

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

**RESOLUTION # 2015/073:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Board of Correction's *Employment Practices and Procedures* from July 1, 2012 through June 30, 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 Board of Correction's (BOC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 8, 2015, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.
4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for

recording and maintaining this information to an individual other than the hiring manager.

5. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; and involves the principal EEO Professional in EEO-related matters.
7. Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
8. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
9. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
10. 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 October 23, 2015 with documentation of its actions to rectify required corrective actions nos. 1, 3 and 7; 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 November 4, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos. 2, 4, 5, 6, 8, 9 and 10 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

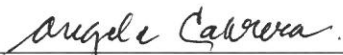
November, 2015 through April, 2016, to determine whether it implemented remaining required corrective actions; and

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

**Whereas**, all of the EEP'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 will forward this Final Determination to Executive Director King of the Board of Correction.

Approved unanimously on November 5, 2015.



Angela Cabrera  
Commissioner



Malini Cadambi Daniel  
Commissioner



Arva Rice  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/073C-10:** Determination of **Compliance** (Monitoring Period Required) by the Board 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 July 1, 2012 to June 30, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Board of Correction's (BOC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 8, 2015 setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.
3. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates.
4. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

5. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
6. Ensure that the Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; and involves the principal EEO Professional in EEO-related matters.
7. Ensure that the agency's organizational chart reflects the identity of the principal EEO Professional, and that the direct reporting relationship to the agency head (or an approved direct report other than the General Counsel) is also indicated on the agency's organizational chart.
8. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
9. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
10. 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 BOC submitted its response to the EEPC's Preliminary Determination letter, on October 23, 2015 with documentation of its actions to rectify required corrective actions nos. 1, 3 and 7; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 4, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions nos. 2, 4, 5, 6, 8, 9 and 10, remaining;

**Whereas**, the BOC submitted its response to the EEPC's final determination letter, on December 4, 2015; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from July 1, 2012 to June 30, 2015, 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 BOC submitted a copy of the agency head's memorandum to staff dated May 5, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

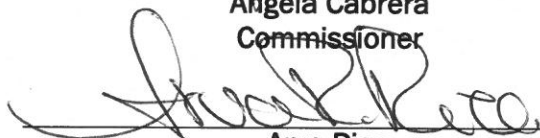
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

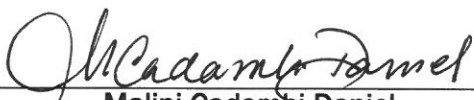
**Be It Resolved**, that the Board of Correction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

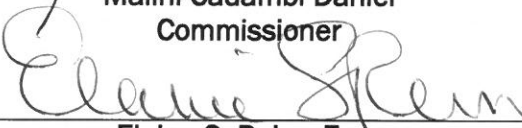
**Be It Resolved**, that the Commission will forward this Final Determination to Martha King, Executive Director, the Board of Correction.

Approved unanimously on June 16, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner





Stanley Brezenoff, Chair  
Derrick D. Cephas, Vice Chair  
Gerard W. Bryant, Ph.D.  
Robert L. Cohen, M.D.  
Hon. Bryanne Hamill  
Jennifer Jones Austin  
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Martha W. King  
*Executive Director*

### **MEMORANDUM**

TO: All Agency Staff  
FROM: Martha W. King  
DATE: May 5, 2016  
SUBJECT: Equal Employment Practices Commission Audit

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The New York City Equal Employment Practices Commission (EEPC) recently completed an audit of the Board of Correction's employment practices and procedures. The audit addressed the period from July 1, 2012 to June 30, 2015. This was part of a routine audit, and it was not in response to any incident or concern specific to our agency.

The Board made the following changes pursuant to the EEPC's analysis:

- I issued a general EEO policy statement to all staff on October 23, 2015.
- Executive staff and the EEO Officer conducted an annual review of the agency's statistical information and the number of EEO complaints. We committed to continue this practice going forward.
- We developed a new system to track applicants for Board of Correction job opportunities.
- I designated Michele Ovesey as the agency's Career Counselor.
- We committed to improved documentation of communication and meetings between the EEO Officer and me.
- We committed to developing and implementing a fair and effective performance evaluation program for managers and non-managers that is compliant with EEPC standards. Our Deputy Executive Directors will lead our work in this area.
- We committed to submitting an annual plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan.
- We updated the agency organizational chart which reflects the identity of the EEO Officer and a direct reporting relationship to the agency head.
- All staff completed online EEO training.

As Executive Director of the Board of Correction, I affirm the agency's position against discrimination on any protected basis and reiterate our commitment to equal employment opportunity.

Please address any questions or concerns to our EEO Officer, Nashla, or me.