

EEPC BOARD OF COMMISSIONERS MEETING

AGENDA

EEPC's Conference Room
253 Broadway, Suite 602
New York, NY 10007

Video Conference via Teams

January 30, 2025
10:15 AM – 12:00 PM

I. CALL TO ORDER

- A. 278th Meeting of the Equal Employment Practices Commission
- B. Roll Call of Commissioners

II. APPROVAL OF MINUTES

- A. Meeting Minutes: December 17, 2024

III. APPROVAL OF AUDIT RESOLUTIONS

A. 2025 Final Determination Resolutions

- 1. **RESOLUTION** #2024AP/278-820-(2024) Office of Administrative Trials and Hearings
- 2. **RESOLUTION** #2024AP/278-465-(2024) Kingsborough Community College
- 3. **RESOLUTION** #2024AP/278-057-(2024) New York City Fire Department
- 4. **RESOLUTION** #2024AP/278-125-(2024) Department for the Aging
- 5. **RESOLUTION** #2024AP/278-906-(2024) Office of the Special Narcotics Prosecutor
- 6. **RESOLUTION** #2024AP/278-256-(2025) New York City Police Pension Fund
- 7. **RESOLUTION** #2024AP/278-072-(2025) Department of Correction
- 8. **RESOLUTION** #2024AP/278-905-(2025) Office of the Richmond County District Attorney
- 9. **RESOLUTION** #2024AP/278-858-(2025) New York City Office of Technology and Innovation
- 10. **RESOLUTION** #2024AP/278-013-(2025) Office of the Queens Borough President
- 11. **RESOLUTION** #2024AP/278-463-(2025) Bronx Community College
- 12. **RESOLUTION** #2024AP/278-214-(2025) New York City Office of Labor Relations

B. 2025 Final Determination and Resolutions

- 1. **RESOLUTION** #2024AP/278-941-(2025)**C1** New York County Public Administrator
- 2. **RESOLUTION** #2024AP/278-902-(2025)**C2** Office of the Bronx County District Attorney

IV. OLD BUSINESS

- A. Status of EEPC Personnel (Hirings and Promotions)
- B. Draft EEO Officers' Handbook
- C. EEPC Audit Standards
- D. Invitation for Commissioner Molina at DCAS

V. NEW BUSINESS

- A. Preliminary Budget Hearing March 7th at 11:30 AM
- B. Clarification for report on Obstacles Facing Hispanics in City Government
- C. Plan to Conduct Audit Spot Checks

VI. AUDIT UPDATE

- A. 2024 Audit Plan Status Updates
- B. 2025 Audit Plan Status Updates

VII. RESEARCH UPDATE

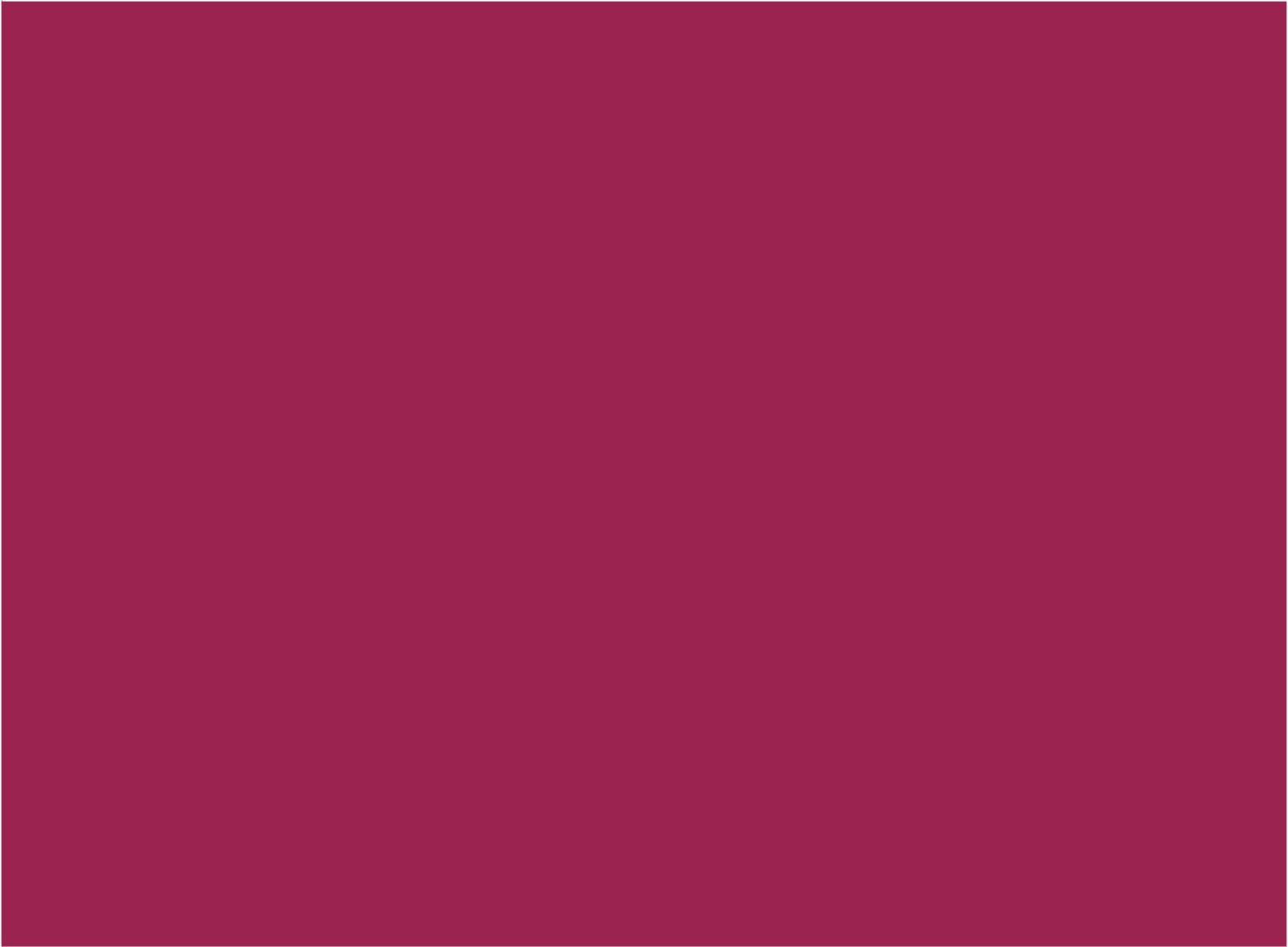
- A. EEPAC Annual Report
- B. Local Law 13 Report
- C. Pilot Project Report
- D. March Reception

VIII. ADJOURNMENT

IX. EXECUTIVE SESSION



II. APPROVAL OF MINUTES
A. MEETING MINUTES DECEMBER 17, 2024



277th EEPD COMMISSION MEETING
EEPC Meeting Minutes for December 17, 2024

CHAIR/COMMISSIONERS PRESENT

Aldrin Rafael Bonilla, Chair
Elaine S. Reiss, Esq., Vice-Chair
Minosca Alcantara, Commissioner
Ngozi Okaro, Esq., Commissioner
Nicole Yearwood, MPA, Commissioner
(Commissioners Alcantara and Okaro attended remotely due to unexpected emergencies)

EEPC STAFF PRESENT

Jeanne M. Victor, Executive Director
Russell Ferri, Director of Research
Menelik Allsop, Director EEO Analysis/Audit Unit
Suat Albayrak, Admin. of Computer Sys. & Sup.

I. CALL TO ORDER

A. 277th Commission Meeting of the Equal Employment Practices Commission

The 277th meeting of the Board of Commissioners (Board) of the Equal Employment Practices Commission (EEPC) was called to order at 10:19AM. The meeting was held in the Conference Room at the EEPD's office and via Teams video conference that was live streamed to YouTube.

B. Roll Call of Commissioners

Chair and Commissioner Aldrin Bonilla asked Executive Director Jeanne M. Victor (ED Victor) to call the roll. Present at the meeting were Chair and Commissioner Aldrin Rafael Bonilla (Chair Bonilla), Vice-Chair Elaine S. Reiss (Vice-Chair Reiss), and Commissioner Nicole Yearwood (Commissioner Yearwood). Commissioner Minosca Alcantara¹ (Commissioner Alcantara), and Commissioner Ngozi Okaro² (Commissioner Okaro) attended remotely due to unexpected emergencies. There was a quorum, so the meeting proceeded.

II. APPROVAL OF MINUTES

A. Meeting Minutes: October 31, 2024

Having previously received and reviewed the Minutes of the meeting held on October 31, 2024, Chair Bonilla asked if there was a motion to approve the Minutes. Vice-Chair Reiss moved

¹ Commissioner Alcantara joined the meeting at 10:40AM.

² Commissioner Okaro joined the meeting at 10:51AM.

to approve the Minutes and Commissioner Yearwood seconded the motion. There was no further discussion, and the Minutes were approved unanimously.

III. Approval of Audit Resolutions

A. 2024 Final Determination Resolutions

Chair Bonilla noted that the EEPC has a number of Final Determination Resolutions for approval by the Board that will be approved as a bundle. Menelik Allsop, Director, EEO Analysis and Audit Unit (Director Allsop) presented the Resolutions to the Board. Vice-Commissioner Reiss moved, and Commissioner Yearwood seconded, a motion to approve **Resolution #2024AP/277-021-(2024)** Office of Administrative Tax Appeals, **Resolution #2024AP/277-740-(2024)** Department of Education, **Resolution #2024AP/277-226-(2024)** New York City Commission on Human Rights, **Resolution #2024AP/277-132-(2024)** Independent Budget Office, **Resolution #2024AP/277-996-(2024)** New York City Housing Authority, and **Resolution #2024AP/277-054-(2024)** Civilian Complaint Review Board. There was some discussion about how the audit standards relate to underutilization. There being no further discussion, the resolutions were adopted unanimously.

B. 2024 Compliance Resolutions

Chair Bonilla noted that there were no Compliance Resolutions.

C. 2024 Final Determination and Compliance Resolutions

Chair Bonilla noted that the EEPC has 2 Final Determination and Compliance Resolutions for approval by the Board. Director Allsop presented these Final Determinations and Resolutions to the Board. Vice Chair Reiss moved, and Commissioner Yearwood seconded, a motion to approve **Resolution #2024AP/277-025-(2024)C23** New York City Law Department, and **Resolution #2024AP/277-462-(2024)C24** Guttman Community College. There being no further discussion, the resolutions were adopted unanimously.

IV. OLD BUSINESS

A. Status of EEPC Personnel

ED Victor advised the Board that the EEPC has had three (3) in-house promotions: Manager Allsop has been promoted to Director of Audits, Nneka DeCaul has moved up to Manager of Audits, and Michael Pinckney has been promoted to Director of Finance and Human Resources. ED Victor

then explained that the EEPC has 4 positions plus the part-time Executive Agency Counsel that we are trying to fill. We are currently awaiting OMB approval of the candidates selected for the two (2) new City Research Scientist positions. We also selected a candidate to backfill the Administrator of Audits and Executive Services vacancy, which is also awaiting OMB approval. In addition, we are finalizing our selection of a candidate for EEO Program Analyst, which should be completed by the end of this week. Finally, we also selected a part-time Executive Agency Counsel and are awaiting OMB approval for that position. This would bring the total number of EEPC employees to 16.

B. Status of Draft EEO Officers' Handbook

ED Victor advised that she has been working on the EEO Officer's Handbook but does not yet have a finalized draft ready for their review. ED Victor provided an overview of some of the sections that she was working on. It was suggested that EEPC coordinate with DCAS before it is completed, which ED Victor said she would.

C. Agencies to Add to Next Year's Audit

ED Victor explained that the agency heads at the Mayor's Office of Contract Services and the Special Commissioner of Investigation for the New York City School District were notified that they will be audited in 2025. This will bring the total number of entities audited to 145.

D. EEPC Audit Standards

ED Victor said that the Board will be provided with a list of the audit standards to show which audit standards generate more corrective actions than others as well as a list of all the audit standards previously used by the EEPC. There was some discussion about how best to keep the audit information and how best to streamline it.

E. Board Meetings for 2025

There were no changes to the proposed Commission meeting dates for 2025. The ED was asked to send out Save the Dates for each of the proposed meeting dates.

V. NEW BUSINESS

A. EEPC Conference/Reception for 2025

Chair Bonilla stated that he could see this conference/reception as a way to commemorate the EEPC's 35th Anniversary with speakers who could provide some historical

background on the creation of the EEPC. The reception could also be used as a time to recognize those agencies that have demonstrated adherence to the audit standards by having few corrective actions or those agencies who worked hard to rectify their corrective actions and/or those agencies that have demonstrated consistency or stellar achievement in this regard.

Director of Research Russell Ferri (Director Ferri) provided a status update on his search for those individuals who were instrumental in the creation of the EEPC.

VI. Audit Update

A. 2024 Audit Plan Status Updates

Manager Allsop noted that we are up to 24 Compliance Resolutions for this year, out of a total of about 36, and that he anticipated the EEPC meeting its mandate before the end of the calendar year. There was some discussion as to what meeting the Charter mandate means and Vice-Chair Reiss noted that if the EEPC fails to meet its Charter mandate, as has been traditionally interpreted, the reasons should be set forth in the EEPC's Annual Report.

VII. RESEARCH UPDATE

A. Pilot Project

Director Ferri reported that the draft report is with ED Victor for review and anticipates that it will be provided to the Board for review shortly. Vice-Chair Reiss suggested the EEPC's pilot project be highlighted at the EEPC's upcoming conference/reception.

B. Status of LL13 Reports

Director Ferri noted that the draft report is with DCAS for review and that he expects to receive comments from them as early as this Friday.

VIII. ADJOURNMENT

There being no further business, Chair Bonilla asked for a motion to adjourn the public session. Vice-Chair Reiss moved, and Commissioner Alcantara seconded, a motion to adjourn, which was adopted unanimously. The public session was adjourned at 11:16AM.

IX. EXECUTIVE SESSION

The Executive Session commenced at 11:21AM and adjourned at approximately 11:39AM. The purpose of the Executive Session was to review the EEPC's budget.

These minutes were prepared by:

Jeanne M. Victor, Executive Director EEP



III. APPROVAL OF AUDIT RESOLUTIONS

A. 2025 FINAL DETERMINATION RESOLUTIONS





Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
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BY EMAIL

December 20, 2024

Asim Rehman
Commissioner
Office of Administrative Trials and Hearings
100 Church Street, 12th Floor
New York, NY 10007

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-820-(2024)

Dear Commissioner Rehman:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 5, 2024

Response Received: December 19, 2024

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Office of Administrative Trials and Hearings efforts to eliminate areas of non-compliance, if any; and (2) the Office of Administrative Trials and Hearings respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of Administrative Trials and Hearings Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of Administrative Trials and Hearings is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of Administrative Trials and Hearings must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of Administrative Trials and Hearings will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of Administrative Trials and Hearings intends to implement it, and (2) what steps the Office of Administrative Trials and Hearings has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of Administrative Trials and Hearings will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

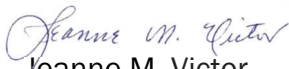
Determinations of Non-Compliance or Partial-Compliance

If the Office of Administrative Trials and Hearings is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of Administrative Trials and Hearings was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of Administrative Trials and Hearings to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:
Sharina DeRoberts, Principal EEO Professional, OATH
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Logan Pace, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPCC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPCC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #4: Document that employees are provided information regarding job responsibilities, performance evaluation standards, job postings, and Career Counseling. Ensure that employees are informed of the identity of the Career Counselor and that effort is made to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"Upon completion of DCAS's Career Counselor training on January 30, 2025, OATH will ensure that all employees are notified of the Career Counselors identity and contact information. OATH proactively reminds all staff about upcoming performance evaluations and encourages Managers and Supervisors to have informal meetings with their staff prior to the evaluation period. Trainings that are offered by DCAS are circulated within the Agency and participation is strongly encouraged. Recently, the agency circulated the DCAS Training Expo, which was well received, and many employees registered for these trainings.*

Throughout the year, employees are reminded of the Disability Rights Coordinator's contact information. Employees are also provided information on the 55-A program and whom to contact for additional information. This information was re-distributed to all staff via our agency wide newsletter on December 16, 2024. The 55-A Coordinator also works closely with MOPD to promote candidates seeking to be hired under the 55-A program (Attachment #3).

OATH conducts annual performance evaluations in the first quarter of the calendar year. Each cycle, the Commissioner reminds staff of the opportunities presented by the performance evaluation process (Attachment #4). Throughout the year, the Commissioner also reminds senior leaders that supervisors should conduct informal feedback sessions with staff. New staff members are given Tasks & Standards, so they know what they are responsible for."

EEPC Response: The EEPCC accepts the entity's response and documentation in the form of emails between EEO and HR staff, provided as confirmation that effort was made to employ qualified individuals with disabilities. The EEPCC accepts documentation in the form of an email to staff addressing performance evaluation standards for 2023 and confirmation that new employees are provided job responsibilities via Tasks and Standards. Corrective Action #4 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

¹ Excerpts are italicized.



Corrective Action #1: Provide documentation via certificates of completion, email confirmation, or training logs that human resource professionals and personnel involved in recruiting and hiring received structured interviewing training.

Agency Response: *"OATH encourages hiring managers and HR professionals to attend Structured Interview Training provided by DCAS. Unfortunately, many of those who attended the in-person training were unable to retrieve their certificates. OATH has attached 6 completion certificates during the audit period, and 2 outside of the audit period as a response to this corrective action (Attachment #1) OATH will continue to monitor when these trainings become available and encourage hiring managers and those involved in the hiring process to attend."*

EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #1. The EEPC accepts the entity's documentation in the form of 8 certificates of completion for structured interviewing training. To demonstrate full compliance, provide documentation that all individuals involved in hiring and recruitment completed structured interviewing training. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action #2: Utilize an applicant/candidate log or tracking system to track the application-to-hiring lifecycle that includes the position, applicant name, demographic information, interview date, interviewer name, disposition and reason, and recruitment source.

Agency Response: *"Please see **Attachment # 2.**"*

EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #2. To demonstrate compliance, provide documentation of a redacted applicant tracking log with complete entries. The applicant log should track position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action #3: Designate a Career Counselor to distribute information regarding career opportunities in City government and provide career counseling to employees. Provide documentation of the Career Counselor's training, knowledge, and duties. Annually notify employees of the Career Counselor's identity and contact information.

Agency Response: *"OATH has designated [the] Assistant Commissioner for Human Resources, to serve as the Career Counselor. [The Assistant Commissioner] will attend DCAS's Career Counselor training On January 30, 2025. Upon completion, all employees will be notified of [their] contact information."*

EEPC Response: The EEPC accepts the entity's response that the Assistant Commissioner will serve as the designated Career Counselor and attend training on January 30, 2025. To demonstrate compliance, provide documentation of the Career Counselor's training, knowledge, and duties. Annually notify employees via email distribution of the Career Counselor's identity and contact information. The EEPC will monitor implementation of Corrective Action #3 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-820-(2024)
Office of Administrative Trials and Hearings
Commissioner Asim Rehman
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 4		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 5, 2024	Response Received	December 19, 2024
Final Determination Issued:	December 20, 2024	Response Received	January 13, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of Administrative Trials and Hearings’ Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of Administrative Trials and Hearings’ Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 5, 2024, setting forth findings and the following corrective actions

required to remedy areas of non-compliance:

1. Provide documentation via certificates of completion, email confirmation, or training logs that human resource professionals and personnel involved in recruiting and hiring received structured interviewing training.
2. Utilize an applicant/candidate log or tracking system to track the application-to-hiring lifecycle that includes the position, applicant name, demographic information, interview date, interviewer name, disposition and reason, and recruitment source.
3. Designate a Career Counselor to distribute information regarding career opportunities in City government and provide career counseling to employees. Provide documentation of the Career Counselor's training, knowledge, and duties. Annually notify employees of the Career Counselor's identity and contact information.
4. Document that employees are provided information regarding job responsibilities, performance evaluation standards, job postings, and Career Counseling. Ensure that employees are informed of the identity of the Career Counselor and that effort is made to employ, promote, or accommodate qualified individuals with disabilities.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 20, 2024, which indicated that the following areas required corrective action: no(s). 1, 2, and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 20, 2024, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Asim Rehman to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

December 30, 2024

Dr. Suri Duitch
Interim President
Kingsborough Community College
2001 Oriental Boulevard
Brooklyn, New York 11235

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-465-(2024)

Dear President Duitch:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 13, 2024
No Response Received.

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor Kingsborough Community College's efforts to eliminate areas of non-compliance, if any; and (2) the Kingsborough Community College respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Kingsborough Community College's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, Kingsborough Community College is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Kingsborough Community College must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Kingsborough Community College will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Kingsborough Community College intends to implement it, and (2) what steps the Kingsborough Community College has taken, or will take, to correct it during the designated compliance monitoring period.

The Kingsborough Community College will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If Kingsborough Community College is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Kingsborough Community College was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Kingsborough Community College to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Lisa Khandhar, Principal EEO Professional
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual



Agency: Kingsborough Community College
Compliance Period: January 1, 2025 to April 30, 2025

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #1 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.

¹ Excerpts are italicized.



RESOLUTION NO.
2024AP/278-465-(2024)
Kingsborough Community College
Interim President Dr. Suri Duitch
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 1	
Period Audit Covered:	July 1, 2021 to December 31, 2023	
Preliminary Determination Issued:	December 13, 2024	No Response Received
Final Determination Issued:	December 30, 2024	Response Received January 10, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Kingsborough Community College’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Kingsborough Community College’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 13, 2024, setting forth findings and the following corrective actions

required to remedy areas of non-compliance:

1. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 30, 2024, which indicated that the following areas required corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 30, 2024, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Dr. Suri Dutch to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
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Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

December 30, 2024

Robert S. Tucker
Commissioner
New York City Fire Department
9 MetroTech Center
Brooklyn, New York 11201

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-057-(2024)

Dear Commissioner Tucker:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 16, 2024

Response Received: December 30, 2024

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the New York City Fire Department's efforts to eliminate areas of non-compliance, if any; and (2) the New York City Fire Department respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the New York City Fire Department's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the New York City Fire Department is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The New York City Fire Department must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the New York City Fire Department will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which New York City Fire Department intends to implement it, and (2) what steps the New York City Fire Department has taken, or will take, to correct it during the designated compliance monitoring period.

The New York City Fire Department will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to



TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the New York City Fire Department is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the New York City Fire Department was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the New York City Fire Department (FDNY) to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:
Hilit Tolani, Principal EEO Professional, FDNY
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"The FDNY is currently in compliance with Corrective Action #1. During the audit period, the FDNY issued and distributed to all its facilities the Equal Employment Opportunity Anti-Discrimination/Harassment Policy Statement, which reiterated the FDNY's commitment to EEO. See Exhibit A. The poster included the following statement:*

The Fire Department of the City of New York (FDNY) is an Equal Employment Opportunity Employer. The FDNY is committed to compliance with federal, statute [sic] and city laws and FDNY rules and regulations that prohibit employment discrimination, harassment and retaliation. Employment decisions will be made on the basis of merit, fitness, equality of opportunity, and without discrimination in the basis of one's (actual or perceived) membership in any of the protected categories, including but not limited to, as noted below[.]"

This poster includes the contact information for the EEO Office and provided the Fire Commissioner's, Chief of Department's and Assistant Commissioner of EEO's names and titles. In addition, the EEO Office conducts annual compliance inspections of all FDNY facilities, during which it ensures this statement is posted visibly and is easily accessible. The EEO Office's intranet page also contains the EEO Office's contact information, as well as additional useful information, such as, mediation, EEO counselors, Social Media Policy and training, links to forms and documents such as the DCAS and FDNY EEO Policies, fillable EEO Complaint, Reasonable Accommodation policy and forms. See Exhibit B.

Finally, since the period covered by the audit, the FDNY has enhanced its EEO messaging:

- *On March 28, 2024, the FDNY issued Department Order 35, Supplement 28, dedicated to the FDNY EEO Office Roles and Functions. See Exhibit C*
- *On April 23, 2024, the FDNY Issued Department Order 47, Supplement 39, setting forth a Fire Department Anti-Harassment and Disciplinary Statement. See Exhibit D*
- *On November 1, 2024, the FDNY issued a video on the FDNY's intranet with Fire Commissioner delivering his EEO message. During this one minute and 16 seconds video, the Fire Commissioner made a*

¹ Excerpts are italicized.



statement about the role of the EEO Office in the FDNY. The link to the video was sent via a blast e-mail to all FDNY members. See Exhibits E. Following is the Fire Commissioner's statement:

Hi, I'm fire commission commissioner Robert Tucker. The FDNY is not just a workplace and our members are not just colleagues. We are a family who strength depends on unity as with any family. There may be times when disputes arise, and when that happens, the office of equal employment, opportunity, or EEO is there to assist with a resolution that does not mean that every dispute rises to the level of an EEO violation some may be more suitable for mediation or maybe resolved with the assistance of EEO counselors or Staff regardless of the dispute. The EEO is available to help in the past EEO may have had a negative connotation, but I assure you that EEO is a foundational mission of this department and that we must all work together to change that culture and perception within the FDNY. We want our members to understand that trust camaraderie and unity within fire houses EMS stations and civilian locations throughout the department are critical to promote trust which is paramount to the performance of the incredibly dangerous and stressful job performed every day. Thank you and stay safe."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #1 has been implemented. An email disseminated to all staff on November 1, 2024 provided all employees with an FDNY issued video where the Agency Head reiterated their commitment to EEO. On April 29, 2024 and August 5, 2024, agencywide emails informed employees of relevant EEO policies and procedures along with contact information for pertinent EEO staff.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: "The FDNY is currently in compliance with Corrective Action# 2. During the audit period, all relevant FDNY EEO Policies, as well as DCAS EEO related Policies, (which both include information about external filing with administrative agencies) and forms have been continuously posted on the FDNY's Intranet. See Exhibit B. The policies and forms are easily accessible by all employees, and complaint forms may be downloaded and completed electronically, and submitted to the FDNY EEO Office at EEOIntake@fdny.nyc.gov. The EEO Office also confirmed with Associate Commissioner of Human Resources Workforce Development... that an electronic copy of the FDNY EEO Policy is distributed to all new hires during their time at the FDNY Probationary Academy. See Exhibit F. Collectively, these documents include contact information for FDNY EEO professionals as well as federal, state, and local agencies that enforce anti-discrimination laws.

In addition, since the audit period the FDNY has enhanced its messaging to its members:

- On April 29, 2024, the Department sent an email to all FDNY employees via MyFDNYfyi containing the EEO Office's contact information. See ExhibitG.
- On August 5, 2024, an e-mail to all FDNY employees via MyFDNYfyi containing links to the revised 2024 DCAS EEO Policy, EEO Complaint Process at a Glance, the City's EEO Policy Handbook: what to



know about Equity, Inclusion and EEO; DCAS EEO Complaint process at a Glance; DCAS Reasonable Accommodation Procedural Guideline; DCAS Reasonable Accommodation Brochure; and DCAS Reasonable Accommodation at Glance. This email included links to these resources which are located on the EEO intranet webpage. This email also includes a link to the EEO intranet webpage. Finally, this email also contained the EEO Office's contact information. See Exhibit H.

- On August 19, 2023, an e-mail to all employees via MyFDNYfyi that included a statement regarding the EEO Office's function and its contact information. See Exhibit I."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #2 has been implemented. On August 5, 2024, an email containing electronic links to the City of New York Equal Employment Opportunity (EEO) Policy was distributed to all staff.

Corrective Action #6: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: "The FDNY is in compliance with Corrective Action #6. All the EEO investigators are attorneys, admitted to NYS Bar, and are subject matter experts in employment law. To comply with the NYS Bar's mandated Continuing Legal Education ("CLE"), the attorneys attend CLE classes focused on employment law and workplace investigations. In addition to taking CLE courses that generally focus on practice and skills, all NYS attorneys are required to take at least 1 credit in the category of "Diversity, Inclusion and Elimination of Bias." See [New York CLE Requirements - New York State Bar Association](#) In addition, the attorneys have taken relevant DCAS training during and subsequent to the audit period, from EEO Officer Essentials, Everybody Matters, to Sexual Harassment Prevention and Disability Awareness and Etiquette. See Exhibit M, which includes DCAS transcripts for former and current EEO attorneys during the audit period and subsequent to it. See also Exhibit N, which includes the certificate of completion for the lgtbq: Power of Inclusion for both the former EEO attorneys who took it during the audit period¹ and current EEO attorneys that took the training subsequent to the audit period. Currently there are three EEO attorneys that need to complete this training, which we anticipate to be done by mid January 2025.

Further, in 2016, the FDNY EEO Office issued a comprehensive EEO Investigation Manual which provides detailed guidance on how to conduct EEO investigations and which every EEO attorney is required to review. See Exhibit O."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #6 has been implemented. Certificates of completion and training records confirm that all EEO professionals have successfully completed the mandated EEO training along with other legal education courses.

Corrective Action #8: Annually inform employees of the Disability Rights Coordinator's identity and contact information.

Agency Response: "The FDNY is partially in compliance with Corrective Action #8. During the audit period, all relevant FDNY Reasonable Accommodation Policies and forms, including the contact information of the Disability Rights Coordinator, have been continuously posted on the FDNY's Intranet system. See Exhibit B. The policies and forms are easily accessible by all employees, and complaint forms may be downloaded and completed electronically, and submitted to the FDNY EEO Office at EEORA@fdny.nyc.gov. In addition, on April



29, 2024, the e-mail blast, which included the EEO Office's contact information, also included the Disability Rights Coordinator's designated email address, EEORA@fdny.nyc.gov. See Exhibits B & G.

The FDNY will include the identity of the Disability Rights Coordinator in future communications and trainings."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #8 has been implemented. An email disseminated on April 29, 2024, informed all staff of the Disability Rights Coordinator's contact information.

Corrective Action #9: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: "The FDNY is currently in compliance with Corrective Action #9. During the audit period, all relevant FDNY Reasonable Accommodation Policies and forms, including the contact information of the Disability Rights Coordinator, have been continuously posted on the FDNY's Intranet system. See Exhibit B. The policies and forms are easily accessible by all employees, and complaint forms may be downloaded and completed electronically, and submitted to the FDNY EEO Office at EEORA@fdny.nyc.gov. In addition, on April 29, 2024, the e-mail blast, which included the EEO Office's contact information, also included the Disability Rights Coordinator's designated email address, EEORA@fdny.nyc.gov. See Exhibit G."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #9 has been implemented. An email containing electronic links to the DCAS Reasonable Accommodation Brochure, DCAS Reasonable Accommodation Procedural Guidelines, and DCAS Reasonable Accommodations at a Glance.

Corrective Action #12: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: "The FDNY is in compliance with Corrective Action #12. The FDNY has MyFDNY online portal which includes contact information of bureaus such as EEO, Human Resources, and Labor Relations and various career resources available to FDNY members such as training. See Exhibit R

In April 2023 the FDNY's Office of Professional Development ("OPD") was established. Its mission:

[T]o invest in all of FDNY across all bureaus by ensuring education in best management practice and leadership to:

- Enhance their careers and self-development
- Cultivate critical thinkers
- Best serve our workforce

The Office of Professional Development will provide:



- Quality Education
- Mentoring
- Coaching
- Centralized Resources

See Exhibit S.

The FDNY's OPD has presence on the intranet and where it provides information about its offerings. See Exhibit T.

... See Exhibit U, which includes the notices OPD sent out to the FDNY members about their trainings and professional development opportunities via MyFDNYfyi and Department Orders."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #12 has been implemented. Emails disseminated to all staff on March 11, 2024, July 22, 2024, and August 5, 2024 informed FDNY employees of the designated emails for relevant professional development and career oriented inquiries.

Corrective Action #13: Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"The FDNY is in compliance with Corrective Action #13. All non-managerial employees are issued tasks and standards, which include a description of their duties and the expected standards by which they need to perform them. In addition, the FDNY issued the following procedure: Supervisor's Guide, Civilian Non-Managerial Performance Evaluations, which provides information and guidance to managers and supervisors about performance evaluations. This policy was revised in 2023. See Exhibit V.*

Moreover, during the first quarter 2024, the FDNY's Human Capital instituted monthly meetings with all bureaus. Some of the topics include reminding managers and supervisors to complete performance evaluations for their subordinates and answer questions. See Exhibit P."

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #13 has been implemented. Emails sent out regularly demonstrate that staff were made aware of civil service examinations, training opportunities, job postings and professional development initiatives.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #3: Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.



Agency Response: *"The EEPC's Note indicates that the FDNY is now in compliance with Corrective Action #3. The FDNY will ensure the EEPC continues to receive s [sic] a copy of its annual and quarterly plans."*

EEPC Response: The EEPC will monitor the implementation of corrective action #3 during the compliance monitoring period. FDNY should submit to the EEPC, the Quarterly EEO Reports for Q4 of fiscal year 2024 and Q1 of fiscal year 2025.

Corrective Action #4: Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.

Agency Response: *"The FDNY is partially in compliance with Corrective Action #4. During the audit period, the FDNY provided live LGBTQ training to all newly hired EMS and Fire members while they were in their respective training academies. In November 2024, the FDNY created and launched a three-module LGBTQI+ virtual web series, on its LMS. This training was approved by DCAS and all FDNY members will be required to take it on a bi-annual basis. See Exhibit J."*

EEPC Response: The EEPC will monitor the implementation of corrective action #4 during the compliance monitoring period. FDNY should provide documentation that demonstrates all staff completed mandated EEO training.

Corrective Action #5: Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: *"The FDNY is in compliance with Corrective Action #5. During the audit period, the EEO Assistant Commissioner Don Nguyen, who is an attorney admitted to the NYS Bar and has extensive experience in Employment Law litigation and practices and who was involved in drafting both the FDNY EEO Policy and EEO Investigation Manual, took the following DCAS trainings: Sexual Harassment Prevention and Everybody Matters - the four module. In addition, during the audit period, Assistant Commissioner Don Nguyen took the following Continuing Legal Education ("CLE") training: Understanding Employment Law 2022. See Exhibit K.*

Additionally, the current EEO Professional, [Name], has taken lgbtq: The Power of Inclusion on 3/15/2022 and 3/23/2023. See Exhibit L. [The current EEO Professional] also took the FDNY's LGBTQI+ three-module training."

EEPC Response: The EEPC will monitor the implementation of corrective action #5 during the compliance monitoring period. FDNY must ensure that the current principal EEO Professional completes all four (4) modules of DCAS' *Everybody Matters: EEO and Diversity & Inclusion* training, as well as *EEO Essentials*.

Corrective Action #7: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on



unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: *"The FDNY is partially compliant with Corrective Action #7. In the last quarter of 2024, the FDNY's Human Capital met with all bureaus and provided guidance on the following topics:*

1. Attrition Replacement
 - a. OMB approvals
 - b. Job postings
 - c. Recruitment
 - d. List calls
 - e. Job offers
 - f. Upcoming exams
2. Personnel Actions
 - a. Promotions
 - b. Retention
 - c. Selection process/interview questions
 - d. Performance Evaluations/Tasks and Standards
 - e. Salary review/updates
3. EEO updates
4. Professional Development/Training
 - a. OPD- 5 module mid-level supervisor course beginning in September
5. New Business
 - a. Style Guide

See Exhibit P, which reflects Human Capital June 2024 Agenda for its monthly meeting with the different bureaus.

In 2025, the FDNY will mandate all its hiring managers to take the DCAS training on use of uniform, job related techniques and trained in EEO laws/policies in order to be able to identify, interview and select the most capable candidates."

EEPC Response: The EEPC will monitor the implementation of corrective action #7 during the compliance monitoring period. Ensure that all personnel involved in recruiting and hiring complete structured interviewing training.

Corrective Action #10: Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: *"The FDNY has started taking steps to come into compliance with Corrective Action #10. The FDNY's Human Resources, EEO Office, Chief Diversity and Inclusion Office (CDIO) and the Fire Commissioner (or their designee) will meet on a regular basis - at least annually - to review the FDNY's statistical information to identify barriers to equal employment opportunities. Attached is a screenshot of the first calendared meeting, scheduled for 1/31/2025, to review Department statistical information to identify barriers, if any, to EEO compliance. See Exhibit Q."*



EEPC Response: The EEPC will monitor the implementation of corrective action #10 during the compliance monitoring period.

Corrective Action #11: Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

Agency Response: *"The FDNY has started taking steps to come into compliance with Corrective Action #11. The FDNY's Bureau of Human Capital will track application-to-hire cycle by using DCAS' dashboard HireStat."*

EEPC Response: The EEPC will monitor the implementation of corrective action #11 during the compliance monitoring period.

Corrective Action #14: Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by annually: 1.) identifying job groups experiencing underutilization and the (non-competitive class) job titles in those groups; 2.) assessing the selection procedures within each job group/relevant title to identify barriers that may exclude certain groups; 3.) assessing the relevancy of selection criteria for measuring job suitability; 4.) discontinuing use of criteria that are not job-related; and 5.) adopting selection methods that reduce adverse impact. Document each step the entity has taken to identify and address adverse impact in selection criteria and selection methods.

Agency Response: *"The FDNY agrees with Corrective Action #14. The FDNY's Human Resources, EEO Office, Chief Diversity and Inclusion Office (CDIO) will meet on a regularly, at least semiannually, to review the CEEDS reports."*

EEPC Response: The EEPC will monitor the implementation of corrective action #14 during the compliance monitoring period.

Corrective Action #15: Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Agency Response: *"The FDNY is partially in compliance with Corrective Action #15. The Office of Recruitment and Retention regularly visits diverse NYC neighborhoods to share information about careers in the FDNY. Our Recruiters collect information from potential recruits that are interested in careers such as Firefighter, Emergency Medical Technician, Fire Alarm Dispatcher and Fire Protection Inspector. Those interests are then entered into our database and will receive updates regarding upcoming filing periods"*



and information sessions. In addition to our own efforts, the FDNY has utilized the services of a third-party vendor (most recently Symphony Talent) in order to generate recruitment campaign materials.

The FDNY notes that since competitive titles are subject to Civil Service law and are regulated by DCAS, the FDNY does not have much leeway in addressing once the civil service list is established."

EEPC Response: The EEPC will monitor the implementation of corrective action #15 during the compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2024AP/278-057-(2024)
New York City Fire Department
Commissioner Robert S. Tucker
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 15		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 16, 2024	Response Received	December 30, 2024
Final Determination Issued:	December 30, 2024	Response Received	January 27, 2025
Compliance-Monitoring:	Required		January 1, 2025 to April 30, 2025

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Fire Department’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Fire Department’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 16, 2024, setting forth findings and the following corrective actions required to

remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
4. Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.
5. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
6. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.
8. Annually inform employees of the Disability Rights Coordinator's identity and contact information.
9. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision,

and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

10. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.
11. Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.
12. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
13. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.
14. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by annually: 1.) identifying job groups experiencing underutilization and the (non-competitive class) job titles in those groups; 2.) assessing the selection procedures within each job group/relevant title to identify barriers that may exclude certain groups; 3.) assessing the relevancy of selection criteria for measuring job suitability; 4.) discontinuing use of criteria that are not job-related; and 5.) adopting selection methods that reduce adverse impact. Document each step the entity has taken to identify and address adverse impact in selection criteria and selection methods.
15. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if

applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 30, 2024, which indicated that the following areas required corrective action: no(s). 3, 4, 5, 7, 10, 11, 14, and 15; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 30, 2024, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Robert S. Tucker to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
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BY EMAIL

December 31, 2024

Lorraine Cortes-Vazquez
Commissioner
Department for the Aging
2 Lafayette Street, 9th Floor
New York, New York 10007

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021, to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-125-(2024)

Dear Commissioner Cortes-Vazquez:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 16, 2024
No Response Received.

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Department for the Aging's efforts to eliminate areas of non-compliance, if any; and (2) the Department for the Aging respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Department for the Aging's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Department for the Aging is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Department for the Aging must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Department for the Aging will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Department for the Aging intends to implement it, and (2) what steps the Department for the Aging has taken, or will take, to correct it during the designated compliance monitoring period.

The Department for the Aging will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If Department for the Aging is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Department for the Aging was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Department for the Aging to next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Heava Lawrence-Challenger, Principal EEO Professional, DFTA
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Tanisha Springer, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #1 during the assigned compliance monitoring period.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #2 during the assigned compliance monitoring period.

Corrective Action #3: Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #3 during the assigned compliance monitoring period.

¹ Excerpts are italicized.



Corrective Action #4: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #4 during the assigned compliance monitoring period.

Corrective Action #5: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #5 during the assigned compliance monitoring period.

Corrective Action #6: Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #6 during the assigned compliance monitoring period.

Corrective Action #7: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #7 during the assigned compliance monitoring period.

Corrective Action #8: Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.



Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #8 during the assigned compliance monitoring period.

Corrective Action #9: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: No response received.

EEPC Response: The EEPC will monitor implementation of Corrective Action #9 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-125-(2024)
Department for the Aging
Commissioner Lorraine Cortes-Vazquez
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 9		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 16, 2024	No Response Received	
Final Determination Issued:	December 31, 2024	Response Due	January 30, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department for the Aging’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Department for the Aging’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 16, 2024, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
4. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.
6. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
7. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
8. Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender,

veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

9. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 31, 2024, which indicated that the following areas required corrective action: no(s). 1 through 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 31, 2024 and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Lorraine Cortes-Vazquez to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
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BY EMAIL

December 31, 2024

Bridget Brennan
Special Narcotics Prosecutor
Office of the Special Narcotics Prosecutor for the City of New York
80 Centre Street
New York, NY 10013

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-906-(2024)

Dear Special Narcotics Prosecutor Brennan:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024

Response Received: December 30, 2024

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Office of the Special Narcotics Prosecutor's efforts to eliminate areas of non-compliance, if any; and (2) the Office of the Special Narcotics Prosecutor respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of the Special Narcotics Prosecutor's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of the Special Narcotics Prosecutor is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of the Special Narcotics Prosecutor must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of the Special Narcotics Prosecutor will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of the Special Narcotics Prosecutor intends to implement it, and (2) what steps the Office of the Special Narcotics Prosecutor has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of the Special Narcotics Prosecutor will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the Office of the Special Narcotics Prosecutor is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of the Special Narcotics Prosecutor was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of the Special Narcotics Prosecutor to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Thomas Van Noy, Principal EEO Professional, OSNP
Logan Pace, EEO Program Analyst, EEPC
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"OSNP currently issues and distributes an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. OSNP does that by putting a hard copy of each policy in the mailbox of an employee, posting a hard copy of the policies on HR bulletin boards in the agency, and by emailing them to employees. Attached are examples of those methods. OSNP will ensure that all links to the policy, procedures, and related forms are operable and that all documents are current. The Agency Head does sign the hard copy of the policy statements that are copied and distributed to staff in their mailboxes and are then posted on the HR bulletin board. The Agency Head will electronically sign any electronic copies of the documents going forward as well."*

EEPC Response: The EEPC accepts the entity's response and submitted documentation in the form of an email to all staff that demonstrates employees were provided the EEO policy statement. Corrective Action #1 has been implemented.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"OSNP currently distributes a copy of the City of New York Equal Employment Opportunity Policy that includes city, state, and federal EEO laws and the contact information for federal, state, and local agencies that enforce laws against discrimination. The copy of the policy is distributed in hard copy in the employees' mailboxes and also electronically emailed to them in the annual distribution of policies. See attached example of distribution methods."*

¹ Excerpts are italicized.



EEPC Response: The EEPC accepts the entity's response and submitted documentation in the form of an email to all staff and bulletin board posting, that demonstrates employees were provided the agency EEO policy. Corrective Action #2 has been implemented.

Corrective Action 7: Provide documentation via email distribution that demonstrates employees were notified annually of the Disability Rights Coordinator's identity and contact information.

Agency Response: "OSNP staff were advised of the Disability Rights Coordinator's identity and contact information in several of the policy documents distributed to the staff. See attached distribution methods document. The Disability Rights Coordinator will complete the Disability Etiquette training recommended by the EEPC by January 2025 to insure he is fully informed of the laws and rules pertaining to the matter."

EEPC Response: The EEPC accepts the entity's response and submitted documentation in the form of an email to all staff that includes the *EEO Duties and Responsibilities of Agency Personnel*, provided as confirmation that employees were notified of the Disability Rights Coordinator's identity and contact information. Corrective Action #7 has been implemented.

Corrective Action 8: Provide documentation via email distribution that demonstrates employees were annually informed of the location of the reasonable accommodation procedure.

Agency Response: "OSNP staff were annually informed of the reasonable accommodation procedures as those procedures were distributed to the staff in hard-copy form, posted on the HR bulletin board, and emailed to the staff. See attached distribution methods pdf."

EEPC Response: The EEPC accepts the entity's response and submitted documentation in the form of an email to all staff that includes the reasonable accommodation procedure, provided as confirmation that Corrective Action #8 has been implemented.

Corrective Action 9: Ensure that the principal EEO Professional, principal Human Resources Professional, and Agency Head conduct annual reviews of the entity's statistical information to determine barriers to employment and actions required to mitigate underutilization. Provide documentation of the data reviewed, barriers identified, and strategy to address barriers.

Agency Response: "OSNP's EEO Officer, principal HR professionals, and the Agency Head meet at least monthly to discuss HR-related issues in the office including the recruitment and hiring of staff, and the mitigation of underutilization of any particular race, ethnic background or gender in the composition of our staff. We have not taken minutes at those meetings and we do not generate meeting agendas. Going forward, a quarterly meeting will be held to discuss statistical information and barriers to employment and an email will be generated by the EEO Officer to the Agency Head and principal HR professionals post-meeting to memorialize any policy decisions related to those matters."

It should be noted that OSNP is not a typical City agency and is limited on how it can hire its staff. While OSNP has control over whom it hires for non-legal positions within the office, it does not have control over the hiring of its legal staff. All OSNP legal staff are hired by one of the City's five District Attorney's Offices. They are then assigned to work in OSNP by their home office. OSNP does not have any control over the race, ethnicity, or gender of who is assigned. Over the past number of years, OSNP has worked diligently with the City's five District Attorneys to address underutilization reflected in CEEDs reports. Because OSNP's legal staff are considered "Managers" for purposes of CEEDs reports, and we do not have direct control over the legal staff sent to us by the District Attorneys, we have [sic] will continue to work with the City's five District



Attorneys to help us address underutilization of “Blacks” in our manager numbers. However, they too have reported experiencing underutilization of black legal staff. As a result of requests by our Agency Head and Chief Assistant District Attorney, the five District Attorney Offices have granted OSNP permission to post and recruit for legal staff, and will then evaluate applicant attorneys to potentially hire and assign to our office. This has given OSNP some opportunity to try to correct the underutilization of blacks in our legal staff. However, we do not have direct control over our legal staffing hires.”

EEPC Response: The EEPC accepts the entity’s response that addresses the hiring limitations of the agency for legal staff and overall mitigation of underutilization for black employees. Corrective Action #9 has been implemented.

Corrective Action 10: Provide documentation of a complete applicant tracking log for each hire, and the entire applicant to hire process that tracks all required sections, including, the applicant’s veteran status, interview date, interviewer’s names, result (disposition), reason selected/not selected, and recruitment source.

Agency Response: *“An amended document based on data in Applicant Stack with all the criteria/information requested by the EEPC including veteran status, interview date, interviewer names, result, reason selected/not selected, and recruitment source is attached.”*

EEPC Response: The EEPC accepts the entity’s response and documentation of an applicant tracking log that includes all required sections, provided as confirmation that Corrective Action #10 has been implemented.

Corrective Action 11: Provide documentation via email distribution that employees were notified of the identity and information available to them from the Career Counselor.

Agency Response: *“OSNP does annually notify employees of the identity, contact information, and type of guidance available from its Career Counselor via the policy documents it distributes annually. See attachment related to distribution of policy statements.”*

EEPC Response: The EEPC accepts the entity’s response and submitted documentation in the form of an email to all staff, that demonstrates employees were notified of the identity and information available to them from the Career Counselor, outlined within the EEO policy. Corrective Action #11 has been implemented.

Corrective Action 12: Ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, and job postings.

Agency Response: *“OSNP annually conducts performance evaluations for employees that includes the review by employees of documents pertaining to their tasks and standards and the evaluation of their performance by their superiors. See attachment for example pertaining to the position of Senior Rackets Investigator within OSNP. Going forward, OSNP will also annually review the tasks and standards and the job posting for each position within OSNP to make sure the tasks and standards are up to date and do not create unnecessary barriers to candidates applying for positions within OSNP. An email documenting the results of those annual meetings will be drafted by the EEO Officer and distributed to the Agency Head, Chief Assistant District Attorney, and the principal HR professionals.”*



EEPC Response: The EEPC accepts the entity's response and documentation of performance evaluation standards, job responsibilities, and job postings, provided as confirmation that Corrective Action #12 has been implemented.

Corrective Action 13: Provide documentation in the form of email correspondence, meeting minutes, or memorandum that EEO, HR, and agency leadership annually assessed the manner in which candidates are selected for employment in discretionary titles.

Agency Response: *"OSNP will conduct annual meetings to assess the manner in which candidates are selected for employment in discretionary titles. A post-meeting email will be drafted by the EEO Officer and distributed to the Agency Head, Chief Assistant District Attorney, and the principal HR professionals to memorialize what was discussed and the changes, if any, in policy as a result of those discussions. As discussed above in Corrective Action # 9, OSNP has had meetings concerning the underutilization of Blacks in our Manager group and is taking action within its power to remedy the situation."*

EEPC Response: The EEPC accepts the entity's response that addresses the hiring limitations of the agency for legal staff and overall mitigation of underutilization for black employees in discretionary titles. Corrective Action #13 has been implemented.

Corrective Action 14: Provide documentation in the form of email correspondence, meeting minutes, or memorandum that EEO, HR, and agency leadership annually assessed the manner in which candidates are selected for employment in civil service titles.

Agency Response: *"OSNP will conduct annual meetings to assess the manner in which candidates are selected for employment in civil service titles. A post-meeting email will be drafted by the EEO Officer and distributed to the Agency Head, Chief Assistant District Attorney, and the principal HR professionals to memorialize what was discussed and the changes, if any, in policy as a result of those discussions. Please note, most of our employees are hired under non-competitive civil service titles that do not require a formal civil service examination and therefore this matter does not come up to often in discussions."*

EEPC Response: The EEPC accepts the entity's response that addresses the hiring limitations of the agency for legal staff and overall mitigation of underutilization for black employees in civil service titles. Corrective Action #14 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #3: Submit to the EEPC quarterly reports and EEO training summaries within 30 days following each quarter and provide a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.

Agency Response: *"The agency will submit directly to the EEPC going forward quarterly reports and EEO training summaries within 30 days following each quarter and provide a breakout of complaint activity, or affirmation of no complaints, for each quarterly report and will not wait for DCAS CEI to approve our EEO Annual plans and quarterly reports which has proven to be difficult because we are required to use their templates, which are not currently compatible with our technology."*



EEPC Response: The EEPC recognizes the entity's response and commitment to implementing Corrective Action #3. To demonstrate compliance, provide documentation of quarterly reports and EEO training summaries within 30 days following each quarter and provide a breakout of complaint activity, or affirmation of no complaints, for each quarterly report. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action 4: Provide documentation via training logs or EEO training summary reports that all employees completed biennial LGBTQ: The Power of Inclusion training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees training.

Agency Response: *"OSNP's EEO Officer notifies staff on an annual basis that they are required to complete certain EEO-related training classes as directed by city policy. While we were unable to achieve 100% compliance for all staff members, a significant percentage of staff have completed the required trainings. Recently we have had trouble in having staff complete the required EEO-related required trainings because DCAS has switched to a new platform called NYCityLearn to host the training programs. The new platform has presented many problems for our agency, and many staff have been unable to log into the new platform in spite of our many attempts to correct the problems by consulting with technical staff assigned to maintain the platform. We will continue our efforts to overcome these problems. Our goals are to have all staff complete: the Everybody Matters on-line training by March 31, 2025 (cycle 2), and the Sexual Harassment Prevention online training by May 2025 (cycle 7). Once these goals are met, our staff will be up to date with the mandated cycles for each training program."*

EEPC Response: The EEPC recognizes the entity's response and commitment to implementing Corrective Action #4. To demonstrate compliance, provide documentation via training logs or EEO training summary reports that all employees completed biennial LGBTQ: The Power of Inclusion training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees training. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action 5: Provide training documentation via training summary report or certificates of completion that each EEO Professional appointed by the agency completes training pertaining to LGBTQ, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees.

Agency Response: *"OSNP's EEO Officer currently does not have "Administrator Rights" to the training platform since it moved to NYCityLearn. As a result, our office cannot run reports to determine which employees, including EEO Professionals, have completed what EEO-related training classes. The EEO officer is continuing his efforts to obtain the access required to run reports. The EEO Officer will remind the EEO Professionals of their need to complete all the EEO-related trainings including the Sexual Harassment Prevention and Everybody Matters training courses and will run reports when access is granted, to verify they have completed the required trainings. Our goal is to have all EEO Professionals up to date with City mandated training cycles by March 2025."*

EEPC Response: The EEPC recognizes the entity's response and commitment to implementing Corrective Action #5. To demonstrate compliance, provide training documentation via training summary report or certificates of completion that each EEO Professional appointed by the agency completed training pertaining to LGBTQ, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees. Documentation that verifies implementation will be reviewed during the compliance monitoring period.



Corrective Action 6: Provide training documentation via training summary reports or certificates of completion that personnel involved in the hiring and recruitment process completed Structured Interviewing and Unconscious Bias training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees.

Agency Response: *“OSNP will provide reports pertaining to hiring and recruitment staff completing the Structured Interviewing and Unconscious Bias training and the Everybody Matters training when administrator access to NYCityLearn has been granted to the EEO Officer, so he can provide reports. Our goal is to have all hiring and recruitment staff complete the Structured Interviewing and Unconscious Bias training by March 2025.”*

EEPC Response: The EEPC recognizes the entity’s response and commitment to implementing Corrective Action #6. To demonstrate compliance, provide training documentation via training summary reports or certificates of completion that personnel involved in the hiring and recruitment process completed Structured Interviewing and Unconscious Bias training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-906-(2024)
Office of the Special Narcotics Prosecutor
Special Narcotics Prosecutor Bridget Brennan
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 14		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	December 30, 2024
Final Determination Issued:	December 31, 2024	Response Received	January 28, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Special Narcotics Prosecutor’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Special Narcotics Prosecutor’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following corrective actions

required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Submit to the EEPC quarterly reports and EEO training summaries within 30 days following each quarter and provide a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
4. Provide documentation via training logs or EEO training summary reports that all employees completed biennial LGBTQ: The Power of Inclusion training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees training.
5. Provide training documentation via training summary report or certificates of completion that each EEO Professional appointed by the agency completes training pertaining to LGBTQ, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees.
6. Provide training documentation via training summary reports or certificates of completion that personnel involved in the hiring and recruitment process completed Structured Interviewing and Unconscious Bias training, and Everybody Matters: EEO and Diversity & Inclusion for NYC Employees.
7. Provide documentation via email distribution that demonstrates employees were notified annually of the Disability Rights Coordinator's identity and contact information.
8. Provide documentation via email distribution that demonstrates employees were annually informed of the location of the reasonable accommodation procedure.
9. Ensure that the principal EEO Professional, principal Human Resources Professional, and Agency Head conduct annual reviews of the entity's statistical information to determine barriers to employment and actions required to mitigate underutilization. Provide documentation of the data reviewed, barriers identified, and strategy to address barriers.
10. Provide documentation of a complete applicant tracking log for each hire, and the entire applicant to hire process that tracks all required sections, including, the applicant's veteran status, interview date, interviewer's names, result (disposition), reason selected/not selected, and recruitment source.

11. Provide documentation via email distribution that employees were notified of the identity and information available to them from the Career Counselor.
12. Ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, and job postings.
13. Provide documentation in the form of email correspondence, meeting minutes, or memorandum that EEO, HR, and agency leadership annually assessed the manner in which candidates are selected for employment in discretionary titles.
14. Provide documentation in the form of email correspondence, meeting minutes, or memorandum that EEO, HR, and agency leadership annually assessed the manner in which candidates are selected for employment in civil service titles.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 31, 2024, which indicated that the following areas required corrective action: no(s). 3, 4, 5, 6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 31, 2024, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Special Narcotics Prosecutor Bridget Brennan to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

January 3, 2025

Kevin Holloran
Executive Director
New York City Police Pension Fund
233 Broadway, 25th Floor
New York, New York 10279

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-256-(2025)

Dear Executive Director Holloran:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024

Response Received: January 2, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the New York City Police Pension Fund's efforts to eliminate areas of non-compliance, if any; and (2) the New York City Police Pension Fund respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the New York City Police Pension Fund's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the New York City Police Pension Fund is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The New York City Police Pension Fund must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgment, the New York City Police Pension Fund will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the New York City Police Pension Fund intends to implement it, and (2) what steps the New York City Police Pension Fund has taken, or will take, to correct it during the designated compliance monitoring period.

The New York City Police Pension Fund will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the New York City Police Pension Fund is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the New York City Police Pension Fund was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the New York City Police Pension Fund to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Alana Bassit, Principal EEO Professional
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.

Agency Response: *"On December 24, 2024, the PPF emailed the EEPC to advise them that we do not agree with the determination of non-compliance for this subject area. The PPF completed the PIQ's indicating that the agency has established and utilizes the DCAS complaint database (CAD) to analyze activity and trends. The PIQ responses were attached for reference and the PPF asked if this corrective action was still warranted as a result."*

On December 26, 2024, the EEPC asked to confirm the PPF's access to the DCAS complaint database (CAD) tracking system and to provide a redacted screenshot. On December 27, 2024, screenshots were provided to confirm the access that the PPF has to the DCAS complaint database. As a reminder, we did not have any complaints for the period in question.

On December 30, 2024, the EEPC accepted the supporting documentation. Re-submittal of supporting documentation is included in Appendix A."

EEPC Response: The EEPC accepts the entity's response and submitted documentation to demonstrate that the entity has not had any complaints during the review period and has access to a complaint tracking system with the required fields. Corrective Action #1 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #2: Provide documentation to demonstrate that, during the period in review, its Reasonable Accommodation process was distributed to all employees or that it ensured that all employees were annually informed of the location of its reasonable accommodation process.

Agency Response: *"Moving forward, the PPF will annually inform employees of the Reasonable Accommodation process and ensure it is distributed to all employees including its location."*

¹ Excerpts are italicized.



EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #2. To demonstrate compliance, provide documentation that the reasonable accommodation process was distributed to all employees or that all employees were informed of the location of the reasonable accommodation process. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action #3: Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *The PPF will remind employees of the identity and guidance available from the Career Counselor on an annual basis."*

EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #3. To demonstrate compliance, provide documentation that employees were notified of the Career Counselor's identity and contact information, and the type of guidance available. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2024AP/278-256-(2025)
New York City Police Pension Fund
Executive Director Kevin Holloran
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 3		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 2, 2025
Final Determination Issued:	January 3, 2025	Response Received	January 28, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Police Pension Fund’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Police Pension Fund’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following corrective actions

required to remedy areas of non-compliance:

1. Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.
2. Provide documentation to demonstrate that, during the period in review, its Reasonable Accommodation process was distributed to all employees or that it ensured that all employees were annually informed of the location of its reasonable accommodation process.
3. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 3, 2025, which indicated that the following areas required corrective action: no(s). 2, and 3; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 3, 2025, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Executive Director Kevin Holloran to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

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212. 676.2724 fax

BY EMAIL

January 3, 2025

Lynelle Maginley-Liddie
Commissioner
Department of Correction
75-20 Astoria Blvd. South
East Elmhurst, New York 11370

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-072-(2025)

Dear Commissioner Maginley-Liddie:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024
No Response Received.

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Department of Correction's efforts to eliminate areas of non-compliance, if any; and (2) the Department of Correction respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Department of Correction's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Department of Correction is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Department of Correction must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Department of Correction will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Department of Correction intends to implement it, and (2) what steps the Department of Correction has taken, or will take, to correct it during the designated compliance monitoring period.

The Department of Correction will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the Department of Correction is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Department of Correction was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Department of Correction to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Elizabeth Lundi, Principal EEO Professional

Menelik Allsop, Director of Audits, EEPC

Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC

Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of corrective action #1 during the assigned compliance monitoring period.

Corrective Action #2: Provide documentation to demonstrate that all personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of corrective action #2 during the assigned compliance monitoring period.

Corrective Action #3: Ensure that the principal EEO Professional, Principal Human Resources Professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of corrective action #3 during the assigned compliance monitoring period.

Corrective Action #4: Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring

¹ Excerpts are italicized.



decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of corrective action #4 during the assigned compliance monitoring period.

Corrective Action #5: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: No optional response received.

EEPC Response: The EEPC will monitor implementation of corrective action #5 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-072-(2025)
Department of Correction
Commissioner Lynelle Maginley-Liddie
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 5	
Period Audit Covered:	July 1, 2021 to December 31, 2023	
Preliminary Determination Issued:	December 20, 2024	No Response Received
Final Determination Issued:	January 3, 2025	Response Due February 2, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Department of Correction’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Department of Correction’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary

Determination, dated December 20, 2024, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.
2. Provide documentation to demonstrate that all personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.
3. Ensure that the principal EEO Professional, Principal Human Resources Professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.
4. Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.
5. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Whereas, within a two-week deadline following the EEP's Preliminary Determination, the entity did not submit a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEP issued a Final Determination on January 3, 2025, which indicated that the following areas required corrective action: no(s). 1-5; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEP assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to

respond to the Final Determination within thirty (30) days of January 3, 2025 and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore,**

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Lynelle Maginley-Liddie to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

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212. 676.2724 fax

BY EMAIL

January 10, 2025

Michael E. McMahon
District Attorney
Office of the Richmond County District Attorney
130 Stuyvesant Place
Staten Island, New York 10301

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021, to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-905-(2025)

Dear District Attorney McMahon:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024

Response Received: January 3, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Office of the Richmond County District Attorney's efforts to eliminate areas of non-compliance, if any; and (2) the Office of the Richmond County District Attorney respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of the Richmond County District Attorney's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of the Richmond County District Attorney is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of the Richmond County District Attorney must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of the Richmond County District Attorney will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of the Richmond County District Attorney intends to implement it, and (2) what steps the Office of the Richmond County District Attorney has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of the Richmond County District Attorney will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently, if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If Office of the Richmond County District Attorney is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of the Richmond County District Attorney unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of the Richmond County District Attorney to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

c: Monique Jones Hardwick, Principal EEO Professional, RCDA
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Tanisha Springer, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.

Agency Response: *"RCDA will start to utilize the EEO complaint system that is available for city agencies effective immediately."*

EEPC Response: The EEPC will monitor implementation of corrective action #1 during the assigned compliance monitoring period.

Corrective Action #2: Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.

Agency Response: *"RCDA has completed for fiscal year 2023 - the annual EEO plan, as well as the quarterly reports regarding plan implementation (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #2 during the assigned compliance monitoring period.

Corrective Action #3: Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.

Agency Response: *"RCDA has completed the EEO training report for fiscal year 2023 (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #3 during the assigned compliance monitoring period.

¹ Excerpts are italicized.



Corrective Action #4: Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: *"The EEO professional has completed the DCAS EEO Officers overview training, however there is no certificate of completion for the course (please see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #4 during the assigned compliance monitoring period.

Corrective Action #5: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: *"The EEO counselors did complete the EEO overview training; however, there is no certificate of completion for the courses. The EEO Officer has the slide deck for the training and has forwarded to the EEO Counselors to use as a resource (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #5 during the assigned compliance monitoring period.

Corrective Action #6: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: *"All RCDA employees have received the required interview training (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #6 during the assigned compliance monitoring period.

Corrective Action #7: Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.

Agency Response: *"The EEO officer along with the EEO Counselors did attend the reasonable accommodation training provided by DCAS. The EEO Officer has the slide deck for the training and has forwarded to the EEO Counselors to use as a resource (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #7 during the assigned compliance monitoring period.

Corrective Action #8: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City



government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *"The RCDA does have a career Counselor - Chief Assistant, [Redacted], and will be sure to disseminate this information along with a description of duties to the agency annually (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #8 during the assigned compliance monitoring period.

Corrective Action #9: Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"The RCDA does have a career Counselor - Chief Assistant, [Redacted], and will be sure to disseminate this information along with a description of duties to the agency annually (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #9 during the assigned compliance monitoring period.

Corrective Action #10: Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Agency Response: *"Human Capital submits all resumes to the career counselor for review of qualifying skills for all of RCDA's vacancies (see attached)."*

EEPC Response: The EEPC will monitor implementation of corrective action #10 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-905-(2025)
Office of the Richmond County District Attorney
District Attorney Michael E. McMahon
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 10		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 3, 2025
Final Determination Issued:	January 10, 2025	Response Due	February 9, 2025
Compliance-Monitoring:	Required		February 1, 2025 to May 31, 2025

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Richmond County District Attorney’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Richmond County District Attorney’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following

corrective actions required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures and related forms are operable and that all documents are current.
2. Submit to the EEPD an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
3. Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.
4. Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
5. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.
7. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
8. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

9. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding: job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.
10. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 10, 2025, which indicated that the following areas required corrective action: no(s). 1 through 10; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 10, 2025, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to District Attorney Michael E. McMahon to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

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BY EMAIL

January 10, 2025

Matthew Fraser
Chief Technology Officer
New York City Office of Technology and Innovation
2 MetroTech Center, P1
Brooklyn, New York 11201

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021, to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-858-(2025)

Dear Chief Technology Officer Fraser:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 23, 2024

Response Received: January 6, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor New York City Office of Technology and Innovation's efforts to eliminate areas of non-compliance, if any; and (2) the New York City Office of Technology and Innovation respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the New York City Office of Technology and Innovation's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the New York City Office of Technology and Innovation is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The New York City Office of Technology and Innovation must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the New York City Office of Technology and Innovation will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the New York City Office of Technology and Innovation intends to implement it, and (2) what steps the New York City Office of Technology and Innovation has taken, or will take, to correct it during the designated compliance monitoring period.

The New York City Office of Technology and Innovation will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently, if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the New York City Office of Technology and Innovation is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the New York City Office of Technology and Innovation was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the New York City Office of Technology and Innovation to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

c: Rachel Alba, Principal EEO Professional, OTI
Menelik Allsop, Director of Audits
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Tanisha Springer, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"The annual commitment statement and an EEO policy statement from the agency head were emailed to all staff on May 9, 2024. The policy statement includes active links to the EEO Policy and related policy documents, the New York City Human Rights Law, and the name and contact information for the agency's principal EEO professional. Staff were also notified that all EEO documents were posted on the agency intranet page. The EEO Office will also ensure that the Agency Head signs future policy statements. (pages 9-15)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #1 has been implemented.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and all documents are current.

Agency Response: *"The annual commitment statement and an EEO policy statement from the agency head were emailed to all staff on May 9, 2024. The policy statement includes active links to the EEO Policy and related policy documents, the New York City Human Rights Law, and the name and contact information for the agency's principal EEO professional. Staff were also notified that all EEO documents were posted on the agency intranet page. The EEO Office will also ensure that the Agency Head signs future policy statements. (pages 9-15)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #2 has been implemented.

¹ Excerpts are italicized.



Corrective Action #3: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: *"The EEO Office currently only has two full-time staff after the unit's EEO Investigator left the agency in October 2024. A Diversity & Wellness Specialist joined the unit after the audit period, and their training history from May 2023 to present is attached. The Diversity & Wellness specialist has taken the mandatory trainings including Sexual Harassment Prevention and Everybody Matters and has also taken the Reasonable Accommodation Procedural Guidelines, EEO Essentials and Intersectionality: EEO Investigation webinars. Future EEO staff will be required to complete all mandatory EEO trainings and other EEO trainings related to their job functions. (page 16)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #3 has been implemented.

Corrective Action #4: Annually inform employees of the Disability Rights Coordinator's contact information.

Agency Response: *"The contact information for the ADA Coordinator (Disability Rights Coordinator) is listed on the agency's intranet page. This information will also be included in the 2025 policy statement. (page 17)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #4 has been implemented.

Corrective Action #5: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: *"The reasonable accommodation process is posted on the intranet, and employees were advised of the location of all EEO documents in the May 9, 2024 email from the Agency Head (see Corrective Actions 1 & 2). The links to DCAS' Reasonable Accommodation Brochure, Reasonable Accommodation Procedural Guidelines, and Reasonable Accommodations at a Glance were also linked in the EEO policy statement. New employees are informed about the reasonable accommodation process during the orientation process. (page 18-19)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #5 has been implemented.

Corrective Action #6: Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: "

- *The principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the agency's statistical information on a quarterly basis. Copies of CEEDS review meeting agendas are attached. The EEO Office and Human Resources will follow up these meetings with discussions of possible recruiting efforts and results/metrics, impact of outreach, etc., and will maintain a file of the agendas, minutes and follow up action items. (page 20-28)*
- *The EEO Office will include information on the specific titles that comprise the job groups which exhibit underutilization moving forward."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #6 has been implemented.

Corrective Action #8: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: “

- *OTI has developed and launched a robust Career Counseling program available to all OTI employees. An agencywide email and flyer (see attached) was distributed to all OTI employees on August 19, 2024, as well as being posted at all OTI sites. OTI/HR offers employees in person or remote sessions to obtain information, included but not limited to the in [sic] the following areas: Provide one-on-one Consultation and Coaching; Civil Service Guidance; Civil Service; Civil Service Appointment Status; Civil Service Title and Classification; Resume Building; Interview Preparation; Training and Development; and Promotions and other advancement opportunities.*
- *OTI employees are instructed to complete a Career Counseling form and that is recorded and tracked to include requests and appointment sessions.*
- *OTI's designated Career Counselor comes with years' experience in this field and has successfully completed an extensive professional Career Counseling training course with the City College's Continuing and Professional Studies program and is now certified in this field (see official certificate attached). The Career Counselor, as well as other members of the team, will also attend a Career Counseling training session hosted by DCAS on January 30, 2025. (page 29-31)"*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #8 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #7: Assess recruitment efforts by, at minimum, ensuring the following are completed and practiced: 1.) maintain a record of job advertisements and list of recruitment sources for each job group/title experiencing underutilization; 2.) review applicant demographics to identify the number of protected applicants yielded by each recruitment source; 3.) eliminate recruitment sources that do not yield a practical number of relevant qualified applicants; 4.) update the recruitment sources list to increase the effectiveness of targeted diversity recruitment initiatives by: engaging in activities such as identifying relevant professional

and community organizations serving women, minorities, and other protected groups throughout the City, advertising in target-oriented media, participating in job fairs, and/or utilizing internships to attract interested and qualified persons in the target audiences; and 5.) utilize the updated recruitment sources list when positions become available or where the entity may otherwise use discretion in hiring. Document each step taken to assess recruitment efforts and address adverse impact.

Agency Response: “

- *OTI has very recently received approval to hire a new Senior Technical Recruiter. The identified candidate possesses an MBA in Human Resources & Marketing and 12+ years of work experience as a successful Tech Recruiter as well as multiple certifications related to DEI and recruitment. Once onboarded, this role will be responsible for expanding and developing OTI's Diversity and Inclusion programs and initiatives as it relates to diverse recruitment efforts, as well as managing mandated EEPC audits and local laws. The Tech Recruiter address all concerns listed above and will oversee the following diversity functions:*
 - *Manage the adherence and reporting of Local Law 28 mandating all agencies to submit annual Diverse Recruitment and Examination Reports to include recruiting events attended, expenditures used, and materials created related to promoting civil service exams; as well as training programs required for civil service appointments.*
 - *Participate in mandated EEPC audits and provide responses with regards to recruitment best practices.*
 - *Proactively develop a diversity recruitment strategy and best practices to recruit skilled IT professionals.*
 - *Maintain and continually update an effective recruitment sources spreadsheet to increase the effectiveness of targeted diversity recruitment initiatives by engaging in activities such as identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the City.*
 - *Focus on recruitment efforts as it relates to promoting equity, increasing diversity, assuring equal employment opportunity, and enhancing the value of inclusion.*
 - *Research and explore ways to attract, build, retain and promote a diverse and inclusive workforce.*
 - *Identify and foster relationships with diverse professional organizations.”*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #7. The EEPC will monitor implementation of corrective action #7 during the assigned compliance monitoring period.

Corrective Action #9: Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by annually: 1.) identifying job groups experiencing underutilization and the (non-competitive class) job titles in those groups; 2.) assessing the selection procedures within each job group/relevant title to identify barriers that may exclude certain groups; 3.) assessing the relevancy of selection criteria for measuring job suitability; 4.) discontinuing use of criteria that are not job-related; and 5.) adopting selection methods that reduce adverse impact. Document each step the entity has taken to identify and address adverse impact in selection criteria and selection methods.

Agency Response: “

- *As part of the OTI's efforts to adopt selection methods that reduce adverse impact, Structured Interviewing and Unconscious Bias training was delivered to over 250 employees over the course of*

2024, including hiring managers and other employees involved in the selection process. This training was followed up with a compliance phase, which included interview question reviews, observations of virtual and in-person interviews by EEO and HR staff, and follow-up recommendations on best practices from EEO and HR. (page 32-49)

- OTI will, to the best of its abilities, review (and document its review of) the required competencies and skills for available positions (as presented in job vacancy notices) to ensure that these standards are updated, job-related and required by business necessity. The minimum qualifications for non-competitive class job titles are determined by DCAS, and OTI will continue to hire according to those guidelines.
- OTI has very recently received approval to hire a new Senior Technical Recruiter. Once onboarded, this role will be responsible for expanding and developing OTI's Diversity and Inclusion programs and initiatives as it relates to diverse recruitment efforts, as well as managing mandated EEPC audits and local laws. The Tech Recruiter address all concerns listed above and will oversee the following functions (see Corrective Action #7):
 - Manage the adherence and reporting of Local Law 28 mandating all agencies to submit annual Diverse Recruitment and Examination Reports to include recruiting events attended, expenditures used, and materials created related to promoting civil service exams; as well as training programs required for civil service appointments.
 - Participate in mandated EEPC audits and provide responses with regards to recruitment best practices.
 - Working closely with the Office of the EEO, will determine annually any adverse impact upon a particular racial, ethnic, disability, or gender group."

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #9. The EEPC will monitor implementation of corrective action #9 during the assigned compliance monitoring period.

Corrective Action #10: Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Agency Response: “

- OTI/HR will continue to send out monthly notification emails to all OTI employees regarding available DCAS Civil Service 101 Seminars, as well as information regarding all open-competitive exams being offered monthly. OTI/HR additionally will continue to send out notifications to all OTI employees regarding OTI appropriate exams being offered, as well as targeted emails to eligible employees regarding promotion exam opportunities open for filing. Please note, the minimum qualification requirements and notices of examination are managed by DCAS. (page 50-95)
- The Senior Technical Recruiter and OTI Career Counselor will be tasked to work closely with the Office of the EEO to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group.



- *OTI's provisional employees are tracked continually to aide in assisting them with obtaining civil service status. However, it is important to mention that OTI's provisional rate is very low, averaging approximately 5%.*
- *OTI will, to the best of its abilities, review (and document its review of) the preferred skills (as presented in job vacancy notices) for available positions to ensure that these standards are updated, job-related and required by business necessity. The minimum qualifications and the qualifications listed in notices of examination are established by DCAS, and OTI will continue to hire according to those guidelines."*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #10. The EEPC will monitor implementation of corrective action #10 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-858-(2025)
New York City Office of Technology and Innovation
Chief Technology Officer Matthew Fraser
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 10		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 23, 2024	Response Received	January 6, 2025
Final Determination Issued:	January 10, 2025	Response Due	February 9, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Office of Technology and Innovation’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Office of Technology and Innovation’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 23, 2024, setting forth findings and the following

corrective actions required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and all documents are current.
3. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
4. Annually inform employees of the Disability Rights Coordinator's contact information.
5. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
6. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.
7. Assess recruitment efforts by, at minimum, ensuring the following are completed and practiced: 1.) maintain a record of job advertisements and list of recruitment sources for each job group/title experiencing underutilization; 2.) review applicant demographics to identify the number of protected applicants yielded by each recruitment source; 3.) eliminate recruitment sources that do not yield a practical number of relevant qualified applicants; 4.) update the recruitment sources list to increase the effectiveness of targeted diversity recruitment initiatives by: engaging in activities such as identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, advertising in target-oriented media, participating in job fairs, and/or utilizing internships to attract interested and qualified persons in the target audiences; and 5.) utilize the updated recruitment sources list when positions become available or where the entity may otherwise

use discretion in hiring. Document each step taken to assess recruitment efforts and address adverse impact.

8. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
9. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by annually: 1.) identifying job groups experiencing underutilization and the (non-competitive class) job titles in those groups; 2.) assessing the selection procedures within each job group/relevant title to identify barriers that may exclude certain groups; 3.) assessing the relevancy of selection criteria for measuring job suitability; 4.) discontinuing use of criteria that are not job-related; and 5.) adopting selection methods that reduce adverse impact. Document each step the entity has taken to identify and address adverse impact in selection criteria and selection methods.
10. Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group by: 1.) identifying job groups experiencing underutilization and the competitive class job titles in those groups; 2.) reviewing the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure they are updated, job-related, and required by business necessity, including working with DCAS if applicable; and 3.) targeting efforts to inform and encourage entity employees to apply for upcoming civil service and promotional civil service examinations. Document each step the entity has taken to assess selection criteria and address adverse impact where identified.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 9, 2025, which indicated that the following areas required corrective action: no(s). 7, 9, and 10; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 10, 2025, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment,

payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chief Technology Officer Matthew Fraser to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
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Commissioners

Jeanne M. Victor
Executive Director

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New York, NY 10007

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BY EMAIL

January 13, 2025

Donovan Richards
Queens Borough President
Office of the Queens Borough President
120-55 Queens Boulevard
Kew Gardens, New York 11424

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-013-(2025)

Dear Borough President Richards:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 23, 2024

Response Received: January 7, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Office of the Queens Borough President's efforts to eliminate areas of non-compliance, if any; and (2) the Office of the Queens Borough President respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of the Queens Borough President's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of the Queens Borough President is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of the Queens Borough President must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of the Queens Borough President will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of the Queens Borough President intends to implement it, and (2) what steps the Office of the Queens Borough President has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of the Queens Borough President will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the Office of the Queens Borough President is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of the Queens Borough President was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of the Queens Borough President to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Lisa Atkins, Principal EEO Professional
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Issue and distribute an Annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"We request that this corrective action be withdrawn due to recent compliance. QBPO issued its Annual EEO Policy Statement from the agency head on December 24, 2024. Attachment 1 to this correspondence is a record of that all-staff communication. Our office will continue to issue an EEO Policy Statement to all staff on an annual basis."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #1 has been implemented. An email distributed to all QBP employees on December 24, 2024 demonstrated that it issued and distributed an annual EEO commitment/policy statement from the Agency Head, which included the entity's commitment to EEO and the names and contact information of the entity's principal EEO Professional.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. QBPO e-mailed a copy of its EEO Policy to all employees most recently on December 24, 2024 (proof of which is in Attachment 1), but our office's EEO Policy had previously been shared with all staff on multiple occasions during the audit period and also throughout the audit period was physically posted in our office's break room (pictures of which are included in Attachment 2, with the updated EEO Policy Statement also posted). We will continue to share the policy with all staff on at least an annual basis."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #2 has been implemented.

¹ Excerpts are italicized.

Corrective Action #3: Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. QBPO uses the DCAS Citywide Complaint and Reasonable Accommodation Database (CAD) to track the status of EEO complaints and reasonable accommodation requests. Please advise us what proof is needed to withdraw this proposed corrective action."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #3 has been implemented. Screenshots of DCAS' *Citywide Complaint and Reasonable Accommodation Database* indicate that the QBP's principal EEO Professional had access to a complaint tracking system.

Corrective Action #9: Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. [The principal EEO Professional] is designated as QBPO's Disability Rights Coordinator and, as discussed, is familiar with laws and policies pertaining to persons with disabilities. She documents all reasonable accommodation requests in the CAD system. Her contact information was provided to all staff on multiple occasions during the audit period and most recently on December 24, 2024, as demonstrated in Attachment 1."*

EEPC Response: The EEPC accepts the entity's response and submitted documentation to demonstrate that it designated an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies about persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Corrective Action #9 has been implemented.

Corrective Action #10: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. QBPO e-mailed a copy of its reasonable accommodation process, included with its EEO Policy, to all employees most recently on December 24, 2024 (proof of which is in Attachment 1), but our office's reasonable accommodation process had previously been shared with all staff on multiple occasions during the audit period, and also throughout the audit period was physically been posted in our office's break room (pictures of which are included in Attachment 2, with the updated EEO Policy Statement also newly posted). We will continue to share the process with all staff on at least an annual basis."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #10 has been implemented. An email disseminated on December 24, 2024 informed staff of the reasonable accommodation process.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #4: Submit to the EEPC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.

Agency Response: *"Our office submitted EEO Annual Plans for FY2023 and FY2024 in connection to this audit, but we will review those plans to ensure that they were dated and signed by the agency head, and that quarterly reports are submitted and on file for prior years and in a timely fashion moving forward."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #4 during the assigned compliance monitoring period.

Corrective Action #5: Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. DCAS, which administers the trainings and maintains records in connection to our office's EEO training plan that was submitted to you, has advised us that QBPO has had 100 percent compliance for all staff members for all trainings for the past several years, including during the audit period. Please advise what documentation is needed to withdraw this proposed corrective action."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #5 during the assigned compliance monitoring period.

Corrective Action #6: Provide documentation to demonstrate that the appointed Principal EEO Professional(s) who is responsible for implementing EEO policies and standards within the entity is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. The Principal EEO Professional has completed the EEO Professional training course provided by DCAS, and she regularly attends EEO-related trainings, workshops, and best practices information sessions"*

offered by DCAS/OCEI, including during the audit period. Unfortunately, DCAS/OCEI does not provide completion certificates for workshops and information sessions, and they have previously informed us that they are unable to provide written confirmation of our EEO Professional's attendance at these meetings."

EEPC Response: The EEPC will monitor the implementation of Corrective Action #6 during the assigned compliance monitoring period.

Corrective Action #7: Provide documentation to demonstrate where the entity's organizational structure necessitates multiple EEO Professionals, that it selected individuals from different office locations, and, where possible, from a variety of levels within the organizational structure. Provide documentation to demonstrate appointed EEO Professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: *"QBPO has two employees who serve primary EEO functions: [The] Principal EEO Officer and Disability Rights Coordinator, [and the] 55-a Coordinator and the agency's Career Counselor. ([The] Event Coordinator, nominally serves as Disability Services Facilitator, but [their] responsibility is primarily to monitor accessibility measures at public-facing events at the director [sic] of the Disability Rights Coordinator). [Both the Principal EEO Officer and Disability Rights Coordinator] work in separate departments and neither reports to the other ([the Principal EEO Officer] is the Director of Housing, and [the Disability Rights Coordinator] is the Director of Personnel). [The principal EEO Officer]'s training was addressed in the response to Corrective Action #6, and [the Disability Rights Coordinator]'s training was addressed in the response to Corrective Action #13."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #7 during the assigned compliance monitoring period.

Corrective Action #8: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. Both employees who serve in primary EEO functions—as well as several managers who have input on specific recruiting and hiring decisions, including the Chief of Staff and General Counsel— have received formal training from DCAS/OCEI concerning structured interviewing, avoiding unconscious bias, and diversity and inclusion. QBPO ensures that at least one interviewer in each hiring interview has received this training."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #8 during the assigned compliance monitoring period.

Corrective Action #11: Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: *“We request that this corrective action be withdrawn due to compliance during the audit period. QBPO is pleased that there was no identified underutilization or identified barriers during the audit period. QBPO staff, including the principal EEO Professional, the principal Human Resources professional, and the General Counsel and/or Chief of Staff (as the Agency Head’s designees) reviewed statistical information in CEEDS reports regularly during and after the audit period, and summaries are provided to the agency head by his designee.”*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #11 during the assigned compliance monitoring period.

Corrective Action #12: Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants’/candidates’ names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers’ names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

Agency Response: *“We request that this corrective action be withdrawn due to compliance during the audit period. Per prior EEPC guidance, QBPO uses the Citywide eHire system administered by DCAS to receive and track all applications, which we understand automatically records position information and demographic data voluntarily submitted by the candidates. We separately keep records of interview dates and interviewer names. We do not systematically record the disposition reason but can do so moving forward.”*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #12 during the assigned compliance monitoring period.

Corrective Action #13: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional’s duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *“We request that this corrective action be withdrawn due to compliance during the audit period. The QBPO Director of Personnel serves as the Career Counselor and has thirty years of experience at QBPO in personnel functions, regularly shares civil service examination notices, job postings, and career counseling opportunities with all staff, and regularly attends citywide Agency Personnel Officer meetings to be informed about best practices and relevant law concerning personnel policy and career counseling. We would be interested in augmenting our Career Counseling program per guidance from EEPC and assistance from DCAS.”*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #13 during the assigned compliance monitoring period.

Corrective Action #14: Provide documentation to demonstrate that the entity designated and ensured that the Principal Human Resources Professional(s) (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and



informs and involves the Principal EEO Professional(s) in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"We request that this corrective action be withdrawn due to compliance during the audit period. QBPO implemented an annual performance evaluation system that was designed and administered in consultation with the Principal Human Resources Professional that addresses job responsibilities and performance evaluation standards; the General Counsel's office also oversees this process to assist in ensuring best practices and compliance with EEO requirements. As previously mentioned, the Principal Human Resources Professional has thirty years of experience at QBPO in personnel functions, regularly shares civil service examination notices, job postings, and career counseling opportunities with all staff, and regularly attends citywide Agency Personnel Officer meetings to be informed about best practices and relevant law concerning personnel policy and career counseling. The Principal Human Resources Professional regularly and closely collaborates with the Principal EEO professional in these efforts. During any monitoring period, our office will explore ways to augment our efforts to employ, promote, and/or accommodate qualified individuals with disabilities."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #14 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-013-(2025)
Office of the Queens Borough President
Queens Borough President Donovan Richards
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 14		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 23, 2024	Response Received	January 7, 2025
Final Determination Issued:	January 13, 2025	Response Due	February 12, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Queens Borough President’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Queens Borough President’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 23, 2024, setting forth findings and the following corrective actions

required to remedy areas of non-compliance:

1. Issue and distribute an Annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.
4. Submit to the EEPD an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan, and quarterly reports on efforts to implement the plan, within 30 days following each quarter. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
5. Establish and implement an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, biennial LGBTQ training, and biennial age discrimination training.
6. Provide documentation to demonstrate that the appointed Principal EEO Professional(s) who is responsible for implementing EEO policies and standards within the entity is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
7. Provide documentation to demonstrate where the entity's organizational structure necessitates multiple EEO Professionals, that it selected individuals from different office locations, and, where possible, from a variety of levels within the organizational structure. Provide documentation to demonstrate appointed EEO Professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
8. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such

as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.

9. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
10. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
11. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.
12. Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.
13. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request.
14. Provide documentation to demonstrate that the entity designated and ensured that the Principal Human Resources Professional(s) (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the Principal EEO Professional(s) in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 13, 2025, which indicated that the following areas required corrective action: no(s). 4, 5, 6, 7, 8, 11, 12, 13, and 14; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 13, 2025, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Queens Borough President Donovan Richards to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
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Commissioners

Jeanne M. Victor
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BY EMAIL

January 14, 2025

Milton Santiago
Interim President
Bronx Community College
2155 University Avenue
Bronx, New York 10453

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-463-(2025)

Dear President Santiago:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024

Response Received: January 3, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor Bronx Community College's efforts to eliminate areas of non-compliance, if any; and (2) the Bronx Community College respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Bronx Community College's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Bronx Community College is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Bronx Community College must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgment, the Bronx Community College will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Bronx Community College intends to implement it, and (2) what steps the Bronx Community College has taken, or will take, to correct it during the designated compliance monitoring period.

The Bronx Community College will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

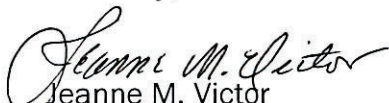
Determinations of Non-Compliance or Partial-Compliance

If Bronx Community College is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Bronx Community College was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance or Determination of Partial-Compliance* and add the Bronx Community College to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

c:

Grisselle Nadal, Principal EEO Professional, BCC

Menelik Allsop, Director of Audits, EEPC

Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC

Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #2: Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: "[The] Principal EEO Professional participated in the following trainings: Anti-Hate / Bias Training; Date: May 10, 2024 Annual Orientation/Refresher & New Hire Training for Office of Diversity & Compliance Employees Who Conduct Investigations (In-Person; CUNY Central; Date: September 13, 2024). CUNY In-Person Training Regarding Students with Disabilities CUNY University Training Series - Administered by the Office of Human Rights: Age Discrimination Training (Date: 10/1/2024), Bystander Intervention (Date: 11/20/2024), Unconscious Bias 101 (Date: 12/23/2024), Working with Transgender & Gender Non-Conforming Persons. The listed trainings were awarded by the SUNY Student Conduct Institute: Disability Law in Student Conduct & Title IX Decision Implementation Appeals Title IX Relevance Closing Statements Hearings & Adjudication Process Investigation Considerations Evidence & Regs Evidence Collection & Investigation Supportive Measures & Emergency Removals\ Consent & the Impacts of Drugs & Alcohol. Cultural Awareness, Legal Aspects of Appeals, Retaliation, Legal Aspects of Relevance, Legal Aspects of Evidence-Based Decision Making, Complaint Dismissal, Conflicts of Interest, Bias, and Serving Impartially, Jurisdiction of Title IX, Employees & Title IX, The Clery Act and VAWA Overview, FERPA & Title IX, Due Process Primer, Title IX Overview & Key Concepts. [The college's principal EEO Professional] and [the Affirmative Action Specialist] have read and understand New York City's Equal Employment Opportunity Standards for City Agencies. [Both] have been trained in Affirmative Action Plans and policies."

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #2 has been implemented.

Corrective Action #3: Ensure appointed EEO professionals are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

Agency Response: "The Affirmative Action Specialist, participated in the following trainings (Please refer to attachment 7): CUNY Inclusion, Diversity, Equity and Access Conference 2023- Workshops on the inclusive Workplace (March, 2023) Facing History & Ourselves Workshop: This workshop was on Understanding Antisemitism: Past and Present". (April 2024) Annual Orientation/Refresher & New Hire Training for Office of Diversity & Compliance Employees Who Conduct Investigations (In-Person, September 13, 2024). Gender-Based Violence and the Workplace Domestic Violence Agency Liaisons (DVAL's) Training 2023 Equal Employment Opportunity and Affirmative Action Plan Training and Preparation (April 2024), Annual Title IX Training administered by CUNY Central: Conducting a Title IX Investigation and Building a Solid Investigative

¹ Excerpts are italicized.

Report (April 2022), Training Regarding Tech Harassment and Misuse (April 2023), NYC Commission on Human Rights Training on Transgender and Gender Non-Conforming Communities (April 2024), Diversity Training: presentation on Illuminating Implicit Bias: Creating More Inclusive Higher Education Cultures of Belonging. (May 2024), University Human Resources (UHR) Professional Development Conference: Session include creating an Inclusive Campus Communities: Strategies & Best Practices (November 2024), CUNY/NYCCHR Training: Understanding the Jewish Experiences and Antisemitism (January 2024), CUNY/NYCCHR Training: Understanding Muslim Experiences & Combating Anti-Muslim Bias (February 2024)."

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #3 has been implemented.

Corrective Action #5: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: "Corrective Action has already begun. In the May 2024 Reaffirmation letter of commitment to diversity, equal opportunity, and Affirmative Action in Employment, the College provided the live/active link to view the entire Equal Opportunity Policy, including complaint procedures as well as the Policy on Reasonable Accommodations and Academic Adjustments, which provides the procedures and process on the College's Affirmative Action, Compliance and Diversity webpage. It states, "I invite you to visit our website, (<https://www.bcc.cuny.edu/about-bcc/affirmative-action-compliance-diversity/>), to view the Equal Opportunity Policy in its entirety, including complaint procedures and prohibition against retaliation as well as the Policy on Reasonable Accommodations and Academic Adjustments." In the October 2024 Reaffirmation letter of commitment to diversity, equal opportunity, and Affirmative Action in Employment, the College provided live links to the Non-Discrimination Policy and the Reasonable Accommodations and Academic Adjustments Policy. It states, "I invite you to visit the CUNY website to view the Non-Discrimination Policy (Equal Opportunity and Non-Discrimination Policy - The City University of New York) in its entirety as well as the policies on Reasonable Accommodations and Academic Adjustments {CUNY Procedures for Implementing Reasonable Accommodations for Employees & Religious Accommodations for Students and Employees - The City University of New York) and Reporting of Alleged Misconduct (<https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/reporting-of-alleged-misconduct/>) For more information on our campus resources, please view the Affirmative Action, Compliance & Diversity - Bronx Community College. Reasonable Accommodations - Bronx Community College. BCC's Affirmative Action webpage leads you to the Reasonable Accommodation policy and the CUNY Reasonable Accommodation Request Form."

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that corrective action #5 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Establish and implement an EEO training plan for new and existing employees, which includes all required training, to ensure that all individuals who work within the entity, including managers



and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, and workplace violence prevention training.

Agency Response: *“Bronx Community College has created a Draft Equal Employment Opportunity Training for all employees, including managers and supervisors, which covers EEO rights and responsibilities; discrimination complaint investigation procedures, discriminatory practices under local, state, and federal EEO laws and the contact information of the principal EEO investigator. Please refer to attachment 5.”*

EEPC Response: The EEPC will monitor the implementation of corrective action #1 during the assigned compliance monitoring period. Ensure that all BCC employees complete all required CUNY training.

Corrective Action #4: Annually inform employees of the ADA & Title IX Compliance Coordinator’s identity and contact information.

Agency Response: *“Corrective Action has already begun. Please refer to the first and second attachments where my contact information is provided annually as part of the reaffirmation letter of commitment to diversity, equal opportunity, and Affirmative Action in Employment. It should be noted that the reaffirmation letter was circulated twice, in May 2024 and again in October 2024. My email signature also provides my ADA and Title IX Coordinator’s title and contact information. See email signature below.”*

EEPC Response: The EEPC will monitor the implementation of corrective action #4 during the assigned compliance monitoring period.

Corrective Action #6: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional’s duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *“Bronx Community College will work on designating an EEO or human resources professional who may be referred to as the Career Counselor and to ensure they are trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request.”*

EEPC Response: The EEPC will monitor the implementation of corrective action #6 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2024AP/278-463-(2025)
Bronx Community College
Interim President Milton Santiago
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 6		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 3, 2025
Final Determination Issued:	January 14, 2025	Response Due	February 13, 2025
Compliance-Monitoring:	Required		February 1, 2025 to May 31, 2025

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Bronx Community College’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Bronx Community College’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following corrective actions required to

remedy areas of non-compliance:

1. Establish and implement an EEO training plan for new and existing employees, which includes all required training, to ensure that all individuals who work within the entity, including managers and supervisors, receive all mandatory training, as set forth in the plan, on unlawful discriminatory practices under local, state, and federal EEO laws; EEO rights and responsibilities; discrimination complaint investigation procedures, annual sexual harassment training, and workplace violence prevention training.
2. Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding city, state, and federal EEO laws; the requirements of the entity's EEO policies, standards, and procedures; and the prevention, investigation, and resolution of discrimination complaints.
3. Ensure appointed EEO professionals are trained in EEO laws and procedures and their responsibilities under the EEO Policy.
4. Annually inform employees of the ADA & Title IX Compliance Coordinator's identity and contact information.
5. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
6. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 14, 2025, which indicated that the following areas required corrective action: no(s). 1, 4 & 6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 14, 2025 and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Interim President Milton Santiago to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

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Executive Director

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BY EMAIL

January 15, 2025

Renee Campion
Commissioner
New York City Office of Labor Relations
22 Cortlandt Street, 14th Floor
New York, New York 10007

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-214-(2025)

Dear Commissioner Campion:

On behalf of the members of the Equal Employment Practices Commission (EEOC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 23, 2024

Response Received: January 3, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEOC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEOC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEOC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor New York City Office of Labor Relations' efforts to eliminate areas of non-compliance, if any; and (2) the New York City Office of Labor Relations respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the New York City Office of Labor Relations Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the New York City Office of Labor Relations is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The New York City Office of Labor Relations must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgment, the New York City Office of Labor Relations will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the New York City Office of Labor Relations intends to implement it, and (2) what steps the New York City Office of Labor Relations has taken, or will take, to correct it during the designated compliance monitoring period.

The New York City Office of Labor Relations will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If New York City Office of Labor Relations is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the New York City Office of Labor Relations was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the New York City Office of Labor Relations to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:
Shaneka McKellar, Principal EEO Professional, OLR
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Darrell Mitchell, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Provide documentation demonstrating that the entity issued or distributed an EEO Commitment Policy/Statement for FY2021. Provide documentation to demonstrate that the EEO Commitment Policy/Statements contained the Agency's Head's signature. Provide documentation to demonstrate that the entity advised employees of the names and contact information of EEO Professional(s) and attached or provided employees with pertinent electronic links to their EEO Policy for FY2021 and FY2023.

Agency Response: *"Attached, agency wide email sent to staff with the EEO Commitment Statement for FY 2025."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #1 has been implemented.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"Attached, agency wide email sent to staff with the City of New York Equal Employment Opportunity Policy attached and a reminder that the policy is posted on the agency intranet homepage."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #2 has been implemented.

Corrective Action #5: Ensure the designated Disability Rights Coordinator is trained in all city, state, and federal laws and City and entity policies about persons with disabilities. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.

Agency Response: *"Attached, agency wide email sent to staff with the Disability Rights Coordinator name and contact information; screenshot of documented CAD reasonable accommodation requests from 2022 to present."*

¹ Excerpts are italicized.

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #5 has been implemented.

Corrective Action #6: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: *"Attached, agency wide email sent to staff with the reasonable accommodation procedural guidelines attached and a reminder that the policy is posted on the agency intranet homepage."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #6 has been implemented.

Corrective Action #7: Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity, and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: *"Attached, meeting notes between the principal EEO Professional and Agency Head."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #7 has been implemented.

Corrective Action #9: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *"Attached agency wide email sent to staff with the Career Counselor name, contact information and advisement on their duties."*

EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #9 has been implemented.

Corrective Action #10: Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"Attached, emails regarding the introduction of ePerformance and performance evaluation policy; emails from the Career Counselor informing staff of civil service examinations; redacted email from Career Counselor requesting a reasonable accommodation for a job applicant."*



EEPC Response: The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #10 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #3: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

Agency Response: *"Attached, chart of agency EEO professionals disseminated to staff; remaining training certificates for the EEO professionals."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #3 during the assigned compliance monitoring period.

Corrective Action #4: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: *"Attached, email dated May 3, 2024, from administration to senior staff regarding recruitment process procedures along with the names of personnel involved in recruitment and hiring."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #4 during the assigned compliance monitoring period.

Corrective Action #8: Provide documentation to demonstrate that, during the period in review the entity used and maintained an applicant/candidate log or tracking system that tracks the application to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.

Agency Response: *"Attached, document with redacted applicant/candidate log."*

EEPC Response: The EEPC will monitor the implementation of Corrective Action #8 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2024AP/278-214-(2025)
New York City Office of Labor Relations
Commissioner Renee Campion
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 10		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 3, 2025
Final Determination Issued:	January 15, 2025	Response Due	February 14, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Office of Labor Relations’ Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Office of Labor Relations’ Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Provide documentation demonstrating that the entity issued or distributed an EEO Commitment Policy/Statement for FY2021. Provide documentation to demonstrate that the EEO Commitment Policy/Statements contained the Agency's Head's signature. Provide documentation to demonstrate that the entity advised employees of the names and contact information of EEO Professional(s) and attached or provided employees with pertinent electronic links to their EEO Policy for FY2021 and FY2023.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity, and inclusion, etc.) to identify, interview, and select the most capable candidates.
5. Ensure the designated Disability Rights Coordinator is trained in all city, state, and federal laws and City and entity policies about persons with disabilities. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
6. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
7. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity, and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

8. Provide documentation to demonstrate that, during the period in review the entity used and maintained an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle, from initial application, through the interview process, and to the hiring decision. At a minimum, the applicant/candidate log or tracking system must include the position, applicants'/candidates' names or identification numbers, race/ethnicity, gender, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected for each applicant (disposition reason), and recruitment source.
9. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
10. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 15, 2025, which indicated that the following areas required corrective action: no(s). 3, 4 & 8; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 15, 2025 and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Renee Campion to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



III. APPROVAL OF AUDIT RESOLUTIONS

B. 2025 FINAL DETERMINATION AND RESOLUTIONS





Aldrin Rafael Bonilla
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
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New York, NY 10007

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212. 676.2724 fax

BY EMAIL

January 8, 2025

Dahlia Damas
Public Administrator
Office of the New York County Public Administrator
31 Chambers Street, Room 311
New York, New York 10007

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for Audit
Period July 1, 2021, to December 31, 2023.

Determination: FINAL

Resolution #: 2024AP/278-941-(2025)

Dear Public Administrator Damas:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 20, 2024

Response Received: January 3, 2025

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor Office of the New York County Public Administrator's efforts to eliminate areas of non-compliance, if any; and (2) the Office of the New York County Public Administrator respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of the New York County Public Administrator's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of the New York County Public Administrator is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: February 1, 2025 to May 31, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of the New York County Public Administrator must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of the New York County Public Administrator will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of the New York County Public Administrator intends to implement it, and (2) what steps the Office of the New York County Public Administrator has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of the New York County Public Administrator will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently, if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action,



must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If Office of the New York County Public Administrator is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of the New York County Public Administrator was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of the New York County Public Administrator to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

c: Amy Ng, Principal EEO Professional, NYCPA
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Tanisha Springer, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #2: Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

Agency Response: *"Submitted email copies of EEO policy distributed annually to staff."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #2 has been implemented.

Corrective Action #3: Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.

Agency Response: *"Submitted Reasonable Accommodation (RA) Tracker Spreadsheet."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #3 has been implemented. The entity submitted an empty internal complaint tracking log that captured pertinent information including: *start date of complaint, end date of complaint, complaint resolution time, employee name, status, detailed comments, and status type.*

Corrective Action #4: Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: *"Submitted copies of Certificates."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #4 has been implemented.

¹ Excerpts are italicized.



Corrective Action #5: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.

Agency Response: *"Submitted copies of Structure Interview Training."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #5 has been implemented. Training records show that staff involved in recruiting and hiring received completed DCAS' *Structured Interviewing: Utilizing Follow-up and Probing Questions* and *Structured Interviewing and Unconscious Bias* courses.

Corrective Action #6: Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.

Agency Response: *"Submitted spreadsheet with RA tracking info and sample copy of RA approval letter."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #6 has been implemented. An agency-wide email sent on January 3, 2025, provided staff with information on where to direct their inquiries about reasonable accommodations. Additionally, NYCPA established an internal tracking log to document all reasonable accommodation requests and their outcomes.

Corrective Action #7: Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).

Agency Response: *"Submitted email that contains contents of RA and 55-A program."*

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #7 has been implemented. An email disseminated on July 19, 2024, demonstrated that staff were provided information regarding the reasonable accommodation process.

Corrective Action #10: Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Agency Response: *"Submitted email of civil service exams and job posting."*



EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #10 has been implemented. Emails demonstrate that staff were made aware of training opportunities, civil service examinations, and job postings.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #1: Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and all documents are current.

Agency Response: *"Submitted email copies of EEO commitment statement distributed annually to staff."*

EEPC Response: The EEPC will monitor implementation of Corrective Action #1 during the assigned compliance monitoring period.

Corrective Action #8: Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Agency Response: *"Submitted email confirming review of statistical data with agency head and EEO personnel."*

EEPC Response: The EEPC will monitor implementation of Corrective Action #8 during the assigned compliance monitoring period. To demonstrate compliance, document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

Corrective Action #9: Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.

Agency Response: *"Submitted email of Citywide Training website and upcoming civil service exams."*

EEPC Response: The EEPC will monitor implementation of corrective action #9 during the assigned compliance monitoring period. To demonstrate compliance, ensure that employees are made aware of the identity/type of guidance available from the Career Counselor at least annually.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-941-(2025)
Office of the New York County Public Administrator
Public Administrator Dahlia Damas
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 10		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 3, 2025
Final Determination Issued:	January 8, 2025	Response Received	January 27, 2025
Compliance-Monitoring:	Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the New York County Public Administrator’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York County Public Administrator’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings .

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head, which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures and related forms are operable and that all documents are current.
2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.
4. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.
6. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
7. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
8. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal

employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

9. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
10. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 8, 2025, which indicated that the following areas required corrective action: no(s). 1, 8, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of January 8, 2025, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Public Administrator Dahlia Damas to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

January 30, 2025

Dahlia Damas
Public Administrator
Office of the New York County Public Administrator
31 Chambers Street, Room 311
New York, New York 10007

Re: Resolution #2024AP/278-941-(2025)C1
DETERMINATION: Compliance

Dear Public Administrator Damas:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 36, Section 832(c), the EEPC's Board of Commissioners has approved the attached *Determination of Compliance*.

As you are aware, the EEPC is required to audit, evaluate, and monitor your agency at least once every four (4) years to ensure the Office of the New York County Public Administrator's compliance with federal, state, and local laws and regulations, best practices, and policies and procedures that increase equal employment opportunity for minority and women employees and applicants. The Office of the New York County Public Administrator's successful completion of the EEPC's *Employment Practices Audit (Focus on Underutilization)* demonstrates its commitment to implementing employment policies and practices that encourage and maintain a workplace free from unlawful discrimination and promote equality of opportunity.

Thank you and Principal EEO Professional Amy Ng for the cooperation extended to the EEPC during the course of our audit of your agency's employment and EEO-related practices. We look forward to working with you and the Office of the New York County Public Administrator to ensure equal employment opportunity in the City of New York.

Sincerely,

Aldrin Rafael Bonilla
Chair/Commissioner

Enc.

c: Amy Ng, Principal EEO Professional, NYCPA

Monitoring of Employment Practices with a Focus on Underutilization

RESOLUTION NO.

2024AP/278-941-(2025)C1

Office of the New York County Public Administrator

Public Administrator Dahlia Damas

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s):	Total: 10		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 20, 2024	Response Received	January 3, 2025
Final Determination Issued:	January 8, 2025	Response Received	January 27, 2025
Compliance-Monitoring:	Not Required	February 1, 2025 to May 31, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the New York County Public Administrator’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the New York County Public Administrator’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 20, 2024, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue and distribute an annual EEO commitment/policy statement from the Agency Head,

which includes the entity's commitment to EEO and the names and contact information of the entity's EEO professionals. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.

2. Distribute and/or post a paper or electronic copy of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the entity's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current.
3. Establish and utilize a complaint tracking system that permits the entity to identify: the status and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the affected parties, and other information necessary to analyze complaint activity and identify trends.
4. Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as training on structured interviewing) and trained to consider EEO laws/policies (such as training on unconscious bias, diversity and inclusion, etc.) to identify, interview, and select the most capable candidates.
6. Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for: ensuring compliance with all city, state, and federal laws, and City and entity policies pertaining to persons with disabilities; receiving reasonable accommodation requests; engaging in a cooperative dialogue with requestors; and recommending appropriate outcomes for requests. Annually inform employees of this person's contact information. Document all reasonable accommodation requests and their outcomes.
7. Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
8. Ensure that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head review the entity's statistical information (e.g. workforce, hires, promotions, and separations by race/ethnicity and gender), as part of the entity's employment practices and policies on an annual basis to identify whether there are barriers to equal employment opportunities and determine what, if any, actions are required to correct deficiencies (e.g. underutilization or adverse impact). Document the data reviewed, barriers identified (if any), and the entity's strategy to address each barrier.

9. Designate and ensure that an EEO or human resources professional (may be referred to as the Career Counselor) is trained to be knowledgeable and familiar with career opportunities in City government and provide career counseling to employees upon request. Document this professional's duties to advise employees of opportunities for promotion and career advancement. Remind employees of the identity/type of guidance available from the Career Counselor at least annually.
10. Designate and ensure that the principal Human Resources professional (or designee) provides all employees with information regarding job responsibilities, performance evaluation standards, civil service examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and informs and involves the principal EEO Professional in efforts to employ, promote, or accommodate qualified individuals with disabilities.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on January 8, 2025, which indicated that the following areas required corrective action: no(s). 1, 8, and 9; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from February 1, 2025 to May 31, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 27, 2025, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Office of the New York County Public Administrator was exempt from monitoring on January 27, 2025; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Public Administrator recognized the EEPC's audit and reiterated commitment to the Office of the New York County Public Administrator's equal employment practices.
Now Therefore,

Be It Resolved, that the Office of the New York County Public Administrator has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Public Administrator Dahlia Damas of the Office of the New York County Public Administrator.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee

The New York City Equal Employment Practices Commission

hereby issues this

Determination of Compliance

to

Office of the New York County Public Administrator

for achieving compliance with the
Equal Employment Practices Commission's audit:

Evaluation of Employment Practices with a Focus on Underutilization

From July 1, 2021, to this date.

On this 30th day of January in the year 2025

*In care of Public Administrator Dahlia Damas
and Principal EEO Professional Amy Ng*

Aldrin Rafael Bonilla, Chair/Commissioner

Jeanne M. Victor, Executive Director



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

December 20, 2024

Darcel D. Clark
Bronx District Attorney
Office of the Bronx County District Attorney
198 East 161st Street, 9th Floor
Bronx, NY 10451

Audit Status:

Evaluation of Employment Practices with a Focus on Underutilization for
Audit Period July 1, 2021 to December 31, 2023.

Determination: **FINAL**

Resolution #: 2024AP/278-902-(2024)

Dear Bronx District Attorney Clark

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: December 5, 2024

Response Received: December 18, 2024

Purpose

New York City Charter (City Charter) Chapter 36 empowers the EEPC to audit and evaluate the employment programs, practices, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action as needed; and monitor the implementation of the prescribed corrective action.

City Charter Chapter 36 also requires that (1) the EEPC assign a compliance monitoring period to monitor the Office of the Bronx County District Attorney's efforts to eliminate areas of non-compliance, if any; and (2) the Office of the Bronx County District Attorney respond in thirty (30) days and submit updates each month during its compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance.

This is the EEPC's Final Determination regarding the audit, review, and evaluation of the Office of the Bronx County District Attorney's Employment Practices with a Focus on Underutilization. Its purpose is to identify corrective action(s) that were modified or eliminated based on verified information submitted as part of the optional response to the Preliminary Determination and identify remaining corrective action(s) that require further monitoring to ensure implementation.

Next Steps

Mandatory Final Determination Response

Within thirty (30) calendar days of the issuance of this Final Determination, the Office of the Bronx County District Attorney is required to submit a written response to the EEPC's findings. This mandatory response must be signed by the agency head, addressed to the EEPC's Executive Director, and uploaded to the EEPC's compliance monitoring system, TeamCentral.

Compliance Monitoring Period

The assigned compliance monitoring period is: January 1, 2025 to April 30, 2025. Correcting all areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

The ***Monitoring Required*** section below sets forth the assigned corrective actions that the EEPC will monitor for implementation.

If No Corrective Actions Remain:

The Office of the Bronx County District Attorney must submit a mandatory Final Determination Response acknowledging the EEPC's findings. Upon the EEPC's receipt of this acknowledgement, the Office of the Bronx County District Attorney will be exempt from a compliance monitoring period.

If Corrective Actions Remain:

The signed mandatory Final Determination Response (referenced above) should indicate, for each remaining corrective action, (1) the date by which the Office of the Bronx County District Attorney intends to implement it, and (2) what steps the Office of the Bronx County District Attorney has taken, or will take, to correct it during the designated compliance monitoring period.

The Office of the Bronx County District Attorney will be monitored until all identified areas of non-compliance have been sufficiently corrected. During the assigned compliance monitoring period, the agency is required to submit updates during the first week of each month, or more frequently if possible, on its progress toward implementation of each corrective action. These required updates, and documentation to support the implementation of each corrective action, must be uploaded to TeamCentral, the EEPC's electronic compliance monitoring system. Instruction on how to access and navigate TeamCentral is attached.

Upon the implementation of all assigned corrective actions, the EEPC will issue a *Determination of Compliance* at its next scheduled meeting.

Determinations of Non-Compliance or Partial-Compliance

If the Office of the Bronx County District Attorney is unable to rectify all areas of non-compliance in its EEO program within the assigned compliance monitoring period, its Agency Head may be required to appear before the EEPC Board during its next public meeting to explain why the Office of the Bronx County District Attorney was unable to fully implement all assigned corrective actions. The EEPC may also issue a *Determination of Non-Compliance* or *Determination of Partial-Compliance* and add the Office of the Bronx County District Attorney to the next year's audit plan for a follow-up audit.

Conclusion

This is the EEPC's Final Determination in this audit. Once again, the EEPC thanks you and your staff for your assistance during this audit and looks forward to completing compliance monitoring expeditiously to ensure that your agency's EEO program remains in compliance with all applicable laws, regulations, and best practices.

Sincerely,


Jeanne M. Victor
Executive Director

C:

Kim Hernandez, Principal EEO Professional, BCDA
Menelik Allsop, Director of Audits, EEPC
Nneka De Caul, Manager, EEO Analysis and Audit Unit, EEPC
Logan Pace, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

After reviewing the optional response¹ (if applicable) to the EEPD's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPD required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #1: Provide documentation in the form of training logs or certificates of completion, that all EEO professionals have completed training regarding EEO procedure and training pertaining to their assigned role.

Agency Response: *"The documents are attached for the EEO Training Liaison, 2 Career Counselors, Deputy EEO Officer (hired after audit period on January 22, 2024), Chief Diversity and Inclusion Officer, and EEO Investigators."*

EEPD Response: The EEPD accepts the entity's response and submitted documentation in the form of employee training transcripts that demonstrate the completion of mandatory training by the EEO Training Liaison, 2 Career Counselors, Deputy EEO Officer, Chief Diversity and Inclusion Officer, and 7 EEO Investigators. Corrective Action #1 has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

Corrective Action #2: Provide documentation in the form of certificates of completion or training logs that employees involved in hiring and recruitment completed training pertaining to structured interviewing, unconscious bias, diversity, and inclusion.

Agency Response: *"During this audit period, BXDA's Litigation Training Bureau and our Chief Diversity and Inclusion Officer conducted trainings on the following topics that Legal (for CLE credits) and Professional staff attended including educational handouts: Understanding the Psychology of Implicit Bias, Implicit Bias at Work, and Implicit Bias and Prosecutors. These trainings and refreshers took place between September 2021 - December 2023."*

During this audit period, BXDA Legal and Professional Staff who participate on the Hiring Committee are required to annual take Mandatory Training conduct by BXDA's Recruitment Chief and Chief Diversity and Inclusion Officer on structured interviewing and implicit bias. This includes the above-mentioned staff. (Note: Our office is not permitted to share the training video or transcript, but we do retain a copy on file under 2023 Hiring Committee - Mandatory Training.)"

¹ Excerpts are italicized.



EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #2. The EEPC accepts the entity's documentation in the form of training logs for 7 employees involved in hiring and recruitment, demonstrating the completion of *Everybody Matters: EEO and Diversity & Inclusion Training*. To demonstrate full compliance, provide training documentation for all 9 employees involved in hiring and recruitment that demonstrates the completion of structured interviewing, unconscious bias, and diversity and inclusion training. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action #3: Provide documentation of an applicant tracking system that includes all required sections including the position, interview date, interviewer's names, disposition, reason selected/not selected, and recruitment source.

Agency Response: *"The documents are attached."*

EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #3. To demonstrate compliance, provide documentation of a redacted applicant tracking system that includes all required sections including the position, interview date, interviewer's names, disposition, reason selected/not selected, and recruitment source. Documentation that verifies implementation will be reviewed during the compliance monitoring period.

Corrective Action #4: Annually notify employees of the identity and contact information of the designated Career Counselor.

Agency Response: *"The documents are attached identifying the Career Counselors."*

BXDA does include language in our Employee Handbooks informing staff that Career Counseling is available. Moving forward we will include annually notifying employees of the identity and contact information for the designated Career Counselors and the hours they are available to meet. We will send notification to staff by January 10, 2025.

Career Counselors meet with staff to find out their career interests, assist with civil service pathways, provide linkage to trainings and educational advancement. They will assist with resume review and development. A confidential log and worksheet will be kept for each person to document their visit. Career Counselors will follow up with staff member one month after the initial visit, and periodically have check ins with staff members.

The goal is whether you are new to the Bronx District Attorney's Office or have been with the team for some time, we have an interest in staff career development and in providing staff with opportunities to be successful. BXDA looks forward to enhanced partnership with DCAS by participating in the upcoming 2025 Career Counselor requirements as part of Local Law 75 of 2024."

EEPC Response: The EEPC recognizes the entity's commitment to implementing Corrective Action #4 and acknowledges the agency's response to send notification to staff by January 10, 2025. To demonstrate compliance, provide documentation in the form of an email notifying employees of the identity and contact information of the designated Career Counselor(s). The EEPC will monitor implementation of Corrective Action #4 during the assigned compliance monitoring period.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.
2024AP/278-902-(2024)
Office of the Bronx County District Attorney
Bronx District Attorney Darcel D. Clark
Employment Practices with a Focus on Underutilization
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 4		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 5, 2024	Response Received	December 18, 2024
Final Determination Issued:	December 20, 2024	Response Received	January 17, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices, and programs of city agencies, municipal entities, and offices of elected officials (hereinafter “agencies” or “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, industry best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity; and

Whereas, the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, best practices, and policies and procedures intended to increase equal employment opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Bronx County District Attorney’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Bronx County District Attorney’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 5, 2024, setting forth findings and the following corrective actions required to remedy

areas of non-compliance:

1. Provide documentation in the form of training logs or certificates of completion, that all EEO professionals have completed training regarding EEO procedure and training pertaining to their assigned role.
2. Provide documentation in the form of certificates of completion or training logs that employees involved in hiring and recruitment completed training pertaining to structured interviewing, unconscious bias, diversity, and inclusion.
3. Provide documentation of an applicant tracking system that includes all required sections including the position, interview date, interviewer's names, disposition, reason selected/not selected, and recruitment source.
4. Annually notify employees of the identity and contact information of the designated Career Counselor.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 20, 2024, which indicated that the following areas required corrective action: no(s). 2, 3, 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond to the Final Determination within thirty (30) days of December 20, 2024, and make monthly reports each month of its assigned compliance monitoring period on the progress of its efforts to correct remaining areas of non-compliance. **Now Therefore**,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Bronx District Attorney Darcel D. Clark to assign compliance monitoring.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee



Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner

Minosca Alcantara, Ed.D.
Ngozi Okaro, Esq.
Nicole Yearwood, MPA
Commissioners

Jeanne M. Victor
Executive Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

January 30, 2025

Darcel D. Clark
Bronx District Attorney
Office of the Bronx County District Attorney
198 East 161st Street, 9th Floor
Bronx, NY 10451

Re: Resolution #2024AP/278-902-(2025)C2
DETERMINATION: Compliance

Dear District Attorney Clark:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 36, Section 832(c), the EEPC's Board of Commissioners has approved the attached *Determination of Compliance*.

As you are aware, the EEPC is required to audit, evaluate, and monitor your agency at least once every four (4) years to ensure the Office of the Bronx County District Attorney's compliance with federal, state, and local laws and regulations, best practices, and policies and procedures that increase equal employment opportunity for minority and women employees and applicants. The Office of the Bronx County District Attorney's successful completion of the EEPC's *Employment Practices Audit (Focus on Underutilization)* demonstrates its commitment to implementing employment policies and practices that encourage and maintain a workplace free from unlawful discrimination and promote equality of opportunity.

Thank you and Principal EEO Professional Kim Hernandez for the cooperation extended to the EEPC during the course of our audit of your agency's employment and EEO-related practices. We look forward to working with you and the Office of the Bronx County District Attorney to ensure equal employment opportunity in the City of New York.

Sincerely,

Aldrin Rafael Bonilla
Chair/Commissioner

Enc.

c: Kim Hernandez, Principal EEO Professional, BXDA



Monitoring of Employment Practices with a Focus on Underutilization

RESOLUTION NO.

2024AP/278-902-(2025)C2

Office of the Bronx County District Attorney

Bronx District Attorney Darcel D. Clark

DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s):	Total: 4		
Period Audit Covered:	July 1, 2021 to December 31, 2023		
Preliminary Determination Issued:	December 5, 2024	Response Received	December 18, 2024
Final Determination Issued:	December 20, 2024	Response Received	January 17, 2025
Compliance-Monitoring:	Required	January 1, 2025 to April 30, 2025 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the Office of the Bronx County District Attorney’s Employment Practices with a Focus on Underutilization; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Bronx County District Attorney’s Employment Practices with a Focus on Underutilization, the EEPC issued a Preliminary Determination, dated December 5, 2024, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Provide documentation in the form of training logs or certificates of completion, that all EEO professionals have completed training regarding EEO procedure and training pertaining to their assigned role.
2. Provide documentation in the form of certificates of completion or training logs that employees involved in hiring and recruitment completed training pertaining to structured interviewing, unconscious bias, diversity, and inclusion.
3. Provide documentation of an applicant tracking system that includes all required sections including the position, interview date, interviewer's names, disposition, reason selected/not selected, and recruitment source.
4. Annually notify employees of the identity and contact information of the designated Career Counselor.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on December 20, 2024, which indicated that the following areas required corrective action: no(s). 2, 3, and 4; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from January 1, 2025 to April 30, 2025, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on January 17, 2025, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the entity was monitored until January 29, 2025; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Bronx District Attorney recognized the EEPC's audit and reiterated commitment to the Office of the Bronx County District Attorney's equal employment practices. **Now Therefore**,

Be It Resolved, that the Office of the Bronx County District Attorney has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this

Determination of Compliance to Bronx District Attorney Darcel D. Clark of the Office of the Bronx County District Attorney.

Approved unanimously on January 30, 2025.

Minosca Alcantara, Ed.D.
Commissioner/Mayoral Appointee

Elaine S. Reiss, Esq.
Vice-Chair/Commissioner/Mayoral Appointee

Ngozi Okaro, Esq.
Commissioner/City Council Appointee

Nicole Yearwood, MPA
Commissioner/City Council Appointee

Aldrin Rafael Bonilla, Ed.D., MPA
Chair/Commissioner/Joint Appointee

The New York City Equal Employment Practices Commission

hereby issues this

Determination of Compliance

to

Office of the Bronx County District Attorney

for achieving compliance with the
Equal Employment Practices Commission's audit:

Evaluation of Employment Practices with a Focus on Underutilization

From July 1, 2021, to this date.

On this 30th day of January in the year 2025

In care of Bronx District Attorney Darcel D. Clark
and Principal EEO Professional Kim Hernandez

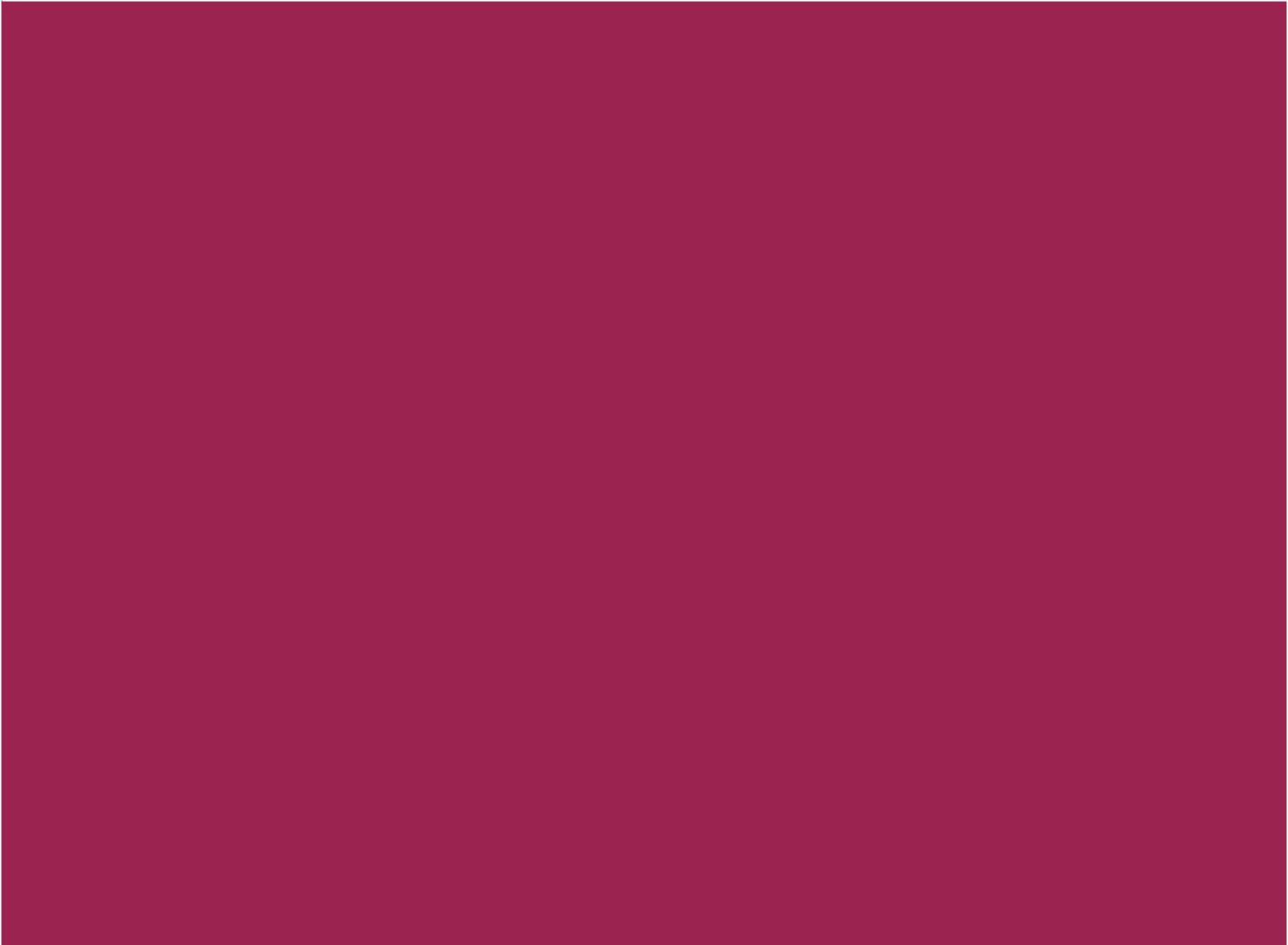
Aldrin Rafael Bonilla, Chair/Commissioner

Jeanne M. Victor, Executive Director



IV. OLD BUSINESS

B. DRAFT EEO OFFICERS' HANDBOOK



THE CITY OF NEW YORK
EQUAL EMPLOYMENT PRACTICES COMMISSION

AN AUDIT RESOURCE
FOR EEO OFFICERS

2025

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I. Introduction

A. A Brief History of Equal Employment Opportunity

The Civil Rights Act of 1964 prohibits discrimination in a broad array of private conduct including public accommodations, governmental services, and education. One section of the Act, referred to as Title VII, prohibits employment discrimination based on race, sex, color, religion, and national origin. Title VII applies to private employers, labor unions and employment agencies. The Act prohibits discrimination in recruitment, hiring, wages, assignment, promotions, benefits, discipline, discharge, layoffs, and almost every aspect of employment. Title VII also created the U.S. Equal Employment Opportunity Commission (EEOC), whose mission is to eliminate unlawful employment discrimination.¹

As of today, the federal laws under the EEOC's purview include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Genetic Information Nondiscrimination Act (GINA), the Equal Pay Act (EPA), and the Pregnant Workers Fairness Act (PWFA). Each of these statutes have anti-discrimination provisions, and all but GINA have anti-retaliation provisions. Title VII additionally protects employees against harassment. These statutes apply to both employees and applicants, and together protect against discrimination on the following bases: race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (forty or older), disability, and genetic information.²

In 1945, New York Governor Thomas E. Dewey signed the Ives-Quinn Anti-Discrimination Bill, making New York the first state in the country to enact legislation prohibiting discrimination in employment based on race, creed, and national origin. In doing so, New York also became the first state to establish a permanent agency to enforce such legislation, the State Commission against Discrimination. In 1968, the Ives-Quinn Anti-Discrimination Law was renamed the Human Rights Law, and the State Commission was renamed the New York State Division of Human Rights.³

In 1962, the New York City Commission on Intergroup Relations became the New York City Commission on Human Rights (CCHR). Complementing the change in name, in 1965, the New York City Human Rights Law was passed and extended the Commission's jurisdiction to prosecute discrimination based on race, color, national origin, and other protected categories in employment, public spaces, and housing.⁴

In 1996, Mayor Rudolph W. Giuliani merged the New York City Department of General Services and the Department of Personnel to create the New York City Department of Citywide

¹ <https://www.eeoc.gov/history/eeoc-history-law#>

² Employment Discrimination A Practitioner's Handbook by Keisha-Ann G. Gray, Sec. 10:2, PLI (July 2024)

³ <https://dhr.ny.gov/agency-history#>

⁴ <https://www.nyc.gov/site/cchr/about/commissions-history.page#>

Administrative Services (DCAS). DCAS is responsible for, among other things, ensuring proper and consistent enforcement of the City's Equal Employment Opportunity (EEO) Policy and other related policies and procedures and provides best practice guidance impacting the workforce across over 80 City government agencies through the work of these three units: Investigation and Compliance; Policy and Program Development; and DCAS Office of Citywide Recruitment.⁵

Pursuant to New York City Charter Chapter 36, the New York City Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment programs, practices, and procedures of City agencies⁶ and their efforts to ensure fair and effective equal employment opportunity (EEO) for employees and applicants for employment who are women and/or people of color. To that end, City Charter Chapter 36 requires the EEPC to conduct audits of City agencies, entities, and offices of elected officials at least once every (4) years to ensure that their employment program is properly structured, efficiently administered, and in compliance with federal, state, and city equal employment opportunity requirements. To the extent that it does not, the EEPC is authorized to make a determination that the agency's employment plan, program, or procedure does not provide equal opportunity; require appropriate corrective action, as needed; and monitor the implementation of the prescribed corrective action.

B. Why is EEO important?

There are many reasons why it is important to ensure your agency's EEO program is properly structured, efficiently administered, and in compliance with federal, state, and city EEO requirements. Agencies are responsible, by law, for ensuring that everyone is treated fairly in employment decisions and that all individuals have an equal chance for employment, promotion, training and development, assignments, and the like. Violations of the law can be quite costly to an agency and can negatively affect the agency's reputation, which may in turn negatively impact recruitment and retention. The EEO policy provides guidance to employees about the type of conduct that is acceptable in the workplace, which is important given the various cultures and customs of the individuals who comprise the workforce. In addition, it is important that the employees who interact with the agency's customers and vendors are also well versed in the type of behavior that is acceptable. Agencies with robust and comprehensive EEO programs can mitigate legal liability for unlawful behavior, which is why it is important for agencies to quickly address violations of EEO policy. If complaints raised under the EEO policy are addressed and resolved quickly, employees will feel that their agency takes their complaints seriously, the workforce will function smoothly, and employees may more freely engage.

C. The role of the EEPC

⁵ <https://www.nyc.gov/site/dcas/agencies/equity-and-inclusion.page>

⁶ NYC Charter Chapter 36 requires the EEPC to monitor the employment policies, programs and practices of each city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government... For purposes of this Handbook, we will refer to all of these entities collectively as agencies, but which are distinct from Community Boards and the City's Community Colleges.

In accordance with New York City Charter Chapter 36, the EEPC conducts audits that evaluate key components of an agency's EEO program. The components of an EEO program have corresponding EEO standards, or uniform standards, which incorporate legal requirements and/or best practices for that particular aspect of the program. For example, if the EEPC is auditing an agency for compliance with the audit standard: Issuance, Distribution, and Posting of EEO Policies, this would entail looking at whether the EEO Officer distributed and/or posted a paper or electronic copy of the latest version of the City of New York Equal Employment Opportunity Policy – or an entity-specific EEO policy, which conforms to city, state, and federal EEO laws and includes: current contact information for the agency's EEO Professionals and federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints and providing reasonable accommodations; and a current list of protected classes under City and State Human Rights Laws. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s). Ensure all links to the policy, procedures, and related forms are operable and that all documents are current. If the agency fails to demonstrate that it is in compliance with all or part of this standard, the agency will receive a corrective action. Corrective actions prescribed during an audit are consistent with the above parameters and are intended to align an agency's EEO program with the requirements of current EEO standards.

A list of the EEPC's audit standards and what types of information the EEPC would expect to receive from the agency it is auditing will be provided as a resource to the City agency. It must be noted, however, that the audit standards are subject to change as laws, policy, case law, and best practices impact EEO programs. Thus, EEO Officers are required to update their agency EEO programs to reflect these changes as they occur. The Department of Citywide Administrative Services (DCAS) Office of Citywide Equity & Inclusion (CEI) keeps EEO Officers apprised of changes in law, policy, and best practices through, among other things, its periodic EEO Officer Best Practices meetings, which EEO Officers are required to attend.

D. I'm a New EEO Officer and/or I am new to this agency. Where do I start?

The EEO Officer has a great deal of responsibility. EEO requirements and programs can feel overwhelming, and it may be difficult to know where to start. The EEPC wants all of the agencies that it audits to have **no** corrective actions and for the agency's EEO program to remain in compliance with all of the audit standards long after the audit has concluded. This is the reason why the EEPC is compiling this document so that it can become a resource to help the agency get into and keep its EEO program in compliance, despite changes in personnel, despite different levels of EEO Officer knowledge and experience, and despite varying amounts of agency resources/personnel. The goal is to achieve a model EEO program for every agency in City government. In order to achieve a model program, it is suggested that EEO Officers first keep good records of what actions were taken, when those actions were taken, and who participated in those actions. This is important because an audit looks backward in time, not forward. For

example, using the Issuance, Distribution, and Posting of EEO Policies standard discussed above, the EEO Officer should have documentation to demonstrate that the latest version of the EEO Policy was distributed, when it was distributed, and who received a copy. The EEO Officer has to know where all EEO files are located and confidential EEO and reasonable accommodation files should be under lock and key. But in order to understand your role and the responsibilities associated with your role, you should be properly trained as an EEO Officer. In addition to all mandatory EEO training required by DCAS, the EEO Officer should take *EEO Essentials* or any course offering that specifically reviews EEO laws and the EEO complaint process. In addition, the EEO Officer should be trained and knowledgeable about the reasonable accommodation process, particularly all of the time frames and the importance of properly engaging in the cooperative dialogue process, which will be discussed later in this document.

II. Definitions and Abbreviations

Barriers

Sexual Harassment

Hostile Work Environment

DCAS – the New York City Department of Administrative Services

CEEDS Reports

Discrimination

EEO – Equal Employment Opportunity

EEO Policy Statement

EEOC – the United States Equal Employment Opportunity Commission

EEPC – the New York City Equal Employment Practices Commission

CCHR – the New York City Commission on Civil and Human Rights

Occupational Segregation

Underutilization

EEO Officer

Career Counselor

HR Professional

Disability Rights Coordinator

55-a Program Coordinator

Chief Diversity Officer

EEO Professionals

ADA Coordinator

Section 55-a Program

Systemic Discrimination – a pattern or practice, policy, and/or class of cases where the alleged discrimination has a broad impact on an industry, occupation, business, or geographic area. It has also been described as a bias that is built into systems, originating in the way work is organized and that systemic discrimination refers to structures that shape the work environment or employment prospects, differently for different types of workers. Some

practices that the EEOC views as possibly constituting systemic discrimination includes: (1) use of criminal or credit background checks; (2) routinely denying women jobs as truck drivers, dockworkers, or laborers; (3) refusal to hire African-American, Hispanic, or older workers for front-of-the-house positions; (4) job postings indicating a preference related to a protected class (for example, preferences for “young,” “energetic,” or “recently graduated” applicants); etc.⁷

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⁷ Employment Discrimination A Practitioner’s Handbook by Keisha-Ann G. Gray, Sec. 10:3.1, PLI (July 2024)

III. Outline of a Model EEO Program

According to the EEOC, the essential elements of a model EEO Program include⁸:

1. Demonstrated commitment from agency leadership.
2. Integration of EEO into the agency's strategic mission.
3. Management and program accountability.
4. Proactive prevention of unlawful discrimination.
5. Efficiency.
6. Responsiveness and legal compliance.

The EEOC requires all federal agencies to comply with Management Directive (MD) -715 and to submit a checklist to it annually indicating compliance. The EEPC's audit of the City agencies is based, in part, on the elements set forth in MD-715. This management directive, summarized below, explains what constitutes compliance with each one of these essential elements⁹.

1. Demonstrated commitment from agency leadership.

This element requires the agency head to communicate a commitment to equal employment opportunity and a discrimination-free workplace.

- a. Annually issue an EEO Policy Statement and post it on the agency's external website.
- b. Annually disseminate its anti-harassment policy, reasonable accommodation procedures, and other EEO program information to all employees.
- c. Prominently post contact information for EEO Counselors, EEO Officers and the EEO Director.
- d. Post reasonable accommodation procedures, and other written materials concerning the EEO program on its public website.
- e. The agency must inform its employees of their rights and responsibilities pursuant to the EEO process, anti-harassment program, alternative dispute resolution (ADR) process, reasonable accommodation program, and behaviors that could result in discipline. Methods of informing employees may include training, webinars, brochures, emails, or types of written communication.
- f. The agency assesses and ensures EEO Principles are part of its culture by recognizing employees, supervisors, managers, and units demonstrating superior accomplishment in EEO and/or by utilizing climate surveys to monitor perception of EEO principles within the workforce.

⁸ <https://www.eeoc.gov/federal-sector/management-directive/instructions-federal-agencies-md-715-section-i-model-eeo>

⁹ In the interest of relevance, not all elements of MD-715 have been listed here.

2. Integration of EEO into the agency's strategic mission

To ensure agencies achieve their goal of being a model workplace, all managers and employees must view EEO an integral part of the agency's mission. The success of an agency's EEO program ultimately depends on decisions made by individual managers. The EEO's office serves as a resource to these managers by providing direction, guidance, and monitoring of key activities to achieve a diverse workplace free of barriers to equal opportunity.

- a. The reporting structure for the EEO program provides the principle EEO Officer with appropriate authority and resources to effectively carry out a successful EEO program.
- b. The EEO Director reports directly to the agency head. The agency's EEO Director shall also have regular access and an effective means of informing the agency head and other top management officials of the effectiveness, efficiency, and legal compliance of the agency's EEO program. For example, the EEO Director must participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues.
- c. Access includes, but is not limited to, the EEO Director giving the State of the Agency briefing to the agency head and other senior management officials. The briefing must thoroughly cover all components of the agency's MD-715 report, including an assessment of the agency's performance in each of the six elements of the model EEO program, as well as a report on the progress of the agency in completing its barrier analysis.
- d. The EEO Director controls all aspects of the EEO program.
- e. The EEO Director and other EEO professional staff are involved in, and consulted on, management/personnel actions. EEO program officials participate in agency meetings regarding workforce changes that might negatively impact any protected EEO group, including recruitment strategies, vacancy projections, succession planning, selections for training/career development opportunities, and strategic planning.
- f. The agency's strategic plan references EEO/diversity and inclusion principles.
- g. Provide all employees and supervisors with training on the EEO program, including retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR.
- h. Conduct effective audits of the EEO program.
- i. Publish and distribute EEO materials.
- j. Maintain accurate data collection and analysis systems involving EEO complaints, workforce demographics, and applicant flow data.
- k. Manage an effective anti-harassment program.
- l. Manager an effective reasonable accommodation program.
- m. The duties and responsibilities of EEO officials are clearly defined.

- n. New EEO Officers and staff must receive EEO training relevant to their titles and positions. Experienced EEO Officers and staff must receive refresher training. All mandatory training must be completed.

3. Management and program accountability

This element requires the agency head to hold all managers, supervisors, and EEO Officials responsible for the effective implementation of the agency's EEO Program and Plan. Agencies must also establish effective reasonable accommodation procedures that comply with EEOC regulations.

- a. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.
- b. The successful performance of all managers and supervisors includes their efforts to achieve a workplace free of discrimination. The agency must develop performance standards for managers and supervisors that specifically evaluate their commitment to EEO policies and principles as well as their participation in the EEO program.
- c. Provide religious accommodations when such accommodations do not cause an undue hardship.
- d. Provide disability accommodations when such accommodations do not cause an under hardship.
- e. Assist the EEO Program in identifying and removing barriers to equal opportunity.
- f. Ensure effective coordination between the EEO Program and Human Resources programs.
- g. Ensure that the EEO Office has access to accurate and complete workforce data and other types of requested data, e.g., exit interview data, climate assessment surveys, etc.
- h. Advise managers/supervisors on EEO matters.
- i. The EEO Office provides management/supervisory officials with regular EEO updates, including but not limited to complaints and workforce data summaries, legal updates, barrier analysis plans.
- j. EEO Officers are readily available to answer EEO questions or concerns raised by managers and supervisors.

4. Proactive prevention of unlawful discrimination

As part of its ongoing obligation to prevent discrimination and to eliminate barriers that impede free and open competition in the workplace, an agency must conduct a self-assessment on at least an annual basis. The self-assessment must identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.

- a. The agency has a process for identifying barriers in the workplace.

- b. The agency regularly examines the impact of management/personnel policies, procedures, and practices for potential barriers.
- c. The agency considers whether an EEO group will be negatively impacted prior to making human resource decisions, such as reorganizations and realignments.
- d. The agency regularly reviews a variety of information to investigate whether barriers exist: workforce data, complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; and/or other relevant data points.
- e. The agency conducts exit interviews or surveys concerning the recruitment, hiring, inclusion, retention, and advancement of individuals with disabilities.
- f. The agency establishes appropriate action plans to remove identified barriers.
- g. The agency periodically reviews the effectiveness of the plan.
- h. The agency takes steps to ensure qualified people with disabilities are encouraged to apply for vacancies.
- i. The agency ensures that disability-related questions from members of the public are answered promptly and correctly.

5. Efficiency

This element requires the agency head to ensure that there are effective systems for evaluating the impact and effectiveness of the agency's EEO programs.

- a. The agency maintains an efficient, fair, and impartial complaint resolution process.
- b. The agency must timely implement an EEO complaint program, including EEO counseling and investigations.
- c. The agency has effective and accurate data collection systems in place to evaluate its EEO program.
- d. The agency must have systems in place to accurately collect, monitor, and analyze complaint data, employee demographic data, applicant flow data, recruitment activities, reasonable accommodation requests, and allegations of harassment.
- e. The agency has a system to resurvey its workforce on a regular basis.
- f. The agency identifies and disseminates significant trends and best practices in its EEO program. The agency must monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes.

6. Responsiveness and legal compliance

- a. The agency complies with the law, regulations, directives, orders and other instructions.

IV. Overview of the City of New York's EEO Policy

The City of New York is committed to fostering an inclusive and respectful work environment that provides equal opportunities for all and is free of discrimination, harassment, and retaliation.

The Department of Citywide Administrative Services (DCAS), Citywide Equity and Inclusion (CEI) is required to establish uniform procedures and standards to assist City agencies in instituting annual EEO Plans, measures, and programs to ensure equal employment opportunity. DCAS developed the City's EEO Policy to implement the City's obligations pursuant to New York City Charter (Charter) Chapter 35, Secs. 814.1(c)(2).

New York City agencies can have EEO Policies that are not the City of New York's EEO Policy, but it must contain all of the provisions required by DCAS for compliance.

The Equal Employment Practices Commission (EEPC) was created by New York City Charter¹⁰ to review, evaluate and monitor the employment procedures, practices and programs of any City agency... Chapter 36, Section 831 (d)(5) of the Charter empowers the EEPC to audit and evaluate the employment practices and procedures of each City agency and their efforts to ensure fair and effective equal employment for minority group members and women at least once every four years.

The Charter empowers Agency Heads to ensure that their agencies do not discriminate in any manner prohibited by the City's EEO Policy, as well as federal, state, and local law. Agency Heads are required to establish measures, programs, and an annual Diversity, Equity, Inclusion and Equal Employment Opportunity Plan (DEI & EEO Plan) to safeguard against discrimination and communicate the agency's efforts to provide equal employment opportunities within City government¹¹.

The City's EEO Policy may be found on DCAS' website at [City of New York Equal Employment Opportunity Policy 2024](#) . The City's EEO Policy applies to every individual who works for the City of New York, whether paid or unpaid, as well as applicants for employment. It also applies to non-employees doing business with the City such as contractors and vendors, customers and members of the public. It protects all persons covered by this Policy from prohibited conduct because of their actual membership in a protected category, as well as their perceived membership in a protected category. It also protects persons from prohibited conduct for their actual or perceived association with individuals in one or more of the protected categories. The City's EEO Policy applies to

¹⁰ New York City Charter Chapter 36, Sec. 830 (a).

¹¹ New York City Charter Chapter 35, Sec. 815.

prohibited conduct that occurs in any City workplace, and at any location that could be considered an extension of the workplace¹². Additionally, the City's EEO Policy extends to certain prohibited conduct that occurs off-duty but impacts the workplace such as emails, text messages, and social media messages on personal devices that may constitute discrimination, harassment, or retaliation even if away from the workplace or during non-work hours.

The City's EEO Policy prohibits City employees from aiding, abetting, inciting, compelling, or coercing any person, including non-employees, to engage in conduct that violates this EEO Policy.

A. The Protected Categories

The City's EEO Policy prohibits discrimination and/or harassment based on any of the protected categories, including discrimination and/or harassment based on the intersection of two or more protected categories (e.g., race and gender). The current protected categories are:

- Age
- Arrest, Conviction Record, or Pending Case
- Cannabis Use
- Caregiver Status
- Color
- Consumer Credit History
- Disability
- Familial Status
- Gender/Sex (Including pregnancy, childbirth, or related medical conditions)
- Gender Identity or Expression
- Height
- Immigration or Citizenship Status
- Marital or Partnership Status
- National Origin or Ethnicity
- Predisposing Genetic Characteristics
- Pre-Employment Marijuana Testing
- Race
- Religion or Creed
- Salary or Pay History
- Sexual Orientation
- Sexual and Reproductive Health Decisions
- Status as a Veteran or Active-Duty Military Service Member
- Unemployment Status
- Victims of Domestic Violence, Sex Offenses, and Stalking
- Weight

B. Prohibited Conduct

The City's EEO Policy prohibits employment decisions and practices based on an individual's protected status that unlawfully affect the compensation, terms, conditions or privileges of an individual's employment or potential employment with the City of New

¹² This Handbook is not meant to be a reiteration of the City's EEO Policy. For a more fuller explanation of the applicability of the City's EEO Policy or any other section of the Policy, please refer to the actual Policy.

York. This includes, but is not limited to, assignments, working conditions, compensation, promotions, transfers, performance evaluations, training, career development and advancement, discipline, discharge, leaves of absence, fringe benefits, recruitment, testing, hiring, or any application or selection process relating to employment in which an individual is treated less well or is subjected to inferior terms, conditions, or privileges of employment because of actual or perceived membership in a protected class.

C. Discrimination

The City's EEO Policy prohibits discriminatory employment practices whether intentional or the result of the disparate impact of a neutral policy, based in whole or in part, on a covered person's actual membership, and in some cases, their perceived membership, in one or more of the protected categories.

D. Harassment and/or Hostile Work Environment

The City's EEO Policy prohibits harassment based on one or more of the protected categories or any other basis protected by the Policy, which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, offensive, or abusive work environment.

E. Sexual Harassment

There are two types of sexual harassment: Hostile Work Environment and "Quid Pro Quo".

Hostile Work Environment sexual harassment is conduct that is directed at an individual because of their sex, sexual orientation, gender identity, or gender expression, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

Quid Pro Quo sexual harassment occurs when a person of authority trades, or tries to trade, something work-related in exchange for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment.

F. Retaliation

It is a violation of the City's EEO Policy for any person to engage in retaliation by coercing, intimidating, threatening, interfering with, or attempting to coerce, intimidate, threaten, or interfere with, any person who exercises rights under this EEO Policy or who aids or encourages any other person to exercise rights protected by this EEO Policy. Retaliation includes any action taken directly or indirectly against a covered person that would have

the effect of dissuading or discouraging an individual from coming forward to make or support a claim of discrimination or harassment.

G. Mandatory Training

As of this writing, there are a number of trainings that are required to be completed by all City employees, whether paid or unpaid. Please note that the need for certain trainings may change, or training may be updated based on changes in the law, or trainings may be refreshed in order to keep employees engaged. At this time, the following trainings are mandatory for all employees:

- Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees¹³
- Lgbtq+ The Power of Inclusion¹⁴
- Sexual Harassment

V. The Documents You'll Need

A. Documents you should have and post and/or disseminate to all staff:

1. The latest version of **the City of New York Equal Employment Opportunity Policy**. At the time of this writing, the latest version of the City's Policy was published in 2024 and can be found on DCAS' website at [City of New York Equal Employment Opportunity Policy 2024](#).
2. **EEO Complaint Process at a Glance**. At the time of this writing, the latest version of this document was published in 2024.
3. **The EEO Policy Handbook**
4. **Reasonable Accommodation Brochure**
5. **Reasonable Accommodation Procedural Guidelines**
6. **Reasonable Accommodations at a Glance**
7. **55-a Program FAQs**

¹³ Required pursuant to Local Law 121 (2021)

¹⁴ Required pursuant to Executive Order 16 (de Blasio 2016)

B. Documents to be Prepared by the EEO Officer for DCAS/EEPC include, but may not be limited to:

1. Complete and send to DCAS the **Affirmation of EEO Reporting Structure** form.
Due upon your appointment to the EEO Officer role.
2. Prepare or Review the agency's **Annual Diversity, Equity, Inclusion and Equal Employment Opportunity Plan (DEI-EEO Plan)** to be submitted to DCAS for approval. If the Plan has been submitted before you were appointed to the role of EEO Officer, review the Plan to ensure you fulfill the program efforts and planned accomplishments before the end of the Plan period.
The deadline for submitting a draft plan to DCAS for approval before sending it to the Office of the Mayor, City Council, the EEPC, and the City Civil Service Commission is around mid-August, but DCAS advises of the specific date.
3. **Quarterly Reports** on your efforts to implement the above-referenced Plan to be submitted to DCAS (Citywide Equity & Inclusion), the Mayor, City Council and the EEPC. A copy must also be uploaded by your agency's Records Officer to the Municipal Archives at DORIS. DCAS also sends you a summary report of complaints and reasonable accommodations based on the data you entered into the DCAS CAD database. Included with the complaint report will be a link for you to affirm that all quarterly complaint reports are complete and accurate. You will also be asked to confirm if there were no EEO complaints filed in your agency for the reporting period. Make sure that the CAD database is fully updated and complete the survey.
Due 30 days after the completion of the reporting period. (For example, the deadline for submission of the FY2024 4th Quarter report (April 1, 2024 – June 30, 2024) is Tuesday, July 30, 2024).
4. **Local Law Reports/Executive Orders:**
 - a. **Executive Order 16 (de Blasio 2016)** – All agencies shall **post the Single-Sex Facility Policy** in conspicuous locations to their personnel and members of the public using their services. All agencies shall provide supervisory and frontline **staff training** approved by DCAS on transgender diversity and inclusion, including the requirements of this Order. Training for supervisory staff shall be completed within one year of the effective date of this Order and every two years thereafter. The training for frontline staff shall be completed within two years of the effective date of this Order and every two years thereafter. DCAS will make such training available to agencies. All agencies must update their annual EEO Plans to incorporate the training requirements of this Executive Order and report the steps undertaken to comply with this Executive Order.

- b. **Executive Order 120 (Bloomberg 2008)** – All residents, regardless of their proficiency in English, have meaningful access to City programs, services, and activities. All City agencies that provide direct public services shall ensure meaningful access to such services by taking reasonable steps to develop and **implement agency-specific language assistance plans**. The agency must, among other things, designate a Language Access Coordinator, **develop a language access policy, and provide services in languages based on at least the top six LEP (Limited English Proficiency) languages** spoken by the population of New York City.
- c. **Local Law 67 (2017)** – Prohibiting employers from inquiring about or relying on a prospective employee's salary history.
- d. **Local Law 93 (2018)** – Assessing workplace risk factors associated with sexual harassment within city agencies. Each agency shall **submit its ongoing assessment of risk factors to DCAS** for periodic review.
- e. **Local Law 101 (2018)** – **Climate surveys and action plans** to combat sexual harassment and equal employment opportunity violations at city agencies. DCAS shall develop a climate survey to assess the general awareness and knowledge of the city's EEO Policy. DCAS will make the climate survey available to all agencies for dissemination to agency employees and agencies shall ensure that each employee receives such climate survey and are advised that such survey is not mandatory or required as part of the employee's job. Agencies shall take steps to ensure that survey remains anonymous, and that no individual employee is personally identified. DCAS shall work with each agency to **develop an action plan, to be incorporated into each agency's annual EEO Plan** and to be reported to the Mayor and Speaker. Such action plan shall address the results of each agency's climate survey, identifying issues found and incorporating the recommendations of the report. After each agency develops an action plan, each agency shall redistribute the climate survey to each agency employee.
On or before July 31, 2024, and every four years thereafter, each agency shall redistribute the climate survey to each employee.
- f. **Local Law 75 (2024)** – Requiring city agencies to **offer career counseling** to municipal employees to advise them of professional development and promotional opportunities. Each agency shall appoint one or more career counselors to offer career counseling to eligible employees.
Report by January 15 of each calendar year the name and contact information of each career counselor appointed by the agency. No later than September 1,

2025, and September 1 of each odd numbered year thereafter, the head of each agency shall submit to DCAS a report. (This Local Law may not apply to the EEO Officer but is included in the event the EEO Officer also serves as the Career Counselor).

- g. **Local Law 76 (2024)** – Requiring DCAS to administer workplace culture surveys. No later than July 1, 2025, DCAS shall create a **workplace culture survey** designed to elicit information related to workplace culture.
On or before September 1, 2025, and September 1 of each odd-numbered year thereafter, DCAS shall coordinate with agencies to distribute a link to the survey.
- h. **Local Law 130** – Requiring DCAS to create a **comprehensive exit survey** and interview protocol, which agencies shall offer to all resigning and retiring employees, to be completed on a voluntary basis.
No later than September 15, 2024, and on or before September 15 annually thereafter, each agency shall provide DCAS and the EEPC data from the exit surveys and interviews in a form and manner determined by DCAS.
- i. **Local Law 27 (2023)** – The agency shall adopt and implement an **annual plan, which shall include an analysis of the agency’s compensation data and measures to address pay disparity and occupational segregation** in the most recent fiscal year; **diversity and inclusion training; and schedule and workplace accommodations and access to facilities**, including access for individuals with disabilities, gender appropriate bathrooms, and lactation rooms.
No later than September 30, 2023, and by each September 30 thereafter, the head of each agency shall publish and submit to the mayor, speaker of the council, DCAS and the EEPC a report containing the information set forth in the law.
- j. **Local Law 28 (2023)** – mandates DCAS to publish and submit to the Mayor and Speaker of City Council an annual report of data provided by the agencies on participation in, and passage of, **City agency training programs** (e.g., academy class) that are required for, or relevant to, (a) **civil service appointments or promotions; (b) a list of agencies’ recruitment activities; (c) expenditures, by borough if available, related to recruiting candidates for open-competitive civil service examinations and promotional civil service examinations; (d) any preparatory materials developed for applicants or potential applicants for open-competitive civil service examinations or promotional civil service examinations.**

Data must be uploaded to DCAS by August 31st annually and submitted to the mayor and speaker of City Council.

k. Local Law 14 (2019) –

l. Executive Order 59 (July 2020) – Re Chief Diversity Officer/Chief MWBE position

C. Ensure that all **mandatory trainings have been taken by all employees before the end of the cycle.**

VI. EEPC Audit Standards for Agencies and What the EEPC Expects During an Audit

For the Audit Standards used by the EEPC when auditing the EEO Program of a City agency and what the EEPC expects to receive from the agency during an audit, see [Appendix A](#).

<i>The EEPc's AUDIT STANDARDS</i>		<i>WHAT WOULD THE EEPc EXPECT TO SEE FROM THE AGENCY</i>
Organization		
1	Ensure the EEO Professional reports directly to the Agency Head in order to exercise the necessary authority and independent judgement to fulfill EEO responsibilities.	Demonstrate compliance by providing an organizational chart, with at least a dotted line report from the EEO Professional to the Agency Head.
2	Assign the Principal EEO Professional the responsibility to supervise the activities of EEO Professionals.	Demonstrate compliance by providing an organizational chart showing that the Principal EEO Professional supervises the activities of the EEO Professionals and include any email or other evidence of the supervisor activities of the Principal EEO Professional.
3	Ensure that the responsibilities of the Principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.	Demonstrate that the Principal EEO Professional has sufficient training, staffing and resources in which to perform the functions of the job.
4	Maintain documentation regarding directives or decisions between the Agency Head and the Principal EEO Professional that impact the administration and operation of EEO programs, policies, procedures.	The EEO Professionals should maintain detailed agendas for meetings held with the Agency Head for discussions about staffing, policies, EEO complaints, quarterly report submissions and any analyses of the workforce.
5	Ensure the Principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.	Emails showing that during the period in review, the Principal EEO Professional worked cooperatively and closely with the General Counsel discussing the complaint investigation process, employee training, and updating policies to be included in the employee handbook or any other evidence to demonstrate close cooperation in implementing measures concerning EEO and sexual harassment.
6	Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives, and training.	Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives, and training.
7	Ensure that managers and supervisors are held accountable for enforcing the agency's EEO and sexual harassment prevention policies and complaint procedures.	Document this expectation and its implementation.
8		Demonstrate that the Agency rated its managerial employees on their ability to implement EEO-related responsibilities. 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).
EEO Policy Issuance, Distribution & Posting		
9		Copies of the entity's annual statements, for each year of the audit, that includes the Agency Head's commitment to EEO, covered employees, protected classes, complaint investigation procedures, a determination will be issued within 90-days, reasonable accommodation procedures, may file an anonymous complaint, prohibition against retaliation, names and phone numbers of outside reporting agencies, the names and contact information of the entity's EEO professionals, signed and dated by the Agency Head. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current or if emailed and/or posted to employees, demonstrate email and/or posting.
10		Issue and distribute an annual EEO Commitment/Policy Statement from the Agency Head.
	Distribute and/or post a paper or electronic copy of the City's Equal Employment Opportunity Policy.	Ensure the policy is current, with current contact information for the entity's EEO Professional(s) and federal, state, and local agencies that enforce laws against discrimination, uniform procedures for investigating discrimination complaints and providing reasonable accommodations, and a current list of protected classes. If posted, ensure employees are annually informed of the location of the documents, and that all links to the policy are operable.
Complaint Investigation Procedures		
11		Ensure the tracking system permits the entity to identify the status and length of time elapsed in the complaint investigation process, the issues and bases of complaints, the parties, and other information necessary to analyze complaint activity and identify trends.
12		A redacted Complaint Intake Form or a written complaint that captures facts, including dates, that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
13		Provided the procedure, policy or correspondence which communicates the option to file the complaint anonymously.

14	Serve the Respondent with a Notice of the Complaint, with a right to respond to the allegations and the right to be accompanied by a representative of their choice.	Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a sample, redacted Notice of the Complaint?
15	Issue and maintain written confirmation when an internal complaint is mediated/terminated, withdrawn or resolved, by agreement of the parties or EEO Office.	Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a sample, redacted confirmation of complaint mediation/termination?
16	Take thorough notes of words spoken and facts provided during each interview. Include in complaint file.	Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a redacted sample of the notes taken?
17	Complete a thorough investigation report within 90-days of the date the complaint was filed.	Demonstrate consistent language in the agency's policy or procedure. Any redacted document indicating that the investigative report was completed within the 90-day time period.
18	Notify the parties if the report is not completed within the 90-day requirement.	Demonstrate consistent language in the agency's policy or procedure. Any redacted letter notifying the parties of the delay.
19	Maintain complaint files in a secure area.	Written explanation of the process the agency uses to secure complaint files along with any supporting documentation.
20	Establish and implement a policy whereby the Agency Head (or an approved direct report other than the General Counsel) reviews the Principal Investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.	Demonstrate consistent language in the agency's policy or procedure. Copy of a redacted investigation report or other document demonstrating that the report was reviewed and signed by the Agency Head, indicating that the recommendation(s) have been reviewed, adopted, rejected, etc.
21	Notify the parties, in writing, of the outcome of the complaint.	Demonstrate consistent language in the agency's policy or procedure. Any redacted letter to the parties informing them of the conclusion and outcome of the investigation.
22	Ensure all complaint files contain all documents pertinent to the investigation.	Demonstrate consistent language in the agency's policy or procedure. Demonstrate the type of documents that a typical investigation file contains.
23	Ensure the General Counsel assists the Agency Head in identifying and determining appropriate responses to sexual harassment; works with the Principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the Principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the Agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.	Evidence may include the Job Vacancy Notice for the General Counsel position to demonstrate the position is responsible for investigating and responding to internal and external sexual harassment complaints. Email between the Principal EEO Professional, Agency Head, and General Counsel to demonstrate assistance and collaboration in revising and implementing policies and procedures pertaining to sexual harassment and email during the period in review demonstrating that the Principal EEO Professional consulted with the General Counsel at various times during the complaint investigation process.
23	Notify the parties, in writing, when the investigation is transferred because of the filing of an external complaint.	Demonstrate consistent language in the agency's policy or procedure. Provide a redacted copy of a notification to the parties that the investigation is being transferred because of the filing of an external complaint.
Annual EEO Plan		
24	Submit to the EEOC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan and quarterly reports. Include a breakout of EEO and sexual harassment complaint activity in each quarterly report for every year of the audit review period.	Provide copies of the annual EEO Plan, including training plan and quarterly reports for each of the years being audited. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
Entity Training		
25	Establish and implement an EEO training plan for new and existing employees, which includes all legally required training.	A good raining curriculum covers local, state, and federal EEO laws; EEO rights and/or responsibilities; requirements of the agency's EEO policies; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
26	Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding City, State and Federal EEO laws.	Demonstrate that all staff have been informed who the Agency's EEO Officer is and that the person appointed has taken all required EEO training as well as training on EEO laws, and conducting EEO investigations.
27	Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations. Appoint professionals trained in EEO laws and procedures.	Provide documentation that each EEO Professional completed training in EEO-related laws/procedures (at minimum, training that pertains to the assigned role/responsibility).
28	Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as structured interview training and unconscious bias) to select the most capable candidates.	Agency should provide the training curriculum or guide used to train the Human Resources professionals, Managers, Supervisors, or other personnel involved in recruiting, hiring, and/or interviewing (e.g., structured interview training). Provide documentation that the training was taken.
Employees and Applicants with Disabilities		

29	Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for ensuring compliance with entity policies pertaining to persons with disabilities and receiving reasonable accommodation requests.	Provide documentation demonstrating the designee's training and knowledge of the subject matter or that the designated person was assigned the responsibility of receiving reasonable accommodation requests, engaging in a cooperative dialogue with requestors, and recommending appropriate outcomes for request.
30	Distribute and/or post a paper or electronic copy of a reasonable accommodation process.	Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
31	When feasible, utilize the Section 55-a Program, which allows City entities to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis.	Designate a Section 55-a Program Coordinator to disseminate information about the program and assist individuals who wish to apply. When feasible, utilize the Section 55-a Program and assist individuals who wish to apply.
32	Ensure that information regarding employee EEO-related rights and obligations, the complaint, investigation, reasonable accommodation procedures are available in appropriate alternate formats.	Ensure all information meets all established accessibility standards and can be available in other languages, as needed.
Workforce Review and Analysis		
33	Ensure that the principal EEO Professional, principal Human Resources Professional (or designee), General Counsel and Agency Head review the entity's statistical information (e.g., workforce, hires, promotions, and separations by race/ethnicity and gender) to identify barriers to equal employment opportunities.	Provide documentation to demonstrate that meetings are held to review the pertinent statistical information (i.e., workforce, hires, promotions, separations by race/ethnicity and gender; annual EEO complaints; employment practices/procedures; related employment practices/procedures); the barriers identified; the outcome of these meetings and any action taken or changes made as a result. If applicable, agency may also provide its plan to correct any deficiencies pursuant to court decree or governmental audit.
34	Ensure that the Principal EEO Professional, HR Professional, and General Counsel review the number of sexual harassment complaints, and the agency's employment practices, policies, and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.	Demonstrate that during the period of review, the Principal EEO Professional, HR Professional, and General Counsel reviewed the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any actions are required to correct deficiencies.
35	Use and maintain an applicant/candidate log or tracking system that tracks the application-to-hiring lifecycle.	An applicant/candidate log should capture all pertinent criteria relating to the position and candidate, such as the position, applicant's name or identification number, race/ethnicity, gender, veteran status, interview date, interviewer's names, result/disposition, reason selected/not selected for each applicant, recruitment source. Note: Although it has been best practice for employers to collect this information from applicants, information about an applicant's race/ethnicity, and gender is kept separately from the interview data collected and should not be combined on the same log because it is illegal to hire, promote, or take any employment action based on a person's protected characteristics.
Recruitment		
36	Demonstrate commitment to diversity in entity-produced content (e.g. images and pictures) and messaging.	Advertisements that indicate the agency/City of New York practices equal employment opportunity (e.g., statements promoting equal employment opportunity, EEO, or equal opportunity employer taglines. The City of New York utilizes the following language on job postings: <i>The City of New York is an inclusive equal opportunity employer committed to recruiting and retaining a diverse workforce and providing a work environment that is free from discrimination and harassment based upon any legally protected status or protected characteristic, including but not limited to an individual's sex, race, color, ethnicity, national origin, age, religion, disability, sexual orientation, veteran status, gender identity, or pregnancy.</i>
37	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 and people of color and other protected groups.	Determine which groups are underutilized in titles where the agency has discretion in hiring. Contact organizations serving women, people of color and other protected groups. Participate in career fairs/open houses and/or use internships to attract interested persons and to develop and hire interested and qualified candidates.
38	Assess recruitment efforts to address adverse impact.	Provide documentation that recruitment is periodically assessed, such as through minutes of meetings. A calendar invite to a meeting is not sufficient to demonstrate that the meeting was held. The recruitment assessment should be a document that identifies and lists the agency's recruitment sources, identifies the job groups and protected groups experiencing underutilization, includes an examination of the usefulness of each recruitment source by identifying the number of protected applicants yielded by each source, and includes a decision to eliminate sources or enhance recruitment sources based on the number of applicants received.

39	Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon a 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.	Provide documentation that selection criteria/processes are assessed, the outcome of the assessment and any changes made as a result. Documentation should include a written commitment to assess selection criteria; identification of processes by which the agency collects and analyzes applicant, candidate and hire demographics for each title. 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 that diminish adverse impact. Monitor progress annually.
40	Designate a Career Counselor, knowledgeable and familiar with career opportunities in City government to provide career counseling to employees upon request.	Provide documentation that the agency appointed a Career Counselor or instituted a process to provide information regarding career opportunities in City government and/or career-related counseling upon request. Provide documentation showing that the Career Counselor has training and knowledge regarding opportunities and careers in City government. Provide documentation to show that employees have been reminded annually of the name and contact information of the Career Counselor.
41	Inform all employees of the identity of the Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings. Ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.	Demonstrate that all employees have been informed of the identity of the Career Counselor and ensure that all employees have been given access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings. Agency can demonstrate compliance through emails to all staff, or any other method(s) that demonstrate compliance.
42	Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles (non-competitive class) to determine whether there is any adverse impact.	If women, people of color, or other protected groups are underrepresented in titles where there is discretion in hiring, determine the usefulness of the selection procedures (criteria, practices, and patterns) and their relevancy to measuring suitability for the job and advertise in minority- or female-oriented media outlets; contact organizations serving women, people of color, and other protected groups, participate in career fairs/open houses or use internships to attract interested persons and hire qualified candidates.
43	Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact.	If women, people of color, or other protected groups are underrepresented in civil service (competitive) 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 media outlets, contact organizations serving women, people of color, or 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.
44	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 update, job related and required by business necessity. This includes working with DCAS or the CSC, if applicable.	If women, people of color, 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. Advertise in minority- or female- oriented publications, contact organizations serving women, people of color, and other protected groups. Participate in career fairs or open houses and/or use internships to attract interested persons and to develop and hire interested and qualified candidates.
45	Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities	Demonstrate that the agency provided career enhancement opportunities to employees during the period of review via the following methods: opened vacancies to internal applicants, established a selection process with specific qualifications to encourage promotional opportunities, and facilitated lateral transfers to encourage employees to explore other opportunities - which were restricted to specific time frames (e.g., once per year). The agency can demonstrate that it participated in cross training, and explored the opportunities for movement/transfer of staff when requested.
46	Ensure candidates are considered internally for career advancement, development opportunities, and transfer.	Ensure employees are considered internally for career enhancement, development opportunities and transfer by encouraging and providing training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross-divisional assignments, job transfers, and/or job rotation, and identifying internal successors with applicable knowledge/skills/abilities.
Reasonable Accommodation		
47	Provide a confidential, flexible, and interactive reasonable accommodation process and communicate the decision to grant or deny the request within 15-days from the conclusion of the cooperative dialogue.	Document through the use of a redacted reasonable accommodation log, and/or documentation to the requestor, indicating the dates of the decision to grant or deny the request. Ensure all employees are aware of the reasonable accommodation process by demonstrating that they received a copy of the policy or procedure through email or if the document is posted, ensure all employees are told where to find it.

48	Document reasonable accommodation requests and their outcome. Maintain a complete record for tracking and related purposes. Ensure the record contains the number of reasonable accommodations, by type, the job titles for which reasonable accommodations have been requested, the number of reasonable accommodations by job type that have been both approved and denied, the number of requests for reasonable accommodations, the amount of time taken to process each request, and the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations. Develop and implement a plan to demonstrate facilities are accessible to and usable by employee/applicants with physical disabilities.	
49		Provide a redacted copy of the agency's reasonable accommodation log. Provide a copy of the agency's plan to demonstrate its facilities are accessible to and usable by employees and applicants with physical disabilities.



IV. OLD BUSINESS

C. EEO AUDIT STANDARDS



<i>The EEPc's AUDIT STANDARDS</i>		<i>EP&P 2016</i>	<i>SHPR 2018-2021</i>	<i>UU 2022-2025</i>	<i>2026-2029</i>	<i>WHAT WOULD THE EEPc EXPECT TO SEE FROM THE AGENCY</i>
Organization						
1	Ensure the EEO Professional reports directly to the Agency Head in order to exercise the necessary authority and independent judgement to fulfill EEO responsibilities.	X	X			Demonstrate compliance by providing an organizational chart, with at least a dotted line report from the EEO Professional to the Agency Head.
2	Assign the Principal EEO Professional the responsibility to supervise the activities of EEO Professionals.		X			Demonstrate compliance by providing an organizational chart showing that the Principal EEO Professional supervises the activities of the EEO Professionals and include any email or other evidence of the supervisor activities of the Principal EEO Professional.
3	Ensure that the responsibilities of the Principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.		X			Demonstrate that the Principal EEO Professional has sufficient training, staffing and resources in which to perform the functions of the job.
4	Maintain documentation regarding directives or decisions between the Agency Head and the Principal EEO Professional that impact the administration and operation of EEO programs, policies, procedures.	X	X			The EEO Professionals should maintain detailed agendas for meetings held with the Agency Head for discussions about staffing, policies, EEO complaints, quarterly report submissions and any analyses of the workforce.
5	Ensure the Principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.		X			Emails showing that during the period in review, the Principal EEO Professional worked cooperatively and closely with the General Counsel discussing the complaint investigation process, employee training, and updating policies to be included in the employee handbook or any other evidence to demonstrate close cooperation in implementing measures concerning EEO and sexual harassment.
6	Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives, and training.	X				Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives, and training.
7	Ensure that managers and supervisors are held accountable for enforcing the agency's EEO and sexual harassment prevention policies and complaint procedures.		X			Document this expectation and its implementation.
8						Demonstrate that the Agency rated its managerial employees on their ability to implement EEO-related responsibilities. 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).
EEO Policy Issuance, Distribution & Posting						
9						Copies of the entity's annual statements, for each year of the audit, that includes the Agency Head's commitment to EEO, covered employees, protected classes, complaint investigation procedures, a determination will be issued within 90-days, reasonable accommodation procedures, may file an anonymous complaint, prohibition against retaliation, names and phone numbers of outside reporting agencies, the names and contact information of the entity's EEO professionals, signed and dated by the Agency Head. Ensure all links to the policy, procedures, and related forms are operable and that all documents are current or if emailed and/or posted to employees, demonstrate email and/or posting.
10	Issue and distribute an annual EEO Commitment/Policy Statement from the Agency Head.	X	X	X		Ensure the policy is current, with current contact information for the entity's EEO Professional(s) and federal, state, and local agencies that enforce laws against discrimination, uniform procedures for investigating discrimination complaints and providing reasonable accommodations, and a current list of protected classes. If posted, ensure employees are annually informed of the location of the documents, and that all links to the policy are operable.
Complaint Investigation Procedures						
11	Establish and utilize a complaint tracking system.		X	X		Ensure the tracking system permits the entity to identify the status and length of time elapsed in the complaint investigation process, the issues and bases of complaints, the parties, and other information necessary to analyze complaint activity and identify trends.
12	Include in the complaint file a completed Complaint Intake Form.		X			A redacted Complaint Intake Form or a written complaint that captures facts, including dates, that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
13	Provide the option to file a complaint anonymously.		X			Provided the procedure, policy or correspondence which communicates the option to file the complaint anonymously.
14	Serve the respondent with a Notice of the Complaint, with a right to respond to the allegations and the right to be accompanied by a representative of their choice.		X			Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a sample, redacted Notice of the Complaint?
15	Issue and maintain written confirmation when an internal complaint is mediated/terminated, withdrawn or resolved, by agreement of the parties or EEO Office.		X			Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a sample, redacted confirmation of complaint mediation/termination?
16	Take thorough notes of words spoken and facts provided during each interview. Include in complaint file.		X			Demonstrate consistent language in the agency's policy or procedure. Can the agency provide a redacted sample of the notes taken?
17	Complete a thorough investigation report within 90-days of the date the complaint was filed.		X			Demonstrate consistent language in the agency's policy or procedure. Any redacted document indicating that the investigative report was completed within the 90-day time period.
18	Notify the parties if the report is not completed within the 90-day requirement.		X			Demonstrate consistent language in the agency's policy or procedure. Any redacted letter notifying the parties of the delay.

19	Maintain complaint files in a secure area.				X		Written explanation of the process the agency uses to secure complaint files along with any supporting documentation.
20	Establish and implement a policy whereby the Agency Head (or an approved direct report other than the General Counsel) reviews the Principal Investigator's conclusive report; issues a written/electronic determination (approve, reject, or modifying the recommended action); and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.				X		Demonstrate consistent language in the agency's policy or procedure. Copy of a redacted investigation report or other document demonstrating that the report was reviewed and signed by the Agency Head, indicating that the recommendation(s) have been reviewed, adopted, rejected, etc.
21	Notify the parties, in writing, of the outcome of the complaint.				X		Demonstrate consistent language in the agency's policy or procedure. Any redacted letter to the parties informing them of the conclusion and outcome of the investigation.
22	Ensure all complaint files contain all documents pertinent to the investigation.				X		Demonstrate consistent language in the agency's policy or procedure. Demonstrate the type of documents that a typical investigation file contains.
	Ensure the General Counsel assists the Agency Head in identifying and determining appropriate responses to sexual harassment; works with the Principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the Principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the Agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.				X		Evidence may include the Job Vacancy Notice for the General Counsel position to demonstrate the position is responsible for investigating and responding to internal and external sexual harassment complaints. Email between the Principal EEO Professional, Agency Head, and General Counsel to demonstrate assistance and collaboration in revising and implementing policies and procedures pertaining to sexual harassment and email during the period in review demonstrating that the Principal EEO Professional consulted with the General Counsel at various times during the complaint investigation process.
23	Notify the parties, in writing, when the investigation is transferred because of the filing of an external complaint.				X		Demonstrate consistent language in the agency's policy or procedure. Provide a redacted copy of a notification to the parties that the investigation is being transferred because of the filing of an external complaint.
Annual EEO Plan							
24	Submit to the EEOC an annual entity-specific equal employment opportunity (EEO) plan, which includes a training plan and quarterly reports. Include a breakout of EEO and sexual harassment complaint activity in each quarterly report for every year of the audit review period.		X			X	Provide copies of the annual EEO Plan, including training plan and quarterly reports for each of the years being audited. Include a breakout of complaint activity, or affirmation of no complaints, for each quarterly report.
Entity Training							
25	Establish and implement an EEO training plan for new and existing employees, which includes all legally required training						A good raining curriculum covers local, state, and federal EEO laws; EEO rights and/or responsibilities; requirements of the agency's EEO policies; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
26	Appoint a principal EEO Professional to implement EEO policies and standards within the entity. Ensure the principal EEO Professional is trained regarding City, State and Federal EEO laws.		X		X	X	Demonstrate that all staff have been informed who the Agency's EEO Officer is and that the person appointed has taken all required EEO training as well as training on EEO laws, and conducting EEO investigations.
27	Where the entity's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations. Appoint professionals trained in EEO laws and procedures.				X	X	Provide documentation that each EEO Professional completed training in EEO-related laws/procedures (at minimum, training that pertains to the assigned role/responsibility).
28	Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained on the use of uniform, job-related techniques (such as structured interview training and unconscious bias) to select the most capable candidates.						Agency should provide the training curriculum or guide used to train the Human Resources professionals, Managers, Supervisors, or other personnel involved in recruiting, hiring, and/or interviewing (e.g., structured interview training). Provide documentation that the training was taken.
Employees and Applicants with Disabilities							
29	Designate an EEO or human resources professional (such as a Disability Rights Coordinator or ADA Coordinator) who is responsible for ensuring compliance with entity policies pertaining to persons with disabilities and receiving reasonable accommodation requests.		X			X	Provide documentation demonstrating the designee's training and knowledge of the subject matter or that the designated person was assigned the responsibility of receiving reasonable accommodation requests, engaging in a cooperative dialogue with requestors, and recommending appropriate outcomes for request.
30	Distribute and/or post a paper or electronic copy of a reasonable accommodation process.						Distribute and/or post a paper or electronic copy of a reasonable accommodation process, which requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. If posted (electronic or hard copy), ensure employees are annually informed of the location of the document(s).
31	When feasible, utilize the Section 55-a Program, which allows City entities to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis.					X	Designate a Section 55-a Program Coordinator to disseminate information about the program and assist individuals who wish to apply. When feasible, utilize the Section 55-a Program and assist individuals who wish to apply.
32	Ensure that information regarding employee EEO-related rights and obligations, the complaint, investigation, reasonable accommodation procedures are available in appropriate alternate formats.		X				Ensure all information meets all established accessibility standards and can be available in other languages, as needed.
Workforce Review and Analysis							
33	Ensure that the principal EEO Professional, principal Human Resources professional (or designee), General Counsel and Agency Head review the entity's statistical information (e.g., workforce, hires, promotions, and separations by race/ethnicity and gender to identify barriers to equal employment opportunities.		X			X	Provide documentation to demonstrate that meetings are held to review the pertinent statistical information (i.e., workforce, hires, promotions, separations by race/ethnicity and gender; annual EEO complaints; employment practices/procedures; related employment practices/procedures); the barriers identified; the outcome of these meetings and any action taken or changes made as a result. If applicable, agency may also provide its plan to correct any deficiencies pursuant to court decree or governmental audit.

34	Ensure that the Principal EEO Professional, HR Professional, and General Counsel review the number of sexual harassment complaints, and the agency's employment practices, policies, and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.		X			Demonstrate that during the period of review, the Principal EEO Professional, HR Professional, and General Counsel reviewed the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any actions are required to correct deficiencies.
35					X	An applicant/candidate log should capture all pertinent criteria relating to the position and candidate, such as the position, applicant's name or identification number, race/ethnicity, gender, veteran status, interview date, interviewer's names, result/disposition, reason selected/not selected for each applicant, recruitment source. Note: Although it has been best practice for employers to collect this information from applicants, information about an applicant's race/ethnicity, and gender is kept separately from the interview data collected and should not be combined on the same log because it is illegal to hire, promote, or take any employment action based on a person's protected characteristics.
Recruitment						
36						Advertisements that indicate the agency/City of New York practices equal employment opportunity (e.g., statements promoting equal employment opportunity, EEO, or equal opportunity employer taglines). The City of New York utilizes the following language on job postings: <i>The City of New York is an inclusive equal opportunity employer committed to recruiting and retaining a diverse workforce and providing a work environment that is free from discrimination and harassment based upon any legally protected status or protected characteristic, including but not limited to an individual's sex, race, color, ethnicity, national origin, age, religion, disability, sexual orientation, veteran status, gender identity, or pregnancy.</i>
37	Demonstrate commitment to diversity in entity-produced content (e.g. images and pictures) and messaging. hiring , advertise in minority- or female-oriented publications, contact organizations serving women and people of color and other protected groups.	X			X	Determine which groups are underutilized in titles where the agency has discretion in hiring. Contact organizations serving women, people of color and other protected groups. Participate in career fairs/open houses and/or use internships to attract interested persons and to develop and hire interested and qualified candidates.
38						Provide documentation that recruitment is periodically assessed, such as through minutes of meetings. A calendar invite to a meeting is not sufficient to demonstrate that the meeting was held. The recruitment assessment should be a document that identifies and lists the agency's recruitment sources, identifies the job groups and protected groups experiencing underutilization, includes an examination of the usefulness of each recruitment source by identifying the number of protected applicants yielded by each source, and includes a decision to eliminate sources or enhance recruitment sources based on the number of applicants received.
39	Assess recruitment efforts to address adverse impact. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon a 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.	X			X	Provide documentation that selection criteria/processes are assessed, the outcome of the assessment and any changes made as a result. Documentation should include a written commitment to assess selection criteria; identification of processes by which the agency collects and analyzes applicant, candidate and hire demographics for each title. 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 that diminish adverse impact. Monitor progress annually.
40	Designate a Career Counselor, knowledgeable and familiar with career opportunities in City government to provide career counseling to employees upon request.	X			X	Provide documentation that the agency appointed a Career Counselor or instituted a process to provide information regarding career opportunities in City government and/or career-related counseling upon request. Provide documentation showing that the Career Counselor has training and knowledge regarding opportunities and careers in City government. Provide documentation to show that employees have been reminded annually of the name and contact information of the Career Counselor.
41	Inform all employees of the identity of the Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings. Ensure that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures.					Demonstrate that all employees have been informed of the identity of the Career Counselor and ensure that all employees have been given access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings. Agency can demonstrate compliance through emails to all staff, or any other method(s) that demonstrate compliance.
42	Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in discretionary titles (non-competitive class) to determine whether there is any adverse impact.				X	If women, people of color, or other protected groups are underrepresented in titles where there is discretion in hiring, determine the usefulness of the selection procedures (criteria, practices, and patterns) and their relevancy to measuring suitability for the job and advertise in minority- or female-oriented media outlets; contact organizations serving women, people of color, and other protected groups, participate in career fairs/open houses or use internships to attract interested persons and hire qualified candidates.
43	Designate EEO or human resources professional(s) to annually assess the manner in which candidates are selected for employment in civil service (competitive) titles to determine whether there is any adverse impact.				X	If women, people of color, or other protected groups are underrepresented in civil service (competitive) 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 media outlets, contact organizations serving women, people of color, or 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.

44	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. Advertise in minority- or female- oriented publications, contact organizations serving women, people of color, and other protected groups. Participate in career fairs or open houses and/or use internships to attract interested persons and to develop and hire interested and qualified candidates.							If women, people of color, 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. Advertise in minority- or female- oriented publications, contact organizations serving women, people of color, and other protected groups. Participate in career fairs or open houses and/or use internships to attract interested persons and to develop and hire interested and qualified candidates.
45	Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities				X			Demonstrate that the agency provided career enhancement opportunities to employees during the period of review via the following methods: opened vacancies to internal applicants, established a selection process with specific qualifications to encourage promotional opportunities, and facilitated lateral transfers to encourage employees to explore other opportunities - which were restricted to specific time frames (e.g., once per year). The agency can demonstrate that it participated in cross training, and explored the opportunities for movement/transfer of staff when requested.
46	Ensure candidates are considered internally for career advancement, development opportunities, and transfer.							Ensure employees are considered internally for career enhancement, development opportunities and transfer by encouraging and providing training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross-divisional assignments, job transfers, and/or job rotation, and identifying internal successors with applicable knowledge/skills/abilities.
Reasonable Accommodation								
47	Provide a confidential, flexible, and interactive reasonable accommodation process and communicate the decision to grant or deny the request within 15-days from the conclusion of the cooperative dialogue.							Document through the use of a redacted reasonable accommodation log, and/or documentation to the requestor, indicating the dates of the decision to grant or deny the request. Ensure all employees are aware of the reasonable accommodation process by demonstrating that they received a copy of the policy or procedure through email or if the document is posted, ensure all employees are told where to find it.
48	Document reasonable accommodation requests and their outcome. Maintain a complete record for tracking and related purposes. Ensure the record contains the number of reasonable accommodations, by type, the job titles for which reasonable accommodations have been requested, the number of reasonable accommodations by job type that have been both approved and denied, the number of requests for reasonable accommodations, the amount of time taken to process each request, and the sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.							
49	Develop and implement a plan to demonstrate facilities are accessible to and usable by employee/applicants with physical disabilities.				X			Provide a redacted copy of the agency's reasonable accommodation log.
								Provide a copy of the agency's plan to demonstrate its facilities are accessible to and usable by employees and applicants with physical disabilities.



VI. AUDIT UPDATE

A. 2024 AUDIT UPDATE

B. 2025 AUDIT UPDATE





2024 Audit Plan (AP) Status Update - Commission Meeting #278

[illegible]

EEPC 2025 AUDIT PLAN (35)					
MAYORAL(M) OR NON-MAYORAL(NM)	ENTITY CODE	ENTITY ACRONYM	ENTITY	AUDIT TYPE	AP YEAR
M	056	NYPD	New York City Police Department	EPA (*UU)	2025
M	063	DVS	Department of Veterans' Services	EPA (*UU)	2025
M	082	MOCS	Mayor's Office of Contract Services	EPA (*UU)	2025
NM	102	NYCC	New York City Council	EPA (*UU)	2025
NM	341	MCB1	Manhattan Community Board No. 1	EPA (*UU)	2025
NM	342	MCB2	Manhattan Community Board No. 2	EPA (*UU)	2025
NM	343	MCB3	Manhattan Community Board No. 3	EPA (*UU)	2025
NM	344	MCB4	Manhattan Community Board No. 4	EPA (*UU)	2025
NM	345	MCB5	Manhattan Community Board No. 5	EPA (*UU)	2025
NM	346	MCB6	Manhattan Community Board No. 6	EPA (*UU)	2025
NM	347	MCB7	Manhattan Community Board No. 7	EPA (*UU)	2025
NM	348	MCB8	Manhattan Community Board No. 8	EPA (*UU)	2025
NM	349	MCB9	Manhattan Community Board No. 9	EPA (*UU)	2025
NM	350	MCB10	Manhattan Community Board No. 10	EPA (*UU)	2025
NM	351	MCB11	Manhattan Community Board No. 11	EPA (*UU)	2025
NM	352	MCB12	Manhattan Community Board No. 12	EPA (*UU)	2025
NM	431	QCB1	Queens Community Board No. 1	EPA (*UU)	2025
NM	432	QCB2	Queens Community Board No. 2	EPA (*UU)	2025
NM	433	QCB3	Queens Community Board No. 3	EPA (*UU)	2025
NM	434	QCB4	Queens Community Board No. 4	EPA (*UU)	2025
NM	435	QCB5	Queens Community Board No. 5	EPA (*UU)	2025
NM	436	QCB6	Queens Community Board No. 6	EPA (*UU)	2025
NM	437	QCB7	Queens Community Board No. 7	EPA (*UU)	2025
NM	438	QCB8	Queens Community Board No. 8	EPA (*UU)	2025
NM	439	QCB9	Queens Community Board No. 9	EPA (*UU)	2025
NM	440	QCB10	Queens Community Board No. 10	EPA (*UU)	2025
NM	441	QCB11	Queens Community Board No. 11	EPA (*UU)	2025
NM	442	QCB12	Queens Community Board No. 12	EPA (*UU)	2025
NM	443	QCB13	Queens Community Board No. 13	EPA (*UU)	2025
NM	444	QCB14	Queens Community Board No. 14	EPA (*UU)	2025
NM	*740	SCI	Special Commissioner of Investigation for the New York City School District	EPA (UU)	2025
NM	903	KCDA	Office of the Kings County District Attorney	EPA (*UU)	2025
NM	904	QCDA	Office of the Queens County District Attorney	EPA (*UU)	2025
NM	942	BCPA	Office of the Bronx County Public Administrator	EPA (*UU)	2025
NM	945	RCPA	Office of the Richmond County Public Administrator	EPA (*UU)	2025

*Note - SCI (740) shares an agency code with DOE (740). DOE was audited as part of the 2024 AP