

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 12

Introduced by Council Members Cumbo, Brannan, Kallos, Rosenthal and Levin.

A LOCAL LAW

In relation to amending the New York city charter, to create an office of diversity and inclusion within the department of citywide administrative services

Be it enacted by the Council as follows:

Section 1. Section 814 of the New York city charter, as amended by local law 59 for the year 1996, subparagraph a of paragraph 13 of subdivision a as amended by local law 75 for the year 2001, is amended to read as follows:

§ 814 Personnel management; powers and duties of the commissioner. a. The commissioner shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the commissioner as head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:

- (1) To recruit personnel;
- (2) To make studies in regard to the grading and classifying of positions in the civil service, establish criteria and guidelines for allocating positions to an existing class of positions, and grade and establish classes of positions;
- (3) To schedule and conduct examinations for positions in the civil service;

(4) To establish, promulgate and certify eligible lists in the manner provided in the civil service law, and the rules of the commissioner;

(5) To determine the appropriateness of eligible lists for the filing of vacancies in the manner provided in the civil service law and the rules of the commissioner;

(6) To investigate applicants for positions in the civil service; to review their qualifications, and to revoke or rescind any certification or appointment by reason of the disqualification of the applicant or appointee under the provisions of the civil service law, and the rules of the commissioner or any other law;

(7) To review any appointment of persons as provisional employees within sixty days after appointment to assure compliance with this chapter, the civil service law, and any rule or regulation issued pursuant to this charter or civil service law;

(8) To certify payrolls in accordance with the provisions of the civil service law and the rules of the commissioner;

(9) To keep records regarding candidates for appointment to the civil service and officers and employees in the civil service;

(10) To develop and recommend to the mayor standard rules governing working conditions, vacations and leaves of absence; and career, salary and wage plans providing for the creation, abolition and modification of positions and grades and fixing salaries of persons paid from the city treasury, subject to the provisions of this charter, the civil service law, other applicable statutes and collective bargaining agreements;

(11) To administer the city-wide safety incentive, training and development, and other such personnel programs of the city[;].

[(12) To establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunity plan for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of citywide administrative services, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;

(13) To establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred fifteen. Such format shall provide for the presentation of statistical information regarding total employment, including provisional, seasonal, per-diem and part-time employees, new hiring and promotions in a manner which facilitates understanding of an agency's efforts to provide fair and effective equal opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;

(14) To develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and

(15) To provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women

benefit, to the maximum extent possible, from city employment and educational assistance programs.]

b. The commissioner shall have the following powers and duties with respect to the personnel management functions assigned to city agencies pursuant to subdivisions a, b, c, and d of section eight hundred fifteen.

(1) To aid in the development of effective and efficient personnel programs and professional personnel staffs in the agencies of the city; and to convene the personnel officers of the agencies from time to time as a personnel council to consider personnel matters of inter-agency or of city-wide concern;

(2) To approve agency plans and programs pursuant to paragraphs seven, nine and thirteen of subdivision a of section eight hundred fifteen;

(3) To establish and enforce standards, guidelines and criteria for the personnel management functions assigned to the agencies and to audit performance by the agencies of such personnel functions;

(4) To reverse or rescind any agency personnel action or decision pursuant to an assignment or delegation of authority in this chapter, upon a finding of abuse after notification to the agency and an opportunity to be heard;

(5) To hear and determine appeals by any person aggrieved by any action or determination of the head of an agency made pursuant to paragraphs three, five, seven and eleven of subdivision a of section eight hundred fifteen, subject to review by the civil service commission as provided in subdivision c of section eight hundred thirteen;

(6) To delegate to the head of an agency personnel management functions assigned to the commissioner where such delegation is not otherwise prohibited by the civil service law, and pursuant to terms and conditions prescribed by the commissioner;

(7) To administer personnel programs of a city-wide nature or common to two or more departments where administration by separate agencies would be impracticable and uneconomical[;].

[(8) To annually publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.]

c. The commissioner shall promulgate rules and regulations relating to the personnel policies, programs and activities of city government in furtherance of and consistent with the state civil service law and this chapter. The commissioner shall transmit to the state civil service commission each proposed rule which must be submitted to such commission, including any which establishes

or reclassifies titles in the non-competitive or exempt class, within sixty days after the public hearing has been held on such rule.

d. The commissioner shall, at the time requested by the city civil service commission or the equal employment practices commission, provide each commission with all the information which such commission deems necessary to fulfill the duties assigned to it by the charter. The provisions of this subdivision shall not apply to any information which is required by law to be kept confidential or which is protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation.

e. The commissioner shall submit a quarterly report to the mayor, the council, the civil service commission and the equal employment practices commission. Such report shall specify, by agency and by title, including temporary titles:

(1) the number of provisional employees at the end of the second month of the quarter;

(2) the length of time such provisional employees have served in their positions; and

(3) the actions taken by the city to reduce the number of such provisional employees and the length of their service in such positions. Such reports shall be submitted by the last day of March, June, September, and December of each year.

§ 2. Chapter 35 of the New York city charter is amended by adding a new section 814.1 to read as follows:

§ 814.1 Office of diversity and inclusion. a. Definitions.

Chief. The term “chief” means the director of the office of diversity and inclusion.

Office. The term “office” means the office of diversity and inclusion.

b. The commissioner shall establish an office of diversity and inclusion. Such office shall be headed by a chief who shall be appointed by the commissioner.

c. Powers and duties. The commissioner, acting through the office, shall have the power to:

(1) Compile and report on statistics relating to hiring, salary, and promotion for all city agencies disaggregated by race, gender, civil service classification, and other categories as appropriate, and make such reports publicly available online on an annual basis.

(2) Establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunities for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of citywide administrative services, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;

(3) Establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred fifteen. Such format shall provide for the presentation of statistical information regarding total employment, including provisional, seasonal, per-diem and part-time employees, new hiring and promotions in a manner that facilitates understanding of an agency's efforts to provide fair and effective equal

opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;

(4) Ensure accountability by evaluating each city agency in accordance with the procedures and standards set by the office pursuant to paragraph 1 of this subdivision. The office shall ensure that each evaluation shall include, but not be limited to, the following: (i) a determination for each city agency of whether such agency is compliant with such procedures and standards; (ii) an analysis of whether and how such procedures and standards should be expanded or modified for the next annual reporting period, with a view towards improving upon prior benchmarks; and (iii) any other information the office deems relevant. The evaluations shall be compiled and included in the annual report to the mayor, the city council, the equal employment practices commission and the city civil service commission pursuant to paragraph 8 of this subdivision. Such report shall be made publicly available on the city's website.

(5) Develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and

(6) Provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

(7) Develop policies and best practices to ensure that adequate support, training and mentorship is made available to underrepresented city employees to assist with career advancement in the civil service.

(8) Develop recruitment, hiring, and career advancement procedures that address unconscious biases and systemic barriers to achieve greater diversity in the recruitment and career advancement of city employees, and provide trainings for city agency employees responsible for recruitment, discretionary hiring, and career advancement.

(9) No later than September 30, 2020, and no later than September 30 annually thereafter, publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification except where a civil service exam was the basis of appointment; statistics relating to hiring, salary and promotion for all city agencies disaggregated by race, gender, and civil service classification and other categories as appropriate; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.

§ 3. Paragraph 19 of subdivision a of section 815, as amended by local law 59 for the year 1996, is amended to read as follows:

(19) 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 who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection. *In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; and*

§ 4. This local law takes effect 120 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 12 of 2019, Council Int. No. 752-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.