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BY EMAIL

June 10, 2021

Dr. Sarah Sayeed
Chair and Executive Director
New York City Civic Engagement Commission
253 Broadway, 2nd Floor
New York, New York 10007

Re: Resolution # 2021AP/249-006(2021)C22
DETERMINATION: Compliance

Dear Chair and Executive Director Sayeed:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination pertaining to the EEPC's audit, review, and evaluation of the New York City Civic Engagement Commission's Sexual Harassment Prevention and Response Practices.

Sincerely,


Elaine S. Reiss, Esq.
Commissioner

c: Leslie Brown, Chief of Staff, Civic Engagement Commission
Jessica S. Tisch, Commissioner, New York City Department of Information Technology & Telecommunications
Janine Gilbert, Esq., Deputy Commissioner, Equity, Inclusion and Risk Management, New York City Department of Information Technology & Telecommunications
Elsa Hampton, Esq., Chief EEO Officer, New York City Department of Information Technology & Telecommunications

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2021AP/249-006(2021)C22

New York City Civic Engagement Commission

Chair and Executive Director Sarah Sayeed

DETERMINATION: COMPLIANCE

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of City agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Chapter 36, Section 831(a), the EEPC’s authority to audit, review, evaluate, and monitor the employment practices of New York City entities extends to those entities where the majority of the board members are appointed by the Mayor of the City of New York (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; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in November 2018, New York City voters approved a ballot initiative that established the New York City Civic Engagement Commission (CEC); and

Whereas, the New York City Civic Engagement Commission’s purpose, membership, jurisdiction, powers, and duties are set forth in Charter Chapter 76; and

Whereas, the New York City Civic Engagement Commission consists of fifteen members, eight appointed by the Mayor, one of whom is designated by the Mayor as the New York City Civic Engagement Commission’s Chair; and

Whereas, the New York City Civic Engagement Commission’s mission is to enhance civic participation, to enhance civic trust, and strengthen democracy in New York City, including through the

CEC's own initiatives and partnership with public and private entities related to civic service, volunteerism, stewardship of public spaces, civic education, participatory budgeting, participation in community boards, civic organizations and community groups, and other related activities, and to support and encourage New Yorkers to meaningfully participate in civic life; and

Whereas, to effectuate its goals, the New York City Civic Engagement Commission plans to run a Citywide participatory budgeting program with guidance from a participatory budgeting advisory committee; partner with community-based organizations and civic leaders; increase awareness of City services; assist New York City entities in developing civic engagement initiatives; develop a plan to consider the language access needs of limited English proficient New Yorkers with regards to the CEC's programs and services; provide language interpreters at poll sites by the 2020 general election, with advice from a language assistance advisory committee; and provide assistance to community boards; and

Whereas, the EEPC initiated an audit, review, and evaluation of the New York City Civic Engagement Commission's Sexual Harassment Prevention and Response Practices as part of the EEPC's 2021 audit plan; and

Whereas, in response to the EEPC's Audit Initiation Letter, the New York City Civic Engagement Commission advised the EEPC that, as a new agency with limited capacity, many of its infrastructure functions are performed in coordination with the New York City Department of Information Technology and Telecommunications (DoITT); and

Whereas, the New York City Civic Engagement Commission provided the EEPC with a Memorandum of Understanding (MOU), executed in May 2019, regarding the designation of the New York City Department of Information Technology and Telecommunications to perform administrative functions on behalf of the New York City Civic Engagement Commission, as permitted by Section 1121 of the Charter; and

Whereas, pursuant to that MOU, the New York City Civic Engagement Commission designated the New York City Department of Information Technology and Telecommunications to perform specified administrative functions, on behalf of and in coordination with the CEC, including functions related to equal employment opportunity (EEO); and

Whereas, as set forth in the MOU, New York City Department of Information Technology and Telecommunications staff, in coordination with responsible New York City Civic Engagement Commission personnel, will be substantially responsible for the CEC's EEO functions, which are designated as all services provided by an agency EEO office including promoting equal opportunity in agency employment decisions, responding to employee requests for reasonable accommodations, and investigating allegations of discrimination, harassment, and retaliation filed by agency employees or applicants; and

Whereas, the New York City Civic Engagement Commission advised the EEPC that in accordance with the MOU, the New York City Department of Information Technology and Telecommunications conducts all EEO functions for the New York City Civic Engagement Commission, including reporting CEC's EEO data in the DoITT quarterly reports and annual EEO plans, disseminating EEO information to CEC staff, and providing and tracking all EEO training for the CEC staff; and

Whereas, as part of its 2020 audit plan, the EEPC conducted an audit, review, and evaluation of the New York City Department of Information Technology and Telecommunications' Sexual Harassment Prevention and Response Practices; and

Whereas, the New York City Civic Engagement Commission's EEO data was included in the information and documentation provided to the EEPC by New York City Department of Information Technology and Telecommunications as part of its 2020 audit; and

Whereas, during its 2020 audit of the New York City Department of Information Technology and Telecommunications, the EEPC issued a Preliminary Determination, dated August 11, 2020, setting forth findings and nine (9) corrective actions required to remedy areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration of the New York City Department of Information Technology and Telecommunications' response to the EEPC's Preliminary Determination, the EEPC issued a Final Determination on September 9, 2020, which indicated that eight (8) areas needed corrective action; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2020 to March 31, 2021, to determine whether the New York City Department of Information Technology and Telecommunications eliminated these areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department of Information Technology and Telecommunications issued a response to the EEPC's Final Determination on October 9, 2020, and made monthly reports thereafter on the progress of its efforts to correct remaining areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department of Information Technology and Telecommunications was monitored until March 31, 2021; and

Whereas, on April 22, 2021, the EEPC's Board of Commissioners approved the issuance of a Determination of Compliance, Resolution No. 2020AP/248-858-(2021)C21, to Commissioner Jessica S. Tisch of the New York City Department of Information Technology and Telecommunications; Now Therefore,

Be It Resolved, that the EEPC has determined that that in accordance with the relationship set forth in the MOU between the New York City Department of Information Technology and Telecommunications and the New York City Civic Engagement Commission, a separate audit of the New York City Civic Engagement Commission's Sexual Harassment Prevention and Response Practices would be redundant and an inefficient use of the EEPC's limited resources; and

Be It Resolved, that in accordance with this decision, the EEPC will not issue preliminary or final audit determinations or assign a compliance monitoring period to the New York City Civic Engagement Commission; and

Be It Resolved, that in lieu of receiving a Determination of Compliance for its 2021 audit, the EEPC approves the issuance of this resolution to Chair and Executive Director Sarah Sayeed of the New York City Civic Engagement Commission; and

Be It Resolved, that the New York City Civic Engagement Commission will remain on the EEPC's quadrennial audit plan; and

Be It Resolved, that upon the EEPC's initiation of future audits of the New York City Civic

Engagement Commission, the EEPC will assess the New York City Civic Engagement Commission's relationship with the New York City Department of Information Technology and Telecommunications as it pertains to EEO functions to determine if conducting a separate audit of the New York City Civic Engagement Commission is warranted; and

Be It Resolved, that the EEPC may at any future time exercise its authority, pursuant to Chapter 36 of the Charter, to audit, review, evaluate, and monitor the employment procedures, practices and programs of the New York City Civic Engagement Commission and its efforts to ensure fair and effective equal employment opportunity for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by the New York City Civic Engagement Commission in these efforts.

Approved unanimously on June 10, 2021.

/s/Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

/s/Arva R. Rice
Arva R. Rice
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee

/s/Aldrin Rafael Bonilla
Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,

Jeanne M. Victor
Jeanne M. Victor
Executive Director