

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

RESOLUTION #13/32-102: Final Determination pursuant to the audit and analysis of the New York City Council's Equal Employment Opportunity Program from July 1, 2009 through June 31, 2012.

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

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

Whereas, pursuant to its audit and analysis of the New York City Council's (NYCC) EEO Program, the Equal Employment Practices Commission (EEOC) issued a preliminary determination letter, dated October 18, 2013, setting forth the following findings and required corrective actions:

1. Include in the complaint file a *Discrimination Complaint Form* or a *complaint* that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
2. Generate a report labeled "Confidential" consisting of *Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review* at the conclusion of each complaint investigation.
3. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s) taken as a result of the determination made in its complaint investigation.
4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where agencies may otherwise use discretion in hiring.

5. [Ensure] the principal EEO Professional, HR Professional and General Counsel review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
6. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Demonstrate that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process is nondiscriminatory, by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Re-distribute the identity and responsibilities of the Disability Rights Coordinator to ensure that employees are aware of this information.
12. 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.
13. Establish guidelines for accessibility of the satellite or district offices and implement a plan that will ensure incumbents and new council members receive and adhere to the Council's guidelines, as well as its reasonable accommodation procedures.
14. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the Agency Counsel) in the agency's organizational chart, EEO

Policy and Annual EEO Plan.

15. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
16. Require that managers and supervisors emphasize the agency's commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Document this requirement and its implementation.
17. Develop and implement a plan, which includes a timetable, to conduct annual performance evaluations of all managerial and non-managerial employees.
18. 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).

Whereas, the NYCC submitted its response to the EEPC's preliminary determination letter, on November 8, 2013 with documentation of its actions to rectify required corrective actions nos. 1, 2, 3, 4, 11 and 12; 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 December 19, 2013 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, and 18 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor NYCC for a period not to exceed six months, from January 2014 through June 2014, 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,

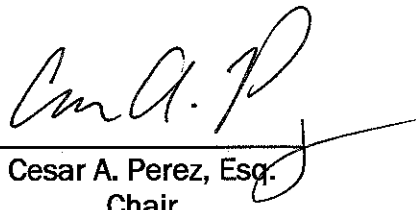
that the Commission authorizes Chair Cesar Perez to forward its Final Determination to Charles Meara, Chief of Staff of the New York City Council.

Approved unanimously on December 19, 2013.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair



MEMORANDUM

TO: Council Members & Council Employees

FROM: Melissa Mark-Viverito, Speaker

RE: Equal Employment Opportunity

DATE: November 7, 2014

As you know, the Council is committed to maintaining a workplace free of discrimination and harassment. Attached you will find the Council's newly revised Anti-Discrimination and Harassment Policy ("Policy").

This Policy prohibits discrimination against any employee or job applicant on the basis of one or more of the following characteristics: his or her race, color, creed, religion, national origin, alienage or citizenship, sex, gender identity and expression, age, disability, sexual orientation, partnership status, medical condition (including having or being perceived as having HIV/AIDS-related conditions), marital status, family status, genetic information or predisposing genetic characteristic, status as a victim of domestic violence, sex offenses or stalking, military status, prior arrest or conviction, unemployment status, for having made a complaint or participating in an investigation under this Policy or any other characteristic to the extent protected by federal, state or local law.

Employees are strongly encouraged to report discrimination or harassment in violation of the Policy before it becomes severe or pervasive. Reports may be made to your supervisor, the EEO Officer or a member of the Equal Employment Committee ("EEC"). The Council's EEO Officer is Peg Toro (ptoro@council.nyc.gov, 212-788-6936). The Members of the EEC are:

- Traci Sanders, Economic & Community Development, tsanders@council.nyc.gov, 212-513-1327
- Milo Inglehart, Policy & Innovation, minglehart@council.nyc.gov, 212-788-6879
- Chima Obichere, Finance, cobichere@council.nyc.gov, 212-788-6951
- Shirley Limongi, Communications, slimongi@council.nyc.gov, 212-788-7125
- Joyce Li, Community Engagement, jli@council.nyc.gov, 212-788-7011
- James Subudhi (Alternate), Human Services, jsubudhi@council.nyc.gov, 212-788-2802
- Lesbia Lopez (Alternate), Administrative Services, llopez@council.nyc.gov, 212-788-6927

To further reinforce the Council's commitment to equal employment opportunities, the Council took multiple steps this year to bolster our equal employment practices, which include but are not limited to:

- Revised the Anti-Discrimination and Harassment Policy;
- Revised the role of and procedures for the Equal Employment Committee;
- Formalized an annual process for reviewing employment practices and data to identify areas for improvement;
- Created guidance and assistance for managers in the recruiting and hiring process; and
- Developed written training materials for annual anti-discrimination and harassment trainings.



THE COUNCIL OF THE CITY OF NEW YORK
250 BROADWAY NEW YORK, N.Y. 10007

**New York City Council
Anti-Discrimination and Harassment Policy**

The Council of the City of New York (“Council”) is an equal opportunity employer, has a diverse workforce and is committed to ensuring fair employment practices. The Council is committed to a workplace free of discrimination and harassment. This New York City Council Anti-Discrimination and Harassment Policy (“Policy”) sets forth the scope of conduct, practices and decisions that are prohibited; the process for making complaints under this Policy; and how such allegations will be resolved.

Who Does This Policy Apply To?

This Policy applies to the conduct of all Members and employees of the Council. For the purpose of this Policy, the term “employees” shall include all full-time and part-time employees, paid or unpaid employees, temporary employees, and interns to the Council who work either on the central staff of the Council or who work directly for a Member of the Council.

What Is Prohibited By This Policy?

This Policy prohibits discrimination against any employee or job applicant on the basis of one or more of the following characteristics (“protected categories”): his or her race, color, creed, religion, national origin, alienage or citizenship, sex, gender identity and expression, age, disability, sexual orientation, partnership status, medical condition (including having or being perceived as having HIV/AIDS-related conditions), marital status, family status, genetic information or predisposing genetic characteristic, status as a victim of domestic violence, sex offenses, or stalking, military status, prior arrest or conviction, unemployment status, for having made a complaint or participating in an investigation under this Policy or any other characteristic to the extent protected by federal, state or local law.

It is the Council’s policy to establish and administer all of its practices and decisions without regard to any of these protected categories. Such practices and decisions include, but are not limited to, recruitment, selection, hiring, compensation, promotions, career development and advancement, transfers, discipline, discharge, or any other term or condition of employment, or application or selection process relating to employment.

What Is Harassment?

This Policy prohibits harassment, a form of discrimination, based on any protected category listed above. Harassment may include, but is not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

Sexual harassment is a form of discrimination based on sex. The U.S. Equal Employment Opportunity Commission defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical harassment of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

Harassment does not include good faith employment actions taken by a supervisor or manager, such as offering constructive feedback and criticism, evaluating employee performance and providing discipline where appropriate. These actions are within the responsibilities and obligations of Council Members, supervisors and managers.

However, harassment prohibited by this Policy may include some offensive acts or remarks even if they are not so severe that they violate federal, state, or local discrimination laws. The Council may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

What Is A Reasonable Accommodation?

Disability discrimination may occur when an employee or job applicant is treated unfavorably because of employee or job applicant's current or past disability. In furtherance of Council's commitment to prevent discrimination, Council requires the making of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking, so long as the accommodation does not create an undue hardship. Requests for reasonable accommodations should be made to the employee's supervisor, who must inform the Equal Employment Officer in Human Resources and must work with Human Resources to determine what, if any, accommodation(s) are appropriate.

What Should I Do If I Witness Or Am Subjected To Discrimination?

The Council strongly encourages you to report discrimination or harassment before it becomes severe or pervasive. Therefore, if you believe that you have been subjected to or you have witnessed another employee subjected to discrimination or harassment of any kind based on any protected characteristic, sexual harassment or retaliation for having made a complaint pursuant to this Policy, you must immediately report the matter to your supervisor, the Equal Employment Opportunity Officer ("EEO Officer") or a member of the Equal Employment Committee ("EEC"). Complaints may be made orally or in writing.

Any Member filing a complaint about another Member may file it directly with the Council's Committee on Standards and Ethics.

Will My Complaint Remain Confidential?

If you report discrimination or harassment, the Council will protect the confidentiality of your complaint to the extent possible. Generally, information about the complaint will be shared only on a need-to-know basis.

Will There Be Retaliation If I Make A Complaint?

No Member or employee of the Council shall be subject to any form of retaliation because they complain of, report about or provide information or assistance related to any complaint of discrimination or harassment as described in this Policy. Any Member or employee who believes that he or she was retaliated against in violation of this Policy should immediately file a complaint as set forth below.

The ban on retaliation does not prohibit the imposition of discipline against an employee where such discipline is otherwise warranted, even if that employee has engaged in the protected behavior described in the preceding paragraph. Nor does the ban prohibit the imposition of discipline against an employee who files a knowingly false or bad faith claim, or who fails to cooperate in an investigation under this Policy.

Who Will Decide What To Do About My Complaint?

Once a supervisor or a member of EEC receives a complaint of discrimination, harassment, retaliation or conduct contrary to this Policy, he or she must report that complaint to the EEO Officer.

The EEO Officer will inform the EEC promptly, within no more than five business days, that a complaint has been filed and whether an investigation is warranted. The EEO Officer and a confidential investigator will expeditiously, thoroughly and impartially conduct an investigation into all reports of discrimination and harassment. The EEO Officer and the confidential investigator shall endeavor to protect the privacy of any victims of discrimination or harassment. Members and employees of the Council shall cooperate with all investigations under this Policy.

The EEO Officer will convene a meeting with the investigator and the EEC to present a written report of the investigation findings. The EEC will review the report, discuss with the EEO Officer and investigator as needed and prepare written recommendations to be submitted to the Speaker and, when appropriate, to the supervising Member. Upon reviewing the findings of the EEC, the Speaker and, when appropriate, the supervising Member, will take immediate corrective action.

What Will Happen To Those Who Violate This Policy?

Any employee who violates the Policy against discrimination and harassment or engages in retaliation or conduct contrary to this Policy will be subject to disciplinary action, up to and including termination.

What If A Council Member Violates This Policy?

If the EEO Officer or a member of the EEC receives a complaint of discrimination, harassment, retaliation or conduct contrary to this Policy against a Council Member, he or she shall notify the EEC and refer the matter to the Committee on Standards and Ethics immediately. The Committee on Standards and Ethics shall investigate such claims, and may direct the EEO Officer and a confidential investigator to conduct such investigation.

What Else Do I Need To Know?

The Speaker may make temporary appointments or amend these procedures as necessary (for example, if a member of the EEC or a senior division member is the accused, the accuser or a witness).

If you wish to file a charge with the federal Equal Employment Opportunity Commission because you believe you have been subjected to discrimination or harassment of any kind based on any protected characteristic or to sexual harassment, you must do so within 300 days of the last date of discrimination or harassment. If you wish to file a charge with the New York State Division of Human Rights, you must do so within one (1) year of the last date of discrimination or harassment. If you wish to file a charge with the New York City Commission on Human Rights, you must do so within one (1) year of the last date of discrimination or harassment. Please note that these time periods run from the last date of discrimination or harassment, not from the date any internal complaint to the Council is resolved.

What Is The Equal Employment Committee (EEC)?

The EEC serves the following functions:

- Intake Contacts – Members of EEC serve as intake contacts to receive complaints of discrimination, harassment or retaliation prohibited by this Policy. Because EEC members are from various Divisions within the Council and represent our diverse workforce, they can serve as a less intimidating confidant for victims. The EEC members are responsible for maintaining confidentiality of complainants and redirecting the information to the EEO Officer for further investigation.
- Make Recommendations – Members of EEC deliberate on the results of the EEO investigation and make written recommendations to the Speaker and, when appropriate, to the supervising Member.

The EEC shall have at least five members and up to two alternates appointed by the Speaker. Members and alternates of EEC shall serve for two year terms and be Council employees.

Training and Education

The Council will provide all Members and employees of the Council with regular training and education on complying with this Policy. Members and employees are required to attend training on an annual basis and when otherwise directed by their supervisors.

RESOLUTION #2015/102PNC-10: Determination of Partial Non-Compliance by the New York City Council with the Equal Employment Practices Commission pursuant to its audit and analysis of the New York City Council's Equal Employment Opportunity Program from July 1, 2009 to June 30, 2012.

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 New York City Council's (NYCC) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 18, 2013, setting forth findings and the following required corrective actions:

1. Include in the complaint file a Discrimination Complaint Form or a complaint that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances, which gave rise to the alleged discrimination.
2. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
3. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s) taken as a result of the determination made in its complaint investigation.
4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where agencies may otherwise use discretion in hiring.
5. The principal EEO Professional, HR Professional and General Counsel review the agency's statistical information (i.e. workforce, hires, promotions, and separations by

race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods, which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Demonstrate that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process is nondiscriminatory, by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Re-distribute the identity and responsibilities of the Disability Rights Coordinator to ensure that employees are aware of this information.
12. 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.
13. Establish guidelines for accessibility of the satellite or district offices and implement a plan that will ensure incumbents and new council members receive and adhere to the Council's guidelines, as well as its reasonable accommodation procedures.
14. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the Agency Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
15. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal

EEO Professional regarding decisions that impact the administration and operation of the EEO program.

16. Require that managers and supervisors emphasize the agency's commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Document this requirement and its implementation.
17. Develop and implement a plan, which includes a timetable, to conduct annual performance evaluations of all managerial and non-managerial employees.
18. 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).

Whereas, the New York City Council submitted its response to the EEPC's preliminary determination letter, on November 8, 2013, with documentation of its actions to rectify required corrective actions #1, #2, #3, #4, and #11; 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 December 19, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #5, #6, #7, #8, #9, #10, #12, #13, #14, #15, #16, #17 and #18, remaining; and

Whereas, on January 17, 2014 the EEPC granted the NYCC's January 13, 2014 request for an extension of time to respond to the EEPC's Final Determination; and

Whereas, on February 25, 2014 the EEPC granted the NYCC's February 21, 2014 request for additional time to respond to the EEPC's Final Determination; and

Whereas, the NYCC submitted its response to the EEPC's Final Determination letter, on March 7, 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 for the six-month period from April 2014 to October 2014; and

Whereas, on October 31, 2014 the EEPC granted the NYCC's September 22, 2014 request for an extension of the compliance monitoring period to November 13, 2014 in order to complete implementation of outstanding corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the NYCC submitted a copy of the agency head's memorandum to staff dated November 7, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, on November 13, 2014, the NYCC submitted its Final Compliance Monitoring Report, which demonstrated that the NYCC implemented 15 of 18 corrective actions; and

Whereas, on February 10, 2015, the Commission formally extended the NYCC's

compliance monitoring period, to allow the agency to resolve or take steps to toward remedying the remaining corrective actions, #10, #17 and #18; and

Whereas, on February 27, 2015, the NYCC declined the Commission's extension and asserted that as New York City's legislative body, an independent branch of city government, it was not subject to the EEPC's jurisdiction; and

Whereas, on March 30, 2015, the Commission requested the New York Law Department to issue a formal opinion on the matter of the EEPC's jurisdiction to audit and monitor the employment practices of the New York City Council; and

Whereas, on May 14, 2015, the New York Law Department issued a Memorandum confirming the Charter authorizes the Equal Employment Practices Commission to audit and monitor the employment policies, programs and practices of the New York City Council; and

Whereas, on June 3, 2015, the EEPC transmitted the Law Department's Memorandum to the NYCC and requested the agency to respond with its intention to implement the prescribed corrective actions within 30 days; and

Whereas, on July 30, 2015, the Commission postponed issuance of the New York City Council's pending Determination of Partial Non-compliance in order to accommodate a request from the New York Law Department; and

Whereas, the Commission made subsequent requests to resume discussions on the remaining corrective actions, including but not limited to e-mails and telephone calls to the Council's General Counsel and Chief of Staff, as well as other representatives; and

Whereas, despite the Commission's aforementioned efforts, as of the date of this Resolution, the New York City Council has not responded with its intention to implement the prescribed 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; and

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

Be It Resolved, that the New York City Council has not taken appropriate and effective corrective action to implement three corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the New York City Council's Partial Non-Compliance with the equal employment

opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved, that the Commission has adopted this Resolution directing the Executive Director to forward a letter to the Honorable Melissa Mark-Viverito, Speaker of the New York City Council, formally notifying the agency in writing of the Commission's determination that New York City Council is Partially Non-Compliant with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter in the absence of notice of the Council's commitment to implement the aforementioned corrective action; and

Be It Finally Resolved, that pursuant to Section 831(c) of the New York City Charter, in the absence of notice of the Council's commitment to implement the aforementioned corrective actions, the Equal Employment Practices Commission may publish a report regarding the New York City Council's Partial Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter.

Approved unanimously on December 17, 2015.

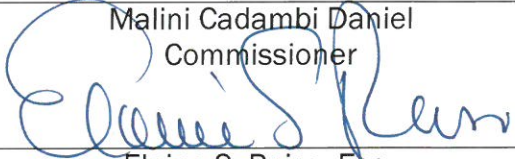


Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent
Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/102C-07: Determination of **Compliance** by the New York City Council with the Equal Employment Practices Commission pursuant to its audit and analysis of the New York City Council's Equal Employment Opportunity Program from July 1, 2009 to June 30, 2012.

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agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
8. Demonstrate that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
10. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the position, applicants/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process is nondiscriminatory, by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
11. Re-distribute the identity and responsibilities of the Disability Rights Coordinator to ensure that employees are aware of this information.
12. 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.
13. Establish guidelines for accessibility of the satellite or district offices and implement a plan that will ensure incumbents and new council members receive and adhere to the Council's guidelines, as well as its reasonable accommodation procedures.
14. Indicate the reporting relationship between the principal EEO Professional and agency

head (or a direct report other than the Agency Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

15. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
16. Require that managers and supervisors emphasize the agency's commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Document this requirement and its implementation.
17. Develop and implement a plan, which includes a timetable, to conduct annual performance evaluations of all managerial and non-managerial employees.
18. 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).

Whereas, the New York City Council submitted its response to the EEPC's preliminary determination letter, on November 8, 2013, with documentation of its actions to rectify required corrective actions #1, #2, #3, #4, and #11; 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 December 19, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #5, #6, #7, #8, #9, #10, #12, #13, #14, #15, #16, #17 and #18, remaining; and

Whereas, on January 17, 2014 the EEPC granted the NYCC's January 13, 2014 request for an extension of time to respond to the EEPC's Final Determination; and

Whereas, on February 25, 2014 the EEPC granted the NYCC's February 21, 2014 request for additional time to respond to the EEPC's Final Determination; and

Whereas, the NYCC submitted its response to the EEPC's Final Determination letter, on March 7, 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 for the six-month period from April 2014 to October 2014; and

Whereas, on October 31, 2014 the EEPC granted the NYCC's September 22, 2014 request for an extension of the compliance monitoring period to November 13, 2014 in order to complete implementation of outstanding corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City

Charter, the NYCC submitted a copy of the agency head's memorandum to staff dated November 7, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, on November 13, 2014, the NYCC submitted its Final Compliance Monitoring Report, which demonstrated that the NYCC implemented 15 of 18 corrective actions; and

Whereas, on February 10, 2015, the Commission formally extended the NYCC's compliance monitoring period, to allow the agency to resolve or take steps to toward remedying the remaining corrective actions, #10, #17 and #18; and

Whereas, on February 27, 2015, the NYCC declined the Commission's extension and asserted that as New York City's legislative body, an independent branch of city government, it was not subject to the EEPC's jurisdiction; and

Whereas, on March 30, 2015, the Commission requested the New York Law Department to issue a formal opinion on the matter of the EEPC's jurisdiction to audit and monitor the employment practices of the New York City Council; and

Whereas, on May 14, 2015, the New York Law Department issued a Memorandum confirming the Charter authorizes the Equal Employment Practices Commission to audit and monitor the employment policies, programs and practices of the New York City Council; and

Whereas, on June 3, 2015, the EEPC transmitted the Law Department's Memorandum to the NYCC and requested the agency to respond with its intention to implement the prescribed corrective actions within 30 days; and

Whereas, on July 30, 2015, the Commission postponed issuance of the New York City Council's pending Determination of Partial Non-compliance in order to accommodate a request from the New York Law Department; and

Whereas, the Commission made subsequent requests to resume discussions on the remaining corrective actions, including but not limited to e-mails and telephone calls to the Council's General Counsel and Chief of Staff, as well as other representatives; and

Whereas, the Commission and the NYCC resumed discussions and participated in concerted efforts which include collaborative meetings held on December 30, 2015 and February 18, 2016 and subsequent telephone conferences to discuss implementation of the remaining corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c), the EEPC considered and accepted documentation submitted on March 23, 2016, which demonstrated the NYCC's implementation of corrective actions #10, #17, and #18;

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; and

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


Be It Resolved, that the New York City Council implemented the required corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapter 36 of the New York City Charter; and

Be It Finally Resolved, that the Commission will forward its Final Resolution to the Honorable Melissa Mark-Viverito, Speaker of the New York City Council.


Approved unanimously on March 24, 2016,



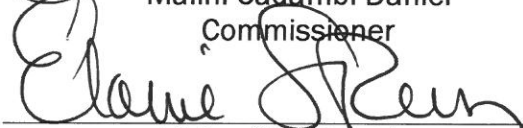
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner