

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

RESOLUTION #2016/072: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Correction's Employment Practices and Procedures from July 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Department of Correction's (DOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 3, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts for to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these

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

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned fields also captures the ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, and that the Human Resources Professional involves the principal EEO professional in EEO-related matters and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the agency submitted its response to the EEPD's Preliminary Determination letter, on June 16, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on July 6, 2016 which indicated that corrective action(s) nos., 1 through 9 require compliance monitoring; and


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

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Commissioner Joseph Ponte of the Department of Correction.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016AP/072C-23: Determination of **Compliance** (Monitoring Period Required) by the Department of Correction with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Department of Correction (DOC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 3, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts for to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
3. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
4. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications, contact organizations serving women, minorities, and other protected groups;

participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the aforementioned fields also captures the ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
7. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, and that the Human Resources Professional involves the principal EEO professional in EEO-related matters and promptly consults with the principal EEO professional if informed of, or suspects that a violation of the EEO Policy has occurred.
8. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
9. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Whereas, the DOC submitted its response to the EEPC's Preliminary Determination letter, on June 16, 2016,

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 6, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #, remaining;

Whereas, the DOC submitted its response to the EEPC's final determination letter, on August 2, 2016, and

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

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOC submitted a copy of the agency head's memorandum to staff dated January 13, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal,

state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

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

Be It Resolved, that the Commission will forward this Final Determination to the Joseph Ponte Commissioner, the Department of Correction.


Approved unanimously on January 19, 2017.



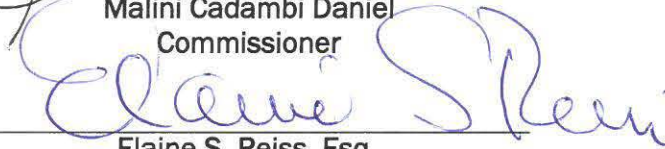
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



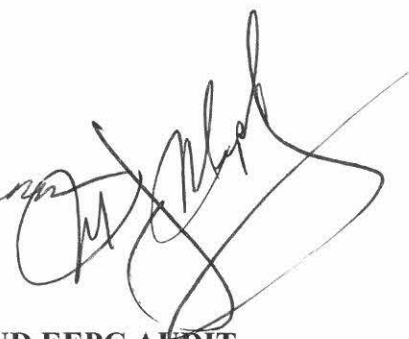
Elaine S. Reiss, Esq.
Commissioner

DEPARTMENT OF CORRECTION - INTRADEPARTMENTAL MEMORANDUM

DATE: January 13, 2017

TO: Commanding Officers, Facilities and Divisions

FROM: Joseph Ponte, Commissioner
Cynthia Brann, Acting First Deputy Commissioner
Martin J. Murphy, Chief of Department



SUBJECT: FY 2017 EEO COMMITMENT STATEMENT AND EEPD AUDIT

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (Chapter 36, §831(d) (2) and (5).) The EEPC audit of the Department of Correction began in December 2015, reviewing the period of July 1, 2013 through December 31, 2015. The final determination of the EEPC resulted in nine (9) recommendations with a monitoring period of July through December 2016.

The Department of Correction strives to meet and exceed all compliance standards as set forth by local, state, and federal laws. The Department's commitment to preventing discrimination is also manifested by embracing many of the recommendations of the Equal Employment Practices Commission. To that end, the Department has established a "*Combating Underutilization*" policy which outlines procedures to continuously assess recruitment efforts, the hiring/selection process and underrepresentation of women, minorities, and other protected groups. Further, the Department is establishing and will implement an annual managerial/non-managerial performance evaluation program. The managerial performance evaluation will include a rating for EEO.

The Department is committed to recruiting, retaining and enhancing the knowledge, skills, and abilities of a diverse workforce, one that is representative of members of the city of New York's many communities.

As Commissioner of the New York City Department of Correction and Chief of Department, we are proud to reiterate that we are personally committed to employment practices that support a nondiscriminatory workplace and to ensure effective implementation of the Department's Equal Employment Opportunity Plan. We also hold all department employees accountable for promoting equal employment in the workplace.

The City's EEO Policy requires that all personnel and employment decisions be made on the basis of merit and fitness regardless of actual or perceived age; alienage or citizenship status;

color; disability; gender including gender identity; national origin; religion; genetic predisposition; status as a victim of domestic violence, sex offenses or stalking; prior record of arrest or conviction; creed; sexual orientation; marital status; partnership status; military status; unemployment status; pregnancy, childbirth and related medical condition; credit history, or caretaker status. The Department's EEO procedures are in place to educate applicants and employees of their rights and responsibilities under the City's EEO Policy; to prevent illegal discrimination, harassment and retaliation; and to ensure that reasonable accommodations are provided where appropriate. The Department has instituted EEO policies consistent with federal, state and local laws that prohibit illegal discrimination and harassment in employment.

We invite all employees to avail themselves of the resources available with the Department to address any EEO issues or concerns you may have, now or in the future. The EEO Office is located at the Bulova Corporate Center, 75-20 Astoria Boulevard, Suite 390, East Elmhurst, New York 11370. The EEO Office telephone number is (718) 546-0861. The Department's Acting Assistant Commissioner and EEO Officer is Kammae Owens. You can also reach Ms. Owens by email at KAMMAE.OWENS@DOC.NYC.GOV.

Please take note of other important, related contacts:

Disability Rights Coordinator (DRC)	Migdalia Ortega	(718) 546-0868
RA Legal Coordinator/Disability Access Facilitator	Nancy Liu	(718) 546-0943
Diversity Officer	Darlene Martinez	(718) 546-0870
Lead Investigator	Alison Puntino	(718) 546-0872
55-a Coordinator	Darlene Oxendine	(718) 546-3204
FMLA Coordinator	Paulena Jean-Phillipe	(718) 546-3185
Career Counselor	Armando Chabran	(718) 546-3149

COMMANDING OFFICERS OF FACILITIES AND DIVISIONS SHALL ENSURE THAT THIS TELETYPE ORDER IS READ AT EIGHT (8) CONSECUTIVE ROLL CALLS AND POSTED IN APPROPRIATE EMPLOYEE AREAS.