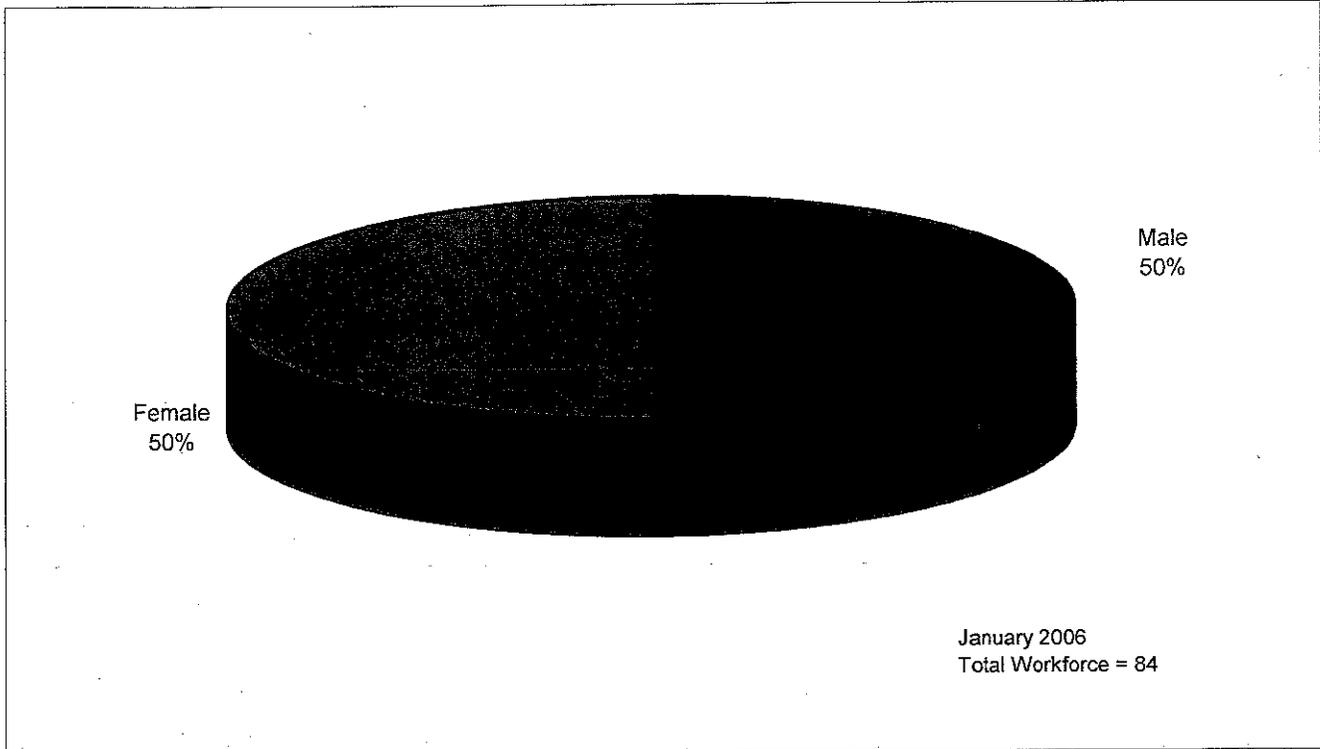
Asian (2)	Native Hawaiian or Other Pacific Islander (0)
American Indian or Alaska Native (1)	White (8)
Black or African American (14)	Two or More Races (0)
Hispanic or Latino (4)	Other (0)

27. Gender

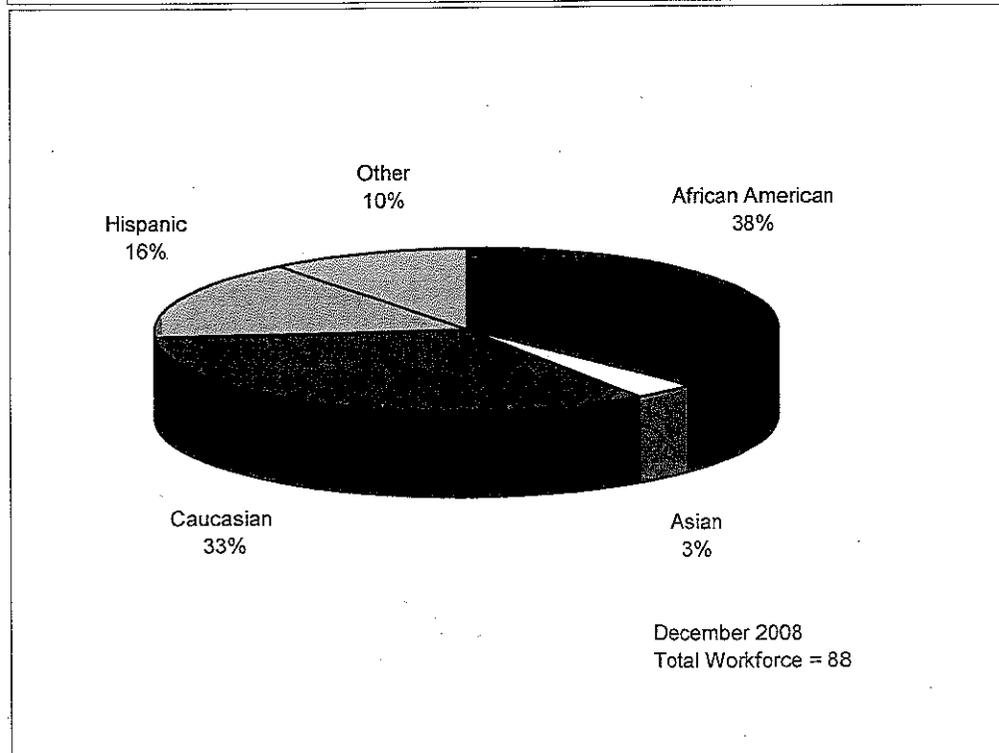
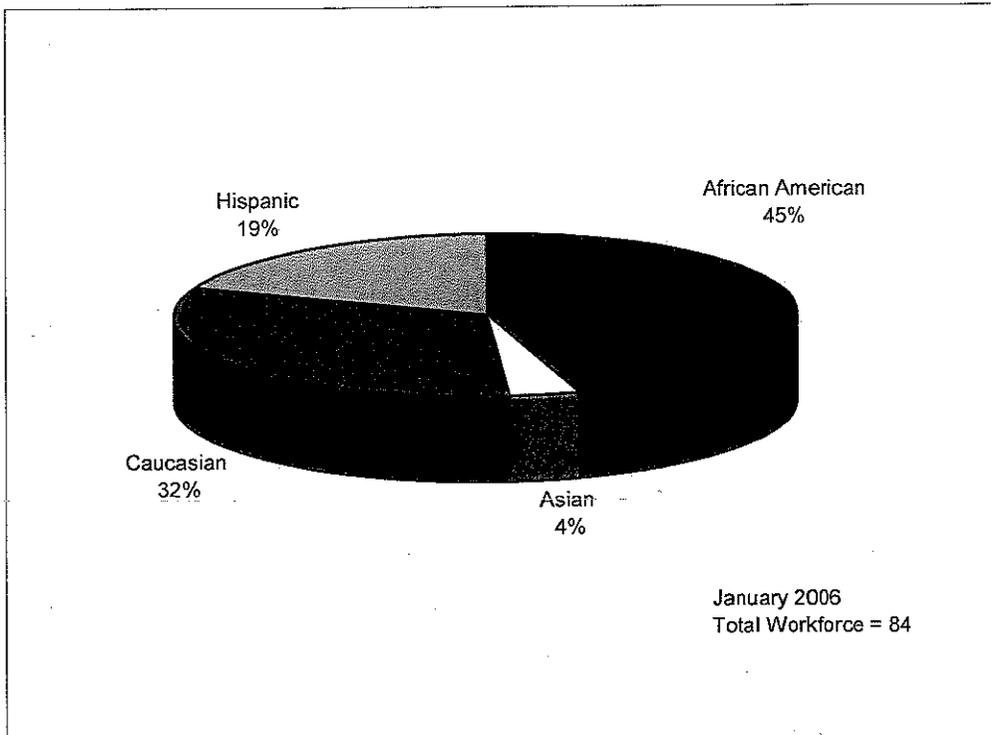
Male (16)	Female (16)
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Appendix - 2

City Commission on Human Rights Workforce by Sex



Appendix - 3
City Commission on Human Rights
Workforce by Ethnicity



APPENDIX – 4

The following table indicates personnel activity during the audit period, January 1, 2006 to December 31, 2008

City Commission on Human Rights

Hires by Sex and Ethnicity

Total Hires: 51

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Other	Total
13	38	51	8	20	12	8	3	51

Promotions by Sex and Ethnicity

Total Promotions: 4

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American/ Unknown	Total
0	4	4	2	2	0	0	0	4

New York City Commission on Human Rights

SUPERVISOR/MANAGER QUESTIONNAIRE RESULTS

Total Supervisors = 19 Completed Questionnaire = 15 (79%)

1. Are you familiar with the City of New York's Equal Employment Opportunity (EEO) Policy?
 Yes (13) No (1)
 Provided description (12)
2. Are you aware of your rights as an employee under the City's EEO Policy?
 Yes (14) No (1)
 Provided description (12)
3. Are you aware of your responsibilities as a supervisor/manager under the City's EEO Policy?
 Yes (14) No (1)
 Provided description (13)
4. What is the name of your agency's EEO Officer?
 Know (15) Do not know (0)
5. Did the EEO Officer meet with you to discuss the following: (Check all that apply)
 Your EEO rights as an employee (13)
 Your EEO responsibilities as a supervisor/manager (10)
 Neither (2)
6. In your agency, where can the City's EEO Policy be found? (Check all that apply.)
 EEO Office (7) My work unit (8)
 HR/Personnel Office (7) I do not know (0)
 Intranet (2) Other (5)
7. Of the choices indicated above, which is most easily accessible to you?
 EEO Office (4) My work unit (7)
 HR/Personnel Office (0) Other (3)
 Intranet (1)
8. Each agency head is required to distribute a statement in support of Equal Employment Opportunity to all employees. Have you received a copy of your agency's EEO Policy Statement?
 Yes (13) No (0) Do not remember (2)
9. Do you have access to a copy of the Discrimination Complaint Procedure?
 Yes (14) No (1) Do not know (0)
10. In your role as a supervisor/manager, have you discussed the agency's commitment to the principal of Equal Employment Opportunity during staff meetings within the past year?
 Yes (8) No (6) Other (1)
11. In your role as a supervisor/manager, have you discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?
 Yes (8) No (7)
12. Did you receive sexual harassment prevention training from your agency's Office?
 Yes (11) No (3) Do not remember (1)
13. Did all of the employees that you supervise receive sexual harassment prevention training?
 Yes (12) No (2) Do not know (1)

QUESTIONNAIRE CONTINUED

14. When you were hired, did you receive an orientation session that included a review of the City's EEO policy?
Yes (9) No (1) Do not remember (5)
15. Do you participate in orientation sessions for new employees?
Yes (3) No (12)
16. Do new employee orientation sessions include information on the City's EEO policy?
Yes (6) No (1) Do not know (8)
17. Do you interview candidates for positions in your agency?
Yes (4) No (11)
18. If you are involved in interviewing job applicants, did your agency provide you with training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview?
Yes (3) No (2) I do not interview applicants (9)
19. When was your last performance evaluation?
Within a year (11) Over a year ago (1)
20. Were you informed that EEO performance will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?
Yes (3) No (9) Not Applicable (2)
21. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner.)
Yes (3) No (9) I do not receive performance evaluations (0)
22. Do you evaluate your employees annually?
Yes (11) No (3) Other (1)
23. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees that may complain about discrimination or harassment?
Yes (10) No (5)
24. Please share your additional comments or concerns regarding EEO in your agency.
Comments (3)

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS
 PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)
 WORKFORCE SUMMARY AS OF DECEMBER 31, 2006

REPORT: PBUTNO31

COMMISSION ON HUMAN RIGHTS (226)

JOB GRP	MALE					FEMALE					TOTAL			
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN		NATIVE AMER	UKWN	OTHR
001	2	0	0	0	0	0	1	1	0	0	0	0	0	4
002	1	0	0	0	0	0	2	0	0	0	0	0	0	3
003	0	0	0	0	0	0	1	0	0	0	0	0	0	1
004	0	0	0	0	0	0	1	0	0	0	0	0	0	1
007	9	12	7	1	0	0	3	8	2	0	0	0	0	42
008	5	2	0	0	0	0	1	2	1	2	0	0	0	13
009	0	0	0	0	0	0	0	0	0	0	0	1	0	1
010	0	0	0	0	0	0	0	0	1	0	0	0	0	1
012	0	0	0	0	0	0	1	4	3	0	0	0	0	8
013	0	0	0	0	0	0	0	4	0	0	0	0	0	4
031	3	0	0	0	0	0	1	3	2	0	0	0	0	9
TOTAL	20	14	7	1	0	0	11	22	9	2	0	1	0	87
%TAGE	23%	16%	8%	1%	0%	0%	13%	25%	10%	2%	0%	1%	0%	100%

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS
 PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)
 WORKFORCE SUMMARY AS OF DECEMBER 31, 2007

REPORT: PBUTNO31

COMMISSION ON HUMAN RIGHTS (226)

JOB GRP	MALE										FEMALE												
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHER	TOTAL	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHER	TOTAL	
001	1	0	1	0	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	4
002	1	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
003	0	0	0	0	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
004	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
007	9	11	7	1	0	0	3	7	1	0	0	1	0	0	0	0	1	0	0	1	0	0	40
008	4	3	0	0	0	0	5	1	0	0	0	1	0	2	0	0	0	0	0	2	0	0	17
009	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
010	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	1
012	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	3	0	0	0	0	0	6
013	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
031	2	0	0	0	0	3	0	2	1	0	0	0	2	0	0	1	0	0	0	2	0	0	10
TOTAL	17	14	8	1	0	4	12	19	6	2	0	5	0	88	0	2	0	0	5	0	0	88	
%TAGE	19%	16%	9%	1%	0%	5%	14%	22%	7%	2%	0%	6%	0%	100%	0%	2%	0%	0%	6%	0%	0%	100%	

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS
 PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)
 WORKFORCE SUMMARY AS OF DECEMBER 31, 2008

REPORT: PBUTNO31

COMMISSION ON HUMAN RIGHTS (226)

JOB GRP	MALE										FEMALE																
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHER	TOTAL	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHER	TOTAL					
001	1	0	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4				
002	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2				
003	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2				
004	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1				
007	8	11	6	1	0	0	3	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	36				
008	5	3	0	0	0	0	4	3	0	0	0	2	0	0	0	0	0	0	0	2	0	0	19				
009	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2				
010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1				
012	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	6				
013	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4				
031	2	0	0	0	0	2	0	1	1	0	0	2	0	0	0	0	0	0	0	2	0	0	8				
TOTAL	17	14	7	1	0	2	12	19	6	3	0	4	0	85	20%	16%	8%	1%	0%	2%	14%	22%	7%	4%	0%	5%	100%



COMMISSION ON HUMAN RIGHTS

40 RECTOR STREET, NEW YORK, NY 10006

Dial 311 www.nyc.gov

PATRICIA L. GATLING

Commissioner and Chair

10397

September 20, 2010

The Hon. Cesar A. Perez
Chair, NYC Equal Employment Opportunity Commission
40 Rector Street
New York, NY 10006

RE: EEPCC Audit Determination to the Audit of the New York City
Commission on Human Rights.

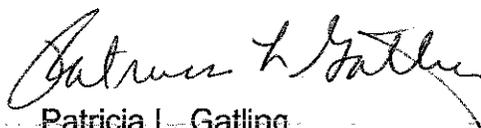
Dear Mr. Perez:

I have reviewed the EEPCC Audit Determination regarding the above referenced matter and have the following comments:

1. As demonstrated by the Commission's diverse staff, we are an Equal Employment Opportunity Employer; however, we will include such information in all future advertisements.
2. I, as agency head, review all EEO matters. I will sign off on future reports.
3. The agency will ensure that all respondents get written notices of complaints.
4. The EEO Officer will ensure that all files contain the appropriate paperwork.
5. The EEO Officer will ensure that both complainants and respondents receive written notice of determinations and/or the outcome of complaints.
6. The Commission on Human Rights embraces the New York City Equal Employment Opportunity Policy and has successfully hired a diverse and culturally mixed staff that is representative of the City we serve. The Commission does not believe it is appropriate to favor one group of individuals over others when making hiring decisions, in fact, such an action would be considered a violation of the NYC Human Rights Law.
7. In July 2004, the Commission appointed Emile St. Cyr as the agency career counselor. As recently as last year the Commission sent a memo to all employees reminding them about who the career counselor was. In addition, Mr. St. Cyr routinely reminds employees about his role in the agency.

8. The Managers of the Community Relations Bureau meet every two weeks. The meetings held at 40 Rector Street, cover all necessary operational matters of our community outreach. Mr. St. Cyr, our EEO Officer, Mr. Slaughter, EEO Counselor (Male) and Mr. Finkelstein, Disability Coordinator, are all members of that group. Mr. St. Cyr, on at least two or more occasions, in the past year, has spoken to Directors on EEO matters and reminded them to advise their staff of their right to file an EEO complaint. Mr. St. Cyr has answered all questions posed by Directors during those meetings and routinely checks on the posting of the Policy during his visits to the Commission's Borough Offices.
9. The EEO Officer will create and maintain documentation regarding meetings with the Agency Head.
10. The agency's organizational chart, when recreated, will reflect a direct report of the EEO Officer to the Agency Head.

Very truly yours,



Patricia L. Gatling
Commissioner, Chair



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

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

Abraham May, Jr.
Executive Director
Charise Hendricks, PHR
Deputy Director
Judith Garcia Quiñonez
Counsel

September 30, 2010

Patricia L. Gatling
Commissioner/Chair
New York City Commission on Human Rights
40 Rector Street
New York, NY 10006

Re: Final Determination Pursuant to the Audit of the City Commission on Human Rights (CCHR) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008.

Dear Commissioner Gatling:

Thank you for your September 20th response to the Equal Employment Practices Commission's August 6th Letter of Preliminary Determination pursuant to the Referenced audit.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #1

All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)

Recommendation #2

The agency head should sign off on all final determinations concerning EEO complaint resolutions to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted. Such sign off may be in written or electronic form. (Sect. VB, EEOP and Sect12b, DCPIG)

Recommendation #3

The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))

Recommendation #5

After review of the confidential written report by the agency head and recommendation(s), if any, have been approved and adopted, the EEO Officer shall inform all parties in writing of the outcome of the complaint. (Sect. III, EEOP and Sect. 12b, DCPIG)

Recommendation #9

After review of the confidential written report by the agency head and recommendation(s), if any, have been approved and adopted, the EEO Officer shall inform all parties in writing of the outcome of the complaint. (Sect. III, EEOP and Sect. 12b, DCPIG)

Recommendation #10

Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP)

Requires Clarification

For the following reasons, hereafter identified as EEPC Rationale, we request clarification of your response to the following recommendations, which can be addressed in your response or during the compliance period:

Recommendation #4

Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)

Your Response

The EEO Officer will ensure that all files contain the appropriate paperwork.

EEPC Rationale

Your response does not confirm that complaint files will contain thorough word processed notes when interviews are conducted. Please clarify.

Recommendation #7

To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor. This should be done at least once each year. (12/14/ 2006 *Addendum to EEOP Standards and Procedures to Be Utilized By City Agencies (2005)* and Sect. VF, EEOP)

Your Response

In July 2004, the Commission appointed Emile St. Cyr as the agency career counselor. As recently as last year the Commission sent a memo to all employees reminding them about who the career counselor was. In addition, Mr. St. Cyr routinely reminds employees about his role in the agency.

EEPC Rationale

Your response does not indicate whether or not your agency will re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor at least once a year. Please clarify.

Disagree

For the following reasons, hereafter identified as EEPC Rationale, we respectfully disagree with your responses to the following recommendations, which can be addressed in your response or during the compliance period:

Recommendation #6

Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the agency should conduct an adverse impact study for [recommended job groups]. The agency can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm> for this purpose. To the extent that adverse impact is discovered, the agency should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)

Your Response

The Commission on Human Rights embraces the New York City Equal Employment Opportunity Policy and has successfully hired a diverse and culturally mixed staff that is representative of the City we serve. The Commission does not believe it is appropriate to favor one group of individuals over others when making hiring decisions, in fact, such an action would be considered a violation of the NYC Human Rights Law.

EEPC Rationale

The Equal Employment Opportunity Policy requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group. Your response does not address the recommendation.

Recommendation #8

At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

Your Response

The Managers of the Community Relations Bureau meet every two weeks. The meetings held at 40 Rector Street, cover all necessary operational matters of our community outreach. Mr. St. Cyr, our EEO Officer, Mr. Slaughter, EEO Counselor (Male) and Mr. Finkelstein, Disability Coordinator, are all members of that group. Mr. St. Cyr, on at least two or more occasions, in the past year, has spoken to Directors on EEO matters and reminded them to advise their staff of their right to file an EEO complaint. Mr. St. Cyr has answered all questions posted by Directors during those meetings and routinely checks on the posting of the Policy during his visits to the Commission's Borough Offices.

EEPC Rationale

It is the Commission's position that managers and supervisors should emphasize their commitment to the agency's EEO policies at least twice a year during normal staff meetings (with their subordinates) and affirm the right of each employee to file a discrimination complaint with the EEO office. Your response does not address the recommendation.

Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Garcia Quiñonez or her designee will contact your EEO Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,


Abraham May, Jr.
Executive Director

C: Judith Garcia Quiñonez, Counsel
Emile St. Cyr, EEO Officer