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August 31, 2015

Vicki Been
Commissioner
New York City Department of Housing Preservation & Development
100 Gold Street, Room 5-01
New York, NY 10038

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

Dear Commissioner Been:

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 Department of Housing Preservation and Development, 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,



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 availability in the relevant labor market. Personnel transactions are reviewed in order to

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



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

Established in 1978, the New York City Department of Housing Preservation and Development (HPD) is the largest municipal housing preservation and development agency in the nation. The agency's mission is to make strategic investments that will improve and strengthen neighborhoods while preserving the stability and affordability of the City's existing housing stock. (<http://www1.nyc.gov/site/hpd/about/about-us.page>, August 2015)

A summary of the agency's workforce data is included in Appendix 2. The agency's total workforce is 2,120.

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 head issued an EEO Policy memo via email to all staff in August 2013. The memorandum reiterated the agency's commitment to the "*fair and equal recruitment, development, and retention of a diverse workforce,*" and declared that all managers and supervisors should: "*promote a work environment that values equity, inclusion, and respect for all, in all phases of employment.*" The Policy memo included the name and contact information of the agency's EEO professionals. A link to the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* was made available to employees on the agency's intranet site.

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; uniform and responsive procedures for investigating discrimination complaints 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 posted on its intranet site the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, which includes a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and reasonable accommodations; 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.

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 established and implemented an EEO training plan for new employees and existing employees. *EEO Computer Based Training* was held in 2012, 2013, and 2014 (4th Quarterly Report for fiscal year (FY) 2013 and FY 2014). In addition, new hires were required to attend live EEO training sessions with the principal EEO Professional. The training session covered the following: *the City’s EEO Policy, Discrimination Complaint Procedure, Reasonable Accommodation Policy and Procedures*, and topics such as *Sexual Harassment Prevention and Cultural Diversity*.

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 assessed its recruitment efforts to determine whether such efforts adversely impact any particular group. The principal EEO Professional reviewed CEEDs reports and informed the agency head via memorandum of findings and suggestions. Since underutilization existed for women and minorities, the agency reviewed and updated its listing of recruitment and outreach resources to include organizations serving women and minorities such as *Professional Women in Construction*, *Nontraditional Employment for Women*, *National Association of Women in Construction*, *Help Women's Center*, and *Women Builders Council*, and *The League- Black Ivy League Alumni*. In a memo entitled, *EEO Issues Related to CEEDS, 1st Quarter FY2015*, the former principal EEO Professional also indicated that its underrepresentation “*can be remedied via routine applicant procedures and adherence to structured interviewing techniques*,” and as remediation the agency, “*will continue special outreach efforts to increase the applicant pool for females in those titles*.”
- 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 principal EEO Professional, HR Professional, and agency head reviewed the agency’s statistical information (CEEDs reports for the 3rd Quarter FY2012, 3rd and 4th Quarter of FY2014, and 1st Quarter of FY2015), and employment practices, policies and programs to identify whether there are barriers to equal opportunity within the agency.
 - The agency did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the annual number of EEO complaints. **Corrective Action Required.**

Corrective Action # 1: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.

- 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 reviewed CEEDS reports in an effort to determine whether there is any adverse impact upon any particular racial, ethnic, or gender group by reviewing job titles where underutilization existed. As a result, recruitment efforts toward Black and females were enhanced.
- The agency did not demonstrate that it assessed whether the selection criteria being utilized are job-related. In addition, 2nd Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* (the last quarter of the audit period, see appendix 3) indicates the agency had underutilization of protected classes in three jobs groups, and the 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* (the latest quarter available, see Appendix 3) also indicates the agency has underutilization of protected classes in four job groups.
Corrective Action Required.

Corrective Action # 2: 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.
- ✓ Since underutilization exists for women and minorities in four job groups, the agency advertised at organizations such as *Professional Women in Construction*, *Nontraditional Employment for Women*, *National Association of Women in Construction*, *Help Women's Center*, and *Women Builders Council*, and additional recruitment sources such as *Women in Housing and Finance* and *The League- Black Ivy League Alumni*.

NOTE: The 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* indicates underutilization of protected classes, females, in four job groups which may include discretionary titles (see appendix 3). Efforts toward eliminating underutilization should continue.

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.

- ✓ Since underutilization exists for women and minorities in four job groups, the agency made efforts to increase the participation of female and minority applicants in city exams. These efforts included sending these city exam notices for the impacted job titles to organizations that serve females in order to increase their participation in the applicant pool. The agency advertised at organizations serving women such as *Professional Women in Construction*, *Nontraditional Employment for Women*, *National Association of Women in Construction*, *Help Women's Center*, and *Women Builders Council*, and additional recruitment sources such as *Women in Housing and Finance* and *The League- Black Ivy League Alumni*.
- The agency did not demonstrate that it reviewed 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. In addition, the 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* indicates underutilization of protected classes in four job groups which may include civil service titles (see appendix 3). **Corrective Action Required.**

Corrective Action #3: 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 did not demonstrate 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. **Corrective Action Required.**

Corrective Action #4: 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's Administration Newsletter distributed to all employees included detailed instructions for accessing internal and external job posting information, and listed available job vacancy notices. In addition, job vacancies were posted on the agency's intranet page.

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: *Administrative Staff Analyst, Construction Project Manager, and City Research Scientist*. Each job vacancy notice included the EEO tagline: "The City of New York 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 used the New York City Automated Personnel System (NYCAPS) e-Hire System (e-Hire) to conduct its recruitment and hires, and maintained an applicant log, which included the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, disposition of each applicant, and recruitment source*, from the New York City Automated Personnel System (NYCAPS) e-Hire System (e-Hire).

➤ The agency did not demonstrate it recorded or tracked *interview date*, and *interviewers' names*, which were also captured by the e-Hire system. **Corrective Action Required.**

Corrective Action #5: Maintain a candidate log which, in addition to the above, includes *interview date*, and *interviewers' names*.

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.
- ✓ In 2014 the agency the agency appointed a Career Counselor, who is no longer employed by the agency. The agency head reminded employees of the identity of the Career Counselor in its EEO Policy memo in 2013.
 - Subsequently, the agency did not designate a professional with appropriate training, knowledge or familiarity with career opportunities in City government to provide career counseling to employees upon request. **Corrective Action Required.**

Corrective Action #6: 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.

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 was responsible for informing employees regarding the Performance Appraisal system at orientation, and for providing training opportunities and information on examinations and job postings to employees. Information on examinations and job postings were posted via the agency's administration news section and distributed to all employees. In addition, the Human Resources Professional maintained documentation of email communications and memoranda with the principal EEO Professional regarding EEO-related matters. The agency notified employees of the identity of the Career Counselor via the EEO policy from the agency head in June 2013.
 - The agency did not demonstrate that the Human Resources Professional informed the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities. **Corrective Action Required.**

Corrective Action #7: Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

**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 was prepared to provide its EEO Policies in alternative formats (e.g. large format through the use of Zoomtext software) upon request. According to the agency, no requests to provide the policies in alternative format were made during the audit period.
16. Document reasonable accommodation requests and their outcomes.
- ✓ The agency reported that the principal EEO Professional was responsible for documenting reasonable accommodation requests and their outcomes using its *Request for Reasonable Accommodation* form.

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.
- ✓ During the audit period the agency appointed a principal EEO Professional, who is no longer employed at the agency. The principal EEO Professional attended *Basic Training for EEO Professionals* in June 2004, *APO EEO Master Class* training in October 2004, and *Complaint Investigation Training* in May 2012.

NOTE: Subsequent to the audit period in May 2015, the agency appointed the Assistant Commissioner as principal EEO Professional.

- The agency did not demonstrate that the current 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. **Corrective Action Required.**

Corrective Action #8: Appoint a principal EEO Professional – who 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 – to implement EEO policies and standards within the agency.

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 appointed two EEO counselors. One of the EEO Counselors completed *Training on Effective Complaint Investigations and How to Handle Challenging Situations* in May 2012.
- The agency did not demonstrate that the other EEO professional was trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy. **Corrective Action Required.**

Corrective Action #9: Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

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 agency head; this reporting relationship was indicated 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 maintained documentation of meetings and other communication such as written memorandum between the principal EEO Professional and the agency head regarding EEO matters.

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

Determination: The agency is in 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 and administered an annual managerial evaluation program using the *Managerial Performance Appraisal Guide* and *Managerial Performance Appraisal Form*. The agency also established and administered a non-managerial performance evaluation program using the *Performance Appraisal Manual* and *Employee Performance Appraisal* form. The principal EEO Professional received auto-generated Performance Appraisal System emails of employees who signed off on their performance appraisals.
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 Appraisal Form* included a rating for EEO Compliance responsibilities; the expectations were defined as, "All duties will be carried out in accordance with the City's EEO Policy. Any violation of the City's EEO Policy is brought to the attention of the Agency's EEO Officer immediately." In addition, the agency's *Managerial Performance Appraisal Guide* states that, "To ensure compliance with the City's EEO Policy, every manager will be rated on EEO performance. The City's EEO Policies states, "Managers and supervisors will make every effort to maintain a work environment that fosters sensitivity and respect for the diversity of all individuals."

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is in partial 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 Plan and the 1st and 2nd quarterly reports for fiscal year (FY) 2012; its Annual Plan and 2nd - 4th quarterly reports for FY 2013; its Annual Plan and all quarterly reports for FY2014; and its Annual Plan and the 1st and 4th quarterly reports for FY 2015.



- The agency did not submit its 3rd and 4th quarterly reports for FY 2012; its 1st quarterly reports for FY 2013; and its 2nd and 3rd quarterly reports for FY 2015. **Corrective Action Required.**

Corrective Action #10: 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.

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

24. 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 **10** 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



**Equal Employment
Practices Commission**

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 "Elona Shehu", written over a horizontal line.

Elona Shehu, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Toma N. Acholonu, Principal EEO Professional

APPENDIX 1

Department of Housing Preservation and Development

DESCRIPTION OF EEO JOB CATEGORIES

**DESCRIPTION OF
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)
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

Department of Housing Preservation and Development

**Work Force Composition Summary
4th Quarter FY 2015**

RUN DATE: 07/02/15
 RUN TIME: 14:46:07.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 4 YEAR 2015 AGENCY 806 HOUSING PRESERVATION & DEVELOPMENT

PAGE: 168
 REPORT: BEEPR210

TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	OTHER	TOTAL
DESCRIPTION						KNOWN						KNOWN		EMP
31311 LEAD ABATEMENT WORKER	1	3	3	0	0	0	0	0	0	0	0	0	0	7
34205 SUPERVISOR OF ELECTRICAL I	4	0	2	1	0	0	0	0	0	0	0	0	0	8
34221 SUPERVISOR OF MECHANICAL I	3	2	0	4	0	0	0	0	0	0	0	0	0	9
90573 REPAIR CREW CHIEF (HDA)	2	1	1	1	0	0	0	0	0	0	0	0	0	5
90574 SENIOR REPAIR CREW CHIEF (0	1	2	0	0	0	0	0	0	0	0	0	0	3
90576 REPAIR SHOP MANAGER (HDA)	1	0	0	0	0	0	0	0	0	0	0	0	0	1
91717 ELECTRICIAN	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	11	8	23.53	17.65	6	0	0	0	0	2.94	0	0	0	34
	32.35	23.53				0.00	0.00	0.00	0.00		0.00	0.00	0.00	100.00

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	OTHER	TOTAL
DESCRIPTION						KNOWN						KNOWN		EMP
12749 STAFF ANALYST TRAINEE	0	0	0	0	0	0	0	0	1	0	0	0	0	1
52406 COMMUNITY SERVICE AIDE	1	3	0	0	0	0	1	3	2	0	0	0	0	10
56056 COMMUNITY ASSISTANT	0	3	3	1	0	0	3	20	17	2	0	0	0	49
56057 COMMUNITY ASSOCIATE	4	36	12	2	0	1	11	100	68	10	0	3	0	247
56058 COMMUNITY COORDINATOR	11	16	11	4	0	1	14	45	23	4	0	1	0	130
EEO JOB GROUP TOTAL.....:	16	58	26	7	0	2	29	168	111	16	0	4	0	437
	3.66	13.27	5.95	1.60	0.00	0.46	6.64	38.44	25.40	3.66	0.00	0.92	0.00	100.00

AGENCY TOTAL.....:	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	OTHER	TOTAL
	356	380	174	138	2	2	188	570	220	81	0	9	0	2120
	16.80	17.92	8.21	6.51	0.09	0.09	8.87	26.89	10.38	3.82	0.00	0.42	0.00	100.00

APPENDIX 3

Department of Housing Preservation and Development

CEEDS Work Force Compared With Internal & External Pools

2ND Quarter FY 2015

4th Quarter FY 2015

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

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

PAGE: 86
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/14

806 HOUSING PRESERVATION & DEVELOPMENT
 GEN GENDER
 AGENCY: PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 EEO VARIABLE: PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE OBSRV	EXPCT	I	FEMALE OBSRV	EXPCT	I	GEN GENDER OBSRV	EXPCT	I
001 ADMINISTRATORS	7	6	4	N	1	3	N	0	0	N
002 MANAGERS	298	232	159	O	66	125	U	0	6	N
003 MNGMNT SPECS	662	465	379	O	197	267	U	0	8	N
004 SCIENCE PROFMS	64	42	42	O	22	20	O	0	1	N
006 SOCIAL SCI	117	55	57	N	62	58	N	0	2	N
007 SOCIAL WORKERS	2	0	1	N	2	1	N	0	0	N
008 LAWYERS	64	30	28	O	34	30	O	0	0	N
010 TECHNICIANS	15	8	9	U	7	5	O	0	0	N
012 CLERICAL SUPS	164	24	34	U	140	127	O	0	2	N
013 CLERICAL	220	26	62	U	194	149	O	0	8	N
025 CRAFT	35	34	28	O	1	3	U	0	3	U
031 PARA PROFESSION	406	101	154	U	305	236	O	0	0	N

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

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

PAGE: 85
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/14

806 HOUSING PRESERVATION & DEVELOPMENT
 ETH ETHNICITY

AGENCY:
 EEO VARIABLE:

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

JOB GROUP	INCMB TOTAL	WHITE OBSRV EXPT I	BLACK OBSRV EXPT I	HISPANIC OBSRV EXPT I	ASIAN / OBSRV EXPT I	NATIVE A OBSRV EXPT I	ETH UNKN OBSRV EXPT I
001 ADMINISTRATORS	7	6	0	1	0	0	0
002 MANAGERS	298	125	99	30	43	1	0
003 MNGMNT SPECS	662	196	283	110	71	1	12
004 SCIENCE PROFNS	64	24	15	11	14	0	14
006 SOCIAL SCI	117	45	43	18	11	0	2
007 SOCIAL WORKERS	2	0	1	0	0	0	3
008 LAWYERS	64	27	15	8	13	0	0
010 TECHNICIANS	15	2	7	0	2	0	1
012 CLERICAL SUPS	164	22	108	20	14	0	0
013 CLERICAL	220	22	144	40	14	0	4
025 CRAFT	35	12	8	10	5	0	11
031 PARA PROFESSION	406	41	218	127	19	0	3

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

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

PAGE: 86
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/15

806 HOUSING PRESERVATION & DEVELOPMENT
 GEN GENDER

EEO VARIABLE:
 AGENCY:

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPT I	OBSRV	EXPT I	OBSRV	EXPT I
001 ADMINISTRATORS	8	6	5	2	3	0	0
002 MANAGERS	313	241	167	72	132	0	0
003 MNGMNT SPECS	673	470	385	203	271	0	8
004 SCIENCE PROFMS	72	48	47	24	23	0	1
006 SOCIAL SCI	136	59	66	77	67	0	2
007 SOCIAL WORKERS	2	0	1	2	1	0	0
008 LAWYERS	65	32	29	33	31	0	0
010 TECHNICIANS	11	8	7	3	4	0	0
012 CLERICAL SUPS	154	22	32	132	120	0	2
013 CLERICAL	215	24	61	191	146	0	8
025 CRAFT	34	33	28	1	3	0	3
031 PARA PROFESSION	437	109	166	328	254	0	0

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

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

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

PAGE: 85
 PROGRAM: EBPPP961
 EXTRACT DATE: 06/30/15

806 HOUSING PRESERVATION & DEVELOPMENT
 ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

AGENCY:
 EEO VARIABLE:

JOB GROUP	INCMB TOTAL	WHITE OBSRV	WHITE EXPCT	BLACK OBSRV	BLACK EXPCT	HISPANIC OBSRV	HISPANIC EXPCT	ASIAN OBSRV	ASIAN EXPCT	NATIVE A OBSRV	NATIVE A EXPCT	ETH UNKN OBSRV	ETH UNKN EXPCT
001 ADMINISTRATORS	8	7	4	0	1	1	1	0	0	0	0	0	0
002 MANAGERS	313	134	161	100	59	33	41	44	32	1	1	1	13
003 MNGMNT SPECS	673	199	276	289	199	114	87	69	88	1	1	1	14
004 SCIENCE PROFNS	136	23	33	51	13	14	16	18	13	0	0	0	2
006 SOCIAL SCI	2	0	0	1	23	18	12	14	13	0	0	0	3
007 SOCIAL WORKERS	65	30	38	14	9	8	7	12	5	0	0	0	1
008 LAWYERS	11	1	4	6	4	2	2	2	1	0	0	0	0
010 TECHNICIANS	154	21	34	99	87	20	21	14	8	0	0	0	0
012 CLERICAL SUPS	215	20	40	139	115	39	32	15	15	1	1	1	4
013 CLERICAL	34	11	13	8	11	8	4	7	2	0	0	0	3
025 CRAFT	437	45	142	226	117	137	107	23	42	0	1	6	12



**Department of
Housing Preservation
& Development**

nyc.gov/hpd

Office of the Commissioner
100 Gold Street
New York, N.Y. 10038

VICKI BEEN
Commissioner

Equal Employment
Opportunity Program
100 Gold Street
New York, N.Y. 10038

TOMA N. ACHOLONU
EEO Officer

September 14, 2015

Via Email

Charise L. Terry, PHR
Executive Director
Equal Employment
Practices Commission
253 Broadway, Suite 602
New York, New York 10007

**Re: HPD's Response to Preliminary Determination dated
August 31, 2015.**

Dear Director Terry,

Please accept this correspondence as HPD's response to the preliminary determination dated August 31, 2015. HPD was preliminarily advised of ten (10) corrective actions. Below is a summary of the steps that HPD has taken or will take in order to implement the corrective actions:

Corrective Action #1: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.

Response: The EEO Professional will meet with the HR Professional and General Counsel on a quarterly basis to review the number of EEO complaints to determine whether corrective actions are required. Calendar reminders and meeting agendas will be prepared and maintained.

Corrective Action #2: 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.

Response: The EEO Professional and the HR Professional will review and 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. The review and analysis will be dependent upon potential candidates self-reporting such characteristics. In the event that non job-related adverse impact is discovered in the selection criteria, such criteria will be discontinued.

Corrective Action #3: 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 career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: The HR and EEO Professionals will continue to collaboratively review statistics to determine whether women, minorities, or other protected groups are underrepresented in civil service (list) titles. As necessary, a review of the competencies, skills, and abilities required (as presented in job vacancy notices and notices of examinations) for available positions will be conducted to ensure that standards are up to date, job-related, and required by business necessity. The agency will continue to advertise in minority and/or female oriented publications, participate in career fairs, and take other remedial steps to attract and hire interested and qualified candidates.

Corrective Action #4: 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).

Response: The EEO Professional has initiated the process of providing EEO training to all HPD employees including human resources professionals, managers, supervisors and other personnel involved in the recruitment and hiring process. The EEO Professional and HR Professional will collaborate to prepare structured interview training curriculum and guidance documents. HR will train appropriate agency personnel.

Corrective Action #5: Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.

Response: To better ensure uniformity, the agency will reiterate to hiring managers candidate log requirements which includes providing information about the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reasons selected/not selected (or disposition) of each applicant, and recruitment

source. Copies of the completed logs will be required before requisite final approvals are sought.

Corrective Action #6: 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.

Response: A replacement Deputy Director for Staff Management has been selected and will join the agency in or about September 2015. This individual will succeed the prior Deputy Director for Staff Management, who separated from the agency in August 2015. The agency will coordinate requisite training for the newly appointed Career Counselor following their employment start date.

Corrective Action #7: Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

Response: The HR Professional and EEO Professional routinely communicate about efforts associated with employment, promotion or accommodation of qualified individuals with disabilities. This communication will be more formally documented in the future.

Corrective Action #8: Appoint a principal EEO Professional – who 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 – to implement EEO policies and standards within the agency.

Response: The current EEO Professional, Toma Acholonu, Esq., has been trained and is knowledgeable regarding city, federal and state EEO laws; the requirement of the agency’s EEO policies, standards and procedures; and the prevention, investigation and resolution of discrimination complaints. Mr. Acholonu attended and received a certificate for attending the Basic Training for EEO Professionals held on June 4, June 6, June 7, and June 13, 2013. Mr. Acholonu also served as the Deputy Director of EEO at the New York City Fire Department for over two (2) years. (See, attached email from the Department of Citywide Administrative Services Executive Director of Compliance, Jocelyn Tan Lobo). In 2014, Mr. Acholonu also obtained certification from the School of Industrial and Labor Relations at Cornell University in Employee Complaints and Investigations, Harassment Prevention in the Workplace, and Advanced Employee Investigations.

Corrective Action #9: Ensure the EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

Corrective Action #9: Ensure the EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

Response: The agency previously submitted training documentation for Stanley Whing, former EEO Professional, and Donna Ernest, alternate investigator. These were the two EEO professionals employed by the agency during the audit period.

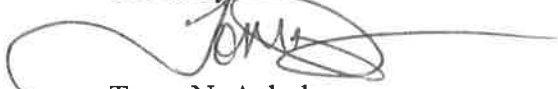
Currently there are no other EEO professionals other than Toma Acholonu. However, if and when additional EEO professionals are hired HPD will ensure that the EEO professional(s) are appropriately trained.

Corrective Action #10: 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.

Response: HPD will ensure that the Annual Plan for each fiscal year and all Quarterly Reports are submitted to the EEPC in a timely manner.

Please feel free to contact me with any questions or concerns.

Sincerely,



Toma N. Acholonu
Principal EEO Professional
The Department of Housing
Preservation & Development

Encl.

Cc: Joshua Cucchiaro



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 18, 2015

Vicki Been
Commissioner
New York City Department of Housing Preservation & Development
100 Gold Street, Room 5-01
New York, NY 10038

RE: Resolution #: **2015/806**: Final Determination Pursuant to the Audit and Analysis of the Department of Housing Preservation & Development's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Commissioner Been:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for the September 14, 2015 response to our August 31, 2015 Preliminary Determination submitted by Toma N. Acholonu, Principal EEO Professional, 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,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Toma N. Acholonu, 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 response.

Corrective Action #8

Appoint a principal EEO Professional – who 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 – to implement EEO policies and standards within the agency.

Agency Response: *"The current EEO Professional, Toma Acholonu, Esq., has been trained and is 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. Mr. Acholonu attended and received a certificate for attending the Basic Training for EEO Professionals held on June 4, June 6, June 7, and June 13, 2013..."* (Response, pg. 3) The agency submitted an email dated August 31, 2015, from the Executive Director of Compliance of Citywide Diversity and Equal Employment Opportunity confirming the EEO Professional attended and received a certificate for attending the Basic Training for EEO Professionals held in June 2013.

EEPC Response: The EEPC accepts the aforementioned email the agency submitted with its response as documentation that corrective action **#8** has been implemented.

Corrective Action #9

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

Agency Response: *"The agency previously submitted training documentation for Stanley Whing, former EEO Professional, and Donna Ernest, alternate investigator. These were the two EEO*

² Excerpts are italicized.

professionals employed by the agency during the audit period. Currently there are no other EEO professionals other than Toma Acholonu... ” (Response, pg. 4) The training of the EEO Professional is listed in the agency’s response to corrective action #8.

EEPC Response: The EEPC accepts the aforementioned email the agency submitted with its response as documentation that corrective action #9 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

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.

Agency Response: “The EEO Professional will meet with the HR Professional and General Counsel on a quarterly basis to review the number of EEO complaints to determine whether corrective actions are required. Calendar reminders and meeting agendas will be prepared and maintained.” (Response, pg. 1)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #1. Documentation of implementation will be required during the compliance-monitoring period.

Corrective Action #2

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: “The EEO Professional and the HR Professional will review and 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. The review and analysis will be dependent upon potential candidates self-reporting such characteristics. In the event that non job-related adverse impact is discovered in the selection criteria, such criteria will be discontinued.” (Response, pg.1-2)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #2. An agency assessment of 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 #3

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 HR and EEO Professionals will continue to collaboratively review statistics to determine whether women, minorities, or other protected groups are underrepresented in civil service (list) titles. As necessary, a review of the competencies, skills, and abilities required (as presented in job vacancy notices and notices of examinations) for available positions will be conducted to ensure that standards are up to date, job-related, and required by business necessity. The agency will continue to advertise in minority and/or female oriented publications, participate in career fairs, and take other remedial steps to attract and hire interested and qualified candidates.”* (Response, pg. 2)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #3. Documentation of implementation 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

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: *“The EEO Professional has initiated the process of providing EEO training to all HPD employees including human resources professionals, managers, supervisors and other personnel involved in the recruitment and hiring process. The EEO Professional and HR Professional will collaborate to prepare structured interview training curriculum and guidance documents. HR will train appropriate agency personnel.”* (Response, pg. 2)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action #4. Documentation that the agency established and implemented structured interview training or provided a guide will be required during the compliance-monitoring period.

Corrective Action #5

Maintain a candidate log which, in addition to the above, includes interview date, and interviewers’ names.

Agency Response: *“To better ensure uniformity, the agency will reiterate to hiring managers candidate log requirements which includes providing information about the position,*

applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reasons selected/not selected (or disposition) of each applicant, and recruitment source. Copies of the completed logs will be required before requisite final approvals are sought.” (Response, pg. 3-4)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #5. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #6

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.

Agency Response: *“A replacement Deputy Director for Staff Management has been selected and will join the agency in or about September 2015. This individual will succeed the prior Deputy Director for Staff Management, who separated from the agency in August 2015. The agency will coordinate requisite training for the newly appointed Career Counselor following their employment start date.” (Response, pg. 3)*

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #6. Documentation of implementation will be required during the compliance-monitoring period.

Corrective Action #7

Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

Agency Response: *“The HR Professional and EEO Professional routinely communicate about efforts associated with employment, promotion or accommodation of qualified individuals with disabilities. This communication will be more formally documented in the future.” (Response, pg. 3)*

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #7. Implementation of this corrective action will be monitored during the compliance-monitoring period.

Corrective Action #10

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.

Agency Response: *“HPD will ensure that the Annual Plan for each fiscal year and all Quarterly Reports are submitted to the EEPC in a timely manner.” (Response, pg. 4)*



EEPC Response: The EEPC will accept the agency's implementation to corrective action **#10** pending submittal of the agency's future Annual Plan and quarterly reports.

Thank you and your staff for your continued cooperation.

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

RESOLUTION # 2015/ 998: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Housing Preservation & Development'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 EEPD 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 Department of Housing Preservation & Development's Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.
2. 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.
3. 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.

4. 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).
5. Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.
6. 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.
7. Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
8. Appoint a principal EEO Professional – who 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 – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
10. 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.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015, with documentation of its actions to rectify required corrective actions nos. 8 and 9; 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 18, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) Nos. 1 -7, and 10 require compliance monitoring; and

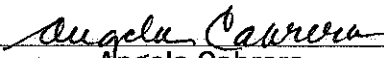
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

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 Department of Housing Preservation & Development.


Approved unanimously on September 21, 2015



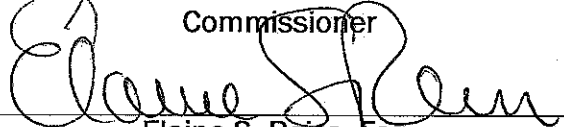
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Department of
Housing Preservation
& Development
nyc.gov/hpd

VICKI BEEN
Commissioner

Office of the Commissioner
100 Gold Street
New York, N.Y. 10038

October 8, 2015

Via Email

Charise L. Terry, PHR
Executive Director
Equal Employment
Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: HPD's Response to Final Determination dated September 18, 2015

Dear Director Terry,

Please accept this correspondence as HPD's response to the final determination dated September 18, 2015. HPD was advised of eight (8) corrective actions. Below is a summary of the steps that HPD will take in order to implement the corrective actions over the monitoring period:

Corrective Action #1: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.

Response: The EEO Professional will meet with the HR Professional and General Counsel on a quarterly basis to review the number of EEO complaints to determine whether corrective actions are required. Calendar reminders and meeting agendas will be prepared and maintained. Documentation of the implementation will be provided during the compliance-monitoring period.

Corrective Action #2: 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.

Response: The EEO Professional and the HR Professional will review and 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. The review and analysis will be dependent upon potential candidates self-reporting such characteristics. In the event that non job-related adverse impact is discovered in the selection criteria, such criteria will be discontinued. The Agency will await additional EEPD guidance at the initiation of the compliance-monitoring period.

Corrective Action #3: 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 career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Response: The HR and EEO Professionals will continue to collaboratively review statistics to determine whether women, minorities, or other protected groups are underrepresented in civil service (list) titles. As necessary, a review of the competencies, skills, and abilities required (as presented in job vacancy notices and notices of examinations) for available positions will be conducted to ensure that standards are up to date, job-related, and required by business necessity. The agency will continue to advertise in minority and/or female oriented publications, participate in career fairs, and take other remedial steps to attract and hire interested and qualified candidates. Documentation of the implementation will be provided during the compliance-monitoring period.

Corrective Action #4: 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).

Response: The EEO Professional has initiated the process of providing EEO training to all HPD employees including human resources professionals, managers, supervisors and other personnel involved in the recruitment and hiring process. The EEO Professional and HR Professional will collaborate to prepare structured interview training curriculum and guidance documents. HR will train appropriate agency personnel. Documentation that the agency established and implemented structured interview training or provided a guide will be provided during the compliance-monitoring period.

Corrective Action #5: Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.

Response: To better ensure uniformity, the agency will reiterate to hiring managers candidate log requirements which includes providing information about the position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reasons selected/not selected (or disposition) of each applicant, and recruitment source. Copies of the completed logs will be required before requisite final approvals are sought. The Agency will await additional EEPC guidance at the initiation of the compliance-monitoring period.

Corrective Action #6: 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.

Response: A replacement Deputy Director for Staff Management has been selected and will join the agency in or about September 2015. This individual will succeed the prior Deputy



Director for Staff Management, who separated from the agency in August 2015. The agency will coordinate requisite training for the newly appointed Career Counselor following their employment start date. Documentation of the implementation will be provided during the compliance-monitoring period.

Corrective Action #7: Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.

Response: The HR Professional and EEO Professional routinely communicate about efforts associated with employment, promotion or accommodation of qualified individuals with disabilities. This communication will be more formally documented in the future.

Corrective Action #10: 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.

Response: HPD will ensure that the Annual Plan for each fiscal year and all Quarterly Reports are submitted to the EEPC in a timely manner.

Please feel free to contact me with any questions or concerns.

Sincerely,



Vicki Been
Commissioner
New York City Department of Housing
Preservation & Development

Encl.


Cc: Toma N. Acholonu
Joshua Cucchiaro

NYC





City of New York
DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT
100 GOLD STREET, NEW YORK, N.Y. 10038
nyc.gov/hpd

TO: All Employees
FROM: Commissioner Vicki Been 
DATE: March 22, 2016
SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) periodically conducts audits of the Equal Employment Opportunity Offices (EEO) of all city agencies. An audit of the Department of Housing Preservation and Development's (HPD) compliance with the City's EEO Policy was completed on March 22, 2016 for the period of January 1, 2012 through December 31, 2014.

HPD was required to implement the EEPC's audit recommendations within six months and I am pleased to report that we achieved full compliance with all recommendations within the six-month deadline. The audit recommended the following:

- Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.
- 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.
- 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 career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- 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).
- Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.
- 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.



- Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
- 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.

I would like to take this opportunity to reaffirm HPD's commitment to the fair and equal recruitment, development, and retention of a diverse workforce that reflects this great City. HPD is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy and by encouraging tolerance and appreciation of the diversity of our employees. I encourage everyone to take advantage of all available EEO resources within HPD. Any concerns you may have should be directed to the EEO Officer, Toma N. Acholonu at 212-863-6117.



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

RESOLUTION #2016/806C-003: Determination of **Compliance** (Monitoring Period Required) by the Department of Housing Preservation & Development 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 to 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 EEPD 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 Department of Housing Preservation & Development's (HPD) Employment Practices and Procedures, the Equal Employment Practices Commission (EEOC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

1. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints to determine what, if any, corrective actions are required to correct deficiencies.
2. 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.
3. 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.
4. 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).

5. Maintain a candidate log which, in addition to the above, includes interview date, and interviewers' names.
6. 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.
7. Ensure that the Human Resources Professional informs the principal EEO Professional of the efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities.
8. Appoint a principal EEO Professional – who 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 – to implement EEO policies and standards within the agency.
9. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
10. 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.

Whereas, the HPD submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015, with documentation of its actions to rectify required corrective actions Nos. 8 and 9; 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 18, 2015, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions Nos. 1-7 and 10, remaining;

Whereas, the HPD submitted its response to the EEPC's final determination letter, on October 8, 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 through March 2016 with no extension of the monitoring period;

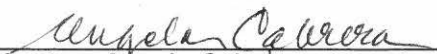
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the HPD submitted a copy of the agency head's memorandum to staff dated March 22, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's 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 Department of Housing Preservation & Development 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 NY City Charter.

Be It Resolved, that the Commission will forward this Final Determination to the Commissioner Vicki Been, the Department of Housing Preservation & Development.

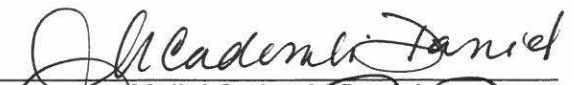
Approved unanimously on March 24, 2016.



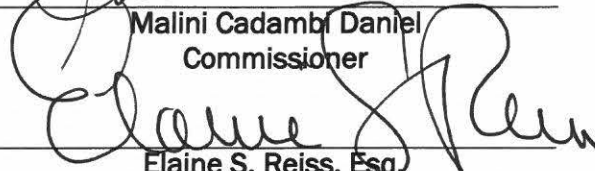
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

NYC
**Equal Employment
Practices Commission**

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 Giraud, Esq.
Agency Attorney/
Director of Compliance
Monitoring

253 Broadway
Suite 602
New York, NY 10007

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

March 24, 2016

Vicki Been
Commissioner
NYC Department of Housing Preservation & Development
100 Gold Street, Room 5-01
New York, NY 10038


Re: Resolution #2016/806C-003: Determination of Agency
Compliance

Dear Commissioner Been:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally notify you that the Commission has issued the attached Determination of Compliance to Department of Housing Preservation & Development. This Commission has determined that the Department of Housing Preservation & Development has implemented the required corrective actions 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 Toma N. Acholonu for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Elaine S. Reiss, Esq.
Commissioner

c: Toma N. Acholonu, Principal EEO Professional, HPD
Marie Giraud, Esq., Agency Attorney/ Director of Compliance
Monitoring

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

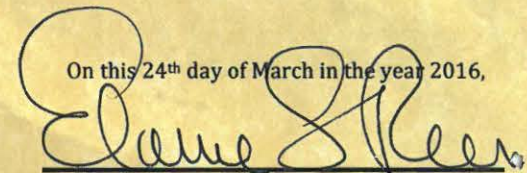
Determination of Compliance

is issued to the

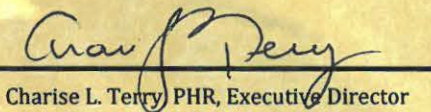
Department of Housing Preservation & Development

for successfully implementing **10** of **10** required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practices and Procedures Audit for the period from January 1, 2012 to this date.

On this 24th day of March in the year 2016,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

In care of Commissioner Vicki Been
and Principal EEO Professional Toma N. Acholonu