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Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2018 to December 31, 2019.
Determination: **PRELIMINARY**

Dear Executive Director Darche:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the Civilian Complaint Review Board's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2018 to December 31, 2019.

Purpose

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The Civilian Complaint Review Board, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for 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 subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope

The EEPC has adopted uniform standards for auditing municipal entities¹ and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Policy and Plan Requirements

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

Methodology

The EEPC communicates with 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, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the Civilian Complaint Review Board on January 3, 2020; the incomplete PIQ(s) were returned on February 12, 2020. Supporting documentation was attached. Additional requests for information were made on March 11, 2020.

The following determination indicates where the Civilian Complaint Review Board has or has not complied, in whole or in part, with the established Standards.

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

Description of the Agency

Established on July 5, 1993, the Civilian Complaint Review Board (CCRB) is an independent agency with the power to receive, investigate, hear, make findings, recommend action upon and prosecute complaints by members of the public against members of the New York City Police Department that allege misconduct involving the use of excessive or unnecessary force, abuse of authority, discourtesy or use of offensive language. All personnel on staff are civilians

The Board is comprised of 13 civilian members, five members selected by the Mayor, including the chair; five members designated by the City Council (one representative for each borough) and three members designated by the Police Commissioner. Police Commissioner designees are the only members permitted to have law enforcement backgrounds. Board members serve for three-year terms and until a replacement is appointed (Source: The Green Book, 3/2019). At the end of the period in review, CCRB had 218 employees (according to the Citywide Equal Employment Database Systems report: *Work Force Composition Summary*, second quarter of fiscal year 2020 which is attached as Appendix – 1).

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 Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
- ✓ CCRB's principal EEO Professional and Executive Director (agency head) distributed the latter's *Equal Employment Opportunity Policy Statement* to all employees via email on June 11, 2018 and January 11, 2019, respectively. The emails sent to all employees included the statement, "[a]ttached is the [agency head's] *EEO Policy Statement*...*This statement can also be found in the EEO folder located on your computer's desktop.*" The *Equal Employment Opportunity Policy Statement* reiterated the Executive Director's commitment to the prevention of sexual harassment by stating, "[e]mployment decisions and practices based on an individual's protected status...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...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." In addition, the *Equal Employment Opportunity Policy Statements* included the name and telephone number of CCRB's principal EEO Professional.
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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the

agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- ✓ In response to the EEPIC's PIQs, CCRB stated, "[a]ll of the policies concerning sexual harassment exist on all employees desktops. Furthermore, each new employee is given an on boarding folder...All employees are also informed that the EEO folder is on their Desktop [sic], containing all of the documents they are provided in hardcopy and more." A representative onboarding folder provided to the EEPIC included the entity's *Employee Orientation Manual*. The *Employee Orientation Manual* contained an *Equal Employment Opportunity Policy* that provided the definition of sexual harassment, provided examples of prohibited conduct, and a list the following protected classes: *Age; Alienage; Color; Creed; Disability; Gender; Marital Status; National Origin; Prior Record of Arrest or Conviction; Race; Religion; and Sexual Orientation*. The *Equal Employment Opportunity Policy* also contained a *Complaint Procedure* subsection that stated, "[w]hen discrimination is suspected, employees are encouraged to use the City's complaint and investigation procedures." (The *Equal Employment Opportunity Policy* is Section V on pages 10–12 of the *Employee Orientation Manual* which is attached as **Appendix – 2**).
- The *Equal Employment Opportunity Policy*, outlined on pages 10–12 of the *Employee Orientation Manual* and distributed to new employees, did not conform to city, state, and federal laws against sexual harassment. Specifically, the policy did not include all current protected classes.

CCRB also did not demonstrate that it distributed or posted uniform and responsive procedures for investigating discrimination/sexual harassment complaints such as the *EEO Complaint Procedural Guidelines*, referred to in its *Employee Orientation Manual*, which stated, "[w]hen discrimination is suspected, employees are encouraged to use the City's complaint and investigation procedures." The *Complaint Procedures*, which was distributed to new employees via page 10 of the entity's *Employee Orientation Manual*, did not include the following: the option to file an anonymous complaint; maintain in the complaint file documentation regarding service of notice on the respondent that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of their choice; maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or the EEO office; include thorough notes of words spoken and facts provided during each interview in each complaint file; issue a conclusive report within 90 days of the date the complaint was filed; commence an investigation immediately if allegations sufficiently warrant an investigation; notify the complainant and respondent in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report; generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's review; establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report, issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate that it has been reviewed and adopted; inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing; ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result; and notify the complainant and respondent in writing when the

investigation by the EEO Professional has been transferred because of the filing of an external complaint. In addition, CCRB's *Complaint Procedures* did not contain contact information for the entity's current EEO professionals as well as federal, state, and local agencies that enforce laws against discrimination/sexual harassment. **Corrective Action Required.**

Corrective Action #1: 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

II. Training for the Agency

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

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

✓ CCRB's sexual harassment prevention training log indicated that in 2019, 173 employees (approximately 79% of the workforce) completed the Department of Citywide Administrative Services' (DCAS) *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training. The course objective on DCAS' Human Capital website stated that the training, "...will facilitate awareness of the City's prohibition on sexual harassment in its workplaces under applicable laws and the City's Equal Employment Opportunity (EEO) Policy. Participants will learn the definitions of sexual harassment, relevant legislation, prevention techniques and a procedure for filing a complaint. This course will help participants to create an environment that is free from sexual harassment."

➤ CCRB did not demonstrate that, during the period in review, it established and implemented a training plan for new and existing employees to ensure that all individuals who worked within the agency, including managers and supervisors, received training on the prevention of sexual harassment as well as discrimination and investigation procedures. **Corrective Action Required.**

Corrective Action #2: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

III. Complaint and Investigation Procedures

Summary of Complaint Activity: The agency reported 0 internal and 0 external complaints were filed during the period in review².

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

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
- ✓ CCRB reported that it received no complaints during the period in review. In response to the EEPC's PIQ, CCRB submitted a blank representative *Complaint of Discrimination* form that captured the complainant's *Name; Division/Office; Civil Service Title; Office Title; and Your Supervisor*. The *Complaint of Discrimination* form also provided space to capture the following: *What is the alleged basis of discrimination (which included a list of protected classes); Please give the name, title, and division of the person(s) you believe discriminated against you; When did the alleged discrimination occur (space was provided for the date); Where did it happen; Were there witnesses to the discrimination? Please provide the name and location of any witnesses on the Witness Information form; Did you report this incident/s to anyone? If so, please state the name, title and division of the person to whom you reported it; and Have you filed a complaint about the alleged discrimination with any of the following agencies (beside which a checklist including the New York City Commission on Human Rights; New York State Division of Human Rights; United States Equal Employment Opportunity Commission; United States Department of Labor; and the United States Department of Justice was provided along with space to capture the complaint number and date the external complaint was filed). In addition, the *Complaint of Discrimination* form provided space to capture a description of the complaint, the corrective actions sought by the complainant, and the complainant's signature and date to certify the information provided.*
5. Provide the option to file a complaint anonymously.
 - CCRB did not demonstrate that, during the period in review, it provided the option to file an anonymous complaint. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

² CCRB's *Agency Quarterly Diversity and EEO Report* for the first and second quarter of fiscal year 2019 contained a *Summary Period of EEO Complaints* form, which indicated that the entity had three external "[c]omplaints outstanding at close of the period". It is unclear as to whether these three external complaints were filed during the period in review.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required the respondent to be served with a notice of the complaint that included the respondent's right to respond to the allegations and right to be accompanied by a representative of their choice. Additionally, CCRB did not distribute a policy or procedure that included a requirement to maintain documentation in the complaint file regarding the service of the notice on the respondent. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required written confirmation be issued and maintained when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required that notes of words spoken and facts provided be taken during each interview and included in each complaint file. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required that an investigation commence immediately if allegations raised sufficiently warranted an investigation, or that a conclusive report be issued within 90 days of the date the complaint was filed. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, the reason for the delay and projected time frame for completion of the report be included in the complaint file. Additionally, CCRB did not distribute a policy or procedure that required that the complainant and respondent be notified of the delay. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required a conclusive confidential report be generated at the end of each complaint investigation that includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

- ✓ CCRB reported that its complaint files were maintained and secured physically in a locked file cabinet in the principal EEO Professional's office and were available upon request to the agency head and General Counsel.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a

written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required the agency head (or an approved direct report other than the General Counsel) to review the principal investigator's conclusive report; issue a written/electronic determination adopting, rejecting, or modifying the recommended action; and sign each determination, via writing or electronically, to indicate it has been reviewed and adopted. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required that each complainant and respondent be informed of the conclusion and outcome of their complaint investigation in writing. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required that each internal discrimination complaint file contain a written determination of its outcome and corrective action(s) taken as a result. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

- CCRB reported that it received no complaints during the period in review, therefore, its policies and procedures were used to determine compliance with this standard. CCRB did not distribute a policy or procedure that required the complainant and respondent be notified in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint. **Corrective Action Required.**

NOTE: See §II.2 for associated corrective action.

NOTE: CCRB's *Agency Quarterly Diversity and EEO Report* for the first and second quarter of fiscal year 2019 contained a *Summary Period of EEO Complaints* form which indicated that the entity had three external complaints outstanding at close of the period in review. CCRB did not confirm whether the three external complaints were filed during the period in review or transferred from the initial filing of an internal complaint

17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

- CCRB did not demonstrate that, during the period in review, it established a complaint tracking and monitoring system that permitted the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends. **Corrective Action Required.**

Corrective Action #3: Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

- ✓ Meeting invites indicated that during the period in review, CCRB'S General Counsel, Agency Head, and principal EEO Professional met monthly. The agenda outlined in the meeting invites indicated that the following topics were discussed: *[r]eview the agency's statistical information (workforce hires, promotions and separations by race/ethnicity and gender); EEO Complaints; and [a]gency's employment practices, policies and programs, to determine whether there are barriers to equal employment opportunity and, if so, what corrective actions taken.* CCRB's meeting invites and agenda demonstrated that the General Counsel assisted the agency head in identifying and determining appropriate responses to sexual harassment, worked with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment, and informed the principal EEO Professional when external complaints or litigation involving sexual harassment was brought against the agency.

In addition, CCRB submitted a blank, representative *Civilian Complaint Review Board Performance Evaluation* for its General Counsel that it reported was utilized during the period in

review. The *Civilian Complaint Review Board Performance Evaluation* contained the task, [i]legal guidance on other agency matters that listed the following standards: [m]anaging and overseeing legal matters arising from agency operations, including: litigation support, human resources, EEO and labor law, intergovernmental agreements, procurement, and contractual disputes; and [p]roviding legal advice to the Executive Director on legal matters arising from agency operations. The standards listed in the General Counsel's *Civilian Complaint Review Board Performance Evaluation* further demonstrated that the General Counsel was responsible for assisting the agency head in identifying and determining appropriate responses to sexual harassment, and for the investigation of, and response to, external sexual harassment complaints.

NOTE: CCRB reported it received no internal complaints during the period in review, therefore, analysis of the General Counsel being available to consult on internal sexual harassment complaint investigations could not be meaningfully measured for the period in review.

IV. Annual Review of Practices, Policies and Programs

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

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

- ✓ Meeting invites and agendas from during the period in review demonstrated that CCRB's General Counsel, Agency Head, and principal EEO Professional met every month during each year of the period in review to discuss the following topics: [r]eview the agency's statistical information (workforce hires, promotions and separations by race/ethnicity and gender); EEO Complaints; and [a]gency's employment practices, policies and programs, to determine whether there are barriers to equal employment opportunity and, if so, what corrective actions taken.

NOTE: The EEOC recommends that the entity dedicate one meeting per year to an annual review in order to identify whether there were barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions were required to correct deficiencies.

NOTE: CCRB reported it received no complaints during the period in review, therefore, analysis of the principal EEO Professional, HR Professional, and General Counsel's review of the number of sexual harassment complaints could not be meaningfully measured for the period in review.

V. Responsibility for Implementation - EEO Professionals

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

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

- ✓ CCRB's *Employee Orientation Manual* included the name and contact information of the entity's principal EEO Professional, who was succeeded by the appointment of the agency's current principal EEO Professional in 2019.
- CCRB did not demonstrate that the former or current principal EEO Professionals were trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. CCRB also did not demonstrate that the current principal EEO Professional implemented EEO policies and standards within the agency. **Corrective Action Required.**

Corrective Action #4: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

- ✓ CCRB's *Equal Employment Opportunity Policy Statements* from the period in review indicated that the principal EEO Professional was supported by two EEO Counselors in 2018, and one EEO Counselor in 2019.

NOTE: CCRB did not provided documentation to demonstrate the type of support provided by the EEO Counselors during the period in review.

22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

- ✓ According to the Citywide Equal Employment Database Systems report: *Work Force Composition Summary*, second quarter of fiscal year 2020, CCRB's organizational structure consisted of 218 employees. CCRB reported that all employees are located in one office.

- CCRB did not demonstrate that, during the period in review, the EEO Counselors were selected from a variety of levels within the organizational structure. CCRB also did not demonstrate that the EEO Counselors were trained in EEO laws and procedures, and their responsibilities under the EEO Policy. **Corrective Action Required.**

Corrective Action #5: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- ✓ Meeting invites from the period in review contained an agenda that indicated that CCRB's principal EEO Professional worked cooperatively with the General Counsel to review the entity's EEO complaints, as well as statistical information, employment practices, policies, and programs concerning EEO and sexual harassment.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- CCRB did not demonstrate that, during the period in review, it assigned the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; and managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment. **Corrective Action Required.**

NOTE: CCRB reported it received no complaints during the period in review, therefore, analysis of the principal EEO Professional promptly investigating allegations of sexual harassment could not be meaningfully measured for the period in review.

Corrective Action #6: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations;

employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- CCRB did not demonstrate that, during the period in review, the principal EEO Professional reported directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. **Corrective Action Required.**

Corrective Action #7: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

- CCRB did not demonstrate that, during the period in review, it maintained documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies, or procedures concerning sexual harassment. **Corrective Action Required.**

Corrective Action #8: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

VI. Responsibility for Implementation – Supervisors/Managers

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

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

- ✓ CCRB's policies and procedures established the expectation that managers and supervisors enforce the entity's sexual harassment prevention policies and complaint procedures. The *Equal Employment Opportunity Policy Statements* stated that, "[Agency Head] would like to remind [managers and supervisors] that our agency EEO program contains the following requirements:

[m]anagers 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 Officers; [a]ll 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." In addition, on January 15, 2019, CCRB's Agency Head emailed all employees the entity's Policy on Mandatory Reporting of EEO Matters and Non-Fraternalization. The Policy on Mandatory Reporting of EEO Matters and Non-Fraternalization contained a Mandatory Reporting of Potential EEO Violations section that stated, "[a]s a Manager CCRB requires that you report any potential EEO violations. Accordingly, if you personally observe, hear, or otherwise learn of any potential EEO violation(s) through conversations with person(s) who have direct knowledge of the violation(s) (i.e., someone who witnessed a violation(s)), you must report that information to [HR Professional] or to EEO Team: [principal EEO Professional] and/or [EEO Counselor]." CCRB documented the implementation of managers and supervisors EEO-related responsibilities via annual performance evaluations. A representative Civilian Complaint Review Board Performance Evaluation form for managers and supervisors, that CCRB reported was utilized during the period in review, included the following task "[a]dherence to CCRB policies and procedures as well as EEO policies and procedures", that listed the following standards: [u]pholds CCRB Code of Conduct and all CCRB policies and procedures; [s]trives to create a work environment in keeping with the agency's EEO policies; and [a]dheres to all EEO policies and procedures.

28. Ensure 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).

- ✓ CCRB's Civilian Complaint Review Board Performance Evaluation form contained a rating for EEO that covered treating others in an equitable and impartial manner via the task: *Adherence to CCRB policies and procedures as well as EEO policies and procedures* which listed the following standards: *[u]pholds CCRB Code of Conduct and all CCRB policies and procedures; [d]emonstrates ability to work in a diverse, multi-cultural environment; [s]trives to create a work environment in keeping with the agency's EEO policies; [a]dhere to all EEO policies and procedures; and [t]reats all staff, colleagues, members of service and the public fairly, equally and without prejudice.*

VII. Reporting Standard for Agency Head

Determination: The agency is required to comply with the standards for this subject area.

29. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

- ✓ CCRB submitted to the EEPC its *Agency Quarterly Diversity and EEO Report* for the first and second quarter of fiscal year 2019. Both reports contained a *Summary Period of EEO Complaints* form, which included a breakout of sexual harassment complaint activity.
- CCRB did not provide its *Agency Quarterly Diversity and EEO Report* for the third and fourth quarters of fiscal year 2018 and 2019, and the first and second quarters of fiscal year 2020. CCRB also did not provide annual plans of measures and programs to provide equal employment opportunity for fiscal year 2018, 2019, and 2020. **Corrective Action Required.**

NOTE: As a non-mayoral agency, CCRB's submission of quarterly reports to the EEPC is not required. However, as CCRB has consented to submit quarterly reports, the EEPC requires the CCRB's consistent submission for all quarters of each fiscal year.

Corrective Action #9: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

FINAL ACTION: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process

Summary of Corrective Actions:

The Civilian Complaint Review Board has 10 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the Civilian Complaint Review Board has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

Optional Response to Preliminary Determination: If submitted, the Civilian Complaint Review Board's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, 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) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Civilian Complaint Review Board's implementation of the prescribed corrective action(s).

(No Response Option) If the Civilian Complaint Review Board 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 action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Civilian Complaint Review Board must submit a response, signed by the agency head, 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,



Imani Bowen, EEO Program Analyst

Approved by,



Charise L. Terry
Executive Director

c: Harya Tarekegn, Esq., principal EEO Professional, Senior Counsel for Policy and Advocacy, CCRB
ilacia Zuell, Manager, EEO Analysis and Audit Unit, EEPC

Appendix – 1

Civilian Complaint Review Board

Citywide Equal Employment Database System report: *Work Force
Composition Summary*

2nd quarter of fiscal year 2020

RUN DATE: 01/03/20
 RUN TIME: 13:44:06.3

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2020 AGENCY 054 CIVILIAN COMPLAINT REVIEW BOARD

PAGE: 55
 REPORT: EBEP210

AGENCY CODE : 054 CIVILIAN COMPLAINT REVIEW BOARD
 EEO JOB GROUP : 001 ADMINISTRATORS

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			
10194	EXECUTIVE DIRECTOR (CIVILI	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
10214	DEPUTY EXECUTIVE DIRECTOR	1	0	0	0	0	0	0	2	0	0	0	0	0	0	3
82975	INVESTIGATIVE MANAGER (CCR	4	1	1	1	0	1	4	2	2	0	0	1	0	17	
94494	MEMBER, CIVILIAN COMPLAINT	3	2	3	0	0	0	0	2	0	1	0	1	0	12	
EEO JOB GROUP TOTAL.....:		9	3	4	1	0	1	4	6	2	1	0	2	0	33	
		27.28	9.09	12.12	3.03	0.00	3.03	12.12	18.18	6.06	3.03	0.00	6.06	0.00	100.00	

AGENCY CODE : 054 CIVILIAN COMPLAINT REVIEW BOARD
 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	0	1	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	1	0	0	0	0	0	0	0	0	1	0	0	0	2
10056	ADMINISTRATIVE DIRECTOR OF	0	0	0	0	0	0	0	0	0	1	0	0	0	1
10074	COMPUTER OPERATIONS MANAGE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10193	DEPUTY ASSISTANT DIRECTOR	4	1	0	0	0	1	2	1	3	1	0	0	0	13
13380	EXECUTIVE PROGRAM SPECIALI	0	0	0	0	0	0	0	1	0	0	0	0	0	1
31166	SUPERVISOR OF INVESTIGATOR	4	0	2	2	0	1	3	0	1	0	0	1	0	14
95005	EXECUTIVE AGENCY COUNSEL	2	0	0	1	0	0	3	6	1	1	0	1	0	15
EEO JOB GROUP TOTAL.....:		12	1	2	3	0	2	8	9	5	4	0	2	0	48
		24.99	2.08	4.17	6.25	0.00	4.17	16.67	18.75	10.42	8.33	0.00	4.17	0.00	100.00

AGENCY CODE : 054 CIVILIAN COMPLAINT REVIEW BOARD
 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		
1002C	ADMINISTRATIVE MANAGER NON	0	0	0	0	0	0	0	0	1	0	0	0	0	1
12158	PROCUREMENT ANALYST	0	0	1	0	0	0	0	0	1	0	0	0	0	2
13381	STRATEGIC INITIATIVE SPECI	1	0	0	0	0	0	0	1	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		1	0	1	0	0	0	0	1	2	0	0	0	0	5
		20.00	0.00	20.00	0.00	0.00	0.00	0.00	20.00	40.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 054 CIVILIAN COMPLAINT REVIEW BOARD
 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		

RUN DATE: 01/03/20
 RUN TIME: 13:44:06.3

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2020 AGENCY 054 CIVILIAN COMPLAINT REVIEW BOARD

PAGE: 57
 REPORT: EBEP210

AGENCY CODE : 054 CIVILIAN COMPLAINT REVIEW BOARD
 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			
56056	COMMUNITY ASSISTANT	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
56057	COMMUNITY ASSOCIATE	0	2	2	0	0	2	1	0	2	0	0	0	0	0	9
56058	COMMUNITY COORDINATOR	2	2	0	1	0	0	0	3	2	0	0	0	0	0	10
EEO JOB GROUP TOTAL.....:		2	4	3	1	0	2	1	3	4	0	0	0	0	0	20
		10.00	20.00	15.00	5.00	0.00	10.00	5.00	15.00	20.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY TOTAL.....:		58	12	16	11	0	10	36	29	24	10	0	10	2	218	
		26.60	5.50	7.34	5.05	0.00	4.59	16.51	13.30	11.01	4.59	0.00	4.59	0.92	100.00	

Appendix – 2

Civilian Complaint Review Board

Employee Orientation Manual

(Section V *Equal Employment Opportunity Policy* on pages 10 – 12)



NYC Civilian Complaint
Review Board

Employee Orientation Manual

EQUAL EMPLOYMENT OPPORTUNITY POLICY

General Anti-Discrimination Protections

The City of New York is an equal opportunity employer committed to compliance with federal, state, and local laws prohibiting employment discrimination. Employment decisions in City government are made on the basis of merit, fitness and equality of opportunity, and without unlawful discrimination on the basis of:

- Age
- Alienage
- Color
- Creed
- Disability
- Gender
- Marital Status
- National Origin
- Prior Record of Arrest or Conviction
- Race
- Religion
- Sexual Orientation

In addition to providing protections on the basis of the above categories, some federal, state and local laws protect persons who are discriminated against because they are perceived to be in a protected class. Harassment based on a person's actual or perceived protected status is also prohibited.

Consistent with the law, reasonable accommodations will be made for persons with disabilities and for religious observance.

Anti-discrimination protections apply to all of the terms and conditions of employment, including, but not limited to:

- Recruitment
- Testing
- Hiring
- Work Assignments
- Salary and Benefits
- Performance Evaluations
- Working Conditions
- Discharge
- Promotions
- Training Opportunities
- Transfers
- Discipline

Complaint Procedure: When discrimination is suspected, employees are encouraged to use the City's complaint and investigation procedures. Any person found to be engaging in discriminatory conduct or practices will be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, agencies shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant. Any employee or applicant who believes that s/he has been discriminated against should contact the Agency EEO Officer for consultation and/or to file a complaint. All complaints will be handled confidentially. The CCRB's EEO Officer is Awilda Acosta and can be reached via phone at 212-912-2004 or via email at aacosta@ccrb.nyc.gov.

Sexual Harassment

Sexual harassment is a form of employment discrimination based on gender. Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

A broad range of behaviors, in certain circumstances, can be considered sexual harassment, including sexually suggestive remarks, pictures, gesturing, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

Any manager or supervisor who knows of a sexually intimidating or hostile work environment, or who becomes aware that the terms and conditions of a person's employment are based upon submission to sexual conduct, must consult with the agency's EEO officer immediately, without exception. Any employee who believes that s/he is being harassed is urged to contact the Agency EEO Officer.

Disabilities

Discrimination against a person based upon that person's actual or perceived disability, record of disability, or that person's relationship with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by the City of New York. Disabilities are physical, mental, or psychological impairments of a body system which may limit one or more life activities of a person. A record of such an impairment includes, for example, a history of cancer which is currently in remission. A relationship with a person having a disability includes not only having a family member with a disability, but also having a cooperative or supportive relationship at work (such as assisting a colleague with a disability).

City agencies will make reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations would create undue hardship for the agency. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Employees with disabilities requesting reasonable accommodations to perform essential job functions should contact the Agency EEO Officer or Disability Rights Coordinator.

Retaliation

It is unlawful to retaliate against or harass any person for filing an EEO complaint, seeking a reasonable accommodation for a disability or a religious observance, or for cooperating in the investigation of an EEO complaint. The City of New York will not tolerate any such retaliation. Any person who believes that s/he is being retaliated against for having made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the EEO Officer. Any employee who engages in such retaliation or harassment shall be subject

to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine or termination.

For additional information please contact Awilda Acosta, EEO Officer at 212-912-2004.



Sasha Neha Ahuja
Chair

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

Charise L. Terry
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

July 24, 2020

Jonathan Darche, Esq.
Executive Director
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, New York 10007

Audit Status:

Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2018 to December 31, 2019.

Determination: FINAL

Resolution #: 2020AP/241-054-(2020)

Dear Executive Director Darche:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: July 8, 2020

No Response Received.

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide

equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Civilian Complaint Review Board's Sexual Harassment Prevention and Response Practices.

As the Civilian Complaint Review Board falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Civilian Complaint Review Board's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: August 1, 2020 to January 31, 2021. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Civilian Complaint Review Board has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Civilian Complaint Review Board will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Civilian Complaint Review Board is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the Civilian Complaint Review Board's implementation of the final corrective action, if any, the EEPC requires that the Civilian Complaint Review Board submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the Civilian Complaint Review Board must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Civilian Complaint Review Board will be exempt from the abovementioned compliance-monitoring period.

¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Conclusion

This is the EEPc's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eeepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry
Executive Director

c: Harya Tarekegn, Esq., principal EEO Professional, Senior Counsel for Policy and Advocacy, Civilian Complaint Review Board

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of Civilian Complaint Review Board's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the *Annual EEO Plans* and *Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response² (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

Corrective Action #1:

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #2:

Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

² Excerpts are italicized.

Corrective Action #3:

Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #4:

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

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #5:

Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #6:

Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #7:

Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #8:

Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Corrective Action #9:

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response:

No agency response received.

EEPC Response:

The EEPC will monitor this corrective action during the compliance-monitoring period.

Final Action:

Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.

RESOLUTION NO.
2020AP/241-054-(2020)
Civilian Complaint Review Board
Executive Director Jonathan Darche, Esq.
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 9
Period Audit Covered:	January 1, 2018 to December 31, 2019
Preliminary Determination Issued:	July 8, 2020 No Response Received
Final Determination Issued:	July 24, 2020 Response Due August 23, 2020
Compliance-Monitoring:	Required August 1, 2020 to January 31, 2021

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

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

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

Whereas, the EEOC conducted an audit, review, and evaluation of the Civilian Complaint Review Board’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Civilian Complaint Review Board’s Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated July 8, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
5. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following

each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 24, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 24, 2020, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Executive Director Jonathan Darche, Esq. to assign compliance-monitoring.

Approved unanimously on August 27, 2020.

s/Sasha Neha Ahuja
Sasha Neha Ahuja
Chair

/s/Angela Cabrera
Angela Cabrera
Commissioner

/s/Arva R. Rice
Arva R. Rice
Commissioner

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

On behalf all Commissioners in attendance,


Charise L Terry
Executive Director



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



FREDERICK DAVIE
CHAIR

October 1, 2020

Re: The Civilian Complaint Review Board's Response to EEPC's Evaluation of Sexual Harassment Prevention and Response Practice Audit

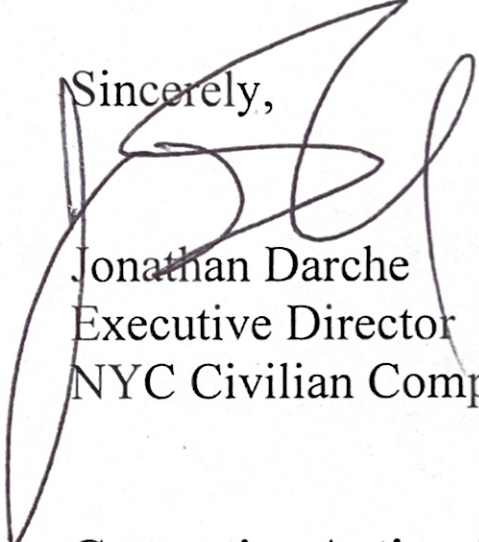
Dear Executive Director Terry,

Below, please find the Agency's response to EEPC' Evaluation of Sexual Harassment Prevention and Response Practices Audit.

In your final determination, you enumerated the following required corrective actions to be monitored during the assigned compliance-monitoring period. Below, I have included the corrective actions requested by EEPC and the Agency's response.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



Jonathan Darche
Executive Director
NYC Civilian Complaint Review Board

Corrective Action #1: 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 Policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response: The City's EEO Policy is distributed to all new employees and is also available in the public EEO drive accessible on all employee's desktops. A copy of the EEO Policy is attached. Additionally, emails showing distribution of the EEO materials in 2018 and 2019 are attached.

Corrective Action #2: Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors,

receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Agency Response: All new employees, as part of their on boarding have to take the following training: Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace training: <https://mspwww-dcsbtp.csc.nycnet/LDCBT/training/CDEEO/SexualHarassment>

Additionally, a part of New Investigator Training, all new investigators receive an EEO training from the Agency's EEO Officers. Similarly, new managers receive an EEO training from the Agency's EEO Officers. Calendar invites for the trainings are attached.

Moving forward, the Agency will make the Sexual Harassment Prevention training mandatory on an annual basis for all managers.

Corrective Action #3: Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

Agency Response: Attached is a copy of the complaint tracking and monitoring system that is used by the EEO office.

Corrective Action #4: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

Agency Response: Attached is a letter from the Executive Director circulated on January 27, 2020 that emphasizes that employees should reach out to Harya Tarekegn, EEO Counselor and principal EEO Professional as well as Sorin Vatavu, EEO Officer.

Corrective Action #5: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: The Agency discussed on the phone with EEPC staff that there were not multiple office locations, therefore. The entire staff of the CCRB works out of 100 Church St. 10th Fl. New York, NY 10007 there is no need for additional EEO professionals outside of Sorin Vatavu and Harya Tarekegn who sit in different units and at different levels within the organizational structure. Training materials for both individuals have also been provided. An org chart has been provided.

Corrective Action #6: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Agency Response: A copy of the EEO folder available on all employees desktops as well as the documents there in are attached. The Agency previously provided the EEPC with photographs of large print posters posted in the office.

Corrective Action #7: Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

Agency Response: A dated organizational chart of the EEO office in 2018 and 2019, has been attached showing that the EEO professionals report directly to the Executive Director.

Corrective Action #8: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response: Emails between the Executive Director and the EEO officers have been attached. Calendar invites showing monthly meetings including the Executive Director and EEO professionals have already been submitted.

Corrective Action #9: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response: The Agency is working on finalizing its Annual Plan that will include all of the requested information and will submit that to the EEPC as soon as it is complete

Memorandum

TO: All Employees
FROM: Equal Employment Practices Commission
DATE: 3/1/2021
RE: Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices
Civilian Complaint Review Board

The New York City Charter requires the Equal Employment Practices Commission (EEPC) to conduct an audit once every four years to ensure each City agency or municipal entity (collectively “agency”) complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

The EEPC recently concluded an audit and evaluation of the Civilian Complaint Review Board’s practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and identified enhancement by means of the following:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
3. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

5. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Through successful completion of the EEPC's audit, evaluation, and monitoring processes and the aforementioned enhancements Executive Director Darche reaffirms the commitment to ensuring that the Civilian Complaint Review Board's employment practices encourage and maintain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency's equal employment opportunity policies.



Vacant
Chair

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

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

April 22, 2021

Jonathan Darche, Esq.
Executive Director
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, New York 10007

Re: Resolution #2020AP/248-054-(2021)C9
DETERMINATION: Compliance

Dear Executive Director Darche:

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

Thank you and principal EEO Professional Harya Tarekegn for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

Elaine S. Reiss, Esq.
Commissioner

c: Harya Tarekegn, Esq., Principal EEO Professional,
Senior Counsel for Policy and Advocacy, Civilian
Complaint Review Board

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2020AP/248-054-(2021)C9

Civilian Complaint Review Board

Executive Director Jonathan Darche, Esq.

DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s):	Total: 9
Period Audit Covered:	January 1, 2018 to December 31, 2019
Preliminary Determination Issued:	July 8, 2020 No Response Received
Final Determination Issued:	July 24, 2020 Response Received October 1, 2020
Compliance-Monitoring:	Required August 1, 2020 to January 31, 2021 without extension

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

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

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

Whereas, the EEOC conducted an audit, review, and evaluation of the Civilian Complaint Review Board's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Civilian Complaint Review Board's Sexual Harassment Prevention and Response Practices, the EEOC issued a Preliminary Determination, dated July 8, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
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4. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
5. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
7. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
8. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on July 24, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from August 1, 2020 to January 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on October 1, 2020, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Civilian Complaint Review Board was monitored until February 24, 2021; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Executive Director submitted a copy of a memorandum to staff dated March 1, 2021, which recognized the EEPC's audit and reiterated commitment to the Civilian Complaint Review Board's equal employment practices; Now Therefore,

Be It Resolved, that the Civilian Complaint Review Board has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Executive Director Jonathan Darche, Esq. of the Civilian Complaint Review Board.

Approved unanimously on April 22, 2021.

/s/Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

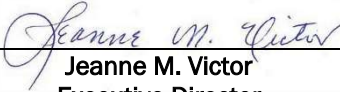
/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

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

Vacant
Commissioner/City Council Appointee

Vacant
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,


Jeanne M. Victor
Executive Director

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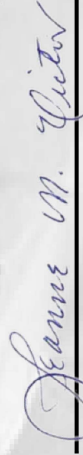
Determination of Compliance

is hereby issued to

Civilian Complaint Review Board

*For successful implementation of 9 of 9 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2018 to this date.*

On this 22nd day of April in the year 2021,

A handwritten signature in black ink, reading 'Jeanne M. Victor', is written over a horizontal line.

Jeanne M. Victor, Executive Director

*In care of Executive Director Jonathan Darche, Esq.
and principal EEO Professional Harya Tarekegn, Esq.*