



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie E. Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

July 14, 2016

Sherry Chan
Chief Actuary
Office of the Actuary
255 Greenwich Street, 9th Floor
New York, NY 10007

Re: Preliminary Determination for the Audit: Review, Evaluation, and Monitoring of the Office of the Actuary's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Chief Actuary Chan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's employment practices and procedures for the period covering January 1, 2013 to December 31, 2015.

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

The Office of the Actuary, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."



The purpose of this audit and analysis is to evaluate the agency's employment practices and equal employment opportunity program, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

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

Scope and Methodology

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

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and

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



return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Office of the Actuary provides actuarial information and services for the five major actuarially-funded New York City Retirement Systems ("NYCRS"), nine Variable Supplement Funds ("VSFs"), two Tax Deferred Annuity ("TDA") Programs, six Group Life Insurance Funds, three Closed Pension Funds and the New York City Health Benefits Program. The agency performs annual actuarial valuations of the assets and liabilities of the City's five actuarial retirement systems and other non-actuarial pension funds; computes employer contributions and member's benefits; determines suitability of actuarial assumptions and recommends changes when necessary; and provides services and information to City agencies, legislative bodies, and active and retired employees.

The Office of the Actuary had 37 employees at the end of the period in review. (See Appendix 5.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ On July 1, 2015, the Chief Actuary issued an EEO Policy memo which stated “[a]s Chief Actuary, I reaffirm this agency’s strong commitment to maintaining fair employment practices for all its employees and job applicants. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff and to comply with the letter and the spirit of this Policy. Managers and supervisors are directed to make all employment decisions in accordance with the agency’s EEO Policy and to ensure compliance with this policy in their areas of responsibility.” The agency reported that the EEO Policy memo was distributed with the *Office of the Actuary Equal Employment Policy*, which advised employees of the names and contact information of the agency’s EEO professionals.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints

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

- ✓ The agency reported that the Director of Administration (the agency's principal EEO/HR professional) distributed the *Office of the Actuary Equal Employment Policy* to all employees and managers annually via electronic mail (see §1.1). The agency stated that "*all employment decisions be made on the basis of equal opportunity and not on the basis of actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender, sexual orientation, marital status, disability, age, military status, prior arrest or conviction, or status as a victim of domestic violence, sex offense or stalking.*" The *Office of the Actuary Equal Employment Policy* included a list of contact information for EEO personnel; and included the following sections: *General Anti-Discrimination Protections, Applicability, Sexual Harassment Policy, Disabilities Policy and Section 55-a Program; EEO Complaint and Investigation Procedures, Reporting Violations of the EEO Policy, Where to File an Internal EEO Complaint, Meeting with the EEO Representative, Mediation, Concluding the Complaint Investigation, Other Places Where a Complaint May Be Filed* (contact information for federal, state and local agencies that enforce laws against discrimination), and *Reasonable Accommodation Procedure*.
- The agency did not include among the protected classes in the *Office of the Actuary Equal Employment Policy*: *partnership, genetic information, unemployment status, and consumer credit history*. **Corrective action required.**

Corrective Action #1: Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City's Human Rights Law: "*caregiver status*" (effective May 4, 2016); and "*pregnancy*" (enforcement guidance released on May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

II. **EEO TRAINING FOR AGENCY:**

Determination: The agency is **not in compliance** with the standards for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- The agency did not demonstrate that it established and implemented an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination

complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures employees upon hire. **Corrective action required.**

Corrective Action #2: Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

- The agency did not assess recruitment efforts to determine whether such efforts adversely impacted any particular group. In addition, the CEEDS Report – *Work Force Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2013 (first quarter of the period in review), indicated underutilization of Blacks and Hispanics in the *Science Professionals* job group; the same CEEDS Report for the last quarter of the audit period (2nd quarter of fiscal year 2016) indicated underutilization of Blacks and Hispanics in two (2) job groups, *Managers* and *Science Professionals*, which persisted in the 3rd quarter of fiscal year 2016 (the latest quarter available). (See Appendices 2 – 4.) **Corrective action required.**

Corrective Action #3: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.

- The agency did not demonstrate that the statistical information, the annual number of EEO complaints, and the agency's employment practices, policies and programs were reviewed

annually to identify whether there were barriers to equal opportunity within the agency and determine what, if any, corrective actions were required to correct deficiencies. **Corrective action required.**

Corrective Action #4: Ensure that the principal EEO/HR Professional and General Counsel reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
 - During the period in review, the agency did not assess the manner in which candidates were selected for employment to determine whether agency selection criteria adversely impacted any particular group. In addition, the CEEDS Report – *Work Force Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2013 (first quarter of the period in review) indicated underutilization of Blacks and Hispanics in the *Science Professionals* job group; the same CEEDS Report for the last quarter of the audit period (2nd quarter of fiscal year 2016) indicated underutilization of Blacks and Hispanics in two (2) job groups, *Managers* and *Science Professionals*, which persisted in the 3rd quarter of fiscal year 2016 (the latest quarter available). (See Appendices 2 – 4.) **Corrective action required.**

Corrective Action #5: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
 - The agency did not demonstrate that it conducted a review of its statistical information (§III.5.) The CEEDS Report – *Work Force Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2013 (first quarter of the period in review) indicated underutilization of Blacks and Hispanics in the *Science Professionals* job group; the same

CEEDS Report for the last quarter of the audit period (2nd quarter of fiscal year 2016) indicated underutilization of Blacks and Hispanics in two (2) job groups, *Managers* and *Science Professionals*, which persisted in the 3rd quarter of 2016 (the latest quarter available), which may include discretionary titles (See **Appendices 2 – 4.**) Additionally, the agency did not demonstrate that it advertised in minority or female-oriented publications; contacted organizations serving women, minorities, and other protected groups; participated in career fairs/open houses; or used internships to attract interested persons and to develop and hire interested and qualified candidates. **Corrective action required.**

Corrective Action #6: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
 - The CEEDS Report – *Work Force Compared with Internal and External Pools* for the 3rd quarter of fiscal year 2013 (first quarter of the period in review) indicated underutilization of Blacks and Hispanics in the *Science Professionals* job group; the same CEEDS Report for the last quarter of the audit period (2nd quarter of fiscal year 2016) indicated underutilization of Blacks and Hispanics in two (2) job groups, *Managers* and *Science Professionals*, which persisted in the 3rd quarter of fiscal year 2016 (the latest quarter available), which may include civil service (list) titles; however, the agency did not demonstrate it conducted a review of the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in civil service (list) titles to ensure that these standards are updated, job-related and required by business necessity. **Corrective action required.**

Corrective Action #7: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

- The agency did not demonstrate that all personnel involved in recruitment and hiring were trained to consider EEO laws/policies and used uniform, job-related techniques to identify, interview and select the most capable candidates. Additionally, the agency did not use structured interview training or a guide. **Corrective action required.**

Corrective Action #8: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

✓ The agency reported that during the period in review, six (6) employees were promoted; four (4) to managerial positions and two (2) to the position of *Actuary Specialist*. The agency reported no opportunities for transfer during the period in review.

- The agency did not demonstrate that employees were made aware of the opportunities for promotion.

Corrective Action #9: Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

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

✓ During the period in review, the agency advertised two (2) positions: *Payroll Officer/Timekeeper* (posted on August 4, 2015) and *Secretary* (posted July 8, 2015). Each job vacancy notice contained the EEO tagline "*The City of New York is an Equal Opportunity Employer.*"

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- The agency did not demonstrate that it used or maintained an applicant/candidate log or tracking system. **Corrective action required.**

Corrective Action #10: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source.* Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency reported that the Director of Administration (principal EEO/HR professional) also functioned as the agency's career counselor during the period in review. The Director of Administration completed the *Society for Human Resource Management - The SHRM Learning System - Human Resources Management Training on June 15th, 2004.*
- The agency did not demonstrate that employees were made aware of the identity/type of guidance available from the Career Counselor, or that the Career Counselor had appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling. **Corrective action is required.**

Corrective Action #11: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO professional in EEO-related matters; and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The Director of Administration (the agency's principal EEO/HR professional) was responsible for directing and managing all administrative functions related to personnel matters. The Director of Administration verbally informed employees of their job responsibilities upon hire; ensured that employees had access to information regarding job postings, examinations, and training opportunities; and that all new employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.



The Director of Administration also functioned as the Disability Rights Coordinator, and conducted ad hoc meetings with the Public Administrator regarding any EEO related matters. Additionally, the agency reported no 55-a program participants.

- The agency did not demonstrate that employees had access to information regarding performance evaluation standards. **Corrective action required.**

Corrective Action #12: Ensure that all employees have access to information regarding performance evaluation standards.

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

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

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

- ✓ The agency reported that during the period in review, information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures were available in large print. The agency also indicated its commitment to providing the aforementioned documents, in other alternative formats (i.e., audio tape and/or Braille), upon request, to employees and applicants for employment with disabilities.

16. Document reasonable accommodation requests and their outcomes.

- ✓ The agency documented one (1) request for reasonable accommodation during the period in review via the agency's *Reasonable Accommodation Request Form*, which was included in the *Office of the Actuary Equal Employment Opportunity Policy*. In addition, the agency's EEO policy stated that "[a] request for reasonable accommodation may be made orally or in writing. Where it is made orally, it shall be documented by that person who receives the request...All inquiries, complaints, requests, mediation efforts, investigations, requests for reasonable accommodation, and other outcomes will be documented by the EEO Office." The policy further stated that requests for reasonable accommodations can be made to the employee's supervisor or manager, the Director of Administration (Disability Rights Coordinator), or to an EEO professional or counselor.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

✓ The agency appointed the Director of Administration as the principal EEO professional. The Director of Administration completed *Basic Training for EEO Professionals* conducted by the Department of Citywide Administration Services (DCAS) on June 3, 2004. The agency reported that new employees were provided with the name and contact information of the principal EEO professional upon hire, as well as annually via the *Office of the Actuary Equal Employment Opportunity Policy* (see§ 1.2).

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

✓ In addition to the principal EEO professional, during the period in review the agency appointed an EEO Counselor to conduct complaint intake and investigation.

➤ The agency did not demonstrate that the EEO Counselor was trained in EEO laws and procedures and knew how to carry out his responsibilities under the EEO Policy. **Corrective action required.**

Corrective Action #13: Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

19. The principal EEO professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ During the period in review, the principal EEO professional reported directly to the Chief Actuary (the agency head) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship was reflected in the agency's organizational chart, dated December 31, 2015.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO professional regarding decisions that impact the administration and operation of the EEO program.

✓ During the period in review, the agency maintained documentation of email communications between the Chief Actuary and the principal EEO Professional, regarding recommendations for training the agency's EEO professionals. The emails included decisions to attend the DCAS training: *Structured Interviewing and Unconscious Bias, 2015 Reasonable Accommodation Procedural Guidelines, Sexual Harassment Prevention & the Risks of Fraternization, and Everybody Matters, Diversity and Inclusion.*

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

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

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

✓ The agency established a managerial performance evaluation program.

- The agency did not establish a performance evaluation program for non-managerial employees. Additionally, the agency did not administer performance evaluations for managerial or non-managerial employees. **Corrective action required.**

Corrective Action #14: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

- The agency's managerial performance evaluation form did not include a rating for EEO related responsibilities. **Corrective action is required.**

Corrective Action #15: Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is not in compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- Agency did not submit to the EEPC Annual Plans of measures and programs to provide equal employment opportunity of measures and programs to provide equal employment opportunity or quarterly reports for the years in the period in review.

Corrective Action #16: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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



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

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

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

Conclusion

The agency has 16 required corrective action(s) at this time.

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

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

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

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

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



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

Respectfully Submitted by,

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

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Judith Garcia Quiñones", written over a horizontal line. To the left of the signature is a blue checkmark.

Charise L. Terry, PHR
Executive Director

c: Susan Flaschenberg, Principal EEO Professional

Appendix - 1

EEO Job Group Descriptions

Appendix - 2

CEEDS: *Workforce Compared with Internal and External Pools*
3rd Quarters of Fiscal Year 2013
(Beginning of audit period)

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

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

PAGE: 3
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	8	5	4 N	2	2 N	0	1 N	0	1 N	0	0 N	1	0 N
003 MNGMNT SPECS	1	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	23	8	11 U	2	4 U	1	2 U	8	5	0	0 N	4	1 O
013 CLERICAL	3	0	1 N	2	1 N	0	0 N	1	0 N	0	0 N	0	0 N

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

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

PAGE: 4
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	8	6	4 N	2	3 N	0	0 N
003 MNGMNT SPECS	1	0	1 N	1	0 N	0	0 N
004 SCIENCE PROFNS	23	14	15	9	7	0	1 N
013 CLERICAL	3	0	1 N	3	2 N	0	0 N

Appendix - 3

CEEDS: *Workforce Compared with Internal and External Pools*
2nd Quarter of Fiscal Year 2016
(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 3
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	9	6	5	1	2 U	0	1 U	2	1	0	0 N	0	0 N
003 MNGMNT SPECS	1	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	22	8	10 U	1	4 U	1	2 U	9	5 O	0	0 N	3	1 O
013 CLERICAL	3	0	1 N	1	2 N	1	0 N	1	0 N	0	0 N	0	0 N
031 PARA PROFESSION	2	2	1 N	0	1 N	0	0 N	0	0 N	0	0 N	0	0 N

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 4
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	9	5	5	4	4	0	0 N
003 MNGMNT SPECS	1	0	1 N	1	0 N	0	0 N
004 SCIENCE PROFNS	22	12	14	10	7	0	0 N
013 CLERICAL	3	0	1 N	3	2 N	0	0 N
031 PARA PROFESSION	2	1	1 N	1	1 N	0	0 N

Appendix - 4

CEEDS: *Workforce Compared with Internal and External Pools*
3rd Quarter of Fiscal Year 2016
(Most recent quarter available)

RUN DATE: 04/04/16
 RUN TIME: 9:59:29
 FY2016 Q3

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

PAGE: 3
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/16

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	9	6	5	1	2 U	0	1 U	2	1	0	0 N	0	0 N
003 MNGMNT SPECS	1	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	22	8	10 U	1	4 U	1	2 U	9	5 O	0	0 N	3	1 O
013 CLERICAL	2	0	0 N	0	1 N	1	0 N	1	0 N	0	0 N	0	0 N
031 PARA PROFESSION	2	2	1 N	0	1 N	0	0 N	0	0 N	0	0 N	0	0 N

RUN DATE: 04/04/16
 RUN TIME: 9:59:29
 FY2016 Q3

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

PAGE: 4
 PROGRAM: EBP961
 EXTRACT DATE: 03/31/16

AGENCY: 008 OFFICE OF THE ACTUARY
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
002 MANAGERS	9	5	5	4	4	0	0 N
003 MNGMNT SPECS	1	0	1 N	1	0 N	0	0 N
004 SCIENCE PROFNS	22	12	14	10	7	0	0 N
013 CLERICAL	2	0	1 N	2	1 N	0	0 N
031 PARA PROFESSION	2	1	1 N	1	1 N	0	0 N

Appendix – 5

CEEDS: *Workforce Composition Summary*
2nd Quarter of Fiscal Year 2016
(End of the audit period)

RUN DATE: 01/05/16
 RUN TIME: 08:37:42.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 008 OFFICE OF THE ACTUARY

PAGE: 9
 REPORT: EBEP210

AGENCY CODE : 008 OFFICE OF THE ACTUARY
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
40735	CHIEF ACTUARY	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
82985	ADMINISTRATIVE ACTUARY	3	1	0	1	0	0	2	0	0	0	0	0	0	0	7
EEO JOB GROUP TOTAL.....:		33.34	11.11	0.00	11.11	0.00	0.00	33.33	0.00	0.00	11.11	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 008 OFFICE OF THE ACTUARY
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
12158	PROCUREMENT ANALYST	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 008 OFFICE OF THE ACTUARY
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
13691	*CERTIFIED LOCAL AREA NETW	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
4073A	ACTUARIAL SPECIALIST, AL I	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
40731	ACTUARIAL SPECIALIST	3	0	1	5	0	0	5	1	0	2	0	2	0	19	
EEO JOB GROUP TOTAL.....:		13.62	0.00	4.55	31.82	0.00	4.55	22.73	4.55	0.00	9.09	0.00	9.09	0.00	100.00	

AGENCY CODE : 008 OFFICE OF THE ACTUARY
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06770	SECRETARY TO THE CHIEF ACT	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
10251	CLERICAL ASSOCIATE	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10252	SECRETARY	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0.01	0.00	0.00	0.00	0.00	0.00	0.00	33.33	33.33	33.33	0.00	0.00	0.00	0.00	100.00

RUN DATE: 01/05/16
 RUN TIME: 08:37:42.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 008 OFFICE OF THE ACTUARY

PAGE: 10
 REPORT: EBEP210

AGENCY CODE : 008 OFFICE OF THE ACTUARY
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10209	COLLEGE AIDE	1	0	0	0	0	0	1	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	1	0	0	0	0	0	0	2
		50.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
AGENCY TOTAL.....:		7	1	1	8	0	1	9	3	1	4	0	2	0	37
		18.93	2.70	2.70	21.62	0.00	2.70	24.32	8.11	2.70	10.81	0.00	5.41	0.00	100.00



OFFICE OF THE ACTUARY

255 GREENWICH STREET • 9TH FLOOR
NEW YORK, NY 10007
(212) 442-5775 • FAX: (212) 442-5777

SHERRY S. CHAN
CHIEF ACTUARY

July 28, 2016

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

Re: Preliminary Determination of Audit

Dear Ms. Terry:

The Office of the Actuary (OA) has reviewed the Equal Employment Practices Commission's (EEPC) audit of the Review, Evaluation and Monitoring of the OA's Employment Practices and Procedures from January 1, 2013 to December 31, 2015. This letter serves as an optional response to the preliminary determination.

Although, as acknowledged by the EEPC, certain reporting standards are not mandated upon non-mayoral agencies like the OA, the OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA's EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations. A copy of the July 1, 2016 OA EEO Policy and the Policy announcement letter, which addresses the EEO Annual Plan, are enclosed.

Yours truly,

Sherry S. Chan
Chief Actuary

SSC/ks

Enc.



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie E. Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

August 5, 2016

Sherry Chan
Chief Actuary
Office of the Actuary
255 Greenwich Street, 9th Floor
New York, NY 10007

RE: Audit Resolution #2016/008: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the Actuary's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Chief Actuary Chan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your July 28, 2016 response to our July 14, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

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



The assigned compliance-monitoring period is: AUGUST 2016 TO JANUARY 2017.

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

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

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

c: Keith Snow, Esq., General Counsel/Principal EEO Professional

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the agency's *Annual EEO Plans* and *Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response to the EEPC's preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #1: Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

Agency Response: The agency submitted a copy of the updated EEO Policy, which included an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and was distributed to all agency employees on July 1, 2016, via electronic mail.

EEPC Response: The EEPC accepts the agency's response as documentation that corrective action #1 has been implemented.

Monitoring Required

The response does not address the requirements of the corrective actions. The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #2: Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

² Excerpts are italicized.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Implementation of an EEO training plan for new and existing employees will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #3: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: An assessment of the agency’s recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #4: Ensure that the principal EEO/HR Professional and General Counsel reviews the agency’s statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan,

which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that verifies the implementation of corrective action #4 will be required during the compliance monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #5: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: An assessment of the manner in which candidates are selected will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #6: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #6 will be required during the compliance monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #7: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job

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

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #7 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #8: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation which confirms that personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates, will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #9: Promote employees’ awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies

and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #9 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #10: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants’/candidates’ names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers’ names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #10 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #11: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #11 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #12: Ensure that all employees have access to information regarding performance evaluation standards.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #12 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #13: Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #13 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #14: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #14 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #15: Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: Documentation that demonstrates implementation of corrective action #15 will be required during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Corrective Action #16: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: “[T]he OA, consistent with its commitment to the letter and spirit of Equal Employment Opportunity (EEO), appreciates all the observations made by the EEPC. In response, please note that since being appointed as Chief Actuary in May 2015, the OA has retained a General Counsel in April 2016 to, among other things, examine and revamp the OA’s EEO policies and practices. Part of this review has resulted in the creation of an Annual EEO Plan. The Plan, which became effective July 1, 2016, creates a more robust EEO program and addresses each of the 16 EEPC recommendations.”

EEPC Response: The EEPC will review documentation that demonstrates implementation of corrective action #16 during the compliance-monitoring period. The EEPC will provide further guidance upon initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2016/008: Final Determination Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Actuary's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

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

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

Whereas, pursuant to its audit of the Office of the Actuary's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 14, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the principal EEO/HR Professional and General Counsel reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or

adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. If women, minorities, or other protected groups are underrepresented in civil service (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
12. Ensure that all employees have access to information regarding performance evaluation

standards.

13. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
16. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 28, 2016 with documentation of its actions to rectify required corrective action no. 1; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on August 5, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action nos., 2 through 16 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August, 2016 through January, 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Chief Actuary Sherry S. Chan of the Office of the Actuary.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner



OFFICE OF THE ACTUARY

255 GREENWICH STREET • 9TH FLOOR
NEW YORK, NY 10007
(212) 442-5775 • FAX: (212) 442-5777

SHERRY S. CHAN
CHIEF ACTUARY

September 2, 2016

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

Re: Corrective Actions

Dear Ms. Terry:

The Office of the Actuary (OA) has reviewed the Equal Employment Practices Commission's (EEPC) Audit Resolution #2016/008: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the Actuary's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

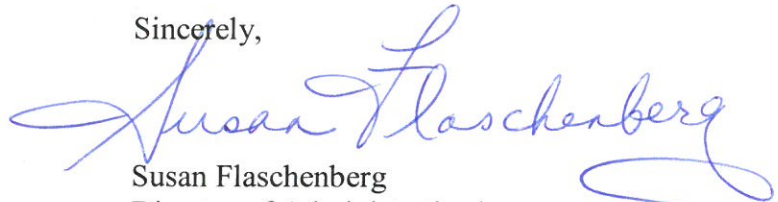
The OA has commenced implementing the corrective actions noted in the audit resolution. Because the OA was not able to implement all of the corrective actions within the 30-day deadline specified in your August 5, 2016 letter the OA will be submitting monthly compliance monitoring reports to record the progress made in resolving the issues noted in the resolution.

Accordingly, I have attached the Monthly Compliance Monitoring Report for August 2016 along with the supporting documentation. The Report and the supporting documents were sent electronically to your attention by email on September 2, 2016. As mentioned in that email, the OA is submitting its compliance reporting in hard copy because the OA is not able to access the EEPC's TeamCentral monitoring system. Your staff has been contacted about this problem and a request has been made for assistance with access

Charise L. Terry, PHR
September 2, 2016
Page 2

Please contact me at 212-312-0113 or by email at sflaschenberg@actuary.nyc.gov if you have any questions regarding this submission.

Sincerely,



Susan Flaschenberg
Director of Administration/
Deputy Equal Employment Opportunity Officer

Enc.

cc: Sherry Chan, NYC Office of the Actuary (w/o Enc.)
Keith Snow, NYC Office of the Actuary (w/o Enc.)



OFFICE OF THE ACTUARY

255 GREENWICH STREET • 9TH FLOOR
NEW YORK, NY 10007
(212) 442-5775 • FAX: (212) 442-5777

SHERRY S. CHAN
CHIEF ACTUARY

MEMORANDUM

TO: All Staff
New York City Office of the Actuary

FROM: Sherry S. Chan
Chief Actuary

SUJB: Audit by the Equal Employment Practices Commission

DATE: February 7, 2017

The Office of the Actuary (OA) has undergone an audit by the New York City Equal Employment Practices Commission (EEPC) pursuant to New York City Charter § 832. The audit reviewed the OA's employment practices, policies and procedures from January 1, 2013 to December 13, 2015 to ensure compliance with federal, state and local laws, regulations, policies and procedures related to Equal Employment Opportunity (EEO). The EEPC made 16 recommendations, and has monitored the OA's progress in these areas from August 2016 to January 2017. The OA accepted and completed, or commenced implementation of, all of EEPC's recommendations. This memorandum is required to inform employees of the changes implemented.

During the monitoring period, the OA: produced its updated annual EEO Policy reflecting an up-to-date list of protected classes; established an EEO training plan; assessed its recruitment efforts; reviewed the OA's demographics to analyze whether there are any barriers to equal opportunity within the agency; assessed its interviewing and hiring practices; reviewed the civil service title specifications within the agency; required applicable employees to undergo structured interview training; continued its actuarial study program to encourage opportunities for promotion within the agency; continued its use of NYC Jobs to track job applicants and candidates; maintained Susan Flaschenberg as the OA's Career Counselor; provided employees with information regarding standards and goals for performance evaluations, including a rating for compliance with the OA's EEO Policy; created managerial and non-managerial performance evaluation programs; scheduled its EEO staff for appropriate trainings; and created an Annual EEO Plan, including quarterly reports regarding the status of EEO-related matters.

All Staff
EEPC Audit
February 7, 2017

The OA is strongly committed to the letter and spirit of EEO, ensuring fair employment practices for its employees and job applicants, and the continued administration the EEPC recommendations.

If you have questions concerning the EEPC audit and monitoring or the OA's EEO Policy, please contact Keith M. Snow, the OA's EEO Officer.

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

RESOLUTION #2016AP/008C-37: Determination of **Compliance** (Monitoring Period Required) by the Office of the Actuary with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the New York City Commission on Human Rights' Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Office of the Actuary's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 14, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: a policy that includes an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
4. Ensure that the principal EEO/HR Professional and General Counsel reviews the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
5. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
6. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to

attract interested persons and to develop and hire interested and qualified candidates.

7. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
12. Ensure that all employees have access to information regarding performance evaluation standards.
13. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
16. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on July 28, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on August 5, 2016, which indicated that corrective action nos. 1 through 16 require compliance monitoring; and

Whereas, the Office of the Actuary submitted its response to the EEPC's final determination letter, on September 2, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from August 2016 - January 2017, with no extension of the monitoring period; and

Whereas, the Chief Actuary appointed the OA General Counsel as Principal Equal Employment Opportunity Officer; and

Whereas, the EEPC brought to the agency's attention the risk of conflict of interest for the an agency general counsel to concurrently serve as Equal Employment Opportunity Officer; and

Whereas, at the EEPC's request, the OA General Counsel consulted with the New York City Law Department to determine whether it is permissible; and

Whereas, the Law Department stated that given the size and structure of the Office of the Actuary, it is acceptable for an agency general counsel to concurrently serve, on an interim basis as an EEO Officer with the proviso that he consult with the Chief Citywide EEO and Diversity Officer and request a third party investigation if he believes that the role as GC and EEO officer are in conflict; and that every effort should be made to select a permanent EEO officer as soon as possible; and


Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Office of the Actuary submitted a copy of the agency head's memorandum to staff dated February 7, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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


Be It Resolved, that the Office of the Actuary has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Chief Actuary Sherry Chan., of the Office of the Actuary.

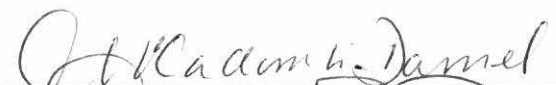
Approved unanimously on March 30, 2017.



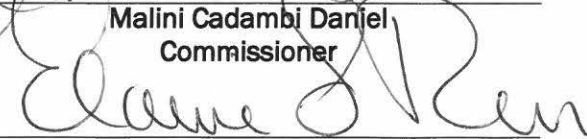
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner (Absent)



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

March 30, 2017

Sherry Chan
Chief Actuary
Office of the Actuary
255 Greenwich Street, 9th Floor
New York, NY 10007

Re: Resolution #2016AP/008C-37: Determination of Agency
Compliance.

Dear Chief Actuary Chan:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arva R. Rice". The signature is fluid and cursive.

Arva R. Rice
Commissioner

c: Keith Snow, Esq., General Counsel \Principal EEO Professional

EEOC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

is issued to

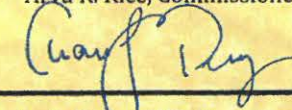
Office of the Actuary

for successfully implementing 16 of 16 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit From January 1, 2013 to this date.

On this 30th day of March in the year 2017,



Arva R. Rice, Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Chief Actuary Sherry Chan, Principal
EEO Professional Keith Snow, Esq., and EEO
Professional Susan Flaschenberg*