

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

RESOLUTION # 2015/041-#: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Teachers' Retirement System's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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 of the Teachers' Retirement System's EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 28, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of 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.
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.

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.
5. Ensure that 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), 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 Division or Citywide Diversity and EEO, or other 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.
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.
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.
9. Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names 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.
10. 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.

11. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. 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).
14. 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 September 11, 2015; 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 September 21, 2015 which indicated that corrective actions Nos. 1 through 14 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 October 2015 through March 2016, 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,

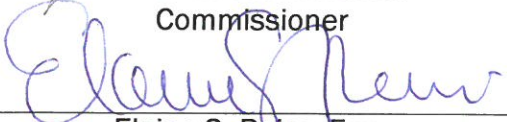
Be It Resolved, that the Commission adopts this Final Determination regarding the Teachers' Retirement System.

Approved unanimously on September 21, 2015.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/041C-15** Determination of **Compliance** (Monitoring Period Required) by the Teachers' Retirement System with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

**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 EEPD 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 Teachers' Retirement System's (TRS) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 28, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO policy statement which in addition to the above, declares the agency's position against discrimination on any protected basis and advises employees of the names and contact information of 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.
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.

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.
5. Ensure that 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), 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 Division or Citywide Diversity and EEO, or other 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.
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.
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.
9. Use and maintain an applicant/candidate log or tracking system which in addition to the applicant's name, title (of position), date of interview, and reason for selection, also captures *ethnicity, gender, disability or veteran status, interviewers' names 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.

10. 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.
11. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. 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).
14. 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 TRS submitted its response to the EEPC's Preliminary Determination letter, on September 11, 2015,

**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 September 21, 2015, which indicated that corrective actions Nos. 1 through 14 required compliance monitoring; and

**Whereas**, the TRS submitted its response to the EEPC's final determination letter, on October 22, 2015, 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 October 2015 to March 2016, and

**Whereas**, the agency received three extensions, granted on February 11, 2016, May 6, 2016 and July 25, 2016, thereby extending the compliance-monitoring period to September 2016, and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the TRS submitted a copy of the agency head's memorandum to staff dated September 29, 2016, 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,

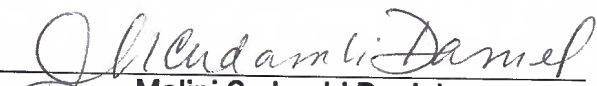
**Be It Resolved**, that the Teachers' Retirement System has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

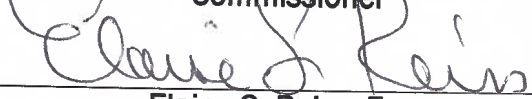
**Be It Resolved**, that the Commission will forward this Final Determination to Executive Director, Patricia Reilly, of the Teachers' Retirement System.

Approved unanimously on November 3, 2016.

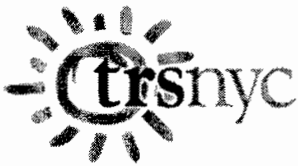
  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner





Date: September 29, 2016

To: All TRS Staff

Subject: Completed Corrective Action Steps for the Equal Employment Practices Commission (EEOC)  
Audit for the period covering January 1, 2012 to December 31, 2014

We are sending this e-mail to inform you that TRS completed corrective action steps resulting from the EEOC audit covering the above referenced period illustrating our support and commitment to TRS' Equal Employment Opportunity (EEO) Program.

The purpose of this audit and analysis was to evaluate TRS' employment practices and procedures. The EEOC has adopted uniform standards for audits 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.

In summary, the EEOC recommended that TRS:

Issue a general EEO Policy written statement annually to staff, which declares TRS' position against discrimination on any protected basis and advises employees of the names and contact information of EEO professionals. The EEO/HR team will serve as a resource for agency managers by providing best practices, assessing employment decisions, and providing direction in addressing any identified EEO issues. TRS will work to include diversity and inclusion based upon guidance provided by the NYC Department of Citywide Administrative Services (DCAS) Citywide Diversity and EEO.

We will also continue with our current EEO training plan for new and existing employees to ensure that all individuals who work at TRS, receive training on unlawful discriminatory practices under federal, state, and local EEO laws, EEO rights and/or responsibilities; discrimination complaints and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

We will continue to evaluate our recruitment efforts in which candidates are selected for employment to ensure that we prevent adverse impact upon any particular racial, ethnic, disability, or gender group. We will continue to pursue ways to align diversity recruiting, internal candidate development, and equitable selection practices.

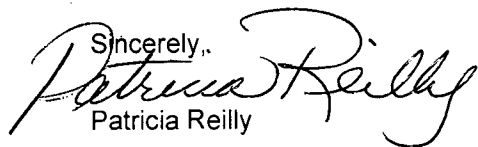
We will maintain the applicant/candidate log in the E-Hire system to include name, title (of position), date of interview, and reason for selection, ethnicity, gender, disability or veteran status, interviewers' names and recruitment source(s).

We will make certain that performance evaluation forms for managers include a rating for EEO (which covers responsibilities and processes for assuring the ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

TRS has responded to/and completed corrective actions mentioned in this audit, which re-emphasizes our commitment to the agency's EEO Program.

We thank all staff for your continued participation in following TRS' EEO policies and for embracing diversity and inclusion based upon the guidance provided by DCAS Citywide Diversity and EEO. Going forward, we will continue our commitment to TRS' EEO Program, while preserving our positive workplace environment.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Reilly". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Patricia Reilly

Executive Director, Teachers' Retirement System of the City of New York