

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA☒ EEOC

New York State Division of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Marquis Anderson

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

The City of New York

No. Employees, Members

500+

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

Click here to enter text.

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☒ OTHER (Specify)

HOSTILE WORK ENVIRONMENT

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11/08/2022

08/14/2023

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Charging Party self-identifies as an African-American male.

Charging Party is a former employee of the Police Department City of New York, employed as a Probationary Police Officer

Charging Party alleges Probationary Police Officers are police officers as defined under the New York State Criminal Procedure Law and authorized to make warrantless arrests, issue summonses, conduct vehicle stops, carry and use firearms, batons, pepper spray, handcuffs, and use physical and deadly force.

Charging Party alleges psychological tests if used "objectively" can be a vital tool used to assess an applicant or employee's honesty and integrity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Marquis Anderson

SUBSCRIBED AND SWORN TO  
(month, day, year)

Sept, 17, 2023

TO BEFORE ME, Notary Public

NOTARY PUBLIC, STATE OF NEW YORK

Registration No. 01M06437979

Qualified in Bronx County

Commission Expires 08/08/2026

Date

Charging Party Signature

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New York State Division of Human Rights

and EEOC

*State or local Agency, if any*

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Charging Party alleges Title VII of the Civil Rights Act of 1964 prohibits psychological testing designed to, or that has a tendency to, discriminate based upon race.

Charging Party alleges psychological testing where the administration results in disparate treatment or disparate impact upon candidates and probationary employees based upon race, violates Title VII of the Civil Rights Act of 1964.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, have a legal obligation to ensure candidates and probationary employees are afforded a fair opportunity to qualify for employment.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, knows or should have known psychological testing requiring analysis by a psychologist is fraught with "subjectivity" and "implicit bias" thereby creating the opportunity for disparate treatment or disparate impact upon candidates and probationary employees due to their race.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, upon information and belief, does not review existing psychological testing to ensure they are statistically valid, reliable and devoid of racial bias.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, upon information and belief, does not administer psychological testing in a standardized manner to ensure that all job candidates and probationary employees are assessed in the same way.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, upon information and belief, does not monitor test results to ensure there's no disparate treatment or disparate impact upon candidates and probationary employees due to race.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, upon information and belief, does not monitor workplace statistics on attrition, theft, turnover, and production to determine whether the use of psychological testing have a disparate treatment or disparate impact upon candidates and probationary employees due to their race.

Charging Party alleges in 1978, the United States Equal Employment Opportunity Commission ("EEOC") adopted the Uniform Guidelines on Employee Selection Procedures ("UGESP") under Title VII of the Civil Rights Act of 1964.

Charging Party alleges the UGESP provides uniform guidance for employers to ensure their testing and selection procedures are in compliance with Title VII of the Civil Rights Act of 1964, theory of disparate impact.

Charging Party alleges the UGESP outline three (3) different methods for employers to prove their testing and selection procedures are job-related and consistent with business necessity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*Hilma Moore*  
SUBSCRIBED AND SWORN TO before me this 18 day of September, 2023.  
Hilma Moore  
Registration No. 01MO6437979  
Qualified in Bronx County  
Commission Expires 08/08/2026

Charging Party alleges these methods of proving job-relatedness are called “test” validation.

Charging Party alleges Respondent THE CITY OF NEW YORK as an employer, upon information and belief, is not in compliance with the UGESP.

Charging Party alleges Police Commissioner EDWARD A. CABAN as the agency head is legally obligated to ensure the aforementioned procedural safeguards in the testing, selection and retention process for Probationary Police Officer, Police Department City of New York are in place to ensure all candidates and probationary employees have a fair opportunity to qualify for employment and remained employed but, failed to do so.

Charging Party alleges in or around June 6, 2016, he graduated from Lehman College with a Bachelor of Arts in Business Administration.

Charging Party alleges in or around June 29, 2022, he began the testing and selection process for the position of Probationary Police Officer, Police Department City of New York, Examination No.: 2110.

Charging Party alleges in or around July 29, 2022, he completed and successfully qualified on the written examination, mini-medical, physical examination and physical fitness test portions of the testing and selection process.

Charging Party alleges Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK supervises Department Psychologist VANJA RADONCIC of the Psychological Evaluation Services, in particular, they’re responsible for candidate and probationary employee evaluations.

Charging Party alleges in or around July 2022, he was administered the Minnesota Multiphasic Personality Inventory aka MMPI-2.

Charging Party alleges the MMPI-2 was specifically designed for assessing psychological stability in clinical settings although commonly used to assess applicants of ‘high-risk’ professions such as airline pilots and police officers.

Charging Party alleges that on or about August 3, 2022, under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK, he was interviewed.

Charging Party alleges that on or about August 9, 2022, under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK, he was determined to be psychologically suitable for the position of Probationary Police Officer, Police Department City of New York.

Charging Party alleges on or about October 19, 2022, he entered the Recruit Training School, Police Department City of New York.

Charging Party alleges that on or about November 8, 2022, he called the Sick Desk. The department gave him five [5] days out sick consistent with the Covid guidelines.

Charging Party alleges that on or about November 15, 2022, due to his feeling unwell, he called Recruit Operations and spoke with Sergeant Peter Li. When he explained he felt unwell, Sergeant Li told him, it was not a good enough reason.

Charging Party alleges that Sergeant Li instructed him to notify the Sick Desk.

Charging Party alleges that he notified the Sick Desk and spoke with Principal Administrative Aide Charlotte Jackson-Butler. She informed him that he was required to report to the Medical Division on November 18, 2022.

Charging Party alleges that on or about November 18, 2022, when he reported to the Sick Desk where he was re-directed to the Psychological Evaluation Section, Medical Division.

Charging Party alleges that he met with Department Psychologist VANJA RADONCIC. During the conversation, he was perplexed. She did not explain to him why he was there. After the brief conversation, she placed him on Restricted Duty.

Charging Party alleges that the aforementioned restriction, interfered with his ability to complete the firearms and tactics portion of the required training, precluded graduation from the Recruit Training School and if not cleared ultimately would lead to termination of employment.

Charging Party alleges that from November 18, 2022 through July 2023, Department Psychologist VANJA RADONCIC had him attend numerous sessions with her, without a clear explanation as to why he remained on Restricted Duty.

Charging Party alleges that throughout this time period, Department Psychologist VANJA RADONCIC suggested that he consult with a private counselor, he chose Paola Disla, Licensed Mental Health Counselor.

Charging Party alleges that throughout this time period, Paola Disla, Licensed Mental Health Counselor did not understand why he was there. She reached out to Department Psychologist VANJA RADONCIC numerous times and she never returned her messages.

Charging Party alleges that before graduation on or about April 24, 2023, Department Psychologist VANJA RADONCIC told him that based upon "data" she was recommending separation from service.

Charging Party alleges that Department Psychologist VANJA RADONCIC'S recommendation was in retaliation in response to his complaints about the mistreatment and lack of clear explanation as to why he remained on Restricted Duty.

Charging Party alleges that shortly thereafter, under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK they approved Department Psychologist VANJA RADONCIC'S recommendation for separation from service based upon "data."

Charging Party alleges that "data" is just a "subjective" characterization during the testing, selection and retention process used to recommend a disqualification or separation from service primarily used against candidates or probationary employees of color particularly Blacks or African-Americans when there's no "objective" analysis to support such recommendations.

Charging Party alleges that his class graduated without him.

Charging Party alleges that on or about August 14, 2023, Sergeant Jason Lier, Recruit Operations served him with a Notice of Termination on behalf of Deputy Inspector Robert Hachemeister, Enterprise Risk Management Division, "You are hereby notified that your services as a Probationary Police Officer in the New York City Police Department are terminated effective 2400 hours, June 14, 2023, by the Police Commissioner, pursuant to the New York City Administrative Services Personnel Rules and Regulations 5.2.7.

Charging Party alleges his termination was based upon the racially biased psychological evaluations of Department Psychologist VANJA RADONCIC under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK.

Charging Party alleges Blacks or African-American candidates or probationary employees under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK are more likely than Caucasian or White candidates or probationary employees to have their Psychological Disqualification or Separation Summary's documented to read: anxious, exercises poor judgment, poor credibility, failure to take responsibility for past problematic behavior and other "subjective" characterizations although they had similar backgrounds.

Charging Party alleges under the direct or indirect supervision of Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK, the Caucasian or White candidates or probationary employees were not re-evaluated at the same rate or higher than the Black or African-American candidates or probationary employees and even if they were, they were not disqualified or recommended for separation.

Charging Party alleges there are no perfect candidates or probationary employees but, Respondent THE CITY OF NEW YORK through Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM; Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK and Department Psychologist VANJA RADONCIC treat candidates and probationary employees differently due to their race.

Charging Party alleges Respondent THE CITY OF NEW YORK through Police Commissioner EDWARD A. CABAN; Supervising Chief Surgeon, Medical Division ELI J. KLEIMAN; Director, Psychological Evaluation Section, Medical Division ADAM BLOOM and Deputy Director, Psychological Evaluation Section, Medical Division GREGORY I. MACK and Department Psychologist VANJA RADONCIC'S collective conduct caused him to sustain injuries due to disparate treatment and disparate impact during the testing, selection and retention process for Probationary Police Officer, Police Department City of New York in violation of the Title VII of the Civil Rights Act of 1964; the Civil Rights Act of 1871, 42 U.S.C. § 1983; New York State Executive Law § 296 and New York City Administrative Code § 8-107.