

**OPERATING PROCEDURE NO. 20-32**

**EQUAL EMPLOYMENT OPPORTUNITY PROGRAM AND  
AFFIRMATIVE ACTION PLAN**

TO: Distribution "D"  
FROM: Alan D. Aviles *ADA*  
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**I. PURPOSE**

The purpose of this procedure is to establish guidelines for the Corporation's Affirmative Action Plan (hereafter referred to as "AAP" or "Plan"), implemented to ensure compliance with Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and other relevant federal, state and local civil rights laws; to establish Affirmative Action recruitment procedures for all Corporate Group 11 and Group 12 vacancies; and to establish the role and responsibilities of the Corporation's AA/EEO Officers.

**II. SCOPE**

This policy and procedure applies to Corporate Officers, Executive Directors, Chief Operating Officers, and/or Senior Managers, where appropriate. The Plan shall be given immediate priority in order to place it in operation.

**III. POLICY**

- A. The New York City Health and Hospitals Corporation shall dedicate itself to provide moral leadership in the field of equal employment opportunity (hereafter referred to as "EEO" or "Program").
- B. The Corporation's unequivocal policy is to provide equal opportunity to all employees and applicants for employment without regard to race, color, national origin, religion, gender, (including "gender identity" – which refers to a person's actual or perceived sex and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), age, disability, alienage or citizenship status, marital status,

genes which increases the risk of your children having a disease, even though you do not have it yourself), sexual orientation, military status, being a victim of domestic violence, sex offenses or stalking or status as a disabled veteran or Vietnam Era veteran.

- C. Personnel actions shall be based on the person's qualifications, demonstrated ability or performance, or established objective criteria only.
- D. The President will be responsible and accountable for the implementation of equal employment opportunity policy, programs, and practices.
- E. Annual evaluation programs will be mandated by the President to determine the effectiveness of the Corporation's policy, programs, and practices.
- F. The Management of the Corporation will be evaluated annually on their effectiveness in making the Plan become a reality in their respective divisions/networks/facilities.
- G. During recruitment activities, the Corporation's equal employment opportunity policy and program will be communicated to all media.
- H. A system will be mandated by the President for the fair and impartial consideration and prompt disposition of complaints regarding the application of policies and practices concerning the Corporation's Equal Employment Opportunity Program.

#### **IV. ORGANIZATIONAL STRUCTURE**

- A. The vehicle for executing the corporate equal employment opportunity program shall be referred to as the Affirmative Action Plan.
- B. The Plan is a set of specific result-oriented procedures to which the Corporation devotes itself to apply every good-faith effort, the objectives of which are ensuring equal employment opportunity and increasing effective utilization of minority group members and women in the workforce.
- C. The President of the Corporation shall set the framework for the implementation and operation of the Corporate Plan.

#### **V. RESPONSIBILITY AND IMPLEMENTATION**

- A. The President of the Corporation shall appoint a Senior Manager for Affirmative Action/EEO, who shall report to the General Counsel and be responsible for the implementation of the Corporation's AA/EEO Program. The responsibilities of the Senior Manager shall include:

1. Development of policy statements;
2. Identification of problem areas;
3. Providing technical assistance;
4. Auditing and reporting on the program's status;
5. Maintaining liaison with Federal, City, and State enforcement agencies;
6. Maintaining liaison with minority and women's organizations; and
7. Managing the Corporate Program (with the exception of administrative enforcement litigation, as addressed below).

B. The General Counsel shall be responsible for oversight of the Corporate AA/EEO program and for the appointing of AA/EEO Officers throughout the Corporation (including such an officer in Central Office). The AA/EEO Officers will report to the General Counsel or the General Counsel's designee and will function solely in the role of AA/EEO Officers. AA/EEO Officers will be physically situated at specific Corporate facilities, but their assigned duties will not be limited to the facility at which they are principally located. Instead, such AA/EEO officers will handle matters across various facilities, as needed and as considered necessary by the General Counsel.

The AA/EEO Officers shall be responsible for:

1. Establishing/updating the local plan for the facility to which they are principally assigned, or as so directed by the Office of Legal Affairs;
2. Maintaining liaison with minority and women's organizations;
3. Monitoring the local program;
4. Providing technical assistance to local staff and counselling employees;
5. Reviewing of employment qualifications;
6. Providing career counseling;
7. Performing compliance audits of all units;
8. Performing an annual review of AA/EEO programs;

9. Providing training in AA/EEO compliance; and
  10. Investigating individual complaints of discrimination.
  11. Acting as a liaison to counsel in defense of litigation.
- C. The General Counsel will notify each network/facility Senior Vice President/Executive Director, and will notify the Corporate Senior Manager for Affirmative Action/EEO, of the individual AA/EEO Officer(s) designated as having principal responsibility for the facility(ies) within the relevant network. Such designated AA/EEO Officers are responsible for annual audits of their AA/EEO Program and for reporting the results of the audits to the Corporate Senior Manager for Affirmative Action/EEO. It shall be the responsibility of the Senior Manager for Affirmative Action/EEO to promulgate revisions to the Affirmative Action Plan and to give directions as to the implementation of such revisions.
- D. The Senior Manager for Affirmative Action/EEO will not handle the investigations of individual employee complaints of discrimination, whether such complaints be brought internally (i.e., directly to the attention of the AA/EEO Officer) or externally (i.e., filed with an outside enforcement agency as an administrative litigation). Responsibility for investigation and resolution of such complaints shall rest in the Office of Legal Affairs, and will be there handled through the supervised efforts of the individual AA/EEO Officers.

## **VI. HIGHLIGHTS**

The Plan must be adhered to in all aspects with the awareness that its direction and guidance are based upon provisions contained in Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972. Of special interest in the administration of the Plan are the following:

- A. All recruiting offices shall maintain statistics of all employment applicants by gender and ethnic group identification when recruiting to fill a vacant position.
- B. Pre-employment tests used to determine qualifications of employment candidates must meet U.S. Equal Employment Opportunity Commission validation requirements. Such criteria shall be reviewed by the Senior Manager for AA/EEO and approved by the President or designee.
- C. All employment candidates' applications for all jobs are to be retained for a period of four years. Minority group and female applications are to be stored in a special affirmative action file which is to be consulted prior to outside recruitment of

candidates for future openings in jobs with an under-representation of minorities and/or women.

- D. All recruitment sources are advised that the Corporation is an equal employment opportunity employer interested in considering minority and female candidates for employment.
- E. Recruiting sources are to include minority and women's organizations which will be regularly advised of employment openings, rates of pay and requirements of the positions.
- F. Quarterly reports of all persons hired, terminated, transferred and promoted (listed by name, job title, race or ethnic identity and gender), together with statistics relating to the source of recruitment and narrative analyses of the reasons for the personnel actions reported, shall be maintained by the network/facility. An annual report on all hires, promotions and separations (listed by person's name, job title, race, gender and ethnicity), shall be submitted to the Office of Affirmative Action/EEO.
- G. There will be periodic census of all employees. These shall be listed by name, job title, race or ethnic identity, gender and department, as required, to provide information for the consolidated annual Corporate Plan report or to comply with the request of the relevant review agencies.
- H. The annual Corporate Plan report will be reviewed with all levels of management. The Senior Manager for AA/EEO will advise top management of the Plan's effectiveness and submit recommendations for improvement as appropriate.

#### **VII. PROCEDURES FOR FILLING VACANCIES**

- A. The Corporation will monitor records of appointments, referrals, placements, transfers, promotions and separations at all levels to ensure that a non-discriminatory policy is carried out. This information will be kept separately from employee personnel records and will be used only for annual reporting and compliance reviews.
- B. In order to ensure equal opportunity when filling vacancies for all Corporate Group 11 and Group 12 jobs, please refer to Operating Procedure No. 20-16, *Recruitment For Vacant Positions Through Posting, Advertisement and Recruitment Agencies*.

#### **VIII. PROCEDURES FOR MONITORING EEO COMPLIANCE**

- A. Hiring managers are responsible for completing and submitting the attached Affirmative Action Compliance Form with each personnel action.

B. Human Resources will send a copy of the Affirmative Action Compliance Form to the Affirmative Action/Equal Employment Opportunity Officer for retention and for tracking applicant data.

C. **Accountability (Appointments)**

1. The Human Resources Directors at Central Office and at each network/facility shall be responsible for the implementation of this procedure.
2. Cost Group Managers at Central Office and the Department Managers at the networks/facilities shall ensure compliance with this procedure.
3. AA/EEO Officers shall be responsible for providing technical assistance to ensure compliance with this procedure, and for monitoring their local programs.
4. The Office of Affirmative Action/EEO shall be responsible for auditing the implementation of this procedure and will provide an annual report to the President, the Board of Directors, Senior Vice Presidents and Executive Directors on the status of compliance.

**IX. EFFECTIVE DATE**

This revised policy and procedure is effective immediately and supersedes the policy dated April 11, 2005.