

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

**RESOLUTION #2016/465:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Kingsborough Community College'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 EEPCC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit of the Kingsborough Community College's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 20, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy current contact information for the federal, state and local agencies that enforce laws against discrimination, and an up-to date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's annual number of EEO complaints on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. 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 the CUNY Central, Civil Service Unit 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.
7. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
8. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, includes the *disability or veteran status* 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.
9. 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.
10. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.
11. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
12. 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.

13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 2, 2016 with documentation of its actions to rectify required corrective actions nos. 7 and 8; 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 August 11, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective actions nos., 1-6 and 9-13 require compliance monitoring; and


**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from August 2016 through January 2017, to determine whether it implemented remaining required corrective actions; and


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

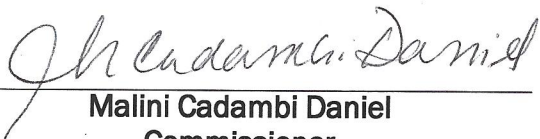
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

**Be It Resolved**, that the Commission approves issuance of this Final Determination to Farley Herzek, President of the Kingsborough Community College.

Approved unanimously on September 9, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

Absent  
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Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016AP/465C-34:** Determination of **Compliance** (Monitoring Period Required) by the Kingsborough Community College 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, 2013 to December 31, 2015.

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

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

**Whereas**, pursuant to its audit and analysis of the Kingsborough Community College (KCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 20, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the EEO Policy current contact information for the federal, state and local agencies that enforce laws against discrimination, and an up-to date list of protected classes under NYC and NYS Human Rights Laws.
2. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's annual number of EEO complaints on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. 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 the CUNY Central, Civil Service Unit 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.
7. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
8. Use and maintain an applicant; candidate log or tracking system which, in addition to the above, includes the disability or veteran status 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.
9. 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.
10. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.
11. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.
12. 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.
13. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment

opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the KCC submitted its response to the EEPC's Preliminary Determination letter, on August 2, 2016, with documentation of its actions to rectify required corrective actions #7 and 8, 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 August 11, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1 - 6 and 9 - 13, remaining;

**Whereas**, the KCC submitted its response to the EEPC's final determination letter, on September 9, 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 August 2016 through January 2017 with no extension of the monitoring period;

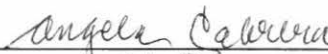
**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the KCC submitted a copy of the agency head's memorandum to staff dated February 16, 2017 which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

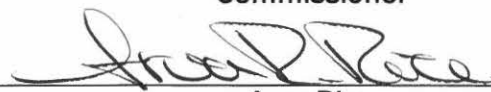
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection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

**Be It Resolved**, that the KCC 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 a Determination of Compliance to the Farley Herzek, President of the Kingsborough Community College.

Approved unanimously on February 16, 2017.


  
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**Angela Cabrera**  
Commissioner

  
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**Arva Rice**  
Commissioner

  
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**Malini Cadambi Daniel**  
Commissioner

*Abstained*  
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**Elaine S. Reiss, Esq.**  
Commissioner

## OFFICE OF THE PRESIDENT

To: Kingsborough Campus Community  
From: President – Farley Herzek   
Date: February 15, 2017  
Re: Kingsborough EEO Policy/Procedure

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Kingsborough is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the EEO policy, by maintaining fair employment practices for all of our employees, and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

Although I am pleased with our accomplishments, I would like to remind you that Kingsborough's program contains the following requirements:

- Managers and supervisors must conduct annual performance evaluations with staff to reaffirm their commitment to the College's EEO policy and to discuss the right of employees to file EEO complaints with the College's Chief Diversity Officer, Victoria A. Ajibade, Esq.
- All managers and supervisors involved in conducting employment interviews must be charged in keeping with the guidelines set forth in CUNY's Search Committee Guidelines.
- Gila Rohr, an experienced manager within the College's Office of Human Resources, is the College's Career Counselor, and will provide career counseling to employees who request it. Her office is located at the Administration Building, Room A-209. Her telephone number is (718) 368-5435. Employees interested in receiving career counseling should make an appointment.

I encourage all employees to access the resources available with Kingsborough and to address any concerns you have with Victoria A. Ajibade, the College's Chief Diversity Officer/Principal EEO Officer at (718) 368-6896 or [AskOEO@kbcc.cuny.edu](mailto:AskOEO@kbcc.cuny.edu).