

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

No. 13

Introduced by Council Members Eugene, Kallos, Rosenthal, Chin, Cumbo and Levin.

A LOCAL LAW

In relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization

Be it enacted by the Council as follows:

Section 1. City agency racial and ethnic underutilization assessment and reporting. a. In furtherance of local, state and federal equal employment requirements and objectives, the equal employment practices commission shall conduct a citywide analysis of racial and ethnic classification underutilization and submit to the mayor and the speaker of the council, and to make available to the public, a report containing its findings and recommendations.

b. Data collection. The commission shall obtain from the office of data analytics the report it shall publish pursuant to subchapter 7 of chapter 1 of title 3 of the administrative code of the city of New York, as well as directly from city agencies, including the department of citywide administrative services, any information necessary to comply with the assessment and reporting requirements of this section, other than information that is required by law to be kept confidential, or is privileged as attorney-client communications, attorney work product or material prepared for litigation.

c. Reporting. The commission shall issue a report to the mayor and the speaker of the council no later than February 15, 2021, and no later than February 15 annually thereafter, and shall make such report available to the public. Such report shall include, but not be limited to the following:

(1) information identifying the racial and ethnic groups underutilized, disaggregated by agency, and aggregate, citywide results. If a racial or ethnic category to be reported with respect to a job category in an agency contains between 0 and 5 individuals, or contains an amount that would allow another category that contains between 0 and 5 individuals to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression;

(2) information regarding previously issued correction action plans or determinations of non-compliance related to underutilization;

(3) recommendations for correcting underutilization, disaggregated by agency and by underutilized group;

(4) recommendations regarding how the collection of racial and ethnic classification data of city employees, based on a review of the city's racial and ethnic classification categories and an assessment of whether such categories accurately capture the racial and ethnic composition of the city's government workforce, including a review of employee response rates to racial and ethnic classification questions;

(5) recommendations for strengthening agency affirmative employment plan oversight and enforcement, including funding recommendations; and

(6) recommendations for citywide corrective actions, including legislative, regulatory and budgetary changes, to address:

(a) chronic or systemic underutilization;

(b) reach citywide affirmative employment objectives; and

(c) increase diversity in the recruitment, selection, retention and promotion of city employees.

d. All city agencies shall cooperate with the commission and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of employee information.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York in relation to reporting of pay and employment equity data, as proposed in introduction number 633-A for the year 2018, takes effect, and is deemed repealed ten years 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. 13 of 2019, Council Int. No. 755-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.