

DEPARTMENT OF JUVENILE JUSTICE

- Letter of Preliminary Determination December 20, 2007
- Agency Response January 25, 2008
- Letter of Final Determination May 28, 2008



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 20, 2007

Neil Hernandez

Commissioner

Department of Juvenile Justice

110 Williams Street

New York, NY 10038

Re: Resolution #07/26-130/Preliminary Determination Pursuant to the Audit of the Department of Juvenile Justice and (DJJ) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

Dear Commissioner Hernandez:

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, sections 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 EEPC pursuant to its audit of compliance by the Department of Juvenile Justice (DJJ) during the twenty-four month period commencing July 1, 2005 through June 30, 2007. Requests for corrective actions and/or recommendations are included where the EEPC has determined that DJJ 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 Juvenile Justice 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 DJJ's Agency Specific Plans, quarterly EEO reports, and responses to an EEPC Document and Information Request Form. EEPC staff also analyzed City-wide Equal Employment Database System (CEEDS) data by which DJJ determines underutilizations and concentrations of targeted groups within the 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. Where CEEDS data revealed underutilizations within the DJJ workforce, the auditors determined whether the agency had undertaken reasonable measures to correct those underutilizations. (Appendix 5)

EEPC auditors also conducted in-depth, on-site interviews with DJJ's EEO officer, career counselor and EEO counselor.

A survey of 751 people employed by DJJ during the audit period was distributed. (This number excludes 64 surveys that were returned as undeliverable.) Fifty-eight people (7.4%) responded. Significant survey findings are attached and discussed in the proceeding pages. (Appendix 1)

Description of the Agency

The Department of Juvenile Justice (DJJ) was created in 1979 by a change in Chapter 28 of New York City's Charter. Sections 675 through 678 of the Executive Law delineate the mandate for the Agency and its powers. The DJJ's mission is to provide Non-Secure (NSD) and Secure Detention for alleged Juvenile Delinquents (JDs) and Secure Detention for alleged Juvenile Offenders (JOs) whose cases are pending, along with post-adjudicated juveniles awaiting transfer to state facilities. DJJ detains youth in structured and secure settings. While in detention, residents receive an array of services, such as education, health services, recreation, and case management. (Appendices 3 and 4 provide a breakdown of the DJJ's workforce for calendar years 2005 and 2007.)

Personnel Activity During the Audit Period

According to data provided by the DJJ, during the audit period, 300 people were hired: 15 Caucasians, 235 African-Americans, 47 Hispanics, 1 Asian, and 2 Unknown. Of the individuals hired, 168 were female. Forty-nine individuals were promoted during the audit period: 3 Caucasians, 36 African Americans, 9 Hispanics, and 1 Asian. Of the employees promoted, 25 were female. (Appendix 4)

The DJJ reports that 296 full-time employees were involuntarily separated during the audit period: 14 Caucasians, 223 African-Americans, 53 Hispanics, 5 Asians, and 1 Unknown. One hundred and forty-seven of those individuals were female. Between July 2005 and June 2007, the total number of employees grew from 695 to 783 which represents an 11% increase. The number of African-American employees increased by 2% from 577-587, Hispanic employees decreased by 3% from 122-118, and Asian employees decreased by 38% from 13-8.

Discrimination Complaint Activity During the Audit Period

During the audit period, seven internal discrimination complaints were filed: two were race based, two were sexual harassment, and the remaining three were sexual orientation, age and gender based. The EEO Officer completed and issued reports for all seven of these complaints; four received no probable cause determinations and three were substantiated. There were eleven external complaints: three were sexual harassment, three were race based, three were retaliation cases, one religion, and one national origin. Five of the cases were determined to have no probable cause; three were determined to have probable cause; two were still open, and one was pending a decision.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

The DJJ is in compliance with the following requirements:

1. The DJJ distributes the Citywide EEO Policy once annually to all employees; that document is accompanied by the Mayor's policy statement and the DJJ's Commissioner's policy statement. In addition, the policies are distributed at new employee orientation and EEO training sessions, and posted on DJJ's bulletin boards. In addition, 81% of the employees surveyed by the EEPC indicated they had received the EEO policy.
2. According to the agency's EEO Counselor and 79% of the employees surveyed, the DJJ's EEO Policies are posted on agency bulletin boards. The EEO Officer continually checks and maintains the boards to ensure the EEO information is clearly posted and current.

Plan Dissemination – Externally

The DJJ is in compliance with the following requirement:

All three job advertisements and five job vacancy notices submitted by the agency indicate that the DJJ is an equal opportunity employer.

EEO and Reasonable Accommodation for Persons with Disabilities

The DJJ is in compliance with the following requirements:

1. The DJJ has provided accommodations for employees with disabilities, such as schedule changes, exemption from overtime due to medical conditions, and special chairs.
2. The DJJ's training sessions includes a section on the 55-A program. The agency also includes a paragraph on the 55-A program in its EEO Policy handbook. Currently, one employee participates in the program.
3. The DJJ's EEO officer is also the agency's disability rights and reasonable accommodations coordinator.
4. The DJJ's responses to the EEPD's accessibility for persons with disabilities checklist indicates that the DJJ's central office, Bridges, Crossroads, and Horizon facilities are accessible to, and useable by, persons with disabilities.

Discrimination Complaint and Investigation Procedures

The DJJ is in compliance with the following requirements:

1. The EEO officer maintains and updates a monthly log of discrimination complaints filed against the agency.
2. The DJJ's EEO officer and EEO counselors have all attended the basic training course for EEO professionals conducted by the Department of Citywide Administrative Services (DCAS).
3. The agency has identified its EEO staff by posting their names and numbers in the EEO Policy handbook, and on bulletin boards.
4. The DJJ appointed two EEO representatives who are not of the same gender (female EEO officer and male EEO counselor) to receive and investigate discrimination complaints.
5. The agency head has signed each confidential report to indicate that it has been reviewed and the recommendation, if any, is approved and adopted.

EEO Training

The DJJ is in compliance with the following requirement:

The DJJ provides EEO refresher courses and new hire training on an ongoing basis. In 2005, DJJ held 5 agency-wide EEO training sessions, where approximately 64 employees were trained. The training focused on Federal, State, and City EEO laws, sexual harassment, ADA review, diversity initiatives, and an overview of the internal complaint procedure. In 2006, DJJ conducted 19 EEO training sessions where approximately 92 employees were trained. In 2007, DJJ conducted 22 EEO training sessions where approximately 114 employees were trained.

Underutilization

The DJJ's CEEDS data indicated persistent underutilization of at least one "protected" class in five job groups. (See Appendix 5 for underutilizations at the beginning and end of the audit period.)

Following is an analysis of personnel activity in these job groups.

EEO Job Groups / Hires and Promotions:

Management Specialists (003): Asians and Females were underutilized in this job group throughout the audit period. Eleven individuals were hired into this job group: 7 African Americans, and 4 Hispanics; of the eleven 7 were female. Three employees were promoted to or within this job group: 2 African Americans, and 1 Hispanics. There was 1 female.

Social Workers (007) Females were underutilized in this group throughout the audit period. Two hundred and thirty-five individuals were hired into this job group: 8 Caucasians, 193 African Americans, 31 Hispanics, 1 Asian, and 2 unknown. One hundred and thirty-two were female. Eighteen employees were promoted to or within this job group: 16 African Americans, and 2 Hispanics. Seven were Female

Food Preparation (020) Hispanics, Native-Americans, and Females were underutilized during the audit period. No individuals were hired or promoted into this job group during the audit period.

Health Services (021) Females were underutilized in this group throughout the audit period. No individuals were hired or promoted into this job group during the audit period.

Craft (025) Females were underutilized in this group throughout the audit period. Two individuals were promoted into this job group: 1 African American, 1 Hispanic, and no Females. No individuals were promoted into this job group during the audit period.

Addressing Underutilization

The DJJ is in partial compliance with the following requirement:

The DJJ's CEEDS data indicated the underutilization of Hispanics, Asians, Native Americans and females. To address this underutilization, the DJJ in conjunction with John Jay College of Criminal Justice held two job fairs which focused on the recruitment of minorities and women.

Recommendation: Since the DJJ's workforce continues to show underutilization in certain protected groups, it should further expand its recruitment efforts to address underutilization by acquiring "Making the Most of New York City's Recruitment Resources," 2004, http://extranet.dcas.nycnet/eo/pdf/apomasterclass_recruitment.pdf, a list of recruitment sources compiled by DCAS. This publication provides agencies with recruitment resources to address the underutilization of protected groups. (Sect. IV, EEO)

Selection

The DJJ is in compliance with the following requirement:

According to DJJ's EEO officer, the agency's hiring personnel have attended DCAS's structured interview training.

The DJJ is not in compliance with the following requirement:

According to the DJJ's EEO officer, the agency did not conduct adverse impact studies during the audit period. The DJJ's EEO officer sent a letter to DCAS requesting training on conducting adverse impact studies. The DCAS said that the DJJ's EEO officer attended an adverse impact training session that was conducted at New York City Law Department, and that DCAS has fulfilled its responsibility.

Recommendation: Since the EEO requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group, DJJ should conduct an adverse impact study. (Section IV, EEO).

Promotional Opportunities

The DJJ is in compliance with the following requirements:

1. The DJJ uses the DCAS-designed managerial performance evaluation form which contains a rating for EEO.
2. The DJJ has appointed an individual familiar with civil service and provisional jobs to serve as career counselor. During the audit period, the supervisor of the employee processing unit served as the agency's career counselor.

EEO Officer Reporting Arrangement

The DJJ is in compliance with the following requirement:

The EEO officer reports to the Commissioner, and meets with him monthly.

The DJJ is in compliance with the following requirement:

The EEO officer provided copies of the notes of her monthly meetings with the Commissioner.

Supervisory Responsibility in EEO Plan Implementation

The DJJ is in compliance with the following requirement:

The EEO officer informed EEPC auditors that she has instructed managers and supervisors to discuss the department's EEO policies with their subordinates.

EEO Officer Responsibilities

The DJJ is in compliance with the following requirements:

1. The DJJ's EEO officer spends 100% of her time on EEO matters.
2. The DJJ's EEO officer is involved in the agency's recruitment process; she assists with developing recruitment strategies, selecting recruitment media and hiring.

Special Contingencies:

1. Thirty-three percent of respondents to EEPC's employee survey (who have been employed for over a year), indicated that they have not received performance evaluations on an annual basis. Corrective action is required.

Recommendation: All staff, managerial and non-managerial, should receive an annual performance evaluation. ("Personnel Rules and Regulations of NYC", p. 59; "Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies", p. 1; and Sect. VI (B)(7), EEOP). DJJ should therefore develop a plan to evaluate all employees annually.

2. Although DJJ has appointed an individual familiar with civil service and provisional jobs to serve as career counselor, 71% of respondents to an EEPC survey indicated that they did not know who is responsible for career counseling. Corrective action is required.

Recommendation: DJJ should re-distribute information about the identity, location and telephone number of the career counselor to all agency employees. (Sect. IV, EEOP)

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. Since DJJ's workforce continues to show underutilization in certain protected groups, it should further expand its recruitment efforts to address underutilization by acquiring "Making the Most of New York City's Recruitment Resources," 2004, http://extranet.dcas.nycnet/eo/pdf/apomasterclass_recruitment.pdf, a list of recruitment sources compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups.
2. DJJ should conduct adverse impact studies.
3. DJJ should re-distribute information about the identity, location, and telephone number of the career counselor to all agency employees.
4. DJJ should develop a plan to evaluate all employees annually.

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 EEPD's audit of DJJ'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,


Ernest F. Hart, Esq.
Chair

APPENDIX - 1

Department of Juvenile Justice
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (43) No (15)
2. Is your agency's EEO Policy Statement posted on your agency's bulletin boards?
Yes (46) No (12)
3. Were you given the EEO Policy Statement?
Yes (47) No (3) Do not remember (8)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?
Yes (50) No (8)
5. Do you agree with the principles of equal employment opportunity?
Yes (58) No (0)
6. Do you believe your agency practices equal employment opportunity?
Yes (30) No (28)
7. Do you know what the City's Equal Employment Opportunity Policy (EEO) is?
Yes (41) No (17)
8. Has your supervisor emphasized his/her commitment to the agency's EEO policies at any staff meeting during the past 8 months?
Yes (16) No (33) Do not remember (9)
9. When you started working at your agency, did you attend an orientation session?
If No, please skip to question #11.
Yes (58) No (0) Do not remember (0)
10. If hired within the past 12 months, did your orientation session include information on your rights and responsibilities under the EEO Policy?
Yes (27) No (0) Do not remember (5)

B. EEO COMPLAINTS

11. Do you know how to file an EEO complaint?
Yes (49) No (9)
12. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (24) No (18) Undecided (16)

(AGENCY) SURVEY RESULTS CONTINUED

13. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (37) No (10) Undecided (11)

14. Did you ever file an EEO complaint with your agency's EEO Office?
If No, please skip to question #18.
Yes (12) No (46)

15. What was the basis of the complaint?

Age (0)	Partnership Status (0)
Alienage or Citizen Status (0)	Predisposing genetic characteristic (0)
Arrest or Conviction Record (0)	Race (6)
Color (0)	Sexual Harassment (0)
Creed (0)	Sexual Orientation (0)
Disability (2)	Veteran's Status (0)
Gender (incl. gender identity) -(1)	Victim of Domestic Violence, Stalking, and Sex Offenses (0)
Marital Status (0)	Other (3)
Military Status (0)	
National Origin (0)	

16. Were you satisfied with the manner in which your complaint was managed?
Yes -(2) No (10)

17. Was your manager or supervisor supportive of your right to file a complaint?
Yes (2) No (10) Not Applicable (0)

C. EEO TRAINING

18. Did you receive EEO training? If No, please skip to question #20.
Yes (55) No (3)

19. Did you find this training helpful?
Very (22) Somewhat (27)
Not really (3) Waste of time (3)

D. JOB PERFORMANCE/ADVANCEMENT

20. Did you see your agency's job postings on agency bulletin boards for vacant positions prior to the application deadline?
Yes (47) No (8) Do not remember (3)

21. If you were employed at your agency for over one year, did you receive annual evaluations?
If No, skip to question #24.
Yes (36) No (19) Not employed for >1 year (3)

22. Did your evaluation contain recommendations for improving your job performance?
Yes (18) No (18)

(AGENCY) SURVEY RESULTS CONTINUED

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

Yes (13) No (23)

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

Yes (17) No (41)

E. AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

25. Are your agency's facilities accessible for persons with disabilities?

Yes (26) No (17) Don't Know (15)

26. Did you ever ask for an accommodation for a physical or mental disability?

If No, skip to question #28.

Yes (2) No (56)

27. Did the agency accommodate you?

Yes (2) No (0)

OPTIONAL

28. What is your race/ethnicity?

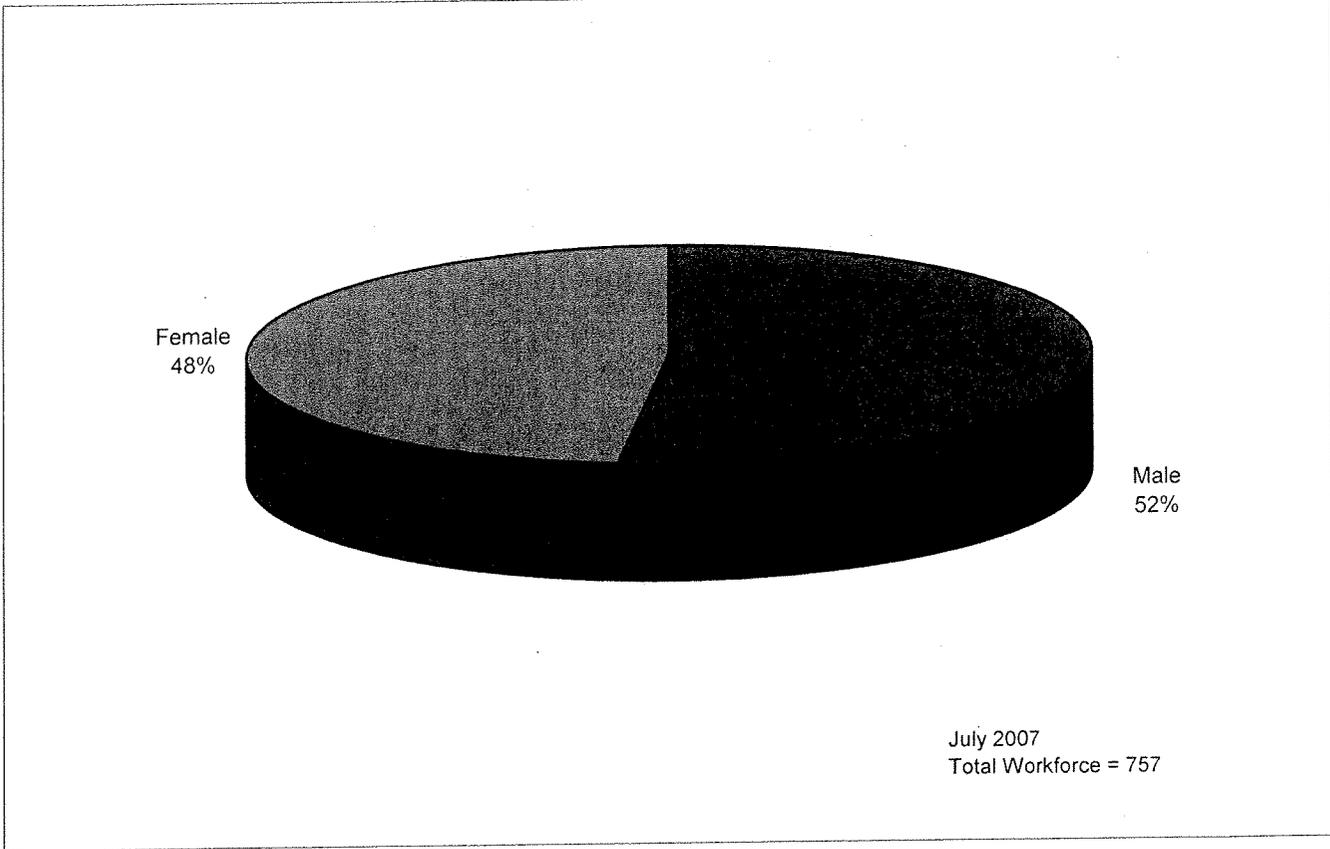
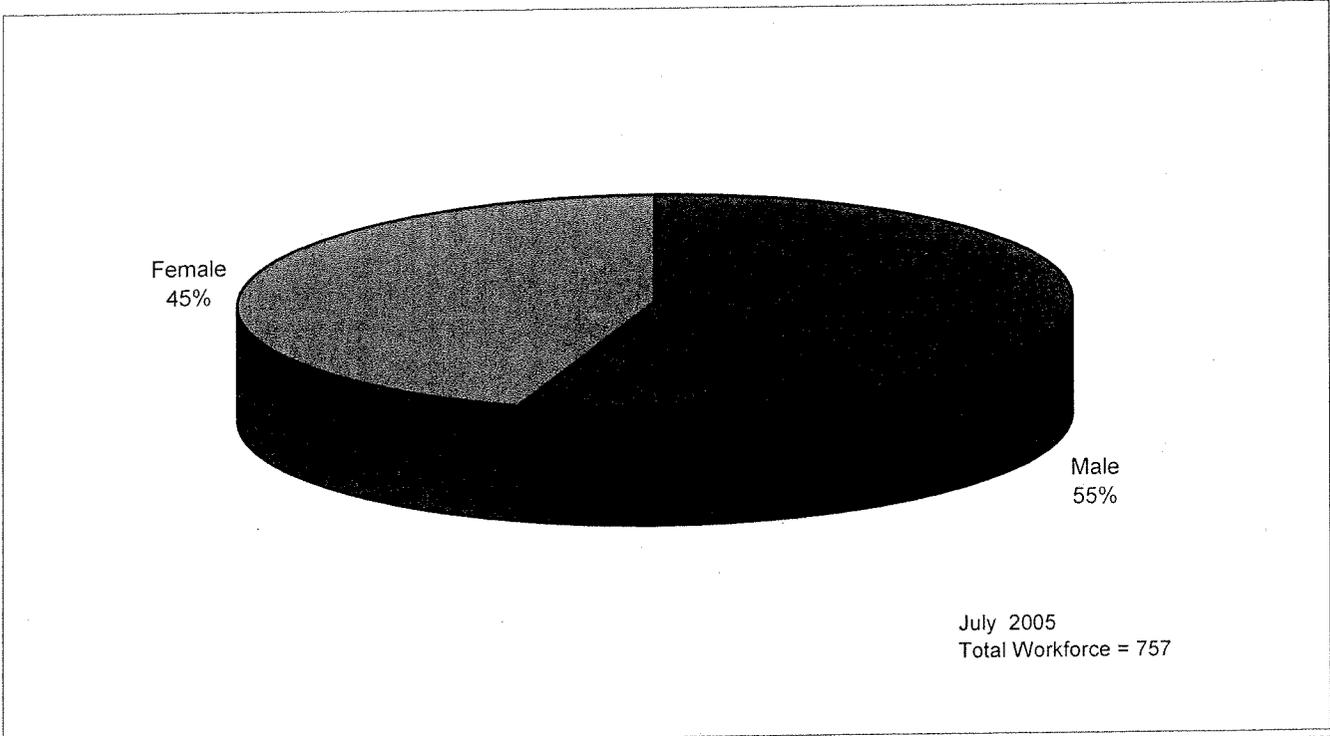
Asian (0)	Native American (0)
Black (43)	White (4)
Hispanic (5)	Other (0)

29. What is your gender?

Male (27) Female (27)

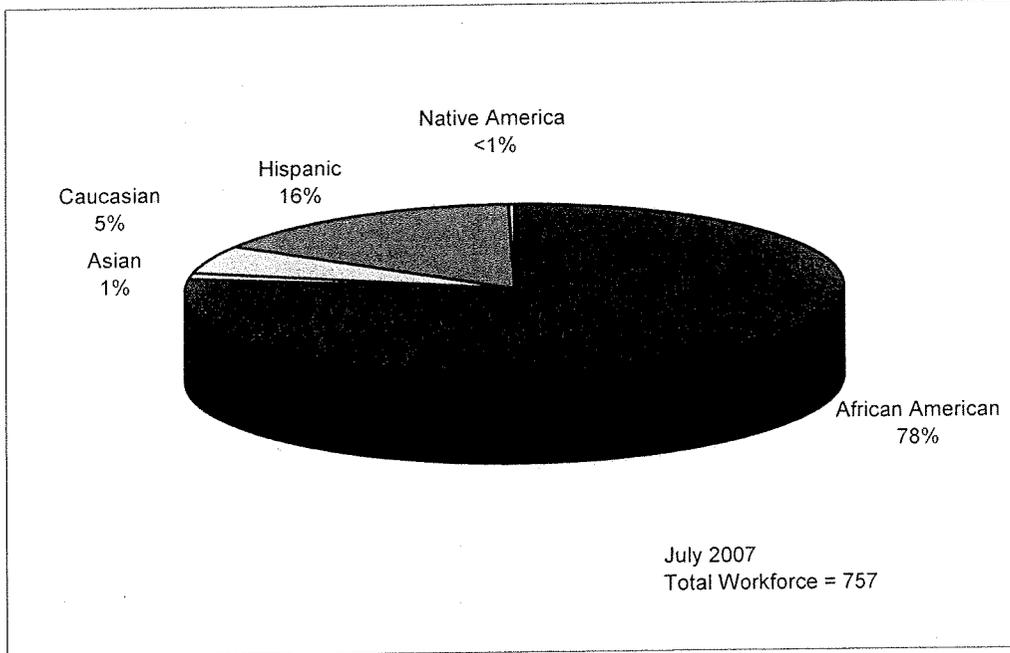
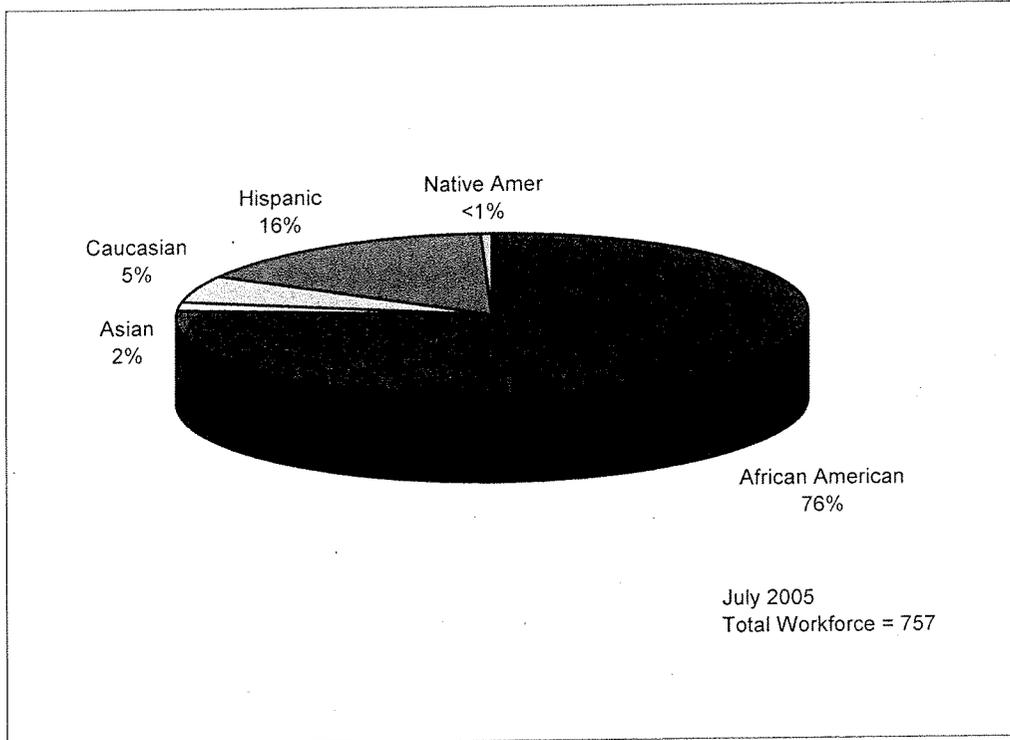
Appendix - 2

Department of Juvenile Justice Workforce by Sex



Appendix - 3

Department of Juvenile Justice
Workforce by Ethnicity



APPENDIX – 4

The following table indicates personnel activity during the audit period, July 1, 2005 to June 30, 2007

Department of Juvenile Justice

Hires by Sex and Ethnicity

Total Hires: 300

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
132	168	300	15	235	47	1	2	300

Promotions by Sex and Ethnicity

Total Promotions:

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
24	25	49	3	36	9	1	0	49

Separations by Sex and Ethnicity

Total Separations:

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
149	147	296	14	223	53	5	1	296

Source: Audit data supplied by Dept. of Citywide Administrative Services

Appendix 5

**Department of Juvenile Justice
CEEDS UNDERUTILIZATION CHART
Apr. 1, 2005 - Dec. 31, 2007**

Quarter:		2Q/2005	3Q/2005	4Q/2005	1Q/2006	2Q/2006	3Q/2006	4Q/2006	1Q/2007	2Q/2007
		(Apr-Jun)	(Jul-Sep)	(Oct-Dec)	(Jan-Mar)	(Apr-Jun)	(Jul-Sep)	(Oct-Dec)	(Jan-Mar)	(Apr-Jun)
Job Group	Protected Class									
003 Mngmt Specs	Afr. Am.									
	Asian	X								
	Hisp.									
	Nat. Am.									
	Female		X	X		X				
007 Social Workers	Afr. Am.									
	Asian									
	Hisp.									
	Nat. Am.									
	Female	X	X	X	X		X	X	X	X
020 Food Prep	Afr. Am.									
	Asian									
	Hisp.	X	X	X	X	X	X	X	X	X
	Nat. Am.	X	X	X	X	X	X	X	X	X
	Female							X	X	X

X= Underutilization

Appendix 5

**Department of Juvenile Justice
CEEDS UNDERUTILIZATION CHART
Apr. 1, 2005 - Dec. 31, 2007**

Quarter:		2Q/2005	3Q/2005	4Q/2005	1Q/2006	2Q/2006	3Q/2006	4Q/2006	1Q/2007	2Q/2007
		(Apr-Jun)	(Jul-Sep)	(Oct-Dec)	(Jan-Mar)	(Apr-Jun)	(Jul-Sep)	(Oct-Dec)	(Jan-Mar)	(Apr-Jun)
Job Group	Protected Class									
021 Health Services	Afr. Am.									
	Asian									
	Hisp.									
	Nat. Am.									
	Female	X	X	X	X	X	X	X	X	X
025 Craft	Afr. Am.									
	Asian									
	Hisp.									
	Nat. Am.									
	Female	X	X	X			X	X	X	X

X= Underutilization

Appendix 5

Department of Juvenile Justice
 CEEDS UNDERUTILIZATION CHART

Apr. 1, 2005 - Dec. 31, 2007

		Quarter:	3Q/2007	4Q/2007
			(Jul-Sep)	(Oct-Dec)
Job	Group	Protected Class		
003	Mngmt Specs	Afr. Am.		
		Asian		
		Hisp.		
		Nat. Am.		
		Female		
007	Social Workers	Afr. Am.		
		Asian		
		Hisp.		
		Nat. Am.		
		Female	X	X
020	Food Prep	Afr. Am.		
		Asian		
		Hisp.	X	X
		Nat. Am.	X	X
		Female	X	X

		Quarter:	3Q/2007	4Q/2007
			(Jul-Sep)	(Oct-Dec)
Job	Group	Protected Class		
021	Health Services	Afr. Am.		
		Asian		
		Hisp.		
		Nat. Am.		
		Female	X	X
025	Craft	Afr. Am.		
		Asian		
		Hisp.		
		Nat. Am.		
		Female	X	X

X= Underutilization



9713

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Neil Hernandez
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Via Electronic Mail

January 25, 2008

Ernest F. Hart, Esq., Chair
Abraham May, Jr., Executive Director
NYC Equal Employment Practices Commission
40 Rector Street
New York, NY 10006

Re: Determination Pursuant to the Audit of the Department of Juvenile Justice (DJJ) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 to June 30, 2007

Dear Chair and Executive Director:

First, allow me to thank you and your staff for the follow-up provided at the exit audit meeting held on December 19, 2007. We appreciate your feedback on this important matter, and look forward to continuing our efforts to protect and educate staff on their Equal Employment Opportunity rights and responsibilities as City employees.

As such, we are pleased that DJJ is in significant compliance with EEO rules and regulations and look forward to satisfying the four (4) recommendations provided by the Commission and received on December 26, 2007. I would like to note that a significant amount of progress has been made since our last EEPC audit, in June 2004.

Moreover, going beyond any recommendations, the Department has taken initiative in the following ways:

- It is Department policy to annually train all staff on EEO law and policy.
- The EEO training curriculum was enhanced in fiscal year '07 to raise engagement and effectiveness levels.
- In fiscal year '07 approximately 757 DJJ employees received this training.

- In fiscal year '07, the Office of Workforce Development was created, consisting of the Human Resources, Training, Labor Relations and Disciplinary Affairs departments to, among other reasons, enhance Agency recruitment and retention efforts.
- This fiscal year, the EEO Office introduced automated training. This program is currently being piloted with 25 employees from various job groups to assess its training effectiveness with the goal of raising staff competency levels.

As stated above, this Department goes beyond the mandated requirements as part of our continuous effort to promote diversity, competence and tolerance within the Agency.

In keeping with this policy the Department increased the number of women in our workforce by 3% during the audit period, as reflected in Appendix 2 of your report, and it is particularly noteworthy that the majority of current management staff is composed of women.

While the EEPC has observed some underutilization of certain minorities, the Commission should take note that in conjunction with steps DJJ will undertake to respond to the Citywide Equal Employment Database System (CEEDS) reports, as administered by the NYC Department of Citywide Administrative Services (DCAS), the Department also needs to remain culturally sensitive to the needs of the youth in our care and their families, as 57.8% of our residents identify as Black and 27.1% as Hispanic in fiscal year '07. As indicated on appendix 3 of your report, these percentages roughly mirror the composition of our staff and an effective staff needs to reflect, and culturally understand, the youth that it interacts with and supervises while serving as role models.

Actions Taken for Recommendations 1 and 2

To address this recommendation in a meaningful way, the Department has promulgated Policy and Procedure # 3/08, "Agency Staff Diversity Strategic Efforts". The directive institutes a formal mechanism that coordinates the various departments, with oversight from the EEO Office, in advancing the diversification of the Department's workforce. For example, the directive requires the EEO Officer and the Directors, or their representatives, of Human Resources, Training, Career Counseling, Strategic Planning and Labor Relations to meet quarterly to review the CEEDS data and identify recruitment strategies focusing on reported underutilization. The directive also includes utilizing the DCAS Resource Guide, "Making the Most of New York City Recruitment Resources" by the Department.

The directive also provides that the EEO Officer will coordinate an annual adverse impact analysis by reviewing the CEEDS data and utilizing the Disparate Impact Analysis software located on the DCAS website as recommended by the EEPC Executive Director at our December 19th meeting. The findings will be used by the Department to meet its due diligence towards diversity. (See attachments).

Action Taken for Recommendation 3

In response to this recommendation, DJJ has implemented Policy and Procedure #2/08, "Annual Managerial and Sub-Managerial Performance Evaluation Process" providing a formal mechanism for evaluations of all Department personnel on a yearly basis. This is intended to aid in developing the workforce and hold personnel accountable by advising of areas for career development and needing improvement. (See attachments).

Actions Taken for Recommendation 4

Contact information for DJJ's Career Counselor has been posted on the Agency's website (www.nyc.gov/nycdjj) at <http://nyc.gov/html/djj/html/contact.html>. The Department will also inform its employees of the identity of the Career Counselor by way of distributing a memorandum from the EEO officer every six months.

The corrective measures promptly taken to respond to the Commission's recommendations, along with the Agency's independent initiatives to enhance diversification and employment opportunities attests to this Agency's commitment to Equal Employment Opportunity. I look forward to a promising year of progress in this area while continuing to serve the particular needs of the children in our care. Again, I thank you for your insight into these important matters and look forward to promptly receiving the letter of your determination of compliance as set forth in Chapter 36 of the New York City Charter.

Sincerely,



Neil Hernandez

c: Tonia Haynes, EEO Officer, DJJ
Herman Dawson, General Counsel & Deputy Commissioner for Legal Affairs, DJJ
Diane Crothers, Deputy Commissioner, Citywide EEO, DCAS
Judith Pincus, First Deputy Commissioner, DJJ

**THE CITY OF NEW YORK
DEPARTMENT OF JUVENILE JUSTICE
SUB-MANAGERIAL ANNUAL PERFORMANCE EVALUATION FORM**

Do not use this form for probationary employees

Employee's Name:	Supervisor's Name:
Social Security No.:	Location:
Civil Service Title:	

Evaluation Period From **July** ____, _____ Ending **June** ____, _____

Instructions

1. The immediate supervisor is responsible for completing this form.
2. Prior to meeting with the employee, the supervisor should prepare a tentative evaluation of the employee's performance and discuss it with the reviewer.
3. The supervisor should meet with the employee to discuss his/her performance during the rating period and to inform him/her of the rating.
4. After meeting with the employee, this form should be signed by the supervisor and the employee and forwarded to the reviewer for signature.
5. A copy of the employee's Tasks and Standards Sheet should be attached to the completed form.
6. Additional sheets may be attached to this form, if necessary. The employee should sign and date each additional sheet.
7. The employee must sign this completed form and be provided with a copy of this evaluation.
8. The original must be returned to the Personnel Office at 110 William Street, 13th Floor, N.Y., N.Y., for placement in the employee's personnel file.

The following definitions are to be used in rating an employee's performance:

OUTSTANDING	The employee far exceeded the standards or met standards while overcoming extraordinary difficulties.
VERY GOOD	The employee significantly exceeded the standards or met standards despite significant difficulties.
GOOD	The employee, because of his or her own efforts, basically met all of the achievable standards.
CONDITIONAL	Although employee's performance did not meet one or more achievable standards, it is considered possible that employee will meet standards in the future. An employee receiving a conditional rating must be rated again after 3 months. No employee can receive more than two consecutive overall ratings of conditional. Recommendations for improvements must be made.
UNSATISFACTORY	Employee's lack of effort, improper behavior, or lack of skill resulted in performance which consistently did not meet one or more critical standards despite appropriate attempts by supervisor to correct performance.
UNRATEABLE	Employee is too new to task for meaningful rating. (Less than two months). This can also be used for employees on Extended Leave.

DESCRIPTION OF ACTUAL PERFORMANCE, COMPARED TO STANDARDS FOR TASK

TASK NUMBER 1:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 2:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 3:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 4:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 5:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 6:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 7:

Description of Performance:

Performance Rating:

Outstanding Very Good Good Conditional Unsatisfactory Unratable

TASK NUMBER 8:

Description of Performance:

Performance Rating:

Outstanding

Very Good

Good

Conditional

Unsatisfactory

Unratable

PLANS AND RECOMMENDATIONS:

A. Indicate what actions should and or will be taken to improve and or enhance employee's performance.

B. Considering employee's current status and expressed interests, list any recommendations for his career development.

C. Employee's comments on plans and recommendations.

Date Supervisor discussed this evaluation with employee: _____

I have read and received a copy of this performance evaluation. My signature below indicates only that I received a copy of this evaluation statement on this date and does not necessarily indicate my agreement with the contents of the evaluation.

Employee Signature

Date

Supervisor's Signature

Title

Date

Reviewer's Signature

Title

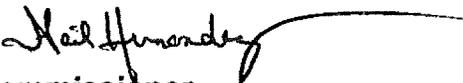
Date

STAFFING SERVICES ONLY ENTER THE FOLLOWING

Date Received: _____

Date Entered: _____

DEPARTMENT OF JUVENILE JUSTICE

	Policies and Procedures	Directive #: 03/08	Page 1 of 3
	Subject: Agency Staff Diversity Strategic Efforts	Related Standards: NYC Charter sections 814(a)(12), 815(a)(19),(b), NYC EEO Policy-Standards & Procedures to be Utilized by City Agencies, NYC DJJ Standard of Conduct, NYC DJJ EEO Plan	
	Approved:  Neil Hernandez, Commissioner	Effective Date: 01/24/08	
New <input checked="" type="checkbox"/>		Revised <input type="checkbox"/>	Supersedes <input type="checkbox"/> _____

I. Purpose

The purpose of this policy is to institute a formal operating mechanism in the NYC Department of Juvenile Justice (DJJ) that regularly coordinates, through DJJ's Office of Equal Employment Opportunity, the various Departmental areas that work toward meaningfully diversifying the workforce according to pertinent Equal Employment Opportunity laws.

II. Policy

It shall be the policy of the Department of Juvenile Justice to promote and advance the most diverse workforce possible consistent with all City, State, and Federal laws including developing and maintaining a workforce that is culturally sensitive and responsive to the needs of the youth and families in the Department's care consistent with all Equal Employment Opportunity laws. The resulting efforts by the Department to diversify its workforce shall not exclusively represent all of the Agency's recruitment efforts.

III. Definitions

As used in this directive, the following terms are defined for easy reference:

Citywide Equal Employment Database System (CEEDS): A computerized uniform data collection system that maintains up-to-date gender and ethnicity information on all City employees, based upon information provided in self-disclosure forms at the time of hiring. The system is managed by the Department of Citywide Administrative Services (DCAS).

NYC DJJ EEO Plan: DJJ's EEO plan of action for the current fiscal year developed pursuant to NYC DCAS' criteria and implemented to support the robustness of the Agency's EEO process. The annual plan is shared with Agency management and supervisory staff after approval of the plan by DCAS. (See NYC Charter section 814(a)(12).)

NYC EEO Policy: The Citywide Policy governing all EEO matters promulgated on behalf of the Mayor of the City of New York by the NYC Department of Citywide Administrative Services. (See NYC Charter section 814(a)(12).)

NYC Standard of Conduct: The DJJ and the NYC Department of Investigation jointly promulgated rules governing employees of DJJ to prevent and deter corruption, criminal activity, unethical behavior, misconduct, incompetence and provides minimum standards of employee conduct. (See Mayoral Executive Order # 16.)

IV. Procedures

A. Staff Diversity Strategic Effort Meetings

1. The Equal Employment Opportunity (EEO) Officer shall convene and chair a meeting every three (3) months within the calendar year. The meeting shall be convened two weeks after receiving the CEEDS report from the NYC Department of Citywide Administrative Services (DCAS).
2. The meeting shall convene to identify and discuss trends in Equal Employment Opportunity including, but not limited to, the data provided quarterly by DCAS through the CEEDS system and shall utilize "Making The Most of New York's Recruitment Resources" (2004) in order to develop Departmental strategic responses.
3. The work-group meetings shall consist of the following staff unless a designee is needed by each required attendee at a regular meeting:
 - Director of Human Resources
 - Director of the Staff Education and Training Academy (SETA)
 - Director of Labor Relations
 - Director of Strategic Planning
 - DJJ's Career Counselor
 - A volunteer EEO Counselor from each facility unless documented as operationally impractical.
4. At the conclusion of the meeting, the Equal Employment Opportunity Office shall create and distribute a report, in memorandum format, with a summary of the meeting's key points including recommendations for follow-up and/or specific strategies for consideration to the:
 - Commissioner
 - First Deputy Commissioner
 - General Counsel & Deputy Commissioner for Legal Affairs
 - Deputy Commissioner for Administration & Policy
 - Deputy Commissioner for Operations and Detention
 - Assistant Commissioner for Workforce Development
5. The EEO Officer shall convene a meeting as a follow up to the report to discuss recommended strategies and decide courses of action contingent on Agency needs with the:
 - Commissioner
 - First Deputy Commissioner
 - General Counsel & Deputy Commissioner for Legal Affairs

- Deputy Commissioner for Administration & Policy
- Deputy Commissioner for Operations and Detention
- Assistant Commissioner for Workforce Development

B. Annual Adverse Impact Analysis

1. At the start of every calendar year, the Equal Employment Opportunity Officer shall coordinate the Department's adverse impact analysis with the Office of Human Resources.
2. The Office of Strategic Planning shall provide technical support as needed and upon request.
3. The EEO Office shall be responsible for the production of the analysis using the adverse impact analysis tool available on the NYC DCAS website for such purpose. (Attachment A: Disparate Impact Analysis Online Internet Based Application Printout). The data from the analysis shall be provided by DCAS through CEEDS to the EEO Office regularly for the entire preceding calendar year.
4. The adverse impact analysis shall be completed for presentation at a meeting in March for discussion by the work-group and shall be the subject of additional meetings if necessary.
5. The findings of the adverse impact analysis shall be prepared as a report for follow-up to the:
 - Commissioner
 - First Deputy Commissioner
 - General Counsel & Deputy Commissioner for Legal Affairs
 - Deputy Commissioner for Administration & Policy
 - Deputy Commissioner for Operations and Detention
 - Assistant Commissioner for Workforce Development

V. Attachment

- Attachment A: Disparate Impact Analysis Online Internet Based Application Printout

VI. References

- NYC Charter
- NYC EEO Policy - Standards & Procedures
- NYC DJJ EEO Plan
- DJJ Standard of Conduct
- Making The Most of New York's Recruitment Resources (2004)

Disparate Impact Analysis

(an On-Line Internet
based application)

SHRM® Employment Law & Legislative Conference

Instructions: Please fill out the information into the form below. Once you have entered your data below, you may select the types of analysis to be conducted by checking the appropriate boxes. Then press the compute button at the bottom of the form to view the results.

Select the type of employment decision: <input type="checkbox"/> Selection <input checked="" type="checkbox"/>			
Enter a title for your report: <input type="text"/>			
Number of Male <input type="text"/> Applicants <input type="text"/> Selected	Number of Non-Minority <input type="text"/> Applicants <input type="text"/> Selected	Number of Younger <input type="text"/> Applicants <input type="text"/> Selected	Number of Non-Disabled <input type="text"/> Applicants <input type="text"/> Selected
Number of Female <input type="text"/> Applicants <input type="text"/> Selected	Number of Minority <input type="text"/> Applicants <input type="text"/> Selected	Number of Older <input type="text"/> Applicants <input type="text"/> Selected	Number of Disabled <input type="text"/> Applicants <input type="text"/> Selected
<input checked="" type="checkbox"/> -Adverse Impact <input checked="" type="checkbox"/> -Chi-Square <input checked="" type="checkbox"/> -Standard Deviation <input checked="" type="checkbox"/> -Confidence Intervals <input checked="" type="checkbox"/> Probability Distribution		Select the Statistical Tests you wish to execute by checking or unchecking the boxes on the left. Then press the 'Compute' button below.	
		<input type="button" value="Compute"/>	
Display: <input checked="" type="checkbox"/> Description of Statistic <input checked="" type="checkbox"/> Interpretation of Results			

[View Source Code](#)

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Send questions or comments to webmaster@hr-guide.com. Thank you.

B. MANAGERIAL RESPONSIBILITIES AND PERFORMANCE EXPECTATIONS

<p>I. Representing and Coordinating. This accountability area focuses upon the external communications for which managers are responsible. It may include being representative or spokesperson for the work unit or agency, or coordinating the activities of the unit with other work units and organizations.</p>	<p>1. Representation <input type="checkbox"/> I <input type="checkbox"/> R Presenting, explaining, and marketing the work unit's activities to higher level supervisors in the agency and/or persons and groups outside the agency.</p>
	<p>2. Coordination <input type="checkbox"/> I <input type="checkbox"/> R Performing liaison functions and integrating work unit activities with the activities of other organizations.</p>
<p>II. Planning and Guiding. This accountability area includes activities required to establish a work unit's goal, objectives, and priorities and the structure and processes necessary to carry them out.</p>	<p>3. Work Unit Planning <input type="checkbox"/> I <input type="checkbox"/> R Developing and deciding upon longer-term goals, objectives, and priorities; and developing and deciding among alternative courses of action.</p>
	<p>4. Work Unit Guidance <input type="checkbox"/> I <input type="checkbox"/> R Converting plans to actions by setting short-term objectives and priorities; scheduling/sequencing activities; and establishing effectiveness and efficiency standards/guidelines.</p>
<p>III. Administering Financial and Material Resources. This accountability area deals with responsibilities and procedures for obtaining and allocating the financial and material resources necessary to support program and policy implementation.</p>	<p>5. Budgeting <input type="checkbox"/> I <input type="checkbox"/> R Preparing, justifying, and/or administering the work unit's budget.</p>
	<p>6. Material Resources Administration <input type="checkbox"/> I <input type="checkbox"/> R Assuring the availability of adequate supplies, equipment, and facilities; overseeing procurement/contracting activities; and/or overseeing logistical operations.</p>
<p>IV. Utilizing Human Resources. This accountability area covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.</p>	<p>7. Personnel Management <input type="checkbox"/> I <input type="checkbox"/> R Projecting the number and types of staff needed by the work unit and using various personnel management system components (e.g recruitment, selection, promotion, performance appraisal) in managing the work unit.</p>
	<p>8. Supervision <input type="checkbox"/> I <input type="checkbox"/> R Providing day-to-day guidance and oversight of subordinates (e.g., work assignments, consultation, etc.); and actively working to promote and recognize performance.</p>
<p>V. Reviewing Implementation and Results. This accountability area requires seeing that programs, projects, and policies are being implemented and adjusted as necessary, and that goals and objectives are being accomplished.</p>	<p>9. Work Unit Monitoring <input type="checkbox"/> I <input type="checkbox"/> R Keeping up-to-date on the overall status of activities in the work unit, identifying problem areas, and taking corrective actions (e.g., rescheduling, reallocating resources, etc.)</p>
	<p>10. Program Evaluation <input type="checkbox"/> I <input type="checkbox"/> R Critically assessing the degree to which program/project goals are achieved and the overall effectiveness/efficiency of work unit operations in order to identify means for improving work unit performance.</p>
<p>VI. Other Managerial Accountabilities. <input type="checkbox"/> I <input type="checkbox"/> R</p>	
<p>IMPORTANCE INDEX (I) H. HIGHLY IMPORTANT I. IMPORTANT L. LOW IMPORTANCE</p>	
<p>RATING SCALE (R) 5 EXCEPTIONAL 4 GREATLY EXCEEDS 3 FULLY MEETS 2 NEEDS 1 UNSATISFACTORY REQUIREMENTS REQUIREMENTS IMPROVEMENT</p>	

NOT RATED OR NOT APPLICABLE (NR OR NA)

Performance cannot be rated due to insufficient time in position or the factor to be rated is not applicable.

C. RATING JUSTIFICATION COMMENTS

Individual ratings above or below Fully Meets Requirements for rated responsibilities in sections A and B must have supporting comments/justifications. (List comments below and identify by Section and number the applicable Responsibility.)

D. COMMENTS/JUSTIFICATIONS FOR OVERALL RATING:

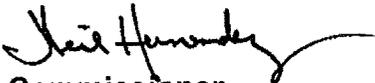
(Include significant factors impacting overall performance level/rating not accounted for elsewhere.)

E. RECOMMENDATIONS/PLANS:

F. EMPLOYEE COMMENTS:

(Note that the employee's signature below does not indicate agreement with appraisal - only that it has been communicated to the employee.)

RATING MANAGER'S SIGNATURE: JUL, _____	REVIEWING MANAGER'S SIGNATURE: JAN, _____
RATING MANAGER'S SIGNATURE: DEC, _____	REVIEWING MANAGER'S SIGNATURE: DEC, _____
EMPLOYEE'S SIGNATURE: DATE:	EMPLOYEE'S SIGNATURE: DATE:

DEPARTMENT OF JUVENILE JUSTICE			
	Policies and Procedures	Directive #: 02/08	Page 1 of 6
	Subject: Annual Managerial and Sub-Managerial Performance Evaluation Process		Related Standards: NYC Charter sections 814(a)(12), 815(a)(13), NYC EEO Policy, NYC DJJ Standard of Conduct, NYC DJJ EEO Plan
	Approved:  Neil Hernandez, Commissioner		Effective Date: 01/23/2008
New <input checked="" type="checkbox"/>		Revised <input type="checkbox"/>	Supersedes <input type="checkbox"/> _____

I. Purpose

The purpose of this policy is to institute a formal operating mechanism in the Department that regularly coordinates, through the Department Juvenile Justice's Office of Human Resources, all Departmental areas and sites to meaningfully evaluate all Agency personnel consistent with all applicable laws and regulations. Documentation provides evidence of a manager's due diligence including efforts to aid employees to improve their job performance.

II. Policy

It shall be the policy of the Department of Juvenile Justice (DJJ) to promote and advance a work environment which directly and comprehensively evaluates all Agency employees, managerial and sub-managerial, to develop a professional and effective workforce that is recognized for meeting performance expectations and is held accountable for performance that falls below acceptable levels. This policy is also intended to develop the workforce by having managers and supervisors advise employees on areas of improvement and career growth within the Department.

III. Definitions

Managerial Employees: Employees with civil service titles that are on the level of a manager as defined by the Civil Service Law. Agency employees should consult with the Office of Human Resources for clarity.

Permanent Status: An employee who completes their probationary period after being appointed from a civil service list.

Provisional Status: An employee filling in a vacancy on a provisional basis when a vacancy exists and there is no civil service list for that title. Provisional employment does not directly lead to permanent status.

Probable-Permanent Status: An employee appointed from a civil service list is considered a probable-permanent employee while serving their probationary period.

Sub-Managerial Employees: Employees with civil service titles that are not managerial positions as defined by the Civil Service Law. Agency employees should consult with the Office of Human Resources for clarity. The performance evaluations of all sub-managerial employees shall be based upon evidence of the work actually performed by such employees as compared with pre-established performance standards.

IV. Procedures

A. Performance Evaluation Process for Managerial Employees

1. It shall be the responsibility of the Director of Human Resources or designee to ensure the efficient administration of the Department's Annual Managerial Performance Evaluation Process.
2. The Director of Human Resources or designee shall prepare and distribute before the start of every calendar year a memorandum that notifies all management staff of the upcoming evaluation process. The evaluation period for Managerial Employees shall be from January to December.
3. By no longer than the third Friday of every January, the Director of Human Resources or designee shall ensure the collection of the initial Managerial Performance Evaluations Forms (Attachment A) of all management staff and shall prepare a report in a memorandum format no later than the first week in February.
4. It shall be the responsibility of each supervising Managerial Employee to ensure that each Managerial Employee review and receive the Managerial Employee Performance Evaluation expectations at the beginning of the evaluation year. The Director of Human Resources or designee shall ensure that these evaluation expectations are issued to Managerial Employees and copies received by the Office of Human Resources by the third Friday in January.
5. It shall also be the responsibility of each supervising Managerial Employee to ensure the completion of the initial performance evaluations for her/his staff.
6. A manager may be formally cautioned in writing and/or disciplined for failing to meet her/his responsibilities under this policy (see Standard of Conduct K.1.3 and Policy #3.22 - *Facility Level Discipline*).

B. Completing the Performance Evaluations for Managerial Employees

1. By the end of November of the calendar year, the Director of Human Resources or designee shall notify all management staff of the requirements to complete the yearly performance evaluations by no later than the last Friday in January of the following calendar year.
2. Managerial Employees shall follow the Managerial Performance Evaluation as outlined in the "Guidelines for Evaluating Managerial Performance in New York City Agencies" (DCAS Managerial Performance Evaluation - January 1996) in completing this process.

3. Supervising Managerial Employees shall only evaluate and comment on matters arising for the employee during the period of the evaluation in the Managerial Performance Evaluation Form consistent with the Managerial Performance Evaluation: Guidelines for Evaluating Managerial Performance in New York City Agencies (January 1996).
4. Supervising Managerial Employees shall, in the regular course of business, meet with their staff and provide on-going feedback and formal written conferences for their job performance (see Standard of Conduct K.1.4). They shall also meet their staff prior to the finalization of the evaluations to ensure for proper review and comments by their staff.
5. The Director of Human Resources or designee shall ensure the collection of all completed Managerial Employee Evaluations Form (Attachment A) by no later than the last Friday in January.
6. The Director of Human Resources or designee shall review the forms for completeness and check for any discrepancies.
7. If any discrepancies are found, the Director of Human Resources or designee shall return the evaluation to the reviewing supervising manager for correction and re-submission.
8. By the last Friday in February, the Director of Human Resources or designee shall complete and distribute a memorandum to the supervisor of the manager with incomplete performance evaluations for follow-up with staff that require follow-up due to noncompliance with this directive.
9. Managerial Employees shall provide their subordinate managers with copies of all initial and completed evaluation forms and allow the employee to comment freely on the evaluation of their performance.
10. The Director of Human Resources or designee shall ensure that all completed evaluations and filed in the personnel file of the evaluated manager.
11. Pursuant to the Personal Services Bulletin (PSB), Section 500-2 (Appeal Process for Managers), Managerial Employees may appeal their performance evaluation.
 - a) Managerial Employees who are unable to resolve their disputed performance evaluation with their immediate superior can submit their appeal, in writing, to the manager that is one level above the managerial employee's superior.
 - b) If the disputed performance evaluation is not resolved, the Managerial Employee can appeal, in writing, to her/his Agency or Departmental Head.
 - c) If the superior of the Managerial Employee is the Agency or Departmental Head, the Managerial Employee can appeal, in writing, the disputed performance evaluation to the Commissioner of the Department of Citywide Administrative Services (DCAS).

C. Tasks and Standards Process for Sub-Managerial Employees

1. It shall be the responsibility of the Director of Human Resources or designee to ensure the efficient administration of the Department's Annual Sub-Managerial Performance Evaluation Process.
2. The Director of Human Resources or designee shall prepare and distribute before the start of every fiscal year a memorandum that notifies all management and sub-managerial staff of the upcoming performance evaluation process. The evaluation period for Sub-Managerial Employee shall be from July to June.
3. By no later than the last Friday of every July of the fiscal year, the Director of Human Resources or designee shall ensure the collection of the Sub-Managerial Performance Evaluation Tasks and Standards Forms (Attachment B) of all sub-managerial staff.
4. The Director of Human Resources or designee shall prepare a report in a memorandum format no later than first week on February. The report shall be distributed to all managers and supervisors and shall advise them of which staff is or is not in compliance with this directive.
5. It shall be the responsibility of each manager and supervisor to ensure the completion of the initial performance evaluation tasks and standards for her/his staff.
6. A manager and/or supervisor may be formally cautioned in writing and/or disciplined for failing to meet her/his responsibilities under this directive (see Standard of Conduct K.1.3 and Policy #3.22 - *Facility Level Discipline*).

D. Completing the Sub-Managerial Performance Evaluations for Employees

1. By the end of May of the fiscal year, the Director of Human Resources or designee shall notify all management, supervisory and employees of the requirement to complete yearly performance evaluations by no later than the third Friday in July of the following fiscal year.
2. Managers and supervisors shall, in the regular course of business, meet with their staff and provide on-going feedback and formal written memoranda for their performance.
3. Managers and supervisors shall meet with their staff prior to the finalization of their staff evaluations. Sub-managerial employees shall be rated by the supervisor who directly observes and reviews their work. All such evaluations shall be reviewed by the superior who is at least one level above that of the evaluator.
4. Managers and supervisors shall follow the DCAS Personnel Rules and Regulations of NYC Rule V 7.5.1 to V 7.5.7 in completing Sub-Managerial Tasks and Standards and Performance Evaluations.

5. The Director of Human Resources or designee shall ensure the collection of all completed sub-managerial employee evaluations by no later than the third Friday in July.
6. The Director of Human Resources or designee shall review the completed forms for completeness and check for any discrepancies.
7. If any discrepancies are found, the Director of Human Resources or designee shall return the evaluation to the reviewing manager for correction and re-submission.
8. By the last Friday in August, the Director of Human Resources or designee shall complete and distribute a memorandum to the superior of the manager and the supervisor of the employee with incomplete performance evaluations for their follow-up and due diligence.
9. The Director of Human Resources or designee shall ensure that all completed sub-managerial performance evaluations are filed in the personnel file of the evaluated employee.
10. Managers and supervisors shall provide their staff with copies of all initial and completed evaluation forms and allow staff to comment freely on the evaluation of their performance.
11. Pursuant to DCAS Personnel Rules and Regulations of NYC Rule 7, section 7.5.5, staff may appeal their completed sub-managerial performance evaluation to the DJJ Employee Appeal Board chaired by the Assistant Commissioner for Workforce Development. The determination of the appeal board may be appealed by such permanent employee to the Agency Head. The Employee Appeal Board/Employee Services Board shall include but not be limited to a representative from the following Departmental Offices:
 - Human Resources
 - Equal Employment Opportunity
 - Legal Affairs Division
 - Labor Relations
 - Operations

E. Probationary Evaluation

1. The Director Human Resources or designee shall be responsible for the Sub-Managerial Performance Evaluations for Probationary Employees and new employees shall be completed at least every three months and a final report shall be made at the end of the probation period consistent with DCAS Personnel Rules and Regulations. Each interim evaluation shall contain a recommendation that the probationary employee either be retained for an additional three-month period or terminated from that position.
2. The Director Human Resources or designee shall transmit a memorandum to the new employee's supervisor as well as her/his manager reminding them of the commencement of the employee probationary period and due dates. The Director

of Human Resources or designee shall also formal notify them of the compliance and non-compliance of this policy. The schedule for evaluation for the probationary employee shall be as follows:

- a) Non-Competitive Employees - after 3 and 5 months of service
 - b) Probable-Permanent Employees - after 3, 6, 9, and 11 months of service
 - c) Provisional Employees - after 6, 12, 18, and 23 months of service
3. Evaluations are required one month before the end of the probationary period to allow time for requesting extension of the probationary period, or other actions.
 4. Pursuant to DCAS Personnel Rules and Regulations, Rule 7, section 7.5.5, staff who are of provisional or probation status are not entitled to appeal their performance evaluation, but any unsatisfactory or final probationary reports shall be reviewed by the DJJ Employee Services Board/Employee Appeal Board.
 5. The manager or supervisor of an employee on probation can request from the Director of Human Resources or designee, (who will forward the request to DCAS) with the consent of the employee, an extension of the probationary period for probable permanent and non-competitive employees for an additional period of time, not to exceed 6 additional months. This extension is in addition to the automatic extension added for leave usage. (The provisional employee two-year period cannot be extended by leave usage and/or Agency request.)

F. Attachments

- Attachment A: Managerial Performance Evaluation Form
- Attachment B: Sub-Managerial Tasks and Standards
- Attachment C: Sub-Managerial Performance Evaluation Form

G. References

1. NYC Charter: sections 815(a)(13), 815(a)(4), 815(a)(9), 815(a)(14), 815(a)(15), 815(a)(19), and 815(h)
2. NYC Charter section 389(b), 677
3. DCAS Personnel Rules and Regulations of NYC: Rule 7, sections IV and V 7.5.1-7.5.7
4. DCAS Personnel Services Bulletins: 500-1 (Right to View Evaluatory Material) and 500-2 (Appeal Process for Managers)
5. Managerial Performance Evaluation: Guidelines for Evaluating Managerial Performance in New York City Agencies (January 1996)
6. NYC DJJ Standard of Conduct
7. NYC EEO Policy and NYC DJJ EEO Plan



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Commissioners

Abraham May, Jr.

Executive Director

Eric Matusewitch, PHR, CAAP

Deputy Director

May 28, 2008

Neil Hernandez, Commissioner

Department of Juvenile Justice

110 William Street

New York New York 10038

Re: Initiation of Audit Compliance

Dear Commissioner Hernandez:

Thank you for your Response, via electronic mail, to our Letter of Preliminary Determination pursuant to our audit of your agency's Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

We have reviewed your letter and are prepared to initiate the City Charter-mandated audit compliance process. EEPC's Counsel/Compliance Director, Judith Quinoñez Garcia, Esq. or her designee will contact your EEO Officer to initiate the process. We apologize for the delay in responding to your Response.

We look forward to working with you and your staff to ensure an effective Equal Employment Opportunity Program in the Department of Juvenile Justice.

Sincerely,


Abraham May, Jr.
Executive Director

C: Judith Quinoñez Garcia, Esq.
Tonia Hayes, EEO Officer