

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
OFFICE OF DIVERSITY AND INCLUSION MANAGEMENT
GENERAL INFORMATION BULLETIN No. 23-02

TO: Department and Agency Directors, Human Resources, and Diversity and Inclusion Officers

FROM: Nicole Keith, Director of the Office of Diversity and Inclusion Management

SUBJECT: Updates to the Statewide Collection of Workforce Demographic Data

DATE: March 1, 2023

The Department of Civil Service (“DCS”) has expanded self-identification options and updated demographic data collection methods for New York State (“NYS”) employees, as well as implementation guidelines for Human Resources professionals. The updates made as part of this initiative make the self-identification options more inclusive and affirming of the identities of the New York State workforce. In addition, the data derived from this initiative will help close gaps in State workforce demographic data and provide a more accurate and inclusive baseline of employee diversity. The workforce demographic data collected with this initiative will be a crucial tool to help ensure the State workforce represents the diversity of New York and to shape statewide strategic planning to advance diversity, equity, and inclusion across the enterprise.

The physical form known as the DPM-100 Master Equal Employment Opportunity Data Collection Form (“DPM-100”) was updated to include expanded options in areas including gender, ethnicity/race, language, LGBTQ+, disability, and veteran status. A new web-based application (“web app”) was also developed to collect this information, for those not using the physical DPM-100 form.

Every employee is invited to voluntarily self-identify their demographic information. Submission of this information is voluntary, and refusing to provide it will not subject the employee to any adverse treatment. This data will be used to comply with legal requirements to collect and report workforce and applicant data and study the Department of Civil Service examination program and the New York State workforce. This information is being collected under federal and New York State laws, including [Title VII of the federal Civil Rights Act of 1964](#), as amended; [Section 296\(1\)\(d\) of the New York State Executive Law \(Human Rights Law\)](#); and Chapter 60 of the New York State Laws of 1994; New York State Executive Order 9 NYCRR 4.6 (as renewed). The information provided will be kept confidential and will only be released under Section 96(1), subdivisions (b), (d), (e), and (f) of the [Personal Privacy Protection Law](#).

This document will outline the background, updates, and process changes associated with NYS workforce demographic data collection.

Background and summary of updates

Gender:

In 2022, Governor Kathy Hochul proposed an expansion of the June 2021 Gender Recognition Act to require all public-facing State agencies that collect such information to provide an option for members of the public to mark “X” when identifying their gender during an interaction with a State agency. This proposal was passed in the FY23 Enacted Budget and became Civil Rights Law § 79-q, which is also referred to as the Gender Recognition Act Expansion.

The new DPM-100 provides options to select either F (Female), M (Male), or X (Inclusive of, but not limited to, gender categories such as Non-Binary, Genderfluid, and Genderqueer).

Additionally, the new DPM-100 allows employees to identify as F (Female) or M (Male) for federal reporting purposes when gender marker X is not an option.

This section also includes a question that allows employees to indicate if they identify as transgender. This question is asked separately from LGBTQ+ identity, because transgender identity may overlap with LGBTQ+ identity, but it does not always for every individual.

Expanded Race/Ethnicity Options

The new DPM-100 separates ethnicity from race, which helps to bring our reporting structure closer to that of the federal government.

Further, in December 2021, Governor Hochul signed NYS Assembly bill A6896 into law, which disaggregated Asian American and Native Hawaiian/Pacific Islander (AANHPI) demographic data to better understand the needs and experiences of these different communities. The new DPM-100 has separate categories for the identities of 1) Asian and 2) Native Hawaiian and Other Pacific Islander. Each of these choices also has the option to identify as belonging to sub-groups, consistent with legislative mandates.

In addition to disaggregating AANHPI data, Hispanic origin options have been expanded to capture the sub-group identities used in the [American Community Survey \(ACS\) of the United States Census](#).

Multiracial individuals, previously limited to choosing one race/ethnicity on demographic collection forms, may now select more than one race/ethnicity.

Language:

NYS Assembly bill A6896 further required State agencies collecting certain demographic data to also capture information related to primary language spoken at home. The options in this new section of the DPM-100 align with the top 12 languages spoken in New York State, consistent with the Statewide Language Access program, plus American Sign Language.

LGBTQ+:

Executive Order 187 requires that agencies report on employment actions related to LGBT individuals, identify and resolve problems related to the underutilization/underrepresentation of LGBT individuals in the State workforce, and consider LGBT individuals in Statewide diversity, equity, and inclusion planning. The new DPM-100 includes a question about LGBTQ+ identity that will allow the State to capture and report on data related to LGBTQ+ individuals in the State workforce. This question is separate and in addition to the transgender-identity question that is captured in the Gender section since transgender identity may or may not overlap with LGBTQ+ identity.

Disability status:

The DPM-325, which has historically been used to capture self-reported disability data, has been discontinued. Any existing DPM-325 forms should not be used. The Department has streamlined data collection efforts for individuals with disabilities by incorporating a question about disability status into the new DPM-100 form. In addition to integrating disability data into the DPM-100, the definition of disability has been updated to align with [New York State Human Rights Law](#).

Veteran status:

Changes reflected in the new DPM-100 include expanding veteran options to now allow for identification as an “Eligible Veteran” and a “Veteran with a service-connected disability” in addition to “Vietnam Era Veteran.”

Data Collection Options and Form Orders

Historically, State workforce demographic data was collected solely via a physical (Scantron) DPM-100 form. Effective January 2023, the Department launched an online version of the DPM-100/Demographic Data Self-Identification Form, which established a second option to facilitate completion and submission of workforce demographic data. The web app, linked to the footer of the Civil Service website (see screenshot below), can also

be accessed [at this link](#) and requires the user to sign in using a personal my.ny.gov account. Agencies may refer to and disseminate the [DCS YouTube tutorial](#) on establishing a personal my.ny.gov account for anyone requiring assistance.

Department Of Civil Service			
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Agency Overview	Contact Civil Service	Public Information	Accessibility
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Law, Rules & Regulations	Frequently Asked Questions (FAQs)	Eligible Lists (ELMS Online)	Privacy Policy
Stay Informed	Language Access Information	Open Meetings	
Press Releases	Reasonable Accommodation	Test Guides & Resource Booklets	
		Vendor Information	
		Demographic Data Self-Identification Form	

Physical DPM-100 forms that agencies may have in stock (that were received by agencies from Civil Service prior to 2023) are no longer compliant with legislative mandates. Please note that the “old” DPM-100 forms were printed with green ink, while the new forms are printed with purple ink. Although any forms that were filled out prior to 2023 can still be sent to DCS for processing until March 31, 2023, agencies that have not yet ceased dissemination of the old DPM-100 form should do so, effective immediately. Agencies wishing to continue to use the physical forms – solely or in combination with the web app option – may request updated forms by sending an email to DPM@cs.ny.gov that contains the quantity requested, the delivery location, and the name of your agency point of contact for the delivery.

The instructions page for the physical DPM-100 form is now a separate document. Agencies that wish to order the instructions page will need to order it as an individual line item since it will not be automatically included with the new DPM-100 form.

As previously noted, Civil Service has discontinued the DPM-325 form. Similar to the old DPM-100 forms, any forms that have already been completed can still be sent to DCS for processing until March 31, 2023. Agencies that have not yet ceased dissemination of the DPM-325 form should do so, effective immediately.

There have been no changes to the DPM-80 (envelope).

Implementation Guidelines

Affected State Agencies must communicate to their respective workforces that demographic self-identification options have been expanded and that employees can update their data online or via completion of a physical form through their Human Resources Offices (refer to Attachment A for template language).

Additionally, agency Human Resource Offices are responsible for directly ensuring that all hires are given an opportunity to complete and submit their demographic data via the

webapp or a physical DPM-100 form. An agency's approach to integrating the DPM-100 into the hiring process may vary depending on whether the agency uses the web app, the physical form, or a combination of both; however, agencies must ensure that employees who report in-person for onboarding are provided with an opportunity to complete and submit the form via web app on site, or are given the physical DPM-100 which they should be encouraged to complete, seal in a DPM-80 envelope, and return to their Human Resources Office during onboarding. Agencies should encourage completion of these forms and ensure staff understand that the information is confidential and subject to the Personal Privacy Protection Law. Additional information can be found on the web app or the instructions page for the physical DPM-100 form.

Agencies that conduct onboarding remotely must ensure that employees are given the link to the web app or provided guidance on how to complete and submit a physical DPM-100 form. Where physical DPM-100 forms are being disseminated, HR Offices are responsible for collecting the sealed DPM-80s containing completed DPM-100 forms and sending them to the Department of Civil Service. Upon request, an employee may take the form home and submit it to DCS independently; however, the agency is responsible for maintaining a record of who has been given the option to self-identify. The ability to affirm that all employees have been directly given the opportunity to self-identify is a critical component in agency and Statewide efforts to reduce "unknown" data.

Visual Identification by a Human Resources Professional

New York State is required to report on the demographics of its workforce to the federal government. Although self-identification of demographic data is preferred, if an employee chooses not to self-identify their race/ethnicity, the federal government allows for the employer to determine this information by visual survey (a "visual identification"). For many Human Resources professionals, the thought of visually determining and then documenting the race/ethnicity of another person may be an uncomfortable one. This is why it is critical that all employees are not only given the opportunity to designate their own race/ethnicity, but encouraged to complete and submit the data confidentially at the point of hire and informed that they have the ability to update their demographic data at any time.

A visual identification of race/ethnicity by Human Resources professionals may be conducted **only when both of the following criteria are met:**

1. When an employee's race/ethnicity is categorized as "unknown" or "undisclosed" in a report generated through AnalyzeNY/Workforce Analytics, **and**
2. When the employer can attest that the employee was provided the opportunity to disclose their race/ethnicity confidentially. Examples of criteria that agencies can use to demonstrate that employees were given an opportunity to self-identify may include:

- Written communication to employees containing a link or QR code to the web app. The communication should encourage employees to self-identify and provide contextual information about the demographic data collection process.
- Documentation/attestation that employees were physically handed the DPM-100 form, along with the instructions page and a DPM-80 envelope.
- Training records, when the training directly addresses the workforce demographic data collection process and provides attendees with a link or QR code to the webapp, or where physical DPM-100 forms are made available.

Please note that visual identifications are permitted only for race/ethnicity. No determination should be presumed, attempted, or made regarding any other category as part of the DPM-100/workforce demographic data collection and reporting process. Agencies with questions about the visual identification process may consult with ODIM and their agency counsel.

Once it has been determined that a visual identification is appropriate (based on the criteria noted above), Human Resources professionals should report the outcome in one of two ways: 1) via the “DPM-100 - HR Identification Form” link, which is available once logged into [the Civil Service Business Suite for HR Professionals in State Government](#), or 2) by completion of the Visual Observation section of the physical DPM-100 form and submission of the form to DCS for processing.

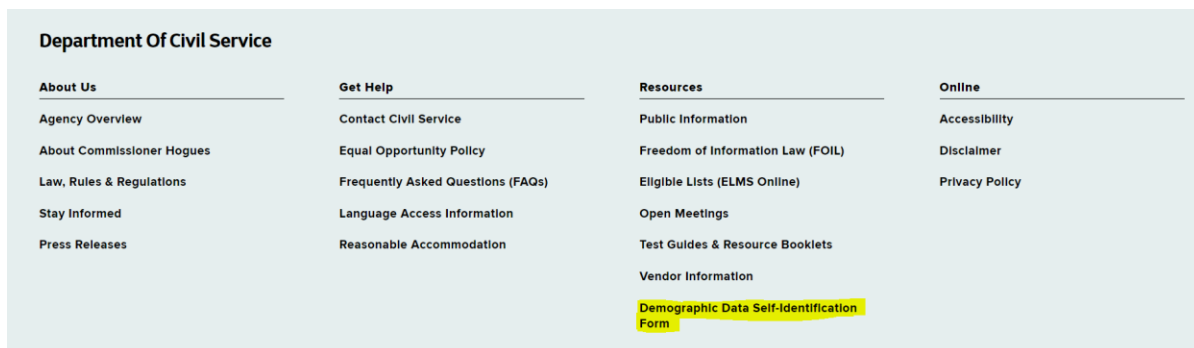
For any questions about these process changes, please email DPM@cs.ny.gov or call the Office of Diversity and Inclusion Management at 518-473-2288.

DRAFT OF MEMO FROM APPOINTING AUTHORITIES TO ALL STAFF

TO: All staff
FROM: [Appointing Authority]
DATE:
RE: Updates to statewide workforce demographic data collection

The Department of Civil Service (“DCS”) has expanded self-identification options and updated demographic data collection methods for New York State employees. Updates include expanded options in gender, ethnicity/race, language, LGBTQ+, disability, and veteran status. Additionally, effective January 2023, DCS launched a web app that enables employees to complete and submit their demographic information via an online form.

Employees are encouraged to access the web app to update their demographic data on record and can access this form [here](#). Employees can also navigate to the web app by going to www.cs.ny.gov, scrolling to the footer of the page, and under “Resources,” click on the [“Demographic Data Self-Identification Form”](#) link (see screenshot below).



You must log in using your personal my.ny.gov account. Once logged in, you will be taken directly to the form to complete and submit. Upon successful submission, a note will display confirming your successful submission of information (see screenshot below).

Your submission has been recorded successfully.

You may also access the web app using the following QR code:



For questions about this data collection initiative, please contact [*enter agency D&I Liaison contact information*].

For any technical issues with accessing the online demographic data form, please contact the IT Help Desk at 844-891-1786 or fixit@its.ny.gov.

For anyone requiring a physical version of the form, please contact [*enter agency HR office contact information*].