

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

**RESOLUTION #2016/942:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Bronx County Public Administrator's Employment Practices and Procedures from July 1, 2012 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 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 of the Office of the Bronx County Public Administrator's (BCPA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 14, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo, from the current agency head, 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. 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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, 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.

4. Ensure that the principal EEO/HR Professional reviews 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.
5. Ensure that all 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, 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.
7. 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.
8. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, and training opportunities.
9. 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.
10. 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.
11. Establish and administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
12. 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).



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 did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on July 6, 2016, which indicated that corrective actions nos. 1 through 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 July, 2016 through December, 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

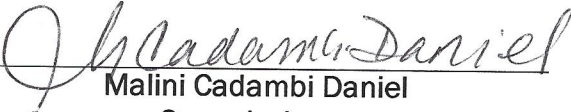
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission approves issuance of this Final Determination to Public Administrator Frank Randazzo, Esq. of the Office of the Bronx County Public Administrator.

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 #2017AP/942NC-31:** Determination of **Non-Compliance** by the Office of the Bronx County Public Administrator (BCPA) with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 – 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 Bronx County Public Administrator (BCPA). EPA (EEPC) issued a Preliminary Determination letter, dated June 14, 2016, setting forth findings and the following required corrective actions:

1. Issue a general EEO Policy statement or memo, from the current agency head, 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. 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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, 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.
4. Ensure that the principal EEO/HR Professional reviews 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

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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.

5. Ensure that all 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, 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.
7. 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.
8. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, and training opportunities.
9. 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.
10. 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.
11. Establish and administer an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
12. 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).
13. Submit to the EEOC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>1</sup> (up to 30 days following each quarter) on efforts to implement the plan.

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<sup>1</sup> Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

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**Whereas**, the BCPA did not submit a response to the EEPC's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued the Final Determination on July 6, 2016, which indicated that corrective actions nos. 1 through 13 require compliance monitoring; and

**Whereas**, the BCPA submitted its response to the EEPC's final determination letter, on August 31, 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 - December 2016, with no extension of the monitoring period; and

**Whereas**, the agency did not implement corrective action #3, #4, #5, #7, #8, #9, #10, #11, #12 and #13; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC informed Public Administrator Randazzo by letter, dated January 24, 2016, that 10 of the 13 corrective actions remained incomplete, informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

**Whereas**, over the course of the compliance monitoring period the EEPC sent email correspondence to the agency on the following dates, concerning implementation: 9/12/2016, 9/26/2016, 9/27/2016, 10/12/2016, 10/18/2016, 10/21/2016, 10/24/2016, 11/9/2016, 11/15/2016, 12/13/2016, 12/29/2016; conference calls with the agency were conducted on 10/18/2016, 11/15/16, 11/18/2016, 12/2/2016, 12/12/2016, 12/13/2016, 12/15/2016, and 1/5/2017, wherein each corrective action, and requirement, was reviewed; and

**Whereas**, the BCPA submitted its last compliance report on January 27, 2017, which demonstrated that the BCPA implemented 4 of 13 required corrective actions; and

**Whereas**, despite the Commission's aforementioned efforts, as of the date of this Resolution, the BCPA has not implemented all of the prescribed corrective actions; and

**Whereas**, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 9 of the 13 aforementioned recommendations have not been implemented to its satisfaction; and

**Whereas**, all of the EEPC's recommended 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; and



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Whereas, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

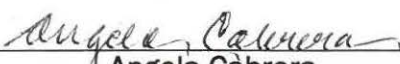
Be It Resolved, that the BCPA did not implement 9 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and


Be It Further Resolved, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the BCPA's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and


Be It Further Resolved, that the Commission will forward this Resolution Determination of Non-Compliance to Frank Randazzo, Esq., Public Administrator, Office of the Bronx County Public Administrator, formally informing him that Office of the Bronx County Public Administrator is Non-Compliant with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Bronx County Public Administrator has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Bronx County Public Administrator's employment practices and procedures; and


Be It Finally Resolved, that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of the Office of the Bronx County Public Administrator prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on February 16, 2017.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner