

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

RESOLUTION #2016/054: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Civilian Complaint Review Board'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 Civilian Complaint Review Board's (CCRB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. Redistribute a copy of the EEO Policy which contains an up-to-date list of protected classes under NYC and NYS Human Rights Laws, and a copy of the *Discrimination Complaint Procedure*.
2. 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.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel (if any) 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 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.
4. 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.

5. 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.
6. 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).
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
8. Distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
9. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards; inform 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; involve the principal EEO Professional in EEO-related matters; and promptly consult with the principal EEO Professional if informed of, or suspect that, a violation of the EEO Policy has occurred.
10. Document reasonable accommodation requests and their outcomes.
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. Implement an annual 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 May 20, 2016 with documentation of its actions to rectify required corrective action no. 14; 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 July 6, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective actions nos. 1 through 13 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 July 2016 through December 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 approves issuance of this Final Determination to Mina Q. Malik, Esq., Executive Director of the Civilian Complaint Review Board.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016AP/054C-22: Determination of **Compliance** (Monitoring Period Required) by the Civilian Complaint Review Board 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, 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 and analysis of the Civilian Complaint Review Board's (CCRB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. Redistribute a copy of the EEO Policy which contains an up-to-date list of protected classes under NYC and NYS Human Rights Laws, and a copy of the Discrimination Complaint Procedure.
2. 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.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel (if any) 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 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.
4. 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.

5. 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.
6. 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).
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
8. Distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
9. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards; inform 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; involve the principal EEO Professional in EEO-related matters; and promptly consult with the principal EEO Professional if informed of, or suspect that, a violation of the EEO Policy has occurred.
10. Document reasonable accommodation requests and their outcomes.
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. Implement an annual 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 CCRB submitted its response to the EEPC's Preliminary Determination letter, on May 23, 2016, with documentation of its actions to rectify required corrective action no. 14; 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 July 6, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action no. 14, with corrective actions nos. 1 through 13 remaining; and

Whereas, the CCRB submitted its response to the EEPC's final determination letter, on August 5, 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 January 1, 2013 to December 31, 2015 with no extension of the monitoring period; and


Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CCRB submitted a copy of the agency head's memorandum to staff dated January 6, 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 Civilian Complaint Review Board 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 Determination of Compliance to Jonathan Darche, Esq., Executive Director of the Civilian Complaint Review Board.

Approved unanimously on January 19, 2017.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



BILL DE BLASIO
MAYOR

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DEBORAH N. ARCHER, ESQ.
ACTING CHAIR

MINA Q. MALIK, ESQ.
EXECUTIVE DIRECTOR

MEMORANDUM

TO: All Staff

FROM: Mina Q. Malik, Executive Director 

DATE: May 20, 2016

SUBJECT: Equal Employment Opportunity Policy Statement

The Civilian Complaint Review Board (CCRB) is committed to preventing discrimination by ensuring that all employees are made aware of their rights and obligations under the City's Equal Employment Opportunity (EEO) Policy, and by maintaining fair employment practices for all our employees and applicants for employment. It is the policy of the City of New York and the CCRB that all employees are entitled to work in an environment free of discrimination and sexual harassment.

The CCRB is an equal opportunity employer and prohibits discriminatory employment actions against, and discriminatory treatment of, City employees and applicants for employment based on actual or perceived: race; color; national origin; alienage or citizenship status; religion or creed; gender (including gender identity); disability; age (18 and older); military status; prior record of arrest or conviction; marital status; partnership status; genetic information or predisposing genetic characteristic; sexual orientation; status as a victim or witness of domestic violence, sex offenses or stalking; unemployment status; credit history; and caregiver status as defined by law.

Employment decisions and practices based on an individual's protected status (e.g., race, religion, gender, age, and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions, or privileges of an individual's employment or potential employment with the City of New York are prohibited by this Policy. This includes unlawful decisions, actions, and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations,

promotions, training opportunities, career development and advancement, transfers, discipline, discharge, or any other application or selection process relating to employment.

The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation). Forms of harassment may include, but are not limited to: the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

If you feel that you have experienced discrimination or sexual harassment as described herein, you should contact **your supervisor or manager and the EEO Officer, Awilda Acosta at (212) 912-2004.**

All information provided by employees will be treated confidentially. This means that information obtained from a person who seeks assistance will not be discussed with any person, except to the extent necessary to investigate or resolve a complaint or related matter.

I would like to remind you that our agency EEO program contains the following requirements:

- * Managers and supervisors must conduct documented meetings with staff at least once a year, to reaffirm their commitment to the agency's EEO policy and to discuss the right of employees to file EEO complaints with the Agency's EEO Officer.
- * All managers and supervisors involved in conducting employment interviews must review structured interviewing materials prepared by the Office of Citywide EEO, as well as internal CCRB materials.

All employees are required to review the EEO and workplace materials contained within the "EmployeeInfo" folder located on every employee's computer desktop. (Employees who do not have access to those documents through their computers should see the EEO Officer, Awilda Acosta, for the paper copies.)

All employees are encouraged to contact their supervisor or manager and the EEO Officer for any EEO-related concerns.

The CCRB is an equal opportunity employer committed to compliance with federal, state and city laws prohibiting all forms of discrimination.

Thank you for your continued commitment and cooperation.