

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

**RESOLUTION #2014/069:** Final Determination pursuant to the Audit and Analysis of the Human Resources Administration's Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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

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

**Whereas**, pursuant to its audit and analysis of the Human Resources Administration's (HRA) Discrimination Complaint and Investigation Procedure, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 10, 2014, setting forth findings and the following required corrective actions:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
3. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
4. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, recommendation, and Agency Head's Review at the conclusion of each complaint investigation.

5. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination (via writing or electronically) to indicate it has been reviewed and adopted.
6. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location (unit or department where the allegations arose), and other information necessary to analyze complaint activity to identify trends.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Establish a procedure in which the General Counsel tracks disposition of external complaints and reports trends, issues and problems to agency leadership for appropriate action.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on October 24, 2014 with documentation of its actions to rectify required corrective action no. 6; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2014 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 1, 2, 3, 4, 5, 7 and 8 require compliance monitoring; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2014 through April 2015, to determine whether it implemented remaining required corrective actions; and

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

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

**Be It Resolved,**

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward its Final Determination to Commissioner Steven Banks of the Human Resources Administration.

Approved unanimously on October 30, 2014.

**Angela Cabrera  
Commissioner**

**Arva R. Rice  
Commissioner**

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive style with a horizontal line underneath the name.

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

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

**RESOLUTION #2015/069C-01:** Determination of **Compliance** (Monitoring Period Required) by the Human Resources Administration with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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

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

**Whereas**, pursuant to its audit and analysis of the Human Resources Administration's (HRA) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 10, 2014, setting forth findings and the following required corrective actions:

1. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
2. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
3. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
4. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.

5. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
6. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location (unit or department where the allegations arose), and other information necessary to analyze complaint activity to identify trends.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Establish a procedure in which the General Counsel tracks disposition of external complaints and reports trends, issues and problems to agency leadership for appropriate action.

**Whereas**, the Human Resources Administration submitted its response to the EEPC's preliminary determination letter, on October 24, 2014 with documentation of its actions to rectify required corrective actions no. 6; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2014, which agreed and accepted documentation for implementation of the aforementioned corrective action, with corrective actions nos. 1, 2, 3, 4, 5, 7, and 8, remaining; and

**Whereas**, the Human Resources Administration submitted its response to the EEPC's Final Determination letter with documentation of its actions to rectify required corrective actions nos. 2, 4, 5, 6 and 7, on November 21, 2014; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions nos. 1, 3, and 8 from November 2014 to December 2014; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Human Resources Administration submitted a copy of the agency head's memorandum to staff dated December 12, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

government; Now Therefore,

**Be It Resolved,**

that the Human Resources Administration has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

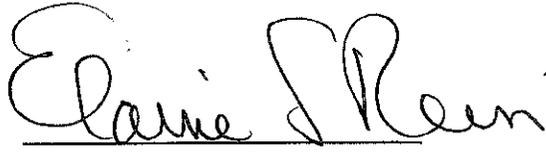
**Be It Finally Resolved,**

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Steven Banks, Commissioner of the Human Resources Administration.

Approved unanimously on February 5, 2015.

Angela Cabrera  
Commissioner

Malini Cadambi Daniel  
Commissioner

A handwritten signature in black ink, reading "Elaine S. Reiss". The signature is written in a cursive style with a horizontal line underneath the name.

Elaine S. Reiss, Esq.  
Commissioner

**MEMORANDUM**

Steven Banks  
Commissioner

180 Water Street  
New York, NY 10038

212 331 6000

**DATE:** December 12, 2014  
**TO:** HRA Staff  
**FROM:** Steven Banks, Commissioner   
**SUBJECT:** **EQUAL EMPLOYMENT PRACTICES COMMISSION AUDIT**

The Equal Employment Practices Commission (EEOC) conducts audits of the Equal Employment Opportunity Offices of all New York City agencies to determine compliance with the city, state and federal laws to increase equal employment opportunity. EEOC's most recent audit of the Human Resources Administration's (HRA) compliance covered the period from November 2012 to December 2013. I am pleased to inform you that the audit found no serious policy violations. In addition, HRA has implemented all the recommendations that were made by the EEOC. Some of these recommendations are:

- When there is a complaint, the HRA EEO should serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice; and maintain in the complaint file documentation regarding the service of notice on the respondent;
- In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report; and the complainant and respondent should be notified of the delay in writing;
- HRA should establish a procedure in which the General Counsel tracks disposition of external complaints and reports trends, issues and problems to agency leadership for appropriate action.

As Commissioner, I remain strongly committed to promoting fair employment practices for our diverse workforce. We will continue to ensure that employment decisions are made on the basis of merit and equality of opportunity. HRA is committed to providing an environment of fairness in which our employees and applicants for employment feel safe, valued and respected. Adhering to the City's EEO Policy is one of our Administration's highest priorities. Toward that end, we will be implementing a new protocol for our hiring and promotion process that we will distribute to you shortly.

All staff are encouraged to utilize the resources available within HRA and to address any concerns to HRA's EEO Officer, Stephanie Grant, at (929) 221-5145.