



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

April 28, 2016

BY MAIL AND E-MAIL

Dr. Feniosky Peña-Mora
Commissioner
Department of Design & Construction
30-30 Thompson Avenue, Room 427
Long Island City, NY 11101

Re: Preliminary Determination Audit: Review, Evaluation and Monitoring of the Employment Practices and Procedures of the Department of Design & Construction's Employment Practices and Procedures from July 1, 2012 to December 31, 2015

Dear Commissioner Peña-Mora:

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 July 1, 2012 to December 31, 2015.

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 832.c 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 Design & Construction, 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, not to issue findings of discrimination pursuant to the New York City Human Rights Law. 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 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.

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 analysis.) 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 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 and return their individual questionnaires. The Commission's EEO Program Analysts also conduct

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



additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

To encourage response, the EEPC requests that the head or deputy of each agency send emails to employees and to supervisors/managers that provide links to our questionnaires.

Description of the Agency

Established in 1996, the role of the Department of Design and Construction (DDC) is to deliver the City's capital construction projects in a safe, expeditious, and cost-effective manner while integrating the Mayor's four strategic lenses - growth, sustainability, resiliency and equity. In partnership with 25 City agencies, DDC manages the design and construction of libraries, cultural facilities, firehouses, police precincts, EMS facilities, senior centers and other civic facilities. DDC also improves the City's vital street infrastructure system by upgrading and constructing storm and sanitary sewers, water mains, roadways, sidewalks and plazas. At the end of the period in review the agency's headcount was 1,311 (see Appendix 2).

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The Commissioner's *Equal Employment Opportunity & Diversity* memorandum was distributed via email to all employees on January 3, 2013 and July 16, 2014. In January 2013, the Commissioner stated "I want to reaffirm my commitment to ensuring that DDC remain an environment where employees are respectful and where equality, integrity and excellence are standard operating procedures." The Commissioner's EEO policy statement also included the name and contact information of the agency's principal EEO professional, and provided employees pertinent electronic links to the City of New York's EEO Policy, *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, and EEO handbook, *About EEO: What You May Not Know*.
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.

- ✓ During the period in review, the agency adhered to the City's EEO Policy, *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, which was posted to the agency's intranet site and announced annually in the Commissioner's EEO Policy statement. The City's EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination complaint investigations, and linked to "*The Guidelines for the Implementation of the City's Discrimination Complaint Procedures*." In July 2014, all employees received the EEO handbook, *About EEO: What You Need to Know*, which included sections on sexual harassment, reasonable accommodations, and the EEO complaint process (which included a procedural chart for employees who believe they have been discriminated against); an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination. The EEO policy statement also included contact information for the agency's principal EEO professional.

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.
- ✓ In March 2012, the Commissioner mandated all non-managerial employees to participate in the Department of Citywide Administrative Service's (DCAS) *EEO Computer-Based Training*, which was previously completed by the agency's managers in 2011. In its annual and quarterly reports, the agency reported it provided EEO training to 755 new and existing employees in fiscal year 2012, 255 new and existing employees in fiscal year 2013, 215 employees in 2014, and 116 employees in fiscal year 2015 (58%, 19%, 16%, and 9% of the workforce² respectively). The agency's *New Employee Orientation Program* agendas from 2014 and 2015 also included EEO training which was conducted by the principal EEO professional.

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

² Based on workforce headcount at the end of the period in review, December 31, 2015 (see Appendix 2).

contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

- ✓ In its fiscal year (FY) 2014 *Diversity and Equal Employment Opportunity Plan*, the agency reported that it “will assess recruitment efforts to determine whether the agency should engage in greater efforts to increase the diversity of applicant pools for specific titles, occupations or units. DDC will identify relevant professional and community organizations serving a broad segment of applicants for employment, utilize listings of diverse recruitment outreach sources, and contact such organizations when positions become available where the agency may use discretion in hiring.” During the period in review, the EEO Office maintained the agency’s directory of recruitment sources, entitled *Professional Organization and Recruitment Resource Directory* - which provided resources to target specific applicant demographics including women (*IEEE New York WiE Affinity Group, Association for Women In Science, Society of Women Engineers, Women in Engineering Program Advocates Network, and Women in Technology International*) and Hispanics (*Society of Hispanic Professional Engineers and Society of Mexican American Engineers and Scientists*). Additionally, the agency stated it expected “a talented, diverse applicant pool” from the following recruitment sources: *Monster; Coroflot -Graphic and Design; The New York Times; Parson School of Architecture; ASM International – Org for Safety & Site; and Pace, Brooklyn, Columbia, Fordham, NYU and Cardozo Law schools.*

The 1st quarter FY 2013, *CEEDs Report – Work Force Compared with Internal and External Pools* (the beginning of the audit period) indicated underutilization of women in four job groups (*Managers, Science Professionals, Technicians, and Craft*), Blacks in two job groups (*Social Scientists and Craft*) and Hispanics in three job groups (*Managers, Technicians, and Craft*) (see Appendix 3). The 2nd quarter FY 2016 (the last quarter of the audit period) Report indicated underutilization of women in three job groups (*Managers, Science Professionals and Technicians*) and Hispanics in one job group (*Technicians*) (see Appendix 4).

NOTE: The agency’s efforts have effectively eliminated underutilization of protected classes in two job groups. Recruitment efforts geared toward eliminating underutilization in the three remaining categories should continue. (For additional information see section III. 7.)

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.
- ✓ During the period in review, the principal EEO professional, principal Human Resources (HR) professional and General Counsel met at least once each year to discuss subjects including “*Hiring / Motivational Plan, EEO/HR matters, [and] Personnel Issues.*” After reviewing EEO complaints the principal EEO professional discussed them via email with the General Counsel and principal HR professional. The principal EEO professional and principal HR professional discussed barriers to equal employment opportunity via email and met to discuss the subject

“EEO/ HR – Quarterly Hiring/ Workforce Meeting.” The principal EEO professional also reviewed employment transactions (i.e. separations data from April 28, 2014 to April 28, 2015 as prepared by the agency’s EEO Office) and reviewed the “EEO Job Candidacy Tracking Log” for each year of the period in review to ensure that hiring decisions of the agency, hiring manager, and division did not adversely impact any protected class.

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.
- ✓ During the last quarter of the period in review (2nd quarter of FY 2016), the agency contacted DCAS to discuss the baccalaureate degree requirements of the *Project Manager Intern* title in the *Management Specialists* job group. Additionally, the agency reported that the principal EEO professional “. . . assess[ed] the demographics of applicants as well as selected candidates to ascertain if and where there might be barriers to selection . . .” via its “. . . hiring tracking log.”
- The agency did not provide documentation that it assessed the selection criteria for titles in the job groups where underutilization remained – as indicated by the *2nd quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) (see Appendix 4). Corrective Action Required.

NOTE: Subsequent to the period in review, the agency internally discussed revisions to the job description for the *Fleet Assistant* title in the *Clerical* job group. The agency should gear selection criteria assessments toward eliminating underutilization for titles in the jobs groups where underutilization remained. (For additional information see section III. 7.)

Corrective Action #1: 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.
- ✓ During last quarter of the period in review (2nd quarter of FY 2016), the agency contacted the University of Puerto Rico in an effort to address the agency’s underutilization of Hispanics in two (2) job groups. Subsequent to the period in review, to address the underutilization of females in the *Science Professionals* job group, the agency contacted the Atlanta University Center University Consortium (which included Spelman College, a top liberal arts college for

women). The agency stated that the *Civil Engineer Intern* position was a key feeder to the discretionary *Civil Engineer* and *Assistant Civil Engineer* positions, which comprised approximately 42% of the *Science Professionals* job group at the end of the period in review (see Appendix 2). In its fiscal year 2015 *Diversity and Equal Employment Opportunity Plan*, the agency reported that it participated in career fairs and sought to provide internships to a diverse multiethnic pool of students. The agency also reported that it “*increased the percentage of women interns to 50%*” and that the Commissioner identified the New York Coalition of Black Architects/ National Organization of Minority Architects (NYCOBA/NOMA) as a search committee member for the recruitment of a high-level discretionary title, *Chief Architect*.

- The 2nd quarter of fiscal year 2016 *CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicated underutilization of Hispanics in one (1) job group and females in three (3) job groups, which may have included discretionary titles (see Appendix 4). Corrective Action Required.

NOTE: The EEPCC recognizes the agency’s progress in eliminating the previous underutilization. The agency should continue its current efforts.

Corrective Action #2: Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- ✓ The agency reported in its *Diversity and Equal Employment Opportunity Plan* for FY 2014 and 2015 that “*for positions filled through a civil service list, the agency will review the title specification, job description, interview procedures and selection methods in order to ensure equal employment opportunity in each selection. DDC will use the Interview log and employee self-identification information to identify eligible list interviewees by race/ethnicity and gender, to assess any potential adverse impact in the selection method. In the development of a civil service test, DDC will identify and recruit a diverse group of subject matter experts from within the agency to assist the DCAS test development team. We will utilize individuals that have assisted in the past and look at newly hired subject matter experts as well.*”
 - The 2nd quarter of fiscal year 2016 *CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicated underutilization of

Hispanics in one (1) job group and females in three (3) job groups, which may have included *civil service* (list) titles (see Appendix 4). The agency did not provide documentation of an assessment to determine if *civil service* (list) titles were underutilized during the period in review. In addition, the agency did not provide documentation of the results of its subject matter experts initiative. 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 or contact organizations serving women, minorities, and other protected groups 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 recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ In its *Diversity and Equal Employment Opportunity Plan* for fiscal year 2014, the agency reported “DDC has implemented structured interviewing as an agency wide best practice and overall hiring protocol. DDC monitors structured interviewing by regularly reviewing interview assessment sheets and e-hire processes. The agency will continue ensuring that the selection process remains objective and job related by maintaining a diverse pool of rotating panelists, by regularly reviewing job criteria and candidate interview assessment forms, and by providing hiring managers with updated information and refresher training related to interview skills. The agency will make every effort to use diverse interview panels during the hiring process.” In its FY 2014 and 2015 *Diversity and Equal Employment Opportunity Plan*, the agency stated it planned to conduct structured interview training for 50 Managers and Supervisors each year.

NOTE: Subsequent to the period in review ten (10) employees attended DCAS’s *Structured Interviewing and Unconscious Bias* training.

- The agency did not provide documentation that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide). Corrective Action Required.

Corrective Action #4: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. 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.
- ✓ During the period in review, the principal HR professional notified employees via email of civil service and promotional opportunities consistent with the agency's July 2015 *Employee Manual*, which stated "*Employees are informed of positions for which they may apply through the Human Resources (HR) Department's postings. They are also provided with information about promotional opportunities or lateral transfers to enable their growth and advancement within the Agency . . . Employees may apply for any posted position for which they qualify. . .*" Job vacancies were also posted to the intranet site.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
- ✓ During the period in review, the agency advertised several job vacancies, including *Industrial Hygienist, Administrative Architect (NM), Construction Project Manager, Accountant, Clerical Associate, Principal Administrative Associate, College Aide, Landscape Architect, Computer Programmer Analyst, and Geologist*. Each job vacancy notice contained the EEO tagline "*Equal Opportunity Employer*." The agency also provided two print advertisements (*Associate Commissioner – Public Buildings/Client Programs, and Health & Safety Director*) that directed, "*to apply, please go to NYC Jobs – www.nyc.gov/jobs.*" On the website "[t]he City of New York is an Equal Opportunity Employer" tagline was indicated below each job posting.
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.
- ✓ During the period in review, the agency exclusively used eHire, which captured the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability status, veteran status, and recruitment source*; and had the ability to capture candidate information such as *interview date, interviewers' names, result, and reason selected/not selected (or disposition)*.

IV. CAREER COUNSELING:

Determination: The agency is in 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.
- ✓ On June 20, 2011, the agency head notified all staff via email that the principal Human Resources professional would be serving as the agency's Career Counselor. This information

was also listed in the agency's 2014 and 2015 *Employee Manual* and posted to the bulletin board in the agency's headquarters and intranet site.

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; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; 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; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ As previously stated (see section IV. 13.), during the period in review, the principal HR professional also served as the agency's Career Counselor. In July 2014, the Human Resources Department provided all employees with the agency's *Employee Manual*, which advised employees of the agency's EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures, and informed employees of the agency's performance evaluation program, how to access civil service examination schedules and applications, and agency procedures for job vacancy postings. The Human Resources Department also distributed the agency's job vacancy notices to the Mayor's Office for People with Disabilities and coordinated the agency's pilot employee mentoring program, "*DDC Shadow Program*" which commenced in October 2015. The EEO Office administered the 55-a program under the direction of the agency's 55-a Program Coordinator, who was the principal EEO professional.

**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.
- ✓ During the period in review, the agency was able to provide EEO policies in large print and audio via screen reading technology to allow employees with visual impairments to hear the policies through desktop speakers. The agency indicated its commitment to provide its EEO policies in audio tape upon request to employees and applicants with disabilities.
16. Document reasonable accommodation requests and their outcomes.
- ✓ The agency documented reasonable accommodation requests via its "*Office of EEO Reasonable Accommodation Request Log*." In 2015, the "*Office of EEO Reasonable Accommodation Request Log*" documented 44 reasonable accommodation requests. In addition, the *Employee Manual* stated "[e]mployees in need of an accommodation . . . can

obtain a Reasonable Accommodation Request Form from their manager, supervisor or [by contacting] the Office of EEO directly” (phone number and web address was provided).

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
 - ✓ In December 2009, the agency appointed the *Director/EEO Officer* as the principal EEO professional to implement EEO policies and standards within the agency. The principal EEO professional attended Cornell University ILR School’s “*Harassment Prevention in the Workplace*” training on June 18, 2014, and received a certificate of completion for the U.S. Equal Employment Opportunity Commission’s June 2015 training “*EEOC New York City Seminar 2015.*”
18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ The agency’s EEO Office consisted of an *EEO Coordinator*, *EEO Investigator*, and an *Administrative Assistant* that directly reported to the principal EEO professional, all of whom completed EEO training from DCAS and the agency. In December 2015, the *EEO Coordinator* and *Administrative Assistant* received certificates of completion for “*Everybody Matters, Diversity & Inclusion Computer Based Training*” from DCAS and “*Basic EEO for Non Managerial*” training from the agency.
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.
 - ✓ During the period in review, the principal EEO professional reported directly to the agency head (Commissioner). This reporting relationship was reflected in the agency’s organizational 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.
 - ✓ During the period in review the principal EEO professional and the Commissioner met monthly for their “*Commissioner’s EEO One-on-One*” meetings. Meeting agendas were maintained by the principal EEO professional and included discussions on *New Compliance/Inquires; Reasonable Accommodation Requests; EEO/Compliance; Diversity, Cultural, and Wellness Initiatives.*

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 annual performance evaluations for managerial and non-managerial employees. The agency's July 2015 *Employee Manual* indicated that "[t]he performance evaluation[s] for non-managerial employees begins each year on July 1st and ends the following June 30th. . . . Employees who receive a below-average rating may be evaluated more often. This process is intended to supplement regular discussions relative to job performance or responsibilities that are expected to take place throughout the year. In addition to the regular performance evaluation, probationary employees are evaluated on a quarterly basis until the required one year probationary period has been successfully served. Managerial employees are rated annually for the period from January 1st to December 31st."
22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ The agency's managerial performance evaluation form, included a rating which measured the supervisor's responsibilities and processes, contained this EEO standard "*responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair manner.*"

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

23. Submit to the EEPD 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 plan³.
- ✓ The agency provided annual plans, *Diversity and Equal Employment Opportunity Plan*, and quarterly reports, *Agency Quarterly Report on EEO Activity*, for all years in review.

³ Submission of Quarterly Reports on EEO Activity is *optional* for non-Mayoral agencies.



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

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

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

Conclusion

The agency has 4 required corrective action(s) at this time.

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

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

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

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

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



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

Respectfully Submitted by,



William Peterson, EEO Program Analyst

Approved by,



Charise L. Terry, PHR
Executive Director

c: Dalela Harrison, Principal EEO Professional

Appendix - 1

Department of Design & Construction
EEO Job Group Descriptions

**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 Design & Construction
Workforce Composition Summary
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2016 AGENCY 850 DEPARTMENT OF DESIGN AND CONSTRUCTION

PAGE: 221
 REPORT: EBEP210

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
94520	COMMISSIONER OF DESIGN AND	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10001	ADMINISTRATIVE ACCOUNTANT	1	1	0	0	0	0	0	0	0	0	0	0	0	2
10003	ADMINISTRATIVE GRAPHIC ART	1	0	0	0	0	0	1	0	0	1	0	0	0	3
10004	ADMINISTRATIVE ARCHITECT	12	0	2	2	0	0	1	0	0	0	0	0	0	17
10015	ADMINISTRATIVE ENGINEER	14	4	2	14	0	0	1	0	0	2	0	0	0	37
10022	ADMINISTRATIVE COMMUNITY R	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10023	ADMINISTRATIVE LANDSCAPE A	1	0	0	0	0	0	1	0	0	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	2	0	1	1	0	0	0	4
10033	ADMINISTRATIVE PUBLIC INFO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10034	ADMINISTRATIVE LANDMARKS P	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10035	ADMINISTRATIVE SUPERVISOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	1	0	1	0	0	0	0	3	0	0	0	0	0	5
10074	COMPUTER OPERATIONS MANAGE	1	1	0	1	0	0	0	0	0	0	0	0	0	3
13397	EXECUTIVE PROGRAM SPECIALI	0	0	0	0	0	0	0	1	0	0	0	0	0	1
34201	CONSTRUCTION PROJECT MANAG	7	5	5	6	0	1	1	2	1	4	0	0	0	32
34202	CONSTRUCTION PROJECT MANAG	38	14	10	36	1	0	8	2	4	1	0	0	0	114
82950	AGENCY CHIEF CONTRACTING O	0	1	0	0	0	0	0	0	0	0	0	0	0	1
82976	ADMINISTRATIVE PROCUREMENT	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82991	ADMINISTRATIVE CONSTRUCTIO	1	0	0	0	0	0	1	0	0	0	0	0	0	2
83008	ADMINISTRATIVE PROJECT MAN	39	10	6	20	0	1	8	2	2	5	0	0	0	93
95005	EXECUTIVE AGENCY COUNSEL	2	0	0	0	0	0	3	1	1	0	0	0	0	7
EEO JOB GROUP TOTAL.....:		121	36	26	79	1	2	28	12	9	14	0	0	0	328
		36.88	10.98	7.93	24.09	0.30	0.61	8.54	3.66	2.74	4.27	0.00	0.00	0.00	100.00

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06688	INVESTIGATOR (EMPLOYEE DIS	2	1	0	0	0	0	1	0	1	0	0	0	0	5
1002A	ADMINISTRATIVE STAFF ANALY	1	1	3	2	0	0	6	3	2	2	0	0	0	20
1002C	ADMINISTRATIVE MANAGER NON	0	1	0	0	0	0	0	3	0	0	0	0	0	4
1002D	ADMINISTRATIVE STAFF ANALY	3	1	1	0	0	0	1	6	1	0	0	0	0	13

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY

PAGE: 222
 REPORT: EBEP210

QUARTER 2 YEAR 2016 AGENCY 850 DEPARTMENT OF DESIGN AND CONSTRUCTION

1002E	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	1
12158	PROCUREMENT ANALYST	3	0	1	0	0	0	5	6	8	3	0	0	26
12626	STAFF ANALYST	0	5	1	5	0	0	6	9	2	2	0	0	30
12627	ASSOCIATE STAFF ANALYST	0	0	0	3	0	0	4	7	1	4	0	0	19
20121	ESTIMATOR (ELECTRICAL)	0	0	0	1	0	0	0	0	0	0	0	0	1
20122	ESTIMATOR (GENERAL CONSTRU	0	2	0	3	0	0	1	0	1	1	0	0	8
20127	SENIOR ESTIMATOR (GENERAL	12	6	2	8	0	0	1	4	1	2	0	0	36
20128	SENIOR ESTIMATOR (MECHANIC	1	0	0	2	0	0	0	0	0	0	0	0	3
22315	HIGHWAY TRANSPORTATION SPE	0	0	0	0	0	0	0	0	0	1	0	0	1
22425	PROJECT MANAGER INTERN	6	11	0	3	0	2	3	3	2	2	0	2	34
22426	PROJECT MANAGER	2	2	1	0	0	0	3	1	0	0	0	0	9
22427	ASSOCIATE PROJECT MANAGER	29	14	4	34	0	1	10	3	1	10	0	1	107
31312	ASBESTOS HAZARD INVESTIGAT	3	0	0	0	0	1	1	0	0	0	0	0	5
31626	HIGHWAYS AND SEWERS INSPEC	0	1	0	0	1	0	0	0	0	0	0	0	2
31645	ASSOCIATE INSPECTOR (HIGHW	0	1	0	0	0	0	0	0	0	0	0	0	1
34173	QUALITY ASSURANCE SPECIALI	0	0	0	1	0	0	0	0	0	0	0	0	1
34190	ASSOCIATE QUALITY ASSURANC	1	0	0	0	0	0	0	0	1	0	0	0	2
40502	MANAGEMENT AUDITOR	0	0	0	0	0	0	2	2	0	1	0	0	5
40510	ACCOUNTANT	3	2	0	4	0	0	2	2	0	1	0	0	12
60216	PUBLIC RECORDS OFFICER	0	0	0	0	0	0	0	1	0	0	0	0	1
80184	SPACE ANALYST	0	0	1	0	0	0	0	0	0	0	0	0	1
8297A	ADMINISTRATIVE PROCUREMENT	0	1	1	0	0	0	1	1	0	1	0	0	5
8299A	ADMINISTRATIVE CONSTRUCTIO	5	2	0	2	0	0	2	2	0	0	0	0	13

EEO JOB GROUP TOTAL.....: 71 51 15 68 1 4 47 54 21 30 0 3 0 365
 19.46 13.97 4.11 18.63 0.27 1.10 12.88 14.79 5.75 8.22 0.00 0.82 0.00 100.00

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
1000A	ADMINISTRATIVE ARCHITECT (10	2	1	1	0	0	1	0	2	0	0	0	0	17
1001A	ADMINISTRATIVE ENGINEER (N	2	4	0	7	0	0	0	0	1	0	0	0	0	14
1002G	ADMINISTRATIVE LANDSCAPE A	0	0	0	1	0	0	0	0	0	0	0	0	1	
13621	COMPUTER ASSOCIATE (OPERAT	1	1	0	2	0	0	0	0	0	0	0	0	4	
13631	COMPUTER ASSOCIATE (SOFTWA	2	0	1	2	0	0	2	1	2	0	0	0	12	
13632	COMPUTER SPECIALIST (SOFTW	3	3	1	5	0	0	1	2	0	1	0	0	16	
13643	CERTIFIED IT DEVELOPER (AP	0	0	0	1	0	0	0	0	0	0	0	0	1	
13651	COMPUTER PROGRAMMER ANALYS	0	0	0	0	0	0	1	0	1	0	0	0	2	
13691	*CERTIFIED LOCAL AREA NETW	0	0	0	1	0	0	0	0	0	0	0	0	1	
20202	CIVIL ENGINEERING INTERN	7	5	5	18	0	1	2	2	6	5	0	0	51	
20210	ASSISTANT CIVIL ENGINEER	17	14	8	22	0	0	11	3	2	4	0	0	81	
20215	CIVIL ENGINEER	17	11	0	30	0	0	5	2	2	1	0	0	68	
20310	ASSISTANT ELECTRICAL ENGIN	0	0	0	4	0	0	0	0	0	0	0	0	4	
20315	ELECTRICAL ENGINEER	0	0	0	1	0	0	0	0	0	0	0	0	1	
20403	MECHANICAL ENGINEERING INT	2	0	0	0	0	0	0	0	0	0	0	0	2	
20410	ASSISTANT MECHANICAL ENGIN	3	0	0	0	0	0	1	0	0	0	0	0	4	
20415	MECHANICAL ENGINEER	1	3	0	3	0	0	0	0	1	0	0	0	8	
20510	ASSISTANT CHEMICAL ENGINEE	0	0	0	1	0	0	0	0	1	0	0	0	1	
21015	SURVEYOR	6	11	3	2	0	0	4	1	1	0	0	0	28	
21210	ASSISTANT ARCHITECT	0	2	1	0	0	0	0	0	1	0	0	0	4	

RUN DATE: 01/05/16
 RUN TIME: 08:37:43.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 AGENCY 850 DEPARTMENT OF DESIGN AND CONSTRUCTION

PAGE: 225
 REPORT: EBEP210

QUARTER 2 YEAR 2016

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 027 TRANSPORTATION

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
91212	MOTOR VEHICLE OPERATOR	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2
91232	MOTOR VEHICLE SUPERVISOR	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4

AGENCY CODE : 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
10209	COLLEGE AIDE	1	1	1	2	0	1	2	3	3	3	0	0	0	0	17
12749	STAFF ANALYST TRAINEE	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2
52406	COMMUNITY SERVICE AIDE	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
56056	COMMUNITY ASSISTANT	0	1	0	0	0	0	0	1	0	1	0	0	0	0	3
56057	COMMUNITY ASSOCIATE	2	2	0	0	0	1	2	3	3	1	0	0	0	0	14
56058	COMMUNITY COORDINATOR	1	2	0	0	0	0	5	5	3	0	0	0	0	0	16
EEO JOB GROUP TOTAL.....:		7.57	11.32	3.77	3.77	0.00	3.77	20.75	22.64	16.98	9.43	0.00	0.00	0.00	0.00	53

AGENCY TOTAL.....: 299 186 81 266 2 10 146 145 86 84 2 4 0 1311
 22.80 14.19 6.18 20.29 0.15 0.76 11.14 11.06 6.56 6.41 0.15 0.31 0.00 100.00

Appendix - 3

Department of Design & Construction
Workforce Compared with Internal and External Pools
1nd Quarter of Fiscal Year 2013
(Beginning of Audit Period)

RUN DATE: 10/02/12
 RUN TIME: 12:09:19
 FY2013 Q1

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

PAGE: 103
 PROGRAM: EBP961
 EXTRACT DATE: 09/29/12

AGENCY: 850 DEPARTMENT OF DESIGN AND CONSTRUCTION PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 EEO VARIABLE: ETH ETHNICITY PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	315	159	161 U	51	66 N	26	42 U	75	26 O	1	1 N	3	19 N
003 MNGMNT SPECS	277	88	115 U	72	86 O	29	36	85	33 O	0	1 N	3	8 N
004 SCIENCE PROFNS	300	110	138 U	71	56 O	26	31	92	63 O	0	2 N	1	12 N
006 SOCIAL SCI	16	8	9	2	3 U	4	2 O	2	1	0	0 N	0	1 N
008 LAWYERS	6	4	4 N	0	1 N	1	1 N	1	0 N	0	0 N	0	0 N
009 PUBLIC REL	3	1	2 N	0	1 N	1	0 N	1	0 N	0	0 N	0	0 N
010 TECHNICIANS	49	15	17 U	16	17	6	9 U	11	4 O	0	0 N	1	1
012 CLERICAL SUPS	35	5	9 U	19	18	7	5	3	2	1	0 N	0	1 N
013 CLERICAL	69	10	16 U	42	34	14	11	3	5 N	0	0 N	0	3 N
025 CRAFT	11	3	4 U	1	3 U	0	1 U	7	1 O	0	0 N	0	1 U
027 TRANSPORTATION	3	0	1 N	0	1 N	3	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	18	6	6	6	5	4	4	2	1	0	0 N	0	1 N

RUN DATE: 10/02/12
 RUN TIME: 12:09:19
 FY2013 Q1

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

PAGE: 104
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/29/12

AGENCY: 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	1	1	N	0	0	N	0	0	N
002 MANAGERS	315	256	174	O	59	131	U	0	10	N
003 MNGMNT SPECS	277	174	159		103	114		0	4	N
004 SCIENCE PROFNS	300	228	199	O	72	94	U	0	8	N
006 SOCIAL SCI	16	9	8		7	8		0	0	N
008 LAWYERS	6	1	3	N	5	3	N	0	0	N
009 PUBLIC REL	3	2	2	N	1	1	N	0	0	N
010 TECHNICIANS	49	36	29	O	13	19	U	0	1	N
012 CLERICAL SUPS	35	5	8	U	30	27		0	0	N
013 CLERICAL	69	13	20	U	56	46	O	0	2	N
025 CRAFT	11	11	9		0	1	U	0	1	U
027 TRANSPORTATION	3	3	2	N	0	0	N	0	0	N
031 PARA PROFESSION	18	9	7		9	11		0	0	N

Appendix - 4

Department of Design & Construction
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 105
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 850 DEPARTMENT OF DESIGN AND CONSTRUCTION PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 EEO VARIABLE: ETH ETHNICITY PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	328	149	168 U	48	62 N	35	43	93	33 O	1	1	2	13 N
003 MNGMT SPECS	365	118	149 U	105	108	36	47 N	98	47 O	1	1	7	8
004 SCIENCE PROFNS	353	116	161 U	74	62	42	36	120	80 O	0	1 N	1	11 N
006 SOCIAL SCI	20	9	12 U	5	3	2	2	4	2	0	0 N	0	1 N
008 LAWYERS	7	5	4 N	2	1 N	0	1 N	0	1 N	0	0 N	0	0 N
009 PUBLIC REL	5	3	3 N	0	1 N	1	1 N	1	0 N	0	0 N	0	0 N
010 TECHNICIANS	45	12	16 U	16	15	5	9 U	12	5 O	0	0 N	0	1 N
012 CLERICAL SUPS	46	6	10 U	21	26	11	6 O	6	2 O	2	0 N	0	1 N
013 CLERICAL	77	10	14 U	41	41	19	12 O	5	6	0	0 N	2	4 N
025 CRAFT	7	2	3 N	1	2 N	0	1 N	4	0 N	0	0 N	0	1 N
027 TRANSPORTATION	4	0	1 N	0	2 N	4	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	53	15	17	18	14	11	13	7	5	0	0 N	2	1

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

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

PAGE: 106
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 850 DEPARTMENT OF DESIGN AND CONSTRUCTION
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE		FEMALE		GENDER U	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	1	1	1 N	0	0 N	0	0 N
002 MANAGERS	328	265	175 O	63	138 U	0	6 N
003 MNGMNT SPECS	365	210	209 O	155	147 U	0	5 N
004 SCIENCE PROFNS	353	271	232 O	82	111 U	0	7 N
006 SOCIAL SCI	20	9	10 N	11	10 N	0	0 N
008 LAWYERS	7	1	3 N	6	3 N	0	0 N
009 PUBLIC REL	5	3	3 N	2	2 N	0	0 N
010 TECHNICIANS	45	32	28 U	13	16 U	0	0 N
012 CLERICAL SUPS	46	9	10 N	37	36 U	0	1 N
013 CLERICAL	77	16	22 U	61	52 O	0	3 N
025 CRAFT	7	7	6 N	0	1 N	0	1 N
027 TRANSPORTATION	4	4	3 N	0	1 N	0	0 N
031 PARA PROFESSION	53	16	20 U	37	31 N	0	0 N

Dalela Harrison
Director and EEO Officer
Equal Employment Opportunity Office

May 11, 2016

By E-mail

William Peterson, EEO Program Analyst
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Dear Mr. Peterson,

The Department of Design and Construction (DDC) is in receipt of the EEPC's Preliminary Determination audit document, dated April 28, 2016. Please accept this letter as the agency's response to your preliminary determination, pursuant to Chapter 36 of the New York City Charter.

DDC reviewed the EEPC's preliminary findings and concurred with the Commission's determination that the agency was in compliance with the standards for the following subject areas:

- Issuance, Distribution and Posting of EEO Policies
- EEO Training For Agency
- Career Counseling
- EEO and Reasonable Accommodation for Employees/ Applicants for Employment with Disabilities
- Responsibility For EEO Plan Implementation- EEO Professionals
- Responsibility for EEO Plan Implementation- Supervisors/Managers
- Reporting Standard for Agency Head

DDC also reviewed the commission's determination that DDC was partially compliant in the Employment Practices (Recruitment, Hiring, and Promotion) subject area. We understand that 4 corrective actions have been identified and we are prepared to move towards the next audit phase.

DDC has taken the following steps to address the prescribed corrective actions:

- DDC's Office of EEO (OEEO) facilitated upcoming Structured Interview Training for agency hiring professionals (**Corrective Action #4**)

- DDC's EEO Officer partnered with fellow senior leaders to ensure that they are supporting the Structured Interviewing training and refresher training initiative within their respective divisions. (**Corrective Action #4**)
- OEEO and the agency's Human Resources division are identifying additional publications and organizations to advertise vacancies within job groups where underutilization still exists. (**Corrective Actions #2 & #3**)
- DDC will continue to assess the manner in which candidates are selected, assess job selection criteria and better document these measures moving forward. (**Corrective Actions #1**)

On behalf of the Department of Design and Construction, I would like to thank you and Ms. Zuell for your guidance during the course of this audit.

Respectfully,



Dalela Harrison, Director/
Agency EEO Officer
Department of Design and Construction

c: Charise L. Terry, Executive Director
Ilacia Zuell, Supervisory EEO Program Analyst



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

BY MAIL AND EMAIL

June 1, 2016

Dr. Feniosky Peña-Mora
Commissioner
Department of Design and Construction
30-30 Thompson Avenue, Room 427
Long Island City, NY 11101

RE: Final Determination #2016/850: Pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Design and Construction's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Commissioner Peña-Mora:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your May 11, 2016 response to our April 28, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring 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: June 2016 to November 2016.

If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPCC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPCC will issue a *Determination of Compliance*.

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 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 that reads "for Charise L. Terry". The signature is written in a cursive style.

Charise L. Terry, PHR
Executive Director

c: Dalela Harrison, Principal EEO Professional

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

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) to the EEPC's preliminary Determination, our Final Determination is as follows:

Monitoring Required

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

Corrective Action #1

Assess 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: *"DDC will continue to assess the manner in which candidates are selected, assess job selection criteria and better document these measures moving forward."* (Response, Pg. 2.)

EEPC Response: The EEPC acknowledges the agency's response to corrective action #1. An agency assessment of the manner in which candidates are selected for employment, will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #2

Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.

Agency Response: *"[DDC's Office of EEO] and the agency's Human Resources division are identifying additional publications and organizations to advertise vacancies within job groups where underutilization still exists."* (Response, Pg. 2.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #2. Documentation which confirms the agency's efforts to address underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #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 or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *"[DDC's Office of EEO] and the agency's Human Resources division are identifying additional publications and organizations to advertise vacancies within job groups where underutilization still exists."* (Response, Pg. 2.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #3. The agency's efforts to address underrepresentation of protected groups in *civil service* (list) titles will be reviewed 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 recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Agency Response: *"DDC's Office of EEO (OEEEO) facilitated upcoming Structured Interview Training for agency hiring professionals. DDC's EEO Officer partnered with fellow senior leaders to ensure that they are supporting the Structured Interviewing training and refresher training initiative within their respective divisions."* (Response, Pg. 1 & 2.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #4. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION #2016/850. Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Design and Construction's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. 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.
2. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
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 or contact organizations serving women, minorities, and other protected groups 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 recruiting and hiring are trained to consider EEO laws/policies and use

uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 11, 2016; 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 June 1, 2016 which agreed and indicated that corrective action(s) nos. 1, 2, 3 and 4 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 June 2016 through November 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 will forward this Final Determination to Commissioner Feniosky Peña-Mora, of the Department of Design and Construction.

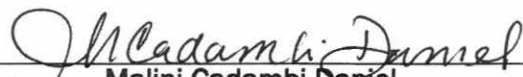
Approved unanimously on June 16, 2016.



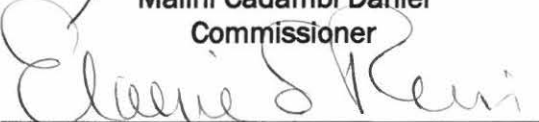
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

July 8, 2016

By E-mail

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

Dear Executive Director Terry,

The Department of Design and Construction (DDC) is in receipt of the EEPC's Final Determination audit document, dated June 1, 2016. Please accept this letter as the agency's response to your final determination, pursuant to Chapter 36 of the New York City Charter.

We reviewed the EEPC's findings and concur with the Commission's determination that the agency was in compliance with the standards for the following subject areas:

- Issuance, Distribution and Posting of EEO Policies
- EEO Training For Agency
- Career Counseling
- EEO and Reasonable Accommodation for Employees/ Applicants for Employment with Disabilities
- Responsibility For EEO Plan Implementation- EEO Professionals
- Responsibility for EEO Plan Implementation- Supervisors/Managers
- Reporting Standard for Agency Head

We also reviewed the commission's determination that DDC was partially compliant in the Employment Practices (Recruitment, Hiring, and Promotion) subject area. We understand that 4 corrective actions have been identified and we are prepared to move towards the next audit phase.

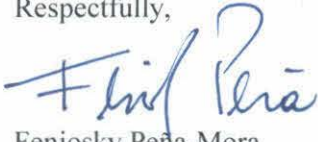
Thus far, DDC has taken the following steps to address the prescribed corrective actions:

- DDC's Office of EEO (OEEO) facilitated Structured Interview Training for agency hiring professionals
(**Corrective Action #4**)

- DDC's EEO Officer partnered with fellow senior leaders to ensure that they are supporting the Structured Interviewing training initiative within their respective divisions. (**Corrective Action #4**)
- OEEEO and the agency's Human Resources division are identifying additional publications and organizations to advertise vacancies within job groups where underutilization still exists. (**Corrective Actions #2 & #3**)
- DDC will continue to assess the manner in which candidates are selected, assess job selection criteria and better document these measures moving forward. (**Corrective Actions #1**)

On behalf of the Department of Design and Construction, I would like to thank you and the Commission for your guidance during this audit process.


Respectfully,



Feniosky Peña-Mora
Commissioner
Department of Design and Construction

c: Dalela Harrison, EEO Officer

MEMORANDUM

TO: All Employees
FROM: Feniosky Peña-Mora 
DATE: November 7, 2016
SUBJECT: Equal Employment Practices Commission Audit

As many of you know, the Equal Employment Practices Commission (EEOC) audits all New York City agencies to determine compliance with the City's Equal Employment Opportunity Policy. The EEOC's most recent audit of the Department of Design and Construction (DDC) covered the period from January 1, 2012 to December 31, 2015. Upon completion of the audit, the EEOC made four recommendations to enhance DDC's Equal Employment Opportunity (EEO) practices.

The EEOC's recommendations include:

- Reviewing the competencies, skills and abilities presented in job vacancy notices to ensure that standards and requirements are job related and required by business necessity.
- Ensuring that personnel involved in recruiting and hiring are trained to consider uniform, structured interviewing techniques to identify, interview and select the most qualified candidates.
- Advertising in diverse publications to attract interested and qualified candidates in underutilized job groups.
- Ensuring assessment of the manner in which candidates are selected for employment to determine if there is adverse impact upon any particular group.

As Commissioner, I want to re-affirm DDC's commitment to maintaining a workplace that fosters equity and opportunity. Employees are encouraged to utilize the agency's resolution resources and to address equal employment opportunity related concerns with DDC's Office of EEO.

As a reminder, Dalela Harrison is our Agency EEO Officer. She also serves as the agency's Disability Rights Coordinator. She is located here, at 30-30 Thomson Ave, on the 4th floor and can be reached by telephone at (718) 391-1776 and by email at Harrisoda@ddc.nyc.gov or DDCEEO@ddc.nyc.gov.

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

RESOLUTION #2016/850C-17: Determination of **Compliance** (Monitoring Period Required) by the Department of Design and Construction with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

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

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

Whereas, pursuant to its audit and analysis of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. 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.
2. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
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 or contact organizations serving women, minorities, and other protected groups 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 recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Whereas, DDC submitted its response to the EEPC's Preliminary Determination letter, on May 11, 2016; 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 June 1, 2016 which indicated that corrective actions Nos. 1 - 4 require compliance monitoring; and

Whereas, DDC submitted its response to the EEPC's Final Determination letter, on July 8, 2016; 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 corrective actions from June 2016 - October 2016, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, DDC submitted a copy of the agency head's memorandum to staff dated November 7, 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 Design and Construction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Final Determination to Commissioner Feniosky Peña-Mora of the Department of Design and Construction.

Approved unanimously on December 15, 2016.



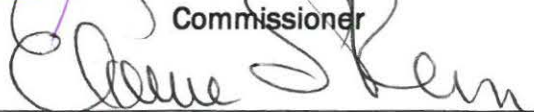
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



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

Charise L. Terry, PHR
Executive Director

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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

December 15, 2016

Dr. Feniosky Peña-Mora
Commissioner
Department of Design and Construction
30-30 Thompson Avenue, Room 427
Long Island City, NY 11101


Re: Resolution #2016/850C-17: Determination of Agency Compliance

Dear Commissioner Peña-Mora:

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

On behalf of this Commission, I want to thank you and Principal EEO Professional Dalela Harrison for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Elaine S. Reiss, Esq.
Commissioner

c: Dalela Harrison, Principal EEO Professional

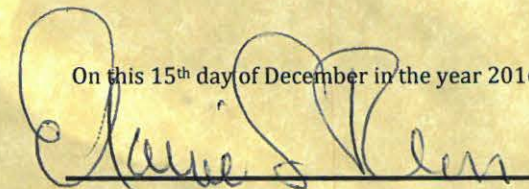
This
Determination of Compliance

is issued to the

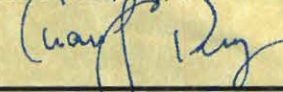
Department of Design and Construction

*for successfully implementing 4 of 4 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practice and Procedures Audit From July 1, 2012 to this date.*

On this 15th day of December in the year 2016,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Commissioner Dr. Feniosky Peña-Mora
and Principal EEO Professional Dalela Harrison*