

## DEPARTMENT OF PROBATION

- Letter of Preliminary Determination      June 25, 2010
  - Agency Response      July 15, 2010
  - Letter in Lieu of Final Determination      July 28, 2010
-



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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June 25, 2010

Vincent Schiraldi  
Commissioner  
Department of Probation  
33 Beaver Street  
New York, NY 10004

Re: Resolution #10/06-816/ Preliminary Determination Pursuant to the Audit of the Department of Probation (DOP) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008

Dear Commissioner Schiraldi:

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 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. (New York City Charter, Chapter 36, Section 831(d)(2) and (5).)

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 Department of Probation (DOP), which may herein be referred to as "the

agency,” 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 the agency 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 Department of Probation 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. In addition, this Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women.

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 DOP’s responses to an EEPC Document and Information Request Form. Typically, the EEPC staff would analyze City-wide Equal Employment Database System (CEEDS) data prepared by the Department of Citywide Administrative Services which 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. At present, the CEEDS data requires updating in order for the underutilization analysis to provide an accurate measure of the employment practices of city agencies; the DCAS is currently updating this data. Upon completion, the EEPC will review the data and make supplemental recommendations pursuant to this audit.

EEPC auditors also conducted in-depth, on-site interviews with the agency’s EEO Officer/Disability Rights Coordinator, EEO Counselor/Trainer, Deputy General Counsel, Assistant Commissioner of Human Resources /Career Counselor and former EEO Counselor. 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*.

Due to an initial low-response rate (11%), employees were given an opportunity to retake the EEPC’s Employee Survey; the second round received a higher response rate (24%). Since the City’s EEO Policy holds managers and supervisors accountable for “effectively implementing EEO-related policies” and ensuring non-discrimination within their departments or units, the EEPC sent its Manager/Supervisor Interview Questionnaire to 20% of employees that the DOP identified as managers or supervisors. These employees were given a two-week

timeframe for completion. Again, due to the low response rate within the initial timeframe, the questionnaire was re-sent with a one-week extension. The EEPC's Manager/Supervisor Interview Questionnaire received an 8% response rate. Survey and questionnaire findings are included as appendices.

### **Description of the Agency**

The New York City Department of Probation promotes public safety in the City of New York by providing community-oriented justice sanctions. It fulfills its responsibilities by supplying Criminal and Family Courts with information and dispositional recommendations; by supervising offenders through monitoring and enforcing their counseling and access to rehabilitative services; and by giving victims and their communities a voice in the justice process.

### **Personnel Activity During the Audit Period**

According to data provided by the agency, during the audit period, 140 people were hired: 80 African-Americans, 7 Asians, 18 Hispanics, 34 Caucasians, and 1 "Other". Of the individuals hired, 91 were female. One hundred twenty-two individuals were promoted during the audit period: 76 African Americans, 4 Asians, 16 Hispanic, 25 Caucasians, and 1 "Other". Of the employees promoted, 86 were female. (Appendix 4)

Thirty-four full-time employees were involuntarily separated during the audit period: 18 African Americans, 11 Caucasians, and 5 Hispanics. Of the employees separated, 22 were female. Between January 2006 and December 2008, the total number of employees decreased from 1,261 to 1,189. As a result, the percentage of African-American employees decreased from 65% to 63%, Asian employees increased from 2% to 3%, Hispanic employees increased from 13% to 14%, and Caucasian employees remained flat at 19%. Female employees decreased from 70% to 69%. (Appendices 2 and 3)

### **Discrimination Complaint Activity During the Audit Period**

During the period in review, no internal discrimination complaints were filed. A total of 34 complaints were filed with external agencies: 15 were filed with the New York State Division on Human Rights, 1 with the New York City Commission on Human Rights and 18 with the Equal Employment Opportunity Commission. The nature of the complaints are: 7 Retaliation; 5 Sexual Discrimination; 2 Sexual Discrimination and Disability; 1 Religion, Disability and Retaliation; 5 Disability; 6 Race/Color, Sex; 2 Ethnicity and Religion; 1 Sexual Harassment; 1 Race, Retaliation; 3 Ethnicity; and 1 Gender.

Of these complaints, 21 were dismissed, 5 received no probable cause determinations, 2 were withdrawn (1 right to sue letter and 1 administrative closure) 2 were settled, and the remaining 4 complaints (2 based on disability, 1 based on gender and 1 based on ethnicity) were pending during the period in review.

## PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations for the audit period.

### Plan Dissemination – Internally

The DOP is in compliance with the following requirements:

1. The EEO Policy, the EEO Policy Handbook: About EEO: What You Need to Know, and the EEO Policy statement (and addendums) were distributed to managerial staff electronically and updated on an ongoing basis. In addition, 18 of 19 respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that they had received a copy of the agency's EEO Policy statement and the majority of those respondents indicated that the policy could be found in the EEO Office, HR/Personnel Office and Intranet. Twelve of the 19 respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that the policy was most accessible via the agency's Intranet.
2. A copy of the City's EEO Policy Handbook was available to all employees via the agency's Intranet and on bulletin boards at each site where the agency conducts business. The bulletin boards are checked and maintained to ensure that EEO information is clearly posted and current. The policies are also distributed at new employee orientation sessions and in the new hire packet. In addition, 77% of respondents to the EEPC's Employee Survey indicated the policies were located in accessible areas, 82% indicated they had received the EEO policy handbook, and 65% indicated they had received the agency's EEO Policy Statement.

### Plan Dissemination – Externally

The DOP is in partial compliance with the following requirement:

Of the five city-wide job vacancy notices submitted to the EEPC, four [Secretary IIIA/Clerical Associate III, Agency Attorney Level II, City Custodial Assistant (1), and Administrative Staff Analyst] indicated that the Department of Probation is an equal opportunity employer. The remaining job vacancy notice for Administrative Staff Analyst M2, however, omitted this indication.

The DOP advertised for an Attorney in the New York Law Journal in 2006, and for a Certified IT Developer in New York Times Online, IT Toolbox, DICE.com Tech Jobs, and Careerbuilder.com in 2008 via Graystone Group Advertising. These advertisements indicated the DOP is an equal opportunity employer. However, advertisements for Certified IT Developer in the NYTimes.com, Monster.com, IT Toolbox, DICE.com and Careerbuilder.com placed, in 2008 via the Creative Media Agency, did not indicate that the DOP 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 for Persons with Disabilities and Reasonable Accommodations**

The DOP is in compliance with the following requirements:

1. The agency participates in the Section 55-A Program. The Assistant Commissioner of Human Resources serves as the Section 55-A Coordinator. This individual makes employees aware of the program, provides resources/help for employees that are interested in becoming participants and directs potential participants to a Section 55-A contact at the Department of Citywide Administrative Services (DCAS). There were no program participants during the audit period.
2. The agency has provided the EEO policy statement in alternate formats (i.e., Braille, audio tape and large print) for persons with disabilities.
3. The agency's response to the EEPC's Accessibility for Persons with Disabilities checklist indicates that its facilities at 33 Beaver Street, 100 Centre Street, 60 Lafayette Street, and 346 Broadway in Manhattan; 215, 198 and 265 East 161<sup>st</sup> Street in the Bronx; 340 Bay Street in Staten Island; 125-01 Queens Boulevard, 90-02 161st Street, and 162-24 Jamaica Avenue in Queens; and 210 Joralemon Street and 345 Adams Street in Brooklyn are accessible to, and useable by, persons with disabilities. (i.e., street accessible entrances, wheelchair accessible elevators, and Braille/bell in elevators and wide restroom stalls/grab bars and low sink/fixtures in bathrooms where applicable). In addition, 70% of respondents to the EEPC's Employee Survey indicated facilities were accessible to employees with disabilities.
4. The agency has appointed its EEO Officer as the Disabilities Rights Coordinator (DRC), whose responsibility is to handle reasonable accommodation requests and ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. The DRC maintains files on all requests for accommodation. During the period in review, 22 requests for accommodation (for office equipment, special equipment, and modification of duties) were granted.

The DOP is in partial compliance with the following requirement:

Although the agency appointed its EEO Officer as the Disabilities Rights Coordinator, 55% of respondents to the EEPC's Employee Survey indicated they did not know who the Disability Rights Coordinator is. Corrective action is required.

Recommendation: To ensure that all employees are aware of the Disability Rights Coordinator - responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities-- the agency should re-distribute to all employees in writing the name, location, and telephone number of this person. (Sect. VB and VC, EEOP)

## **Discrimination Complaint and Investigation Procedures**

The DOP is in compliance with the following requirements:

1. The EEO Officer kept a monthly log for maintaining and updating the status of discrimination complaints filed against the agency.
2. The agency appointed at least 2 EEO representatives who are not of the same gender (a female EEO Officer and a male EEO Counselor) to receive discrimination complaints and conduct investigations.
3. The agency's EEO Staff (EEO Officer/Disability Rights Coordinator, Career Counselor/Section 55-A Coordinator, and former and present EEO Counselors) completed the basic training course for EEO professionals administered by the Department of Citywide Administrative Services (DCAS).

### **EEO Training**

#### The DOP is in compliance with the following requirement:

During the period in review, DOP held a total of 6 EEO training session (2 each year). EEO training is also a component of new employee orientation and managerial block training. The EEO training curriculum, which was approved by DCAS, covers the City's EEO policy, employee's rights and responsibilities under the policy, and the discrimination complaint/investigation and reasonable accommodation procedures. It also includes information on sexual harassment prevention, the Americans with Disabilities Act, the Section 55-A Program, and the responsibilities of managers under the City's EEO Policy. In addition, 62% of respondents to the EEPC's Employee Survey indicated when hired, they were advised of the City's EEO Policies and their rights under such policies and 72% indicated they had received EEO training within the past 2 years. Sixty-six percent of respondents found the agency's EEO training informative and 68% indicated they knew how to file an EEO complaint.

Pursuant to the audit, the agency provided sign-in sheets for EEO-related training (of staff, managers, counsel, assistant commissioners, etc.) and agendas of Branch Meetings where EEO discussions took place.

### **Selection and Recruitment**

#### The DOP is in compliance with the following requirement:

The agency provided structured interview training and/or distributed information on the topic to employees who are involved in employment interviewing. Also, 11 of 14 respondents to the EEPC's Manager/Supervisor Interview 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 DOP is not in compliance with the following requirements:

1. The agency did not retain complete applicant/hire information for discretionary positions. For instance, on the applicant log submitted to the EEPC for Agency Attorney Level II -- one of few discretionary positions for which the agency hired during the period in review -- the agency omitted crucial information such as the reason for selection/rejection and the source of recruitment for each candidate. Corrective action is required.
1. Recommendation: Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)
2. The EEPC was informed that the majority of recruiting at DOP is for the Probation Officer titles; these candidates typically come from civil service lists. As a result, the agency did not 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 DOP should conduct an assessment of its selection criteria for discretionary titles. The DOP 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 DOP is in compliance with the following requirements:

1. The agency's managerial performance evaluation form contains a rating for EEO. Section IV. Utilizing Human Resources, covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.
2. The agency formally appointed a person familiar with civil service and provisional jobs to provide career counseling to employees who request such guidance. An agency-wide memo notifying employees of the name, location, and telephone number of the career counselor and providing a link to the relevant section of the agency's intranet was distributed. The Assistant Commissioner of Human Resources serves as the agency's career counselor.

The DOP is in partial compliance with the following requirements:

1. Although the agency appointed a Career Counselor, 67% of respondents to the EEPC's Employee Survey indicated they did not know the name of the person 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)

2. Sixty-nine percent of respondents to the EEPC's Employee Survey indicated that they had received an annual performance evaluation within the past 12 months. However, 12 of 19 respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that they received their employee evaluation over a year ago. Upon request, the agency did not provide other documentation that managers received evaluations annually. Corrective action is required.

Recommendation: Since the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate its managerial employees annually. (DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1*)

### **Supervisory Responsibility in EEO Plan Implementation**

The DOP is in compliance with the following requirement:

Managers and supervisors were instructed to discuss the department's EEO policies with their subordinates during normal staff meetings. They were informed via memo (6/18/2008) from the agency head to remind all staff of their EEO responsibilities and the consequences of any violation of the city's EEO Policy. Documentation of these meetings is maintained. In addition, 51% of respondents to the EEPC's Employee Survey indicated that their manager or supervisor had discussed the agency's commitment to the principles of EEO during staff meetings within the past year.

### **EEO Officer Reporting Arrangement**

The DOP is in compliance with the following requirements:

1. According to the agency's organizational chart, the EEO Officer reports to the agency's Chief of Staff/Special Counsel on EEO matters – a direct report to the agency head. On reasonable accommodation issues, the EEO Officer reports to the Chief of Staff and First Deputy Commissioner. Documentation of these meetings was maintained.
2. The EEO Officer meets with EEO professionals periodically to review their work and/or keep them abreast of EEO developments. Ad hoc meetings are held when necessary. Documentation of these meetings was maintained.

## EEO Officer Responsibilities

The DOP is in compliance with the following requirement:

The agency has consistently submitted its agency-specific plan, three quarterly reports, and an annual fourth quarter final report to the EEPC for each fiscal year. These reports have been submitted no later than thirty days following each reporting period.

## Special Contingencies

1. During the EEPC's audit, the EEO Counselor/Trainer unofficially assumed the EEO Officer's role due to the EEO Officer's extended absence; the agency later appointed an additional EEO Counselor. At the time of this report, the new EEO Counselor had not received basic training for EEO professionals. Corrective action is required.

Recommendation: Since the EEO Policy requires that EEO representatives be trained in EEO laws and procedures and know how to carry out their responsibilities under the City's EEOP, the new EEO Counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Counselor should obtain a certificate of completion. (Sect. VB, EEOP)

2. The agency's primary EEO staff consists of an EEO Officer/Disability Rights Coordinator and an EEO Counselor/Trainer. During the audit period, these individuals were authorized to respond to and resolve calls made to the EEO Office and conduct follow-up EEO investigations, if required. At that time, the agency's EEO Officer had the support of the Counselor/Trainer and a part-time administrative staff person. While auditing the agency, the EEPC learned that the agency's EEO Officer had been away from the agency for approximately 8 months. Voicemail and relay-email messages directed employees to the EEO Counselor/Trainer and a Department of Corrections employee who temporarily assisted the counselor on disability issues for assistance. The Counselor/Trainer, who currently devotes the majority of his time to EEO responsibilities, is also the Executive Assistant to the Associate Commissioner full-time. In March 2010, although the EEO Counselor/Trainer had been standing-in for the EEO Officer in her absence, there was no documentation that the agency had officially designated him as Interim/Acting EEO Officer. Corrective action is required.

Recommendation: Because the EEO Policy holds the agency head responsible for ensuring that the responsibilities of the EEO Officer are competently discharged, the agency head should establish a permanent structure for the administration of the agency's EEO program. (Sect. VB, EEOP)

## 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. To ensure that all employees are aware of the Disability Rights Coordinator -- responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities--the agency should re-distribute to all employees in writing the name, location, and telephone number of this person. (Sect. VB and VC, EEOP)
3. Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)
4. 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 DOP should conduct an assessment of its selection criteria for discretionary titles. The DOP 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)
5. 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)
6. Since the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial employees receive annual performance evaluations, the agency should develop a plan; which includes a timetable, to evaluate its managerial employees annually. (DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1*)
7. Since the EEO Policy requires that EEO representatives be trained in EEO laws and procedures and know how to carry out their responsibilities under the City's EEOP, the new EEO Counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Counselor should obtain a certificate of completion. (Sect. VB, EEOP)
8. Because the EEO Policy holds the agency head responsible for ensuring that the responsibilities of the EEO Officer are competently discharged, the agency head should

establish a permanent structure for the administration of the agency's EEO program. (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**

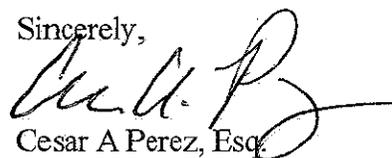
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to the EEPC's audit of the DOP's compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the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

Your response should indicate what corrective actions your office will take to bring the agency into 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,



Cesar A Perez, Esq.  
Chair

cc: EEO Officer, Leta Binder

APPENDIX - 1

Department of Probation  
EMPLOYEE SURVEY RESULTS

Employees = 1199                      Survey Respondents = 290    24%

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 (265)                      No (17)
2. Do you know who your agency's EEO Officer is?  
Yes (206)                      No (82)
3. Is the City's EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?  
Yes (223)                      No (58)
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 (188)                      No (15)                      Do not remember (81)
5. Were you given a copy of the EEO Policy Handbook - About EEO: What You Need to Know?  
Yes (239)                      No (41)
6. Do you believe your agency practices equal opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?  
Yes (140)                      No (136)
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 (148)                      No (87)                      Do not remember (49)
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 (140)                      No (99)                      Do not remember (46)
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 (179)                      No (21)                      Do not remember (88)

B. EEO COMPLAINTS

10. Do you know how to file an EEO complaint?  
Yes (198)                      No (89)
11. If you had an EEO complaint, would you bring it to your agency's EEO Office?  
Yes (131)                      No (72)                      Undecided (83)
12. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?  
Yes (134)                      No (61)                      Undecided (92)
13. During the past 3 years, did you file a complaint with your agency's EEO Office?  
Yes (10)                      No (279)

**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 (0)                     | Veteran's Status (0)   |
| Gender (incl. gender identity) (0) | Victim of Domestic Violence,<br>Stalking, and Sex Offenses (0) |
| Marital Status (0)                 | Other (0)  |
| Military Status (0)                | Not Applicable (0)   |
| National Origin (0)                |  |

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

- Yes (12)                      No (17)                      Not Applicable (254)

**C. EEO TRAINING**

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

- Yes (209)                      No (73)

17. How informative was this training?

- |                             |                           |
|-----------------------------|---------------------------|
| Very informative (92)       | Somewhat informative (98) |
| Not really informative (20) | Not Applicable (71)       |

**D. JOB PERFORMANCE/ADVANCEMENT**

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

- Yes (214)                      No (39)                      Do not remember (30)

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

- Yes (200)                      No (80)                      Employed for less than 12 mos (5)

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

- Yes (85)                      No (81)                      Not Applicable (0)

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

- Yes (24)                      No (149)                      Not Applicable (0)

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

- Yes (92)                      No (194)

**E. SPECIFIC PROTECTIONS**

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

- Yes (127)                      No (159)

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 (204)                      No (17)                      Don't Know (63)

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 (0)                      No (140)

SURVEY RESULTS CONTINUED

OPTIONAL INFORMATION

26. Race/Ethnicity

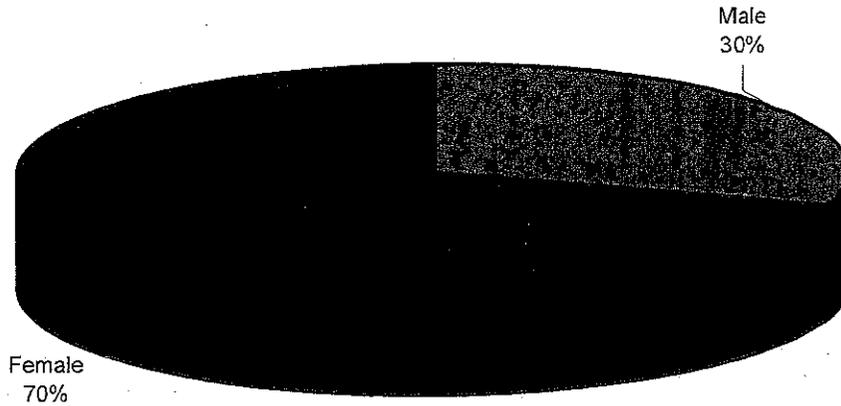
Asian (7)	Native Hawaiian or Other Pacific Islander (0)
American Indian or Alaska Native (3)	White (58)
Black or African American (0)	Two or More Races (0)
Hispanic or Latino (0)	Other #REF!

27. Gender

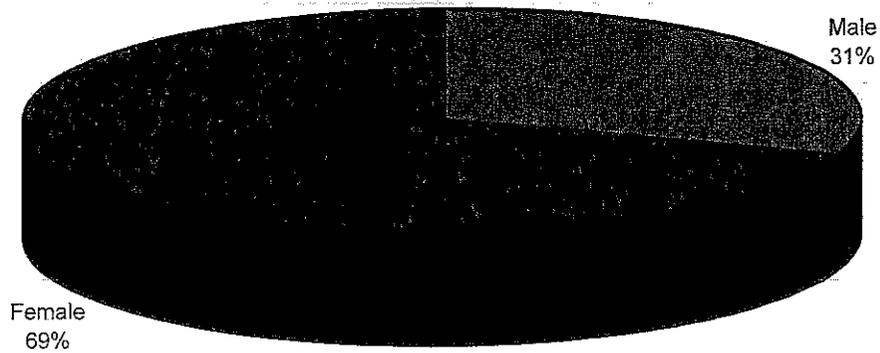
Male (90)	Female (175)
-----------	--------------

# Appendix - 2

## Department of Probation Workforce by Gender



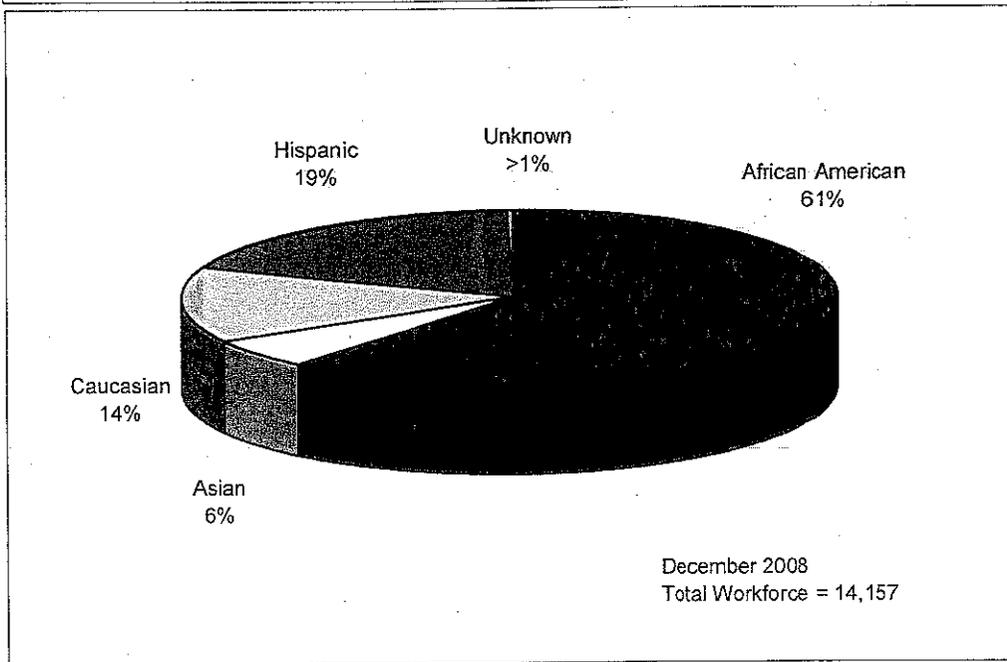
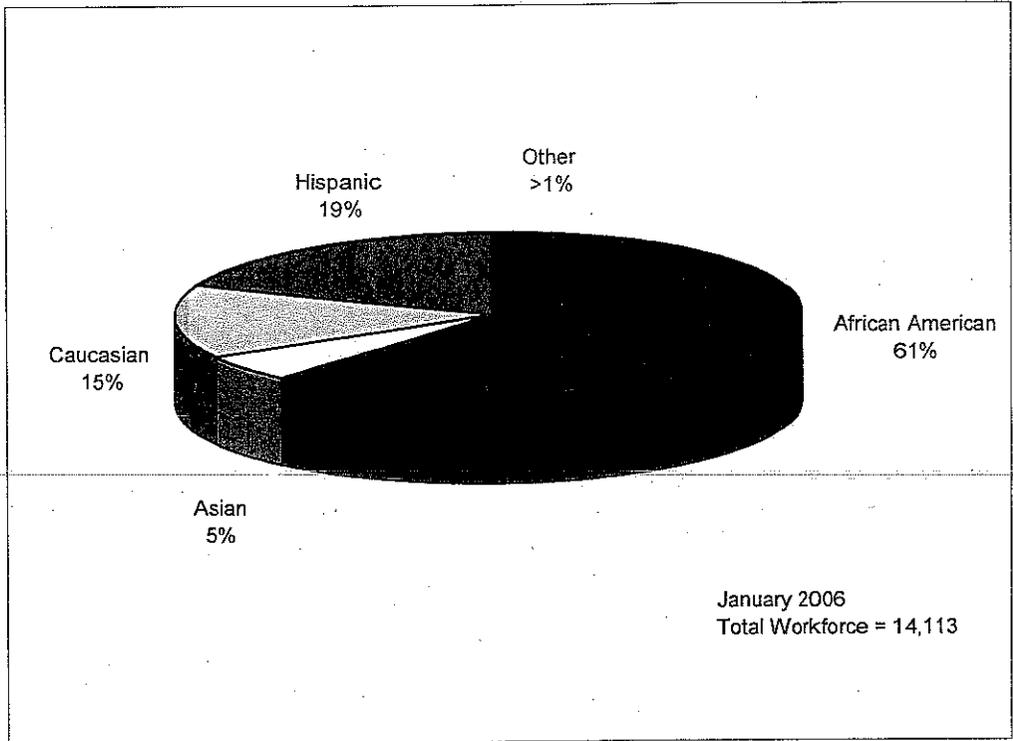
January 2006  
Total Workforce = 1261



December 2008  
Total Workforce = 1189

# Appendix - 3

## Human Resources Administration Workforce by Ethnicity



## APPENDIX – 4

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

### Department of Probation

#### Hires by Sex and Ethnicity

Total Hires: 140

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Other	Total
49	91	140	34	80	18	7	1	140

#### Promotions by Sex and Ethnicity

Total Promotions: 122

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Other	Total
36	86	122	25	76	16	4	1	122

APPENDIX - 5

DEPARTMENT OF PROBATION

SUPERVISOR/MANAGER QUESTIONNAIRE RESULTS

Total Supervisors = 245 Completed Questionnaire = 19 (8%)

1. Are you familiar with the City of New York's Equal Employment Opportunity (EEO) Policy?  
 Yes (19) No (0)  
 Provided description (17)
2. Are you aware of your rights as an employee under the City's EEO Policy?  
 Yes (19) No (0)  
 Provided description (15)
3. Are you aware of your responsibilities as a supervisor/manager under the City's EEO Policy?  
 Yes (19) No (0)  
 Provided description (17)
4. What is the name of your agency's EEO Officer?  
 Know (19) 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 (11)  
 Your EEO responsibilities as a supervisor/manager (7)  
 Neither (7)

---

6. In your agency, where can the City's EEO Policy be found? (Check all that apply.)  
 EEO Office (14) My work unit (7)  
 HR/Personnel Office (11) I do not know (0)  
 Intranet (14) Other (3)
7. Of the choices indicated above, which is most easily accessible to you?  
 EEO Office (6) My work unit (7)  
 HR/Personnel Office (6) Other (2)  
 Intranet (12)
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 (18) No (0) Do not remember (1)
9. Do you have access to a copy of the Discrimination Complaint Procedure?  
 Yes (13) No (2) Do not know (3)
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 (12) No (5) 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 (11) No (8)
12. Did you receive sexual harassment prevention training from your agency? O Office?  
 Yes (9) No (4) Do not remember (5)
13. Did all of the employees that you supervise receive sexual harassment prevention training?  
 Yes (5) No (4) Do not know (9)

QUESTIONNAIRE CONTINUED

14. When you were hired, did you receive an orientation session that included a review of the City's EEO policy?  
Yes (11)                      No (2)                      Do not remember (6)
15. Do you participate in orientation sessions for new employees?  
Yes (4)                      No (15)
16. Do new employee orientation sessions include information on the City's EEO policy?  
Yes (8)                      No (0)                      Do not know (11)
17. Do you interview candidates for positions in your agency?  
Yes (14)                      No (5)
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 (11)                      No (3)                      I do not interview applicants (4)
19. When was your last performance evaluation?  
Within a year (5)                      Over a year ago (12)
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 (6)                      No (5)                      Not Applicable (6)
- 
21. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and  
Yes (9)                      No (4)                      I do not receive performance evaluations (4)
22. Do you evaluate your employees annually?  
Yes (13)                      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?  
Yes (10)                      No (6)
24.  
Please share your additional comments or concerns regarding EEO in your agency.  
Comments (0)

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: P BUTNO31

DEPARTMENT OF PROBATION (781)

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	
002	16	7	1	0	0	0	17	16	6	0	0	0	0	63	16	16	6	0	0	0	0	0	63
003	9	2	1	0	0	0	5	11	1	0	0	0	29	11	11	1	0	0	0	0	0	0	29
004	1	1	2	1	0	0	5	0	3	0	0	0	13	0	0	3	0	0	0	0	0	0	13
006	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
007	78	150	33	8	1	4	54	380	57	3	2	3	773	54	380	57	3	2	3	3	0	0	773
008	3	0	0	1	0	0	4	3	1	0	0	0	12	4	3	1	0	0	0	0	0	0	12
009	30	0	0	0	0	0	0	0	4	0	0	0	4	0	0	4	0	0	0	0	0	0	4
010	1	0	1	0	0	0	0	0	1	0	0	0	3	0	0	1	0	0	0	0	0	0	3
012	0	2	2	0	0	0	6	30	7	0	0	0	47	6	30	7	0	0	0	0	0	0	47
013	3	8	1	3	0	0	20	139	29	8	2	3	216	20	139	29	8	2	3	0	0	0	216
022	2	0	2	0	0	0	0	1	0	0	0	0	5	0	1	0	0	0	0	0	0	0	5
028	1	6	1	0	0	0	0	5	1	0	0	0	14	0	5	1	0	0	0	0	0	0	14
031	1	10	4	2	0	0	1	15	6	0	0	0	39	1	15	6	0	0	0	0	0	0	39
TOTAL	115	187	48	15	1	4	112	600	116	11	5	6	1219	115	187	116	11	5	6	0	0	0	1219
%TAGE	9%	15%	4%	1%	<1%	<1%	9%	49%	10%	1%	<1%	<1%	100%	9%	15%	10%	1%	<1%	<1%	0%	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, 2007

REPORT: PBUTNO31

**DEPARTMENT OF PROBATION (781)**

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	
002	19	7	1	0	0	0	16	15	6	0	0	0	0	64	19	7	1	0	0	0	0	0	64
003	9	2	2	1	0	0	6	10	0	0	0	0	30	9	2	2	1	0	0	0	0	0	30
004	0	2	2	1	0	0	5	0	2	0	0	0	12	0	2	2	1	0	0	0	0	0	12
006	0	1	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	1
007	71	150	36	8	1	4	54	384	60	3	3	3	777	71	150	36	8	3	3	3	3	0	777
008	3	0	0	1	0	0	5	2	0	0	0	0	11	3	0	0	1	0	0	0	0	0	11
009	0	0	0	0	0	0	0	0	3	0	0	0	3	0	0	0	3	0	0	0	0	0	3
010	2	0	2	0	0	0	0	0	1	0	0	0	5	2	0	2	0	0	0	0	0	0	5
012	0	2	2	0	0	0	7	37	8	0	0	0	56	0	2	2	0	0	0	0	0	0	56
013	3	6	1	3	0	0	17	124	24	8	3	1	190	3	6	1	3	3	3	1	0	0	190
022	2	0	1	0	0	0	0	0	0	0	0	0	3	2	0	1	0	0	0	0	0	0	3
028	0	6	1	0	0	0	0	5	0	0	0	0	12	0	6	1	0	0	0	0	0	0	12
031	1	10	2	2	0	0	1	13	6	0	0	0	35	1	10	2	2	0	0	0	0	0	35
<b>TOTAL</b>	<b>110</b>	<b>186</b>	<b>50</b>	<b>16</b>	<b>1</b>	<b>4</b>	<b>111</b>	<b>590</b>	<b>110</b>	<b>11</b>	<b>4</b>	<b>6</b>	<b>1199</b>	<b>110</b>	<b>186</b>	<b>50</b>	<b>16</b>	<b>4</b>	<b>11</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1199</b>
<b>%TAGE</b>	<b>9%</b>	<b>16%</b>	<b>4%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>9%</b>	<b>49%</b>	<b>9%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>100%</b>	<b>9%</b>	<b>16%</b>	<b>4%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

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

DEPARTMENT OF PROBATION (781)

JOB GRP	MALE										FEMALE										TOTAL
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHER	TOTAL							
002	18	7	1	0	0	0	15	14	5	0	0	0	0	60							
003	7	1	2	1	0	0	5	9	0	0	0	0	0	25							
004	0	1	2	3	0	1	2	0	2	0	0	0	0	11							
006	0	1	0	0	0	0	0	0	0	0	0	0	0	1							
007	70	148	35	8	1	4	60	384	65	6	3	1	0	785							
008	4	0	0	1	0	0	5	1	0	1	0	0	0	12							
009	0	0	0	0	0	0	0	0	3	0	0	0	0	3							
010	2	0	3	0	0	0	0	0	1	0	0	0	0	6							
012	0	2	2	0	0	0	7	36	9	0	0	0	0	56							
013	3	8	1	3	0	0	19	118	21	6	1	3	0	183							
022	2	1	1	0	0	0	0	0	0	0	0	0	0	4							
028	0	5	1	0	0	0	0	5	0	0	0	0	0	11							
031	1	10	2	1	0	0	2	11	5	0	0	0	0	32							
<b>TOTAL</b>	<b>107</b>	<b>184</b>	<b>50</b>	<b>17</b>	<b>1</b>	<b>5</b>	<b>115</b>	<b>578</b>	<b>111</b>	<b>13</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>1189</b>							
<b>%TAGE</b>	<b>9%</b>	<b>15%</b>	<b>4%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>10%</b>	<b>49%</b>	<b>9%</b>	<b>1%</b>	<b>&lt;1%</b>	<b>&lt;1%</b>	<b>0%</b>	<b>100%</b>							



10372

Vincent N. Schiraldi  
Commissioner

July 15, 2010

33 Beaver Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
+1 212 361 8977 tel  
+1 212 361 8985 fax

Cesar A. Perez, Esq., Chair  
NYC Equal Employment Practices Commission  
40 Rector Street  
New York, NY 10006

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

Dear Chair and Executive Director:

This letter and attachments represent our formal response to the above audit. We were pleased to learn of the NYC Equal Employment Practices Commission's determination that the New York City Department of Probation (DOP) is substantially in compliance with the City's Equal Employment Opportunity Policy (EEOP). DOP has reviewed the preliminary determinations that require corrective actions and our responses to your recommendations are as follows:

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

Response: Effective July 1, 2010, all final drafts of any type of recruitment advertising (including newspaper advertisements, job vacancy notices etc.) will be forwarded to the EEO Officer for review. The EEO Officer will ensure that all recruitment advertisements indicate that the agency and the City of New York is an equal opportunity employer and that our recruitment efforts target groups that may be under represented in the agency's workforce by recommending additional recruitment resources.

2. **Recommendation:** To ensure that all employees are aware of the Disability Rights Coordinator - response for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities – the agency should re-distribute to all employees in writing the name, location, and telephone number of this person. (Sect. VB and VC, EEOP)

Response: On June 17, 2010, Commissioner Schiraldi sent a notification to all



staff appointing, Phyllis DeLisio, the agency's EEO Officer and Disability Rights Coordinator. Her location, telephone number and e-mail address was provided. Ms. DeLisio attended DCAS' Basic EEO Training in June 2010.

- 3. Recommendation:** Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (*which include the Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Social Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued Applicant Log)

Response: On June 28, 2010, the EEO Officer sent a memorandum to all Directors and above, introducing a revised applicant log to be completed whenever a selection for hire is made. The new log includes all the criteria cited in recommended action 3. To ensure compliance to this procedure, the memorandum advised that the hiring process would not begin until the completed applicant log is submitted with the Request for Hire documentation to the Human Resources Division. The applicant form is available on the intranet under EEO Resources (see attachments).

- 4. 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 DOP should conduct an assessment of its selection criteria for discretionary titles. The DOP 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)

Response: With the receipt of every completed applicant log for selection of a person for mid-level to high discretionary positions, the EEO Officer will conduct an assessment of its selection criteria by using the Disparate Impact Analysis Program recommended by DCAS. The results of the assessment will be kept on file with the applicant log. To the extent that adverse impact is discovered, the agency head and EEO Officer will determine whether the job criteria being utilized are job related. If the criteria are not job related, the agency head will direct staff to discontinue using those criteria.

- 5. 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)

Response: Due to the vacancy of an Assistant Commissioner of Human Resources, Phyllis DeLisio has temporarily assumed the role of Career Counselor. Her name was indicated on the agency's EEO Flyer located on the intranet and on the EEO Home Page. As we anticipate the hire of a new Assistant Commissioner of Human Resources in the next few weeks, we will notify all employees that Ms. Suzette Mapp is the Career Counselor and 55A Coordinator upon her hire with an explanation of her role in each area. This will be sent out on an annual basis going forward.

6. **Recommendation:** Since the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate its managerial employees annually. (DCAS Division of Citywide Personnel Services, Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p.1)

Response: Before November 30, 2010, the Assistant Commissioner of Human Resources will request submission of Tasks and Standards for all managerial employees no later than December 31, 2010 (to cover the evaluation period, January 1st through December 31, 2011.) In collaboration with the EEO Officer, the Assistant Commissioner will ensure that Tasks and Standards addressing EEO responsibilities will be included in every manager's evaluation. Evaluations will be completed no later than January 15, 2011. This effort will continue each year thereafter (see attachment).

7. **Recommendation:** Since the EEO Policy requires that EEO representatives be trained in EEO laws and procedures and know how to carry out their responsibilities under the City's EEOP, the new EEO Counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Counselor should obtain a certificate of completion. (Sect. VB, EEOP)

Response: The Department of Probation has submitted an application to DCAS for the three new EEO Counselors to receive Basic EEO Training as soon as possible (see attachment).

8. **Recommendation:** Because the EEO Policy holds the agency head responsible for ensuring that the responsibilities of the EEO Officer are competently discharged, the agency head should establish a permanent structure for the administration of the agency's EEO program. (Sect. VB, EEOP)

Response: On June 17, 2010, Phyllis DeLisio was appointed the agency's EEO Officer and Disability Rights Coordinator. Additionally, on July 1, 2010, Ms. Diane Taylor and Mr. John Altre were appointed EEO Counselors. (see attachment). Ms. Geneva Elder is also a Counselor and all three have been registered for DCAS' Basic EEO Training. The agency's Training Division will assist the EEO Officer with providing EEO training to new hires, utilizing a DCAS approved PowerPoint presentation and will work with the EEO Officer to ensure that EEO trainings stay abreast of relevant changes that need to be communicated to new hires. Appropriate training staff will attend DCAS' Basic EEO training course.



Department of  
Probation

The agency head will 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 and will re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent N. Schiraldi".

Vincent N. Schiraldi

cc: Abraham May, Jr., Executive Director  
Phyllis R. DeLisio, EEO Officer and Disability Rights Coordinator

---

**From:** Delisio, Phyllis (DOP)  
**Sent:** Thursday, July 01, 2010 3:45 PM  
**To:** Albright, Alphonzo (DOP)  
**Cc:** Schiraldi, Vincent N. (DOP)  
**Subject:** Compliance with the Recent EEPC Audit of the Department of Probation  
Deputy Commissioner Albright,

To ensure compliance with the recent EEPC audit of the Department, I am requesting that the following corrective actions be implemented by Human Resources personnel under your direct supervision:

1. Effective immediately, all final drafts of any type of recruitment advertising (including newspaper advertisements, job vacancy notices etc.) will be forwarded to the EEO Officer for review. The EEO Officer will ensure that all recruitment advertisements indicate that the agency and the City of New York is an equal opportunity employer and that our recruitment efforts target groups that may be under represented in the agency's workforce by recommending additional recruitment resources.
2. That before November 30, 2010, the Assistant Commissioner of Human Resources will request submission of Tasks and Standards for all managerial employees no later than December 31, 2010 (to cover the evaluation period, January 1st through December 31, 2011.) In collaboration with the EEO Officer, the Assistant Commissioner will ensure that Tasks and Standards addressing EEO responsibilities will be included in every manager's evaluation. Evaluations will be completed no later than January 15, 2011. This effort will continue each year thereafter.

Your commitment to meeting these EEPC recommended corrective actions is appreciated.

Phyllis R. DeLisio  
Executive Assistant to the Commissioner/  
EEO Officer  
Department of Probation  
33 Beaver Street, 23rd Floor, NYC  
(212) 361-8962



Vincent N. Schiraldi  
Commissioner

33 Beaver Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
+1 212 361 8977 tel  
+1 212 361 8985 fax

MEMORANDUM

To: DoP Staff

From: Vincent N. Schiraldi

Date: June 17, 2010

Subject: Appointment of Equal Employment Opportunity Officer and Disability Rights Coordinator

---

I am pleased to announce that I have appointed Ms. Phyllis DeLisio as Equal Employment Opportunity Officer, (EEO), and Disability Rights Coordinator for the Department of Probation.

The New York City Department of Probation is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the City's EEO Policy, by maintaining fair employment practices for all of our employees and by encouraging a work environment that tolerates and appreciates the differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

I encourage all employees to address any EEO or disability concerns with Ms. DeLisio. She can be reached at (212) 361-8962 or via e-mail at PDeLisio@probation.nyc.gov.

If you require further information about the department's EEO Policy, it can be viewed on the agency's intranet under Resources/ EEO.

**From:** Delisio, Phyllis (DOP)

**Sent:** Monday, June 28, 2010 4:52 PM

**To:** Imbasciani, Jane (DOP); DiGiovanna, Margaret (DOP); Difiore, Ralph (DOP); Carchidi, Annette (DOP); Carrique, Vincent (DOP); Goodwin, Sharun (DOP); Dillon, Joseph (DOP); Wilson, Audrey (DOP); Vogel, David (DOP); Jachimczyk, Andy (DOP); Abrams, Barry (DOP); Haretopoulos, Bill (DOP); Faruqee, Mishi (DOP); Elder, Geneva (DOP); Thornton, Larry (DOP); Sempertegui, Anibal (DOP); Haretopoulos, Bill (DOP); Bruno-Jones, Janice (DOP); Corrigan, John (DOP); Falby, Marjorie (DOP); Bains, Rajwant (DOP); Bonura, Barbara (DOP); Maynard, Elton (DOP)

**Cc:** Albright, Alphonzo (DOP); Ognibene, Michael (DOP); Schiraldi, Vincent N. (DOP); Gilmore, Lorene (DOP); Gray, Gineen (DOP); Tamler, Cary (DOP); Braithwaite, Leona (DOP); Lyles, Deirdre (DOP); Ugbekile, Jeremiah (DOP); Taylor, Diane (DOP)

**Subject:** Applicant Log to Be Completed When a Candidate is selected for Hire

**Attachments:** Applicant Log.doc; questions you may-may not ask.pdf; sample interview questions.pdf  
Attached please find a revised, Applicant Log, which must be completed by the interviewing manager when a selection for hire has been made. Please be reminded that the applicant log must be submitted to Human Resources along with the Request for Personnel Action Form, the resume and the original job posting.

~~As the completion of this log is required through the City's Equal Employment Opportunity Plan guidelines, a Request for Personnel Action Form cannot be processed until the completed applicant log is received.~~

The document Applicant Log has been published to DOPWeb and is available on the EEO Policy page, DOPWeb > [EEO Policy](#)

Please be reminded that during the job interview, it is unlawful to ask questions that directly or indirectly seek to provide information about certain factors. Attached for your reference is a listing of questions that you may and may not ask based on the Human Rights Law.

Also, attached, is a listing of sample interview questions for your reference.

Please be reminded that all interviews should include a minimum of two interviewers for every vacant position. All job applicants for the vacant position should be asked the same set of questions.

Please share this information with all appropriate staff. If you need further information regarding this matter, please don't hesitate to contact me.

Phyllis R. DeLisio  
Executive Assistant to the Commissioner/  
EEO Officer  
Department of Probation  
33 Beaver Street, 23rd Floor, NYC  
(212) 361-8962



Request for EEO Basic Training of New EEO Counselors

From: Delisio, Phyllis (DOP)  
Sent: Thursday, July 01, 2010 1:23 PM  
To: Siu Cheng  
Cc: dcrothers@dcas.nyc.gov; Lisa Nakanishi  
Subject: Request for EEO Basic Training of New EEO Counselors at the Department of Probation

Attachments: appt of counselors.pdf

Good afternoon Siu,

I hope you are well.

Please see the attached applications for Basic EEO Training for Diane Taylor and John Altre, who have just been appointed EEO Counselors. An application for Geneva Elder was sent in previously and she awaits registration for the next class.

When the next DCAS EEO website update is performed, DOP's information needs to be changed; removing Leta Binder and Jeremiah Ugbekile and adding myself, Geneva Elder, Diane Taylor and John Altre.

Please let me know if any further information is necessary.

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Thank you,

Phyllis R. DeLisio  
Executive Assistant to the Commissioner/ EEO Officer Department of Probation  
33 Beaver Street, 23rd Floor, NYC  
(212) 361-8962



Vincent N. Schiraldi  
Commissioner

MEMORANDUM

33 Beaver Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
+1 212 361 8977 tel  
+1 212 361 8985 fax

To: All DoP Staff  
From: Vincent N. Schiraldi  
Date: July 1, 2010  
Subject: Appointment of EEO Counselors

I am pleased to announce that I have appointed Ms. Geneva Elder, Ms. Diane Taylor and Mr. John Altre to serve as EEO Counselors for the Department of Probation. They join EEO Officer and Disability Rights Coordinator, (DRC), Phyllis DeLisio in administering the Department's EEO Program. At this time, Mr. Jeremiah Ugbekile has decided to discontinue his service as a Counselor. I thank him for his prior service in this most important function.

I encourage all employees to access the resources available within the agency and to address any EEO concerns you have to:

Phyllis DeLisio	EEO Office and DRC	at (212) 361-8962
Geneva Elder	EEO Counselor	at (212) 232-0638
Diane Taylor	EEO Counselor	at (212) 232-0764
John Altre	EEO Counselor	at (212) 232-0662

Thank you to Ms. Elder, Ms. Taylor and Mr. Altre for your willingness to assume the responsibility of an EEO Counselor.



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14<sup>th</sup> Floor New York, NY 10006

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

Cesar A. Perez, Esq.  
*Chair*  
Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva A. Rice  
*Commissioners*

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

July 28, 2010

Vincent N. Schiraldi, Commissioner  
Department of Probation  
33 Beaver Street, 23<sup>rd</sup> Floor  
New York, NY 10004

Re: Compliance Initiation

Dear Commissioner Schiraldi:

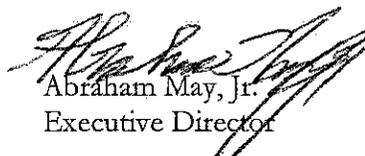
On behalf of Chair Cesar A. Perez, Esq. and the members of the Equal Employment Practices Commission I want to thank you for your July 15<sup>th</sup> Response to our June 25<sup>th</sup> Preliminary Determination Letter pursuant to our audit of your agency's Equal Employment Opportunity Program for the three-year period that commenced January 1, 2006 and ended December 31, 2008.

We have reviewed your Response and we are pleased to know that the Department of Probation concurs with all of our recommendations for corrective actions. Your concurrence obviates the issuance of a Final Determination Letter.

We will therefore initiate the City Charter-mandated audit compliance process. EEPCCounsel/Compliance Director Judith Garcia Quiñonez, Esq. or her designee, will contact EEO Officer Phyllis R. DeLisio to schedule a compliance initiation meeting.

We look forward to working with you and your staff to strengthen the Equal Employment Opportunity Program in the Department of Probation.

Sincerely,

  
Abraham May, Jr.  
Executive Director

C: Phyllis R. DeLisio, EEO Officer  
Judith Garcia Quiñonez Esq., Counsel