

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

**RESOLUTION #2015/860:** Final Determination pursuant to the Audit and Analysis of the Department of Records and Information Services' Employment Practices and Procedures from January 1, 2012 through December 31, 2014

**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 Department of Records and Information Services' Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. 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.
4. 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.

5. 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.
6. 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 (i.e. structured interview training or guide).
7. 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.
8. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

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

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on August 10, 2015; 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 September 11, 2015, which indicated that corrective actions Nos., 1 through 14 require compliance monitoring; and

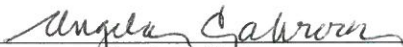
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission will forward this Final Determination to the Department of Records and Information Services.

Approved unanimously on December 17, 2015.



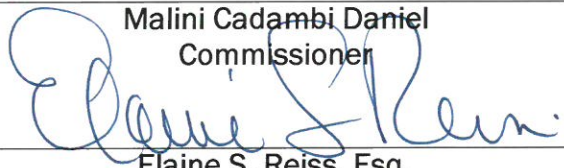
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner

Absent

Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/860C -06** Determination of **Compliance** (Monitoring Period Required) by the Department of Records and Information Services' 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, 2012 through December 31, 2014.

**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 Department of Records and Information Services (Records) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated July 27, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional and HR Professional review the agency's annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. 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.
4. 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.

5. 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 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.
6. 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 (i.e. structured interview training or guide).
7. 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.
8. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, and training opportunities. Maintain documentation of communications between the Human Resources Professional and EEO Professional regarding; 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
9. Appoint a principal EEO Professional - who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints - to implement EEO policies and standards within the agency.
10. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

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

**Whereas**, the Records submitted its response to the EEPC's Preliminary Determination letter, dated August 10, 2015, 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 September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with 14 corrective actions remaining;

**Whereas**, the Records submitted its response to the EEPC's final determination letter, on dated October 14, 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 October 2015 to March 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 Records submitted a copy of the agency head's memorandum to staff dated December 31, 2015, 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 Department of Records and Information Services 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 Commissioner Pauline Toole, of the Department of Records and Information Services.

Approved unanimously on March 24, 2016.



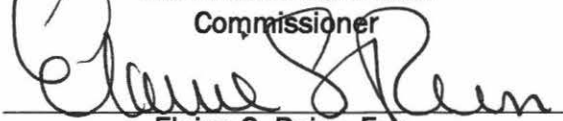
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



**The New York City Department of Records and Information Services**

31 Chambers Street, Room 305, New York, NY 10007

Pauline Toole, Commissioner

[ptoole@records.nyc.gov](mailto:ptoole@records.nyc.gov); (212) 788-8607

To: DORIS Staff  
From: Pauline Toole, Commissioner  
Subject: Responses to the Equal Employment Practices Commission  
Date: December 31, 2015

The New York City Equal Employment Practices Commission (EEPC) audited the practices of the Department of Records and Information Services (DORIS) for the period between January 1, 2012 and December 31, 2014. The auditors determined that there were thirteen corrective actions DORIS needed to implement and set a six-month timeframe to make the required changes (October, 2015 – March, 2016). As of today, DORIS has implemented all of the corrective actions.

This memo explains the changes DORIS implemented in response to the EEPC audit and is the last action required. Broadly speaking, the EEPC Corrective Actions fell into five categories: Reviewing agency practices around hiring and possible barriers to equal opportunity; Ensuring a robust Equal Employment Opportunity (EEO) practice at the agency; Broadening recruitment efforts; Training personnel involved in hiring decisions; Documenting practices; and Reporting on EEO practices.

**Assess Any Adverse Impacts in Recruitment, Broaden Outreach and Use Internships to Expand the Talent Pool**

- DORIS developed a list of entities with diverse membership. The EEO Officer and HR staff expanded distribution of job postings to include organizations with more diverse audiences.
- DORIS participates in career fairs and provides internship opportunities.

**Appoint an EEO Professional and Ensure EEO training**

- I appointed an EEO Officer, LaTonya Jones, who directly reports to me. The EEO Officer completed all training. All EEO Counselors have received training.
- In addition, DORIS required all staff to complete online EEO training by 12/31/15.
- I meet monthly with the EEO Officer to discuss our EEO program and actions to increase diversity. The EEO Officer also meets regularly with the Director of Administrative Operations to discuss EEO concerns, including reviewing agency statistics and hiring practices.
- We distributed "About EEO: What You May Not Know" to all staff at all-day staff training.

**Review Agency Practices around EEO Complaints and Possible Barriers/Hiring/Reviewing Skills and Abilities Required for Civil Service Positions**

- The EEO Officer and H.R. Professional review EEO complaints to identify any barriers and document findings.

- DORIS' job postings only contain criteria relevant to a position's tasks, the hiring process follows a structured interview approach, and the EEO Officer is included in the interview process.
- DORIS will review the pertinence of skills/abilities required for Civil Service titles utilized by the agency and offer any suggestions to DCAS.

### **Train Personnel Involved in Hiring**

- All agency personnel currently or potentially involved in hiring process have undergone Structured Interviewing and Unconscious Bias training **or** received training materials (to be followed up in February 2016 by training) and have received EEO training.
- In addition, DORIS developed new structured interviewing and hiring process, which incorporates EEO Officer at **each** stage on **all** hires.
- We have drafted an agency on-boarding policy to be distributed to staff in first week of January 2016.

### **Document EEO Practices**

- DORIS improved documentation of EEO efforts.
- We posted 55-A information in administrative offices for staff.
- All employees have tasks and standards.
- DORIS is developing an intranet that will include information on training opportunities, job responsibilities and evaluation standards.
- DORIS uses the NYCAPS candidate evaluation section and manual candidate logs to document demographic information on candidates for positions.
- We have updated Managerial Performance Evaluation to include EEO ratings and updated Staff Performance Evaluation to include elements under EEO.
- Developing policy for agency-covered expenses relating to professional development with aim of equitability.
- DORIS developed timetable for performance evaluation program, including rules for the probationary period of new hires.

As previously stated at our all-staff training meeting and in an all-agency email, the agency and I are committed to providing equal employment opportunities and adhering to the City's EEO policies. A copy of the City policy is at this site: <http://www.nyc.gov/html/dcas/downloads/pdf/misc/eoo.pdf>

I am proud of the work that has been done to so quickly bring DORIS into compliance with, and exceed, best practices around Equal Employment Opportunity. Ms. LaTonya Jones, the Special Assistant to the Commissioner and our EEO Officer led the effort and is largely responsible for the speedy and appropriate resolution.