



**Equal Employment
Practices Commission**

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BY MAIL AND EMAIL

Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor-North
New York, NY 10007

Re: Audit: Preliminary Determination: Review, Evaluation and Monitoring of the Landmarks Preservation Commission's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Chair Srinivasan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's employment practices and procedures for the period covering January 1, 2012 to December 31, 2014.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Landmarks Preservation Commission, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, corporation,



corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

The purpose of this audit and analysis is to evaluate the agency's employment practices and procedures. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7), the Americans with Disabilities Act and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters. This Commission does not issue findings of discrimination pursuant to the New York City Human Rights Law.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System (CEEDS)*.

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analyses.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their

¹ Corresponding audit/analysis standards are numbered throughout the document.



availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete their individual questionnaires and return any items requested. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Landmarks Preservation Commission (LPC) is responsible for protecting New York City's architecturally, historically, and culturally significant buildings and sites by granting them landmark or historic district status, and regulating them once they are designated.

The agency is comprised of a panel of 11 commissioners who are appointed by the Mayor and supported by a staff of approximately 64 preservationists, researchers, architects, historians, attorneys, archaeologists and administrative employees.

The agency *Workforce Composition Summary* is included as Appendix 2.

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in compliance with the standards for this subject area.

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The agency issued its annual EEO Policy statement via email to all employees on April 10, 2012, and November 27, 2013. The memorandum states "*as the Chair of the Landmarks Preservation Commission, I affirm this agency's strong and continuing committee [sic] to maintaining fair employment practices for all its employees and applicants*". The policy statement included the name and contact information for the agency's EEO Professionals.

NOTE: Although the EEO policy statements did not attach or provide a link to the agency's EEO Policy or Handbook, the EEO Policy was made available to employees (see number 2 for details).

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency followed the City of New York's EEO Policy: *Standards and Procedures to be Utilized by City Agencies* (2014, Citywide EEOP), which included a policy against Sexual Harassment; provided reasonable accommodations procedures that conform to city, state and federal laws; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination. The policy was redistributed to all employees on June 24, 2014 and is located on the agency's electronic *P: drive* where it is accessible to all employees.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in compliance with the standards for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ The agency reported that EEO training and new employee orientation sessions (which included an EEO policy module) were conducted by the principal EEO Professional on an as needed basis. The agency also utilized Citywide Diversity and EEO - Computer Based Trainings. The agency's *Quarterly Reports on EEO Activity* indicated that in fiscal year 2014: forty-five employees completed computer based EEO training and the agency held three live EEO training sessions where a total of eight managers were in attendance. The topics covered in the live EEO training sessions included: *terms conditions of employment, protected classes, harassment, reasonable accommodation, retaliation, and complaint procedures.*

Subsequent to the audit period the agency distributed a link for Diversity and Inclusion Computer Based Training (CBT), entitled *Everybody Matters*. The link was sent to all staff with instructions to complete the training by April 24, 2015.

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

Determination: The agency is in partial compliance with the standards for this subject area.

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
 - The agency did not assess its recruitment efforts to determine whether such efforts adversely impact any particular group. **Corrective action is required.**

Corrective Action 1: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
 - ✓ The agency reported that the principal EEO Professional reviewed the agency's statistical information (i.e. workforce composition, hires, promotions, and separations) on an as needed basis.
 - The agency did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the agency's annual number of EEO complaints, or the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and

determine what, if any, corrective actions are required to correct deficiencies.
Corrective action is required.

Corrective Action 2: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

➤ The agency did not assess the manner in which candidates were selected for employment to determine whether such efforts adversely impact any particular group. In addition, the 2nd Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicates the agency had underutilization of protected classes in two job groups that persisted during the 4th quarter of 2015 (the latest quarter available- as of the date of this report).
Corrective action is required.

Corrective Action 3: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

➤ The 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* (latest quarter available as of the date of this report) indicates underutilization of protected classes in two job groups which may include discretionary titles (see Appendix 3). Corrective action is required.

Corrective Action 4: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
 - The aforementioned CEEDS Report (4th Quarter, 2015), indicates underutilization of protected classes in two job groups which may also include civil service (list) titles; however the agency did not provide documentation that it conducted a review of the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in civil service (list) titles to ensure that these standards are updated, job-related and required by business necessity. Corrective action is required. **Corrective action is required.**

Corrective Action 5: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
 - ✓ The agency reported that the structured interview technique was used when interviewing candidates. Interview questions were predetermined for each position. The agency submitted interview questions for *Budget Director* and *Landmarks Preservationist* as examples.



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- The agency did not ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process were trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates. Subsequent to the audit period, on August 13, 2015 the agency submitted its plan to provide training for human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process who have not been trained. The pending training is scheduled to occur on September 17, 2015. **Corrective action is required.**

Corrective Action 6: Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

- ✓ The agency reported that the employees were made aware of opportunities for promotion via email and postings on the bulletin boards in the agency's mailroom.

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- ✓ The agency advertised several vacant positions during the audit period including; *Data Analyst and Researcher, Budget Director, Director of Preservation, Records and Reception Associate, Landmark Preservationist, and Deputy Director* - all notices included the EEO tagline "*The Landmarks Preservation Commission is an Equal Opportunity Employer*".

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- ✓ The agency utilizes an *EEO Tracking Log*, which captures the *Position (title), JVN#, and Name of Interviewee, Date of Interview, Ethnicity, Gender, Disability Status, Veteran Status, Interviewer Name / Department and Comments*. The agency reported that the log is completed during the interview process by the head of the department with the vacancy.

- Agency's *EEO Tracking Log* does not capture the recruitment source or the reason for selection/ non- selection. **Corrective action is required.**

Corrective Action 7: In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

Determination: The agency is in **partial compliance** with the standards for this subject area.

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency designated the Director of Administration, as principal Human Resources Professional, Career Counselor and 55-a Coordinator. The Director of Administration received a certificate of recognition for completion of the *New York City Human Resources Program of Professional Practices* in 2006 and *Everybody Matters, Diversity & Inclusion* computer based training, in April, 2015.
 - Although the agency designated the *Director of Administration* as *Career Counselor* the agency did not provide documentation that employees were informed of the identity/ type of guidance available from the Career Counselor. **Corrective action is required**

Corrective Action 8: Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.
- ✓ The principal EEO Professional alerted staff of the availability of training opportunities and reminded employees of the complaint process.

- The agency did not demonstrate that the Human Resources Professional provided employees with access to information regarding job responsibilities, performance evaluation standards and examinations, or informed the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities. Corrective action is required.

Corrective Action 9: Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

Determination: The agency is in compliance with the standards for this subject area.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
 - ✓ The agency reported no requests for information regarding employee rights and obligations, the complaint, investigation and reasonable accommodation procedures were made during the period in review. This information was available in large print, and the agency was prepared to provide it in other formats upon request.
16. Document reasonable accommodation requests and their outcomes.
 - ✓ The agency followed the city's EEO Policy which included a section on reasonable accommodations which states: "*by law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data.*" The agency reported that requests for reasonable accommodations were handled by the principal EEO Professional.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

Determination: The agency is in partial compliance with the standards for this subject area.

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

✓ In July 2007, the agency appointed the *Director of Enforcement* as the agency's principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional completed the Office of Citywide Diversity and EEO's *Basic Training for EEO Representatives*, in July 2007 and "Everybody Matters" training in March 2013.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

✓ In addition to the principal EEO Professional the agency also appointed two EEO Counselors to receive discrimination complaints and conduct investigations. Both EEO Counselors completed *Basic Training for EEO Professionals*, by the Office of Citywide Diversity and EEO.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ The principal EEO Professional reported directly to the Chair of the agency. This reporting relationship is reflected in the agency's organization chart.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

➤ The agency did not maintain documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. Corrective action is required.

Corrective Action 10: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:

Determination: The agency is in partial compliance with the standards for this subject area.

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

✓ The agency established a managerial performance evaluation program.

➤ The agency did not demonstrate that it administered managerial performance evaluations during the period in review.

➤ The agency did not establish or administer annual non-managerial performance evaluations to be used for probationary periods, promotions, assignments, incentives and training. Corrective action is required.

Corrective Action 11: Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

✓ The agency's managerial performance evaluation form included a standard for rating EEO entitled, Utilizing Human Resources, which states: "*this accountability area covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner consistent with citywide EEO guidelines.*"

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is in compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.



- ✓ The agency submitted its annual plans, and quarterly reports on efforts to implement those plans for each year of the period in review.

After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 11 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

(Optional Conference) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(No Response Option) If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.



In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Zuell", written over a horizontal line.

Hacia N. Zuell, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR
Executive Director

c: Lily Fan, Principal EEO Professional

Appendix – 1

Landmarks Preservation Commission **Description of EEO Job Groups**

**DESCRIPTION OF
EQUAL EMPLOYMENT OPPORTUNITY
JOB GROUP CATEGORIES**

- 001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.
- 002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.
- 003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.
- 004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.
- 005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.
- 006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

007 Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: Caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

008 Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: Attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

009 Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: Technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

010 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

011 Sales: Not applicable.

012 Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: Chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

013 Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: Cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

014 Household Services: Not applicable.

- 015 Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.
- 016 Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.
- 017 Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.
- 018 Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.
- 019 Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.
- 020 Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.
- 021 Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: Dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.
- 022 Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.
- 023 Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

- 024 Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.
- 025 Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.
- 026 Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers and kindred workers.
- 027 Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.
- 028 Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.
- 029 Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.
- 030 Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/ vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

031 Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: Administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Appendix - 2

***Landmarks Preservation Commission
CEEDS Work Force Composition Summary***

RUN DATE: 07/02/15
 RUN TIME: 15:26:14.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 ETHNIC/GENDER SUMMARY BY AGENCY, TYPE, JOB GROUP, AND TITLE
 QUARTER 4 FY 2015

PAGE: 68
 REPORT: EBMPR343

AGENCY : 136 LANDMARKS PRESERVATION COMMISSION

TITLE CODE/DESCRIPTION	MALE						FEMALE						UNKNWN	TOTAL
	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
NEW HIRES														
EEO JOB GROUP : 002 MANAGERS														
10034 ADMINISTRATIVE LANDM	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
EEO JOB GROUP : 006 SOCIAL SCIENTISTS														
92237 LANDMARKS PRESERVATI	3	0	0	0	0	0	4	1	0	0	0	1	0	9
EEO JOB GROUP TOTAL.....:	33.34	0.00	0.00	0.00	0.00	0.00	44.44	11.11	0.00	0.00	0.00	11.11	0.00	100.00
EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS														
56057 COMMUNITY ASSOCIATE	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00
NEW HIRES TOTAL.....:	27.28	0.00	0.00	0.00	0.00	0.00	45.45	18.18	0.00	0.00	0.00	9.09	0.00	100.00
PROMOTIONS														
EEO JOB GROUP : 006 SOCIAL SCIENTISTS														
92237 LANDMARKS PRESERVATI	0	0	0	0	0	0	2	0	0	1	0	0	0	3
EEO JOB GROUP TOTAL.....:	0.00	0.00	0.00	0.00	0.00	0.00	66.67	0.00	0.00	33.33	0.00	0.00	0.00	100.00
PROMOTIONS TOTAL.....:	0.00	0.00	0.00	0.00	0.00	0.00	66.67	0.00	0.00	33.33	0.00	0.00	0.00	100.00
SEPARATIONS														
EEO JOB GROUP : 006 SOCIAL SCIENTISTS														
92237 LANDMARKS PRESERVATI	0	0	0	0	0	0	0	0	0	1	0	0	0	1
EEO JOB GROUP TOTAL.....:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	100.00

RUN DATE: 07/02/15
 RUN TIME: 15:26:14.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 ETHNIC/GENDER SUMMARY BY AGENCY, TYPE, JOB GROUP, AND TITLE
 QUARTER 4 FY 2015

PAGE: 69
 REPORT: EBMPR343

AGENCY : 136 LANDMARKS PRESERVATION COMMISSION

TITLE CODE/DESCRIPTION	MALE						FEMALE						UNKNWN	TOTAL
	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
SEPARATIONS TOTAL...:	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	1 100.00	0 0.00	0 0.00	0 0.00	1 100.00
TOTAL EMPLOYEES FOR AGENCY...:	21 28.76	2 2.74	1 1.37	2 2.74	0 0.00	1 1.37	30 41.10	5 6.85	3 4.11	5 6.85	0 0.00	3 4.11	0 0.00	73 100.00

Appendix – 3

*Landmarks Preservation Commission
CEEDS Workforce Compared with Internal and External Pools*

RUN DATE: 01/05/15
 RUN TIME: 8:19:56
 FY2015 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 65
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/14

AGENCY: 136 LANDMARKS PRESERVATION COMMISSION
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I
001 ADMINISTRATORS	3	2	2 N	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N
002 MANAGERS	10	8	5	0	2 U	0	1 U	1	1	0	0 N	1	0
003 MNGMNT SPECS	3	1	1 N	2	1 N	0	0 N	0	0 N	0	0 N	0	0 N
006 SOCIAL SCI	36	30	22 O	1	6 U	1	3 U	3	3	0	0 N	1	1
008 LAWYERS	1	0	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
009 PUBLIC REL	2	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N	1	0 N
012 CLERICAL SUPS	1	0	0 N	0	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	3	1	1 N	1	2 N	1	0 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	4	1	1 N	1	1 N	1	1 N	1	0 N	0	0 N	0	0 N

RUN DATE: 01/05/15
 RUN TIME: 8:19:56
 FY2015 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 66
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/14

AGENCY: 136 LANDMARKS PRESERVATION COMMISSION
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	3	1	2 N	2	1 N	0	0 N
002 MANAGERS	10	5	5	5	4	0	0 N
003 MNGMNT SPECS	3	1	2 N	2	1 N	0	0 N
006 SOCIAL SCI	36	13	18 U	23	18	0	1 N
008 LAWYERS	1	0	0 N	1	0 N	0	0 N
009 PUBLIC REL	2	0	1 N	2	1 N	0	0 N
012 CLERICAL SUPS	1	1	0 N	0	1 N	0	0 N
013 CLERICAL	3	0	1 N	3	2 N	0	0 N
031 PARA PROFESSION	4	2	2 N	2	2 N	0	0 N

RUN DATE: 07/02/15
 RUN TIME: 14:25:28
 FY2015 Q4

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 65
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/15

AGENCY: 136 LANDMARKS PRESERVATION COMMISSION
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I	OBSRV	EXPC T I
001 ADMINISTRATORS	3	2	2 N	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N
002 MANAGERS	12	10	6 O	0	2 U	0	2 U	1	1	0	0 N	1	0
003 MNGMNT SPECS	4	1	2 N	2	1 N	0	1 N	0	1 N	0	0 N	1	0 N
006 SOCIAL SCI	42	35	26 O	2	7 U	1	4 U	2	4 N	0	0 N	2	1
008 LAWYERS	1	0	1 N	0	0 N	0	0 N	1	0 N	0	0 N	0	0 N
009 PUBLIC REL	1	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
012 CLERICAL SUPS	1	0	0 N	0	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	3	1	1 N	1	2 N	1	0 N	0	0 N	0	0 N	0	0 N
027 TRANSPORTATION	1	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	5	1	2 N	2	1 N	0	1 N	2	0 N	0	0 N	0	0 N

RUN DATE: 07/02/15
 RUN TIME: 14:25:28
 FY2015 Q4

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 66
 PROGRAM: EBPPP961
 EXTRACT DATE: 06/30/15

AGENCY: 136 LANDMARKS PRESERVATION COMMISSION
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	3	1	2 N	2	1 N	0	0 N
002 MANAGERS	12	5	6 U	7	5	0	0 N
003 MNGMNT SPECS	4	1	2 N	3	2 N	0	0 N
006 SOCIAL SCI	42	16	20 U	26	21	0	1 N
008 LAWYERS	1	0	0 N	1	0 N	0	0 N
009 PUBLIC REL	1	0	1 N	1	0 N	0	0 N
012 CLERICAL SUPS	1	1	0 N	0	1 N	0	0 N
013 CLERICAL	3	0	1 N	3	2 N	0	0 N
027 TRANSPORTATION	1	1	1 N	0	0 N	0	0 N
031 PARA PROFESSION	5	2	2 N	3	3 N	0	0 N



Meenakshi Srinivasan
Chair

1 Centre Street
9th Floor North
New York, NY 10007

212-669-7888 tel
212-669-7955 fax

September 2, 2015

Ilacia N. Zuell
Charise L. Terry
Equal Employment
Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: Landmarks Preservation Commission Response to EEPC Preliminary Determination
for Audit of the Landmarks Preservation Commission

Dear Ms. Zuell and Ms. Terry

I am writing to submit the Landmarks Preservation Commission's response to the preliminary determination of the Equal Employment Practices Commission's audit of the Commission's employment practices and policies during the period of January 1, 2012 through December 31, 2014.

Corrective Action 1:

After the EEPC 2009 audit, the Landmarks Preservation Commission assessed our recruitment methods and expanded our efforts to diversify our recruitment outreach. We advertised at Historically Black Colleges that had art history or preservation programs and in publications that had substantial minority audiences

The Landmarks Preservation Commission continues to strive to recruit from as wide and diverse a pool of qualified candidates as is feasible. The vast majority of the Commission's vacancies during the audit period were for the position of Landmark Preservationist. This position requires experience in the field of historic preservation and/or a degree in historic preservation which limits the pool of qualified applicants. It requires technical proficiencies in reading architectural and structural drawings as well as material specifications.



Our efforts to reach as diverse a pool of applicants as possible includes posting vacancies on national preservation websites such as PreserveNet and the National Trust for Historic Preservation website, both of which are widely viewed. The Commission also recruits at the thirty-three (33) schools which have historic preservation graduate programs – practically every graduate level preservation program in the country. We also recruit using the NYCareers website, LPC website and advertise via Diversity obs. Diversity Jobs is a web service that posts Commission openings on its network of over 3,000 websites specifically targeted to African American, Hispanic, Latino, women, veterans, disabled workers, LGBT and other minority groups. In a long term effort to diversify the candidate pool for preservation positions, the Commission is reaching out to New York City high school preservation program which is composed of mostly minority students in an effort to increase awareness of the Commission among younger students who may pursue a career in historic preservation.

Corrective Action 2:

Because we are a small agency and the General Counsel and EEO Officer are in frequent contact regarding many legal issues, meetings regarding EEO issues between the General Counsel and EEO Officer were not memorialized. Additionally, frequently there are many years when no EEO complaints are filed. We have provided an example of an unfounded EEO complaint during the audit period (See exhibit CA-2). Going forward the EEO Officer will meet annually (if not more frequently) with the Commission's General Counsel and relevant human resources professionals and fully document these meetings.

Corrective Action 3:

Preservationists are often hired from civil service lists. The selection process is therefore limited but will be tracked in the future. All criteria on the job posting for the preservationist title are job related. As noted above, the preservationist position requires proficiencies in reading architectural and structural drawings as well as material specifications.

(See exhibit CA3)

Corrective Action 4:

The discretionary hiring which occurred during the audit period consisted of new hires and promotions. The Commission advertised for vacancies for new staff by postings on Preserve Net, with thirty-three schools which have historic preservation programs, the NYCareers and LPC website and advertising at DiversityJobs.

Most promotions within the agency are for managers of preservation staff. These positions are often filled by staff members who have demonstrated supervisory potential, a firm grasp of relevant preservation concepts and practices, and have shown an ability to work well with applicants.

(See exhibit CA4)

Corrective Action 5:

The Director of Preservation and senior staff reviewed the landmark preservationist tasks and standards and job description with DCAS prior to the civil service test given in 2015. All standards are job related standards (See exhibit CA5). We will send future civil service test notifications to DiversityJobs and the LPC website.

Corrective Action 6:

Most managers who conduct interviews have been trained in structured interviewing and on similar issues. Training of managers who conduct interviews and have not already received structured interview training will receive it on September 17, 2015.

Corrective Action 7:

The Commission has amended the data collection forms to include recruitment source and reason for selection or rejection. The Commission has also delegated the responsibility for recording and maintaining recruitment information collected away from the hiring staff to the EEO Officer.

(See attached logs and results labeled CA7)

Corrective Action 8:

We will continue to inform and remind employees regarding the career counselor through a variety of means including at an all-staff meeting to be held in mid-September, in Commission staff materials (e.g. the employee manual), materials distributed to new staff, postings, and staff-wide emails.

[See attached exhibits in which the career counselor notices employee(s) of job vacancies and job training opportunities (4 each). In addition please see page 38 from the LPC Employee Manual which identifies the career counselor.]

Corrective Action 9:

The human resources staff will have performance standards available and inform EEO Officer of 55a program participants. The Director of human resources has informed the EEO Officer of 55-program participants in the audit period. We have one current participant.

Corrective Action 10:

The EEO Officer will meet at least annually with the Commissioner and will better maintain documentation of such meetings and other communications between the agency head and EEO professionals.



Corrective Action 11:

The Commission will commence employee evaluations in 2016.

Thank you for this opportunity to respond to the preliminary audit determinations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Meenakshi Srinivasan". The signature is fluid and cursive.

Meenakshi Srinivasan

Chair

Landmarks Preservation Commission

Attachments:

CA2-1

CA3-1

CA4-1

CA5-1

CA7-3

CA8-9



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

September 11, 2015

Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor-North
New York, NY 10007

RE: Resolution #: **2015/136**: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Landmarks Preservation Commission's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Chair Srinivasan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your September 2, 2015 response to our August 19, 2015 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced audit and analysis of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

¹ Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: October 2015 to March 2016.

If corrective actions remain: Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Thereafter, your agency will be monitored monthly until all corrective actions have been implemented. Compliance-monitoring instructions will be provided. Upon your agency's completion of the final corrective action, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. Once received, a *Determination of Compliance* will be issued.

If no corrective actions remain: Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

c: Lily Fan, Principal EEO Professional

FINAL DETERMINATION

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans* and *Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable), our Final Determination is as follows:

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your reply.

Corrective Action #8

Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

Agency Response: We will continue to inform and remind employees regarding the career counselor through a variety of means including at an all staff meeting, in staff materials, postings and staff wide emails. (Response, pg. 4) The agency submitted copy of a Notice of Exam sent to staff by the agency's Career Counselor.

EEPC Response: The EEPC accepts the agency's response and documentation that the corrective action **#8** has been implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

Corrective Action #1

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

² Excerpts are italicized.

Agency Response: After the EEPC's 2009 audit, the Landmarks Preservation Commission assessed our recruitment methods and expanded our efforts to diversify our recruitment outreach. We advertised at historically Black Colleges that had art history or preservation programs and in publications that had substantial minority audiences.

"...Our efforts to reach as diverse a pool of applicants as possible includes posting vacancies on national preservation websites such as PreserveNet and the National Trust for Historic Preservation website, both of which are widely viewed...Diversity jobs is web service that posts Commission openings on its network of over 3,000 websites specifically targeted to African American, Hispanic, Latino women, veterans, disabled works, LGBT and other minority groups." (Response, pg. 1-2)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #1. An agency assessment of the impact of its efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #2

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.

Agency Response: *"...going forward the EEO Officer will meet annually (if not more frequently) with the Commission's General Counsel and relevant human resources professionals and fully document these meetings."* (Response, pg. 2)

EEPC Response: The EEPC accepts the agency's response to corrective action #2 pending documentation.

Corrective Action #3

Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: *"Preservationists are often hired from civil service lists. The selection process is therefore limited but will be tracked in the future. All criteria on the job posting for the preservationist title are job related..."* (Response, pg. 2)

EEPC Response: An agency assessment of the selection procedures will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #4

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *The discretionary hiring which occurred during the audit period consisted of new hires and promotions. The Commission advertised for vacancies for new staff by postings on Preserve Net, with thirty-three schools which have historic preservation programs, the NYCareers and LPC website and advertising at DiversityJobs. (Response, pg.3)*

Most promotions within the agency are for managers of preservation staff. These positions are often filled by staff members who have demonstrated supervisory potential, a firm grasp of relevant preservation concepts and practices, and have shown an ability to work well with applicants.

EEPC Response: The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #5

If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *The Director of Preservation and senior staff reviewed the Landmark Preservationist tasks and standards and job description with DCAS prior to the civil service test given in 2015. All standards are job related standards. We will send future civil service test notifications to Diversity Jobs and the LPC website. (Response, pg. 3)*

EEPC Response: The agency's review of the competencies, skills and abilities required will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of compliance-monitoring.

Corrective Action #6

Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

Agency Response: *Most managers who conduct interviews have been trained in structured interviewing and on similar issues. Training of Managers who conduct interviews and have not already received structured interview training will receive it [sic] on September 17, 2015. (pg. 3)*

EEPC Response: The EEPC will accept the agency's response to corrective action #6 pending receipt of documentation which confirms training.

Corrective Action #7

In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: *The commission has amended the data collection forms to include recruitment source and reason for selection of rejection. The Commission has also delegated the responsibility for recording and maintaining recruitment information collected away from the hiring staff to the EEO Officer. (pg. 4)*

EEPC Response: The will accept the agency's response to corrective action #7 pending receipt of appropriate documentation. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #9

Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.

Agency Response: *The human resources staff will have performance standards available and inform EEO Officer of 55a program [sic] participants. The Director of human resources has informed the EEO Officer of 55- program [sic] participants in the audit period. We have one current participant. (Response, pg. 4)*

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action #9. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #10

Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: *The EEO Officer will meet at least annually with the Commissioner and will better maintain documentation of such meetings and other communications between the agency head and EEO Professionals. (Response, pg. 4)*

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action **#10**. Documentation of such meeting(s) will satisfy implementation of this standard and will be accepted during the compliance-monitoring period.

Corrective Action #11

Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

Agency Response: *The commission will commence employee evaluations in 2016. (Response, pg. 6)*

EEPC Response: The EEPC recognizes the agency's commitment to the implementation of corrective action **#11**. Documentation of performance evaluations for managerial and non-managerial employees will be reviewed during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2015/136: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Landmarks Preservation Commission's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Landmarks Preservation Commission's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 19, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 2, 2015, with documentation of its actions to rectify required corrective action No. 8; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective

action, and indicated that corrective actions Nos., 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 1, 2015 through March 31, 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission adopts this Final Determination regarding the Landmarks Preservation Commission.

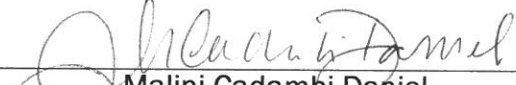
Approved unanimously on September 21, 2015.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Landmarks Preservation
Commission

Meenakshi Srinivasan
Chair

1 Centre Street
9th Floor North
New York, NY 10007

212-669-7888 tel
212-669-7955 fax

October 19, 2015

Ilacia N. Zuell
Charise L. Terry
Equal Employment
Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: Landmarks Preservation Commission Response to EEPC Final Determination for
Audit of the Landmarks Preservation Commission

Dear Ms. Zuell and Ms. Terry

I am writing to submit the Landmarks Preservation Commission's response to the final determination of the Equal Employment Practices Commission's audit of the Commission's employment practices and policies during the period of January 1, 2012 through December 31, 2014.

Corrective Action 1 Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring

Corrective Action 1:

After the EEPC 2009 audit, the Landmarks Preservation Commission assessed our recruitment methods and expanded our efforts to diversify our recruitment outreach. . We advertised at Historically Black Colleges that had art history or preservation programs and in publications that had substantial minority audiences

The Landmarks Preservation Commission continues to strive to recruit from as wide and diverse a pool of qualified candidates as is feasible. The vast majority of the Commission's vacancies during the audit period were for the position of Landmark Preservationist. This position requires experience in the field of historic preservation and/or a degree in historic preservation which limits the pool of qualified applicants. It requires technical proficiencies in reading architectural and structural drawings as well as material specifications.

Our efforts to reach as diverse a pool of applicants as possible includes posting vacancies on national preservation websites such as PreserveNet and the National Trust for Historic Preservation website, both of which are widely viewed. The Commission also recruits at the thirty-three (33) schools which have historic preservation graduate programs – practically every graduate level preservation program in the country. We also recruit using the NYCareers website, LPC website and advertise via Diversity obs. Diversity Jobs is a web service that posts Commission openings on its network of over 3,000 websites specifically targeted to African American, Hispanic, Latino, women, veterans, disabled workers, LGBT and other minority groups. In a long term effort to diversify the candidate pool for preservation positions, the Commission is reaching out to New York City high school preservation program which is composed of mostly minority students in an effort to increase awareness of the Commission among younger students who may pursue a career in historic preservation.

Landmarks will continue to assess the impact of our recruitment efforts with EEPC guidance.

Corrective Action 2: Ensure that the principal EEO Professional, HR Professional and General Counsel review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (eg. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or other resource for guidance.

Corrective Action 2:

Because we are a small agency and the General Counsel and EEO Officer are in frequent contact regarding many legal issues, meetings regarding EEO issues between the General Counsel and EEO Officer were not memorialized. Additionally, frequently there are many years when no EEO complaints are filed. We have provided an example of an unfounded EEO complaint during the audit period. Going forward the EEO Officer will meet annually (if not more frequently) with the Commission's General Counsel and relevant human resources professionals and fully document these meetings.

Attached please find a memo documenting a meeting which occurred. (September 2 memo)

Corrective Action 3: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Corrective Action 3:

Preservationists are often hired from civil service lists. The selection process is therefore limited but will be tracked in the future. All criteria on the job posting for the preservationist title are job related. As noted above,



the preservationist position requires proficiencies in reading architectural and structural drawings as well as material specifications.

Landmarks will continue to assess the selection process in the monitoring period with the EEPC guidance.

Corrective Action 4: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Corrective Action 4:

The discretionary hiring which occurred during the audit period consisted of new hires and promotions. The Commission advertised for vacancies for new staff by postings on Preserve Net, with thirty-three schools which have historic preservation programs, the NYCareers and LPC website and advertising at DiversityJobs.

Most promotions within the agency are for managers of preservation staff. These positions are often filled by staff members who have demonstrated supervisory potential, a firm grasp of relevant preservation concepts and practices, and have shown an ability to work well with applicants.

Landmarks will continue to monitor discretionary hiring practices with the EEPC during the monitoring period.

Corrective Action 5: If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups, participate in career fairs or open houses, or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Corrective Action 5:

The Director of Preservation and senior staff reviewed the landmark preservationist tasks and standards and job description with DCAS prior to the civil service test given in 2015. All standards are job related standards. We will send future civil service test notifications to DiversityJobs and the LPC website.

Landmarks will continue to review competencies and skills required with the EEPC guidance.

Corrective Action 6: Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).



**Landmarks Preservation
Commission**

Corrective Action 6:

Most managers who conduct interviews have been trained in structured interviewing and on similar issues. Training of managers who conduct interviews and have not already received structured interview training were trained on September 17, 2015.

[See four certificates (pdfs) showing structured interview training.]

Corrective Action 7: In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Corrective Action 7:

The Commission has amended the data collection forms to include recruitment source and reason for selection or rejection. The Commission has also delegated the responsibility for recording and maintaining recruitment information collected away from the hiring staff to the EEO Officer.

Corrective Action 9: Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.

Corrective Action 9:

The human resources staff will have performance standards available and inform EEO Officer of 55-a program participants. The Director of human resources has informed the EEO Officer of 55-a program participants in the audit period. We have one current participant.

Landmarks will continue to ensure access to information and will await EEPC guidance.

Corrective Action 10: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Corrective Action 10:

The EEO Officer will meet at least annually with the Commissioner and will better maintain documentation of such meetings and other communications between the agency head and EEO professionals.

(See attached e-mails between Commissioner and EEO Officer)



**Landmarks Preservation
Commission**

Corrective Action 11: Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

Corrective Action 11:

The Commission will commence employee evaluations in 2016.

Thank you for this opportunity to respond to the final audit determinations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Meenakshi Srinivasan".

Meenakshi Srinivasan

Chair

Landmarks Preservation Commission

Attachments:

Sept 2 memo

4 certificates- structured interview training

e-mails between Chair office and EEO

Meenakshi Srinivasan
Chair

1 Centre Street
9th Floor North
New York, NY 10007

212-669-7888 tel
212-669-7955 fax

To: ALL LPC STAFF

From: Meenakshi Srinivasan, Chair



Date: June 3, 2016

Re: Equal Employment Practices Commission (EEPC) Audit Actions and Results-
Revised

As the Chair of the Landmarks Preservation Commission (LPC), I reaffirm this agency's strong and continuing commitment to maintaining fair employment practices for all its employees and applicants.

Managers and supervisors have been required to emphasize the agency's commitment to its EEO Policies. All employees are reminded that he or she has the right to file a discrimination complaint with the EEO Office.

In May 2015, the Equal Employment Practice Commission (EEPC) initiated an audit of LPC EEO Practices. During this period we have worked with the EEPC to review our EEO practices and have put many corrective actions into place. The following are the findings from the audit and our action plan:

Recruitment Efforts and Selection in Employment

In cooperation with the EEPC, Landmarks Preservation Commission has done a study of the job groups and identified areas of underutilization of certain minority groups. LPC will continue to make efforts for wide and diverse recruitment through advertisement in relevant professional and community organizations serving women, minorities, and other protected groups for each job group/title.

Civil Service List

LPC will continue to work with DCAS EEO and exam unit to create new Landmarks civil service test. There is a new Landmarks Preservation Exam (No. 6052) currently open until June 21st, 2016.

LPC will continue to make sure that all criteria are job related and geared toward inclusion of many diverse job candidates

Structured Interview training

All LPC interviewing managers have been trained in structured interviewing to ensure fair process. Several directives have been put into place to correctly record and identify candidates for each vacancy.



**Landmarks Preservation
Commission**

Employee Evaluations and Tasks and Standards review

LPC has completed the survey of the tasks and standards of each employee. LPC has distributed the tasks and standards to the staff. The initial evaluation period will be from when employees received their tasks and standards and December 31, 2016. After that evaluations will occur on an annual basis in January, covering the preceding calendar year.

Should any employee have any issues which they feel relate to the EEO Policy, they should not hesitate to contact any of the following personnel:

- John Graham, male counselor [REDACTED] (on leave until October 2016)
- John Weiss, male counselor [REDACTED]
- Margaret McMahon, 55-a Disability rights coordinator ([REDACTED])
- Lily Fan, female counselor, and EEO Officer ([REDACTED])

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2016/136C-09 Determination of **Compliance** (Monitoring Period Required) by the Landmarks Preservation Commission with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPCC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Landmarks Preservation Commission's (LPC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 19, 2015, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division or Citywide Diversity and EEO, or other resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
7. In addition to the current information collected (position (title), JVN#, name of interviewee, date of interview, ethnicity, disability status, veteran status, interviewer name(s)/ department and comments), include the recruitment source and reason selected/not selected (or disposition) of each applicant. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
8. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
9. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards and examinations; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters.
10. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
11. Establish and implement an annual performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training for both managerial and non-managerial employees.

Whereas, the LPC submitted its response to the EEPC's Preliminary Determination letter, on September 2, 2015, with documentation of its actions to rectify required corrective actions #8, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on September 11, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #s 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 remaining;

Whereas, the LPC submitted its response to the EEPC's final determination letter, on October 21, 2015, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from October 2015 to March 2016; and

Whereas, on May 4, 2016 the EEPC granted the LPC's May 2, 2016 request for an extension of time to implement the remaining corrective action; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the LPC submitted a copy of the agency head's memorandum to staff dated June 3, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the LPC has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Final Determination to the Meenakshi Srinivasan, Chair of the Landmarks Preservation Commission.

Approved unanimously on June 16, 2016.



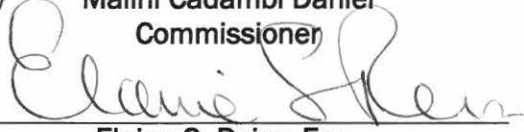
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie E. Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL and EMAIL

June 16, 2016

Meenakshi Srinivasan
Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor-North
New York, NY 10007

Re: Resolution #2016/136C-09: Determination of Agency Compliance

Dear Chair Srinivasan,

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally inform you that the Commission has issued the attached Determination of Compliance to the Landmarks Preservation Commission. This Commission has determined that the Landmarks Preservation Commission has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and principal EEO professional Lily Fan for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,


for Malini Cadambi Daniel
Commissioner

c: Lily Fan, Principal EEO Professional
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

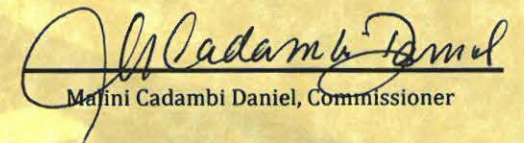
This
Determination of Compliance

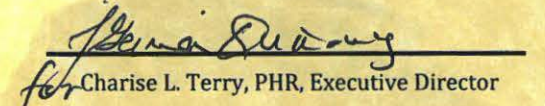
is issued to the

Landmarks Preservation Commission

*for successfully implementing 11 of 11 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practices and Procedures Audit from January 2012 to this date.*

On this 16th day of June in the year 2016


Malini Cadambi Daniel, Commissioner


for Charise L. Terry, PHR, Executive Director

*In care of Chair Meenakshi Srinivasan
and Principal EEO Professional Lily Fan*