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Latino Datanote

Latinos in NYC Government: A Bloomberg Diversity Cover-up?

[The NiLP Network on Latino Issues](#) (July 8, 2013)

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We are fortunate at the city to have a citywide employment database system that allows us to get line of sight to our workforce on a quarterly basis. And we utilize that in terms of taking steps to understand what are the tailwinds and head winds that are advancing us forward concerning our diversity representation. So that is the model of accountability that we have and it is historic.

Historically we are moving towards working specifically in the areas of workplace and community . . . We are really focused on identifying what are the key performance indicators and the most necessary reports.

The city, because of the very strong and wonderful leadership of Mayor Bloomberg, is very much driven and being focused on a model of being metrics driven and being focused on reporting . . . On community, it is as simple as this, we are a government entity so the services that we provide have to be as accessible and inclusive to the community as the community that we serve.

--- [R. Fenimore Fisher](#), Chief Diversity & EEO Officer,
NYC Department of Citywide Administrative Services (2012)

This *NiLP Latino Datanote* focuses on the persistent and serious problem of the underrepresentation of Latinos in the New York City government workforce. But in the process of compiling what should be a straightforward collection of city employment data, we encountered a series of policies and procedures by the Bloomberg Administration that made the analysis both difficult and incomplete. Despite Mayor Bloomberg's statements about the openness of this Administration and his "metric-driven" approach to governing, his track record in terms of the city's employment diversity data appears designed to avoid community accountability. The result is that the Latino community, one of the community's most affected by their disproportionate exclusion from city government employment finds itself at a disadvantage in its ability to hold the Administration accountable on this issue.

With the Mayoral election in full swing, the issue of Latino inclusion in the NYC government workforce has emerged as a major concern, but with little empirical evidence to intelligently frame this discussion. The issue of Latino underrepresentation in government has also become a major issue at the

national level. In the federal government, although Latinos comprise 16 percent of the U.S. population, they are the most underrepresented group, making up only 8 percent of the federal workforce. In New York State, the figures are even more dismal --- although Latinos make up 17 percent of the state's population, they comprise only 4 percent of the state government employees.

One problem in assuring government accountability in this area is the accessibility of useful and current employment data. While the federal government provides such information on an annual basis through their Office of Personnel Management (OPM), in New York the state and city have not been as forthcoming. While the Bloomberg Administration has pointed to its commitment to openness and metric-driven policies, their track record on making equal employment opportunity data readily available for public scrutiny seems designed to evade community accountability.

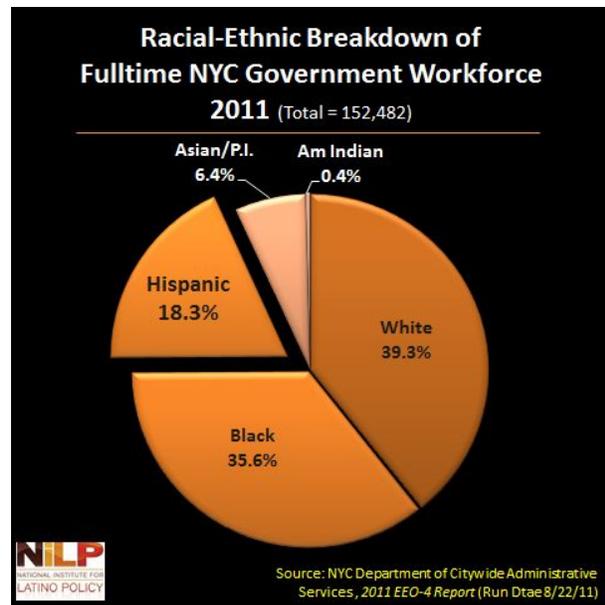
The problem of employment discrimination has been a growing one under the Bloomberg Administration. According to [a July 5, 2011 New York Times article](#):

During Mr. Bloomberg's first two terms in office, the number of lawsuits by employees accusing the city of discrimination was 12 percent higher than the number during Rudolph W. Giuliani's two terms as mayor, according to government data furnished under Freedom of Information Law requests.

In 2005, the city settled a federal discrimination lawsuit [against the Department of Parks and Recreation](#), and in 2009 another [against the Fire Department](#). Just last month, the Bloomberg Administration agreed to a [\\$1 million settlement in a gender bias lawsuit](#) brought against the Fire Department's Emergency Medical Services (EMC).

Lack of Employment Data Accessibility

Latinos number over 2.3 million New York City residents, or 29 percent of the total population. Although Latinos make up 25 percent of the civilian labor force in New York City, they were only 18.3 percent of city government employees under the Bloomberg Administration in 2011 (the most recent year for which data are available, and virtually unchanged from [the 2008 figure of 18.2 percent](#)).



Of those NYC municipal employees in the top positions as Officials and Administrators, only 9 percent were Latino, despite Latinos making up 20 percent of the city's civilian labor force in these job categories. These city government employee data are from the 2011 EEO-4 Report generated by the NYC Department of Citywide Administration Services (DCAS), and made available as a result of a Freedom of Information Act (FOIA) request by the National Institute for Latino Policy (NiLP).

The Bloomberg track record on Latino hiring is poor as well at the highest levels of the Administration. [As listed in the city's website](#), of the 11 deputy mayors and top administrative officials, only 1 (or 9.1 percent) is Latino. Of the 80 positions listed as heads of city agencies and offices, only 4 (or 5.0 percent) are Latino. The absence of Latinos in these top policymaking positions in the Bloomberg Administration is major concern.

Apparently without any public notice, the Bloomberg Administration has made access to the city's equal employment opportunity data significantly less available to the public. While, until recently, they made more detailed EEO-4 Annual Reports readily accessible free of charge on the [website of the NYC Equal Employment Practices Commission](#), now these data are only available through FOIA requests and upon payment of photocopying costs. As we report here, even when a formal request was made this year, the latest data presented by the city is two years old, despite its collection by them on a quarterly basis.

In contrast to the EEO-4 Annual Reports previously published by the city on their website, those now provided through FOIA requests provide significantly fewer details (to see an example of these earlier and more detailed reports, [click here](#)). The city no longer provides employment data for each government agency but now groups them into "function codes," such as "Financial Administration and General Control." This functional category, for example, covers more than 50 agencies, including the Office of the Mayor, Public Advocate, Office of the Comptroller, the Borough Presidents' offices, Civil Service Commission, Department of Citywide Administrative Services, Commission on Human Rights, the Law Department and other key agencies. The result is that no useful information is available for these specific agencies and offices. Until recently, this information had been made available at the individual agency level on the Internet and free of charge.

The NYC Equal Employment Practices Commission, (EEPC), which used to provide these more detailed data on their website, no longer does so, and without adequate explanation. According to Judith Garcia Quiñonez, Esq., their Agency Counsel/Director of Compliance, in a March 12, 2013 email to NiLP :

Under Section 831.d7 of the New York City Charter, the EEPC has a duty to publish a report to the mayor and the council annually on the activities of the Commission and the effectiveness of each city agency's affirmative employment efforts. This obligation is to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by city agencies.

The Agency Workforce Data that you requested from the Chair was received from the Department of Citywide Administration (DCAS), and up until 2008, the EEPC included the Workforce Data as an appendix to its annual report.

The Agency Workforce Data received from DCAS was not an accurate report of the effectiveness of an agency's employment efforts because it lacks availability data or any other indication/information of the agency's efforts.

Asked for further information on EEPC efforts to ensure effective affirmative action practices by city agencies, Cesar A. Perez, Chair of the Commission, responded in a March 12, 2013 email to NiLP: "In terms of the EEPC audits, they are currently unavailable because EEPC is reorganizing/revamping its website. For information on a specific audit, I respectfully request that you submit a FOIL (sic?) request . . . Thanks so much."

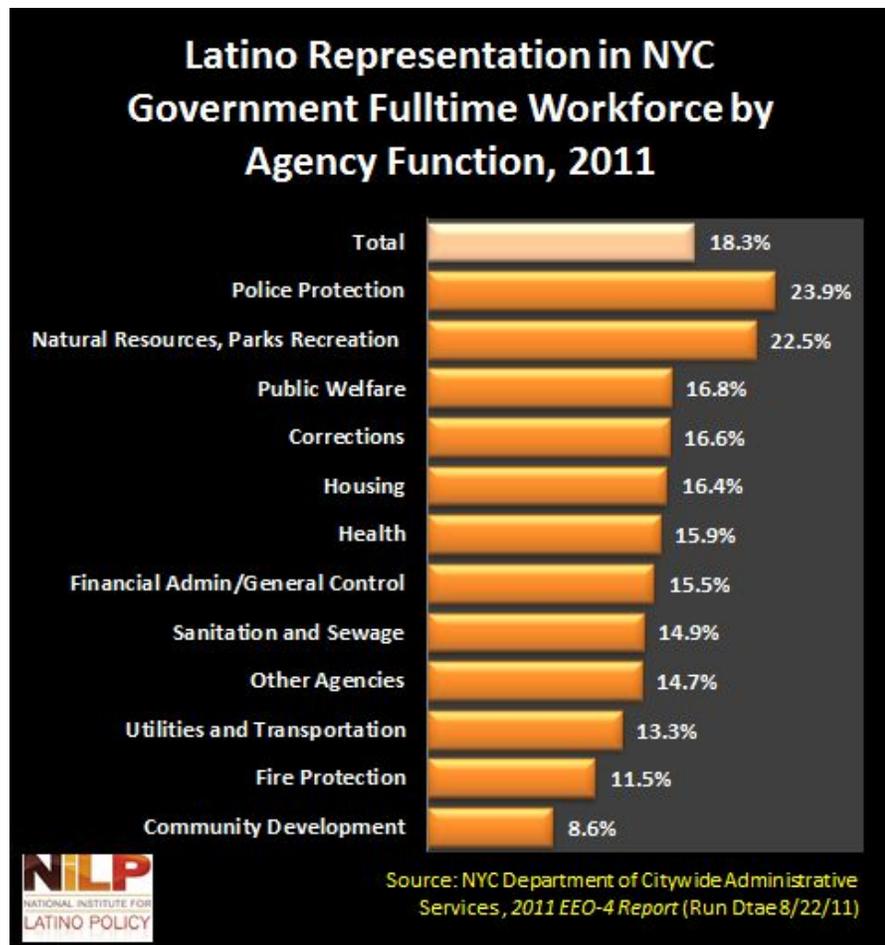
The EEPC, which used to make the EEO-4 data (compiled the Citywide Equal Employment Database System [CEEDS]) available for each agency, has abdicated this function to the Department of Administrative Services (DCAS), claiming that the report is inaccurate. Despite this, in their 2011/12 Annual Report, the EEPC explains that:

The Commission's auditors review data from the Citywide Equal Employment Database System (CEEDS) to understand the concentrations of race/gender groups within the agency's workforce. Auditors examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are also reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, auditors assess whether the agency has undertaken reasonable measures to address it.

The EEO-4 data report provides the baseline from which the EEPC conducts its audits, but they consider its reporting to be misleading. The result is that the public no longer has direct and full access to basic information on the city government's work force. At the same time, the EEPC has not issued its annual reports between 2007 and 2010 and currently will not make its audits available because it "is reorganizing/revamping its website." It appears that the Bloomberg Administration has effectively made any serious accountability of its employment diversity track record extremely difficult to monitor objectively.

Latino Representation in the NYC Government Workforce

As a result, at this point we can only report in the following overly general terms the status of Latino employment in New York City government. Here are the Latino percentages of the NYC government by the "functional codes" created by the Bloomberg Administration:



While less than a third (30.4 percent) of non-Latino city workers are employed in Police Protection, a much higher 42.6 percent of Latinos are in this area. Latinos make up about a third (23.9 percent) of Police Protection employees (which includes the Police Department and the Office of Emergency Management). If the employment figures for Police Protection are not included, the percentage of Latinos employed in the non-police function city agencies drops to 15.6 percent. And, except for the Fire Department, the distribution of Latino employees in the remaining functional areas resembles more closely that of the general city government workforce.

The other areas of work with the highest percentage of Latinos are:

- 22.5% Natural Resources, Parks and Recreation (Department of Parks & Recreation)
- 16.9% Public Welfare (Office of Homeless Services, Social Services/HRA and Youth and Community Development)
- 16.6% Corrections (Board of Correction, Department of Correction, and Probation)
- 16.4% Housing (Department of Buildings, and Housing Preservation & Development)
- 15.5% Financial Administration and General Control (includes 50 agencies and offices, such as Office of the Mayor)

The areas with the lowest percentages of Latinos are:

- 8.6% Community Development (City Planning, and Landmark reservation Commission)
- 11.5% Fire Protection (Fire Department)
- 13.3% Utilities and Transportation (Department of Transportation)
- 14.9% Sanitation and Sewage (Department of Environmental Protection, and Sanitation)
- 14.7% Other Agencies (City Council, Department of Design & Construction, and Independent Budget Office)

In terms of Officials and Administrators positions, those agencies with the highest percentages of Latinos are:

- 15.3% Sanitation and Sewage
- 13.1% Corrections
- 12.7% Public Welfare
- 12.2% Police Protection
- 11.6% Health (Department for the Aging, and Health and Mental Hygiene)

Those agencies with the lowest percentages of Latinos in Officials and Administrators positions are:

- 2.8% Fire Protection
- 4.3% Community Development
- 4.4% Sanitation and Sewage
- 6.8% Utilities and Transportation
- 8.4% Financial Administration and General Control

Please note that the NYC government employment data reported in this NiLP Latino Data cover 40 agencies, offices, boards and commissions. It does not include the following ten agencies: NYC Department of Education, CUNY Board of Trustees, NYC County Clerk, Bronx County Clerk, Kings County Clerk, Queens County Clerk, Richmond County Clerk, NYC Health and Hospitals Corporation, NYC Housing Authority, and Metropolitan Transportation Authority.

Conclusion

As the New York City population becomes increasingly diverse along racial, ethnic and other lines, this diversity needs to be reflected in the composition of its government workforce. The disparity for the city's more than 2.3 million Latinos in this regard is too large and, as the increasing number of discrimination lawsuits against the city indicates, is a growing problem. Despite these lawsuits and efforts by Latino community leaders and others to bring this problem to the attention of the Bloomberg Administration, this appears to be a very low priority.

As this NiLP Latino Data note has documented, the Bloomberg Administration has erected suspicious barriers to public access to current and useful employment data that are required to measure its progress in assuring the full diversity of its workforce. This lack of transparency raises serious questions about the Administration's commitment to be fully inclusive of Latinos in its

workforce. An important starting point in addressing this problem for the new Administration starting in January 2014 would be to make the city's employment track record in the hiring of Latinos and other historically discriminated against New Yorkers completely transparent and available to the public in formats that are understandable.

This report has not gone into the negative consequences of this persistent exclusion of Latinos by the NYC government. These include the lack of culturally sensitive services, a significant impact on the economic development of the Latino community that contributes to a high poverty rate, and the lack of a significant Latino presence in City Hall where major decisions are made every day that affect the Latino community. The issue of the problem of Latino underrepresentation in the New York City needs to be given a higher priority during this Mayoral election by all city leaders running for office at the citywide and City Council levels.

Further information

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[Click here](#) to view video, "How New York City Drives Diversity Results," in which R. Fenimore Fisher, Deputy Commissioner, Chief Diversity & EEO Officer, City of New York, discusses the city charter and its mode for accountability for diversity from all the departments. Published on Oct 11, 2012

For a list of EEO officers at various city agencies, [click here](#)