



New York City Economic Development Corporation

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M E M O R A N D U M

TO: Charise L. Terry, PHR; Executive Director; EEPC

FROM: Maria Torres-Springer, President and CEO, NYCEDC *MTJ*

RE: Response to Final Audit Determination (2015/998)

DATE: October 15, 2015

CC: Carrie A. Weaver, PHR; SVP, Human Resources & EEO Officer; NYCEDC
Elona Shehu, Program Analyst, EEPC

The New York City Economic Development Corporation (NYCEDC) has reviewed the Final Audit determination letter from the EEPC dated September 15, 2015 in which six (6) corrective actions were outlined. In the last month, NYCEDC has made strides in rectifying all corrective actions and has completed three (3) of the initial corrective actions (3, 4 and 6). A summary follows:

Corrective action #1: Identify whether there are barriers to equal employment opportunity within the agency and determine what if any, corrective actions are required to correct deficiencies.

NYCEDC Response: NYCEDC has reached out to DCAS for access to CEEDS. Additionally we have begun sourcing potential vendors that can assist in running comprehensive statistical analysis on our workforce metrics.

Corrective action #2: 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.

NYCEDC Response: See response to corrective action #1.

Corrective Action #3: Use and maintain an applicant log or tracking system which in addition to the above includes the applicants' candidate disability or veteran status and interviewers name. 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.

NYCEDC Response: NYCEDC has already implemented this corrective action. Veteran Status is currently being asked on our application and a post-offer questionnaire has also been implemented to address the question of candidate disability status. Please note from our earlier response that hiring managers we not the responsible party for recording and maintaining the applicant logs. See attachments.

Corrective Action #4: Designate a professional 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 per year.

NYCEDC Response: NYCEDC has addressed this corrective action by amending the job description for our HR Business Partners which qualifies that when extending career guidance to employees, it should also emphasize growth opportunities in the New York City Government ecosystem. Each of our HR Business Partners has been made aware of this added position responsibility. (See attached).

Corrective action #5: 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.

NYCEDC Response: NYCEDC has committed to the review of EEO related matters and will begin documenting all meetings accordingly.

Corrective Action #6: Ensure 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).

Response: NYCEDC has already amended our managerial reviews to reflect this corrective action (see attached).

JOB DESCRIPTION

TITLE: HR Business Partner	INCUMBENT NAME:
SUPERVISOR: SVP, Human Resources	DEPARTMENT: Human Resources
DIRECT REPORTS: n/a	DATE:

POSITION OVERVIEW:

The HR Business Partner will provide support and guidance to internal client groups in the areas of: employee relations, organizational development, talent acquisition, talent management, and operations. The HR Business Partner will be responsible for driving and delivering strategic projects while executing the necessary day-to-day requirements.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Effectively address employee relations issues by providing guidance to managers and employees. Ensure a fair, positive and timely resolution.
- Build effective relationships and partnerships with management and staff that will continue fostering NYCEDC's high performing and engaged culture.
- Responsible for data analysis and identify trends and report findings. Compiles HR metrics to support management discussions and decisions.
- Monitor the performance evaluation process and evaluate the effectiveness of each program.
- Manage and develop organizational development initiatives to develop a motivated and engaged workforce.
- Acts as a HR strategic partner. Leads in the implementation and administration of HR policies and procedures and their dissemination through various employee communications.
- Support HR management and other generalists on program implementation.
- Provide Career Counseling to employees upon request with a special focus on facilitating career growth in the New York City government ecosystem.
- Performs other duties as assigned.

MINIMUM QUALIFICATIONS:

- Minimum 5 years' experience in Human Resources
- Bachelor's degree required
- Must be able to exercise good judgment
- Strong analytic and quantitative skills
- Strong expertise in HR practices, procedures, and policies
- Thorough knowledge of Human Resource laws and regulations required
- Strong leadership qualities and relationship building skills
- Proficiency in Microsoft Office applications (Word, Excel, Power Point); ability to learn new systems/technology
- New York City residency requirement within 180 days of hire

SIGNATURES / APPROVALS:

MANAGER:	DATE:
HUMAN RESOURCES:	DATE:
EMPLOYEE:	DATE:

NYCEDC Performance Review-Management

Communication

Presents ideas or information so it can be understood at any level of the organization.

Key Indicators for Communication

- Communicates appropriately considering frequency and timeliness.
- Delivers high quality information to supervisors, subordinates and colleagues.
- Communicates respectfully and resolves conflict in a positive way.
- Delivers both praise and constructive feedback when appropriate.

Rating by:

Rating by:

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Comments by:

Teamwork

Advances team initiatives through successfully managing relationships.

Key Indicators for Teamwork

- Creates a positive team environment through establishing trust and building relationships.
- Leverages individual strengths and contributions which benefit the team.
- Demonstrates responsibility by holding themselves and others accountable for team projects

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Results

Effectively completes projects or tasks timely and accurately.

Key Indicators for Results

- Effectively manages end-to-end projects or tasks by successful time management, planning, implementing, monitoring or completing.
- Sets goals to advance projects or tasks even in a changing environment.
- Takes the initiative to identify or implement best practices to improve project or task outcomes.
- Maintains an appropriate sense of priorities and the need to complete work expeditiously.

Rating by:

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MANAGEMENT COMPETENCIES

Strategy and Direction

Develops the strategic direction of the team to accomplish goals.

Key Indicators for Strategy and Direction

- Develops the strategic direction of the team leveraging people, department or organizational strategies.
- Provide direction to staff members and teams when navigating through ambiguity, complexity and change.
- Models core competency behaviors and provides support and direction to staff members in core areas such as communication, teamwork and results.

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Coach and Develop

Actively mentors managers or staff by focusing on retention, performance management, career development and training.

Key Indicators for Coach and Develop

- Conducts regular performance and career development meetings with staff.
- Develops succession and talent management plans and provides training and resources to enhance team performance.
- Creates a culture of commitment through motivating, empowering, supporting and rewarding staff members for good performance.

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Commitment to EEO and Inclusion & Diversity

Delivers on NYCEDC's commitment to being an Equal Opportunity Employer and moreover one that embodies Inclusion & Diversity.

Key Indicators for EEO and Inclusion & Diversity

- Has a clear understanding of the applicable EEO laws, corresponding company policies and associated management responsibilities.
- Ensures employment decisions are based on merit and equal consideration.
- Models the behavior for an inclusive workforce by soliciting varied opinions and encouraging deep collaboration across groups.

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POST-OFFER VOLUNTARY SELF-DISCLOSURES

NYCEDC is an Equal Employment Opportunity employer. As part of our commitment to Equal Employment Opportunity and affirmative action, we are providing this form for you to complete. This information is being requested to help us comply with recordkeeping, reporting and other legal requirements. **The submission of this information is entirely voluntary.** The refusal to provide the requested information will not subject you to any adverse treatment. The information you provide will be kept confidential and will only be used in accordance with the provisions of applicable statutes, executive orders, and regulations.

WHAT IS YOUR GENDER?

- ☐ Female ☐ Male

ARE YOU HISPANIC OR LATINO?

Hispanic or Latino – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.

- ☐ Yes ☐ No

WHAT IS YOUR RACIAL OR ETHNIC GROUP?

(select one of the following if you are not Hispanic or Latino)

- ☐ **White, Non-Hispanic** - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- ☐ **Black or African American** - A person having origins in any of the Black racial groups of Africa.
- ☐ **Native Hawaiian or other Pacific Islander** - (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- ☐ **American Indian or Alaska Native** (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- ☐ **Asian** (Not Hispanic or Latino) – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.
- ☐ **Two or More Races** (Not Hispanic or Latino) – All persons who identify with more than one of the above five races.

Voluntary Self-Identification of Protected Veteran Category

NYCEDC is a government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, 38 U.S.C. § 4212 (VEVRAA), which requires

Government contractors to take affirmative action to employ and advance in employment: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces Service Medal veterans. These classifications are defined as follows:

A “disabled veteran” is one of the following:

- a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- a person who was discharged or released from active duty because of a service-connected disability.

A “recently separated veteran” means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

An “active duty wartime or campaign badge veteran” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.

An “Armed Forces Service Medal veteran” means a veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces Service Medal was awarded pursuant to Executive Order 12985.

Protected veterans may have additional rights under USERRA—the Uniformed Services Employment and Reemployment Rights Act. In particular, if you were absent from employment in order to perform service in the uniformed service, you may be entitled to be reemployed by your employer in the position you would have obtained with reasonable certainty if not for the absence due to service. For more information, call the U.S. Department of Labor's Veterans Employment and Training Service (VETS), toll-free, at 1-866-4-USA-DOL.

As a Government contractor subject to VEVRAA, we are required to submit a report to the United States Department of Labor each year identifying the number of our employees belonging to each specified “protected veteran” category. If you believe you belong to any of the categories of protected veterans listed, please indicate by checking the appropriate box below.

☐ I IDENTIFY AS ONE OR MORE OF THE CLASSIFICATIONS OF PROTECTED VETERAN LISTED ABOVE

☐ I AM NOT A PROTECTED VETERAN

☐ I CHOOSE NOT TO IDENTIFY

NYCEDC also provides reasonable accommodation to applicants and employees with disabilities in accordance with applicable law. If you are a disabled veteran it would assist us if you tell us whether there are accommodations we could make that would enable you to perform the essential functions of the job, including special equipment, changes in the physical layout of the job, changes in the way the job is customarily performed, provision of personal assistance services or other accommodations. This information will assist us

in making reasonable accommodations for your disability.

Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by the Office of Federal Contract Compliance Programs, or enforcing the Americans with Disabilities Act, may be informed.

NYCEDC is an equal opportunity employer. We are firmly committed to a policy of non-discrimination and to the rights of all employees to work in an environment free of sexual harassment and discrimination. Moreover, discrimination against or harassment of any employee on the basis of the employee's actual or perceived age, race, color, religion, disability, marital status, pregnancy, national origin and citizenship, gender, gender identity and expression, sexual orientation, veteran status, creed, genetic predisposition, carrier status or any other classification protected by federal, state and local law, is not acceptable and appropriate disciplinary action may be taken against any employee willfully violating this policy. This policy applies to recruiting, hiring, placement, promotions, training, discipline, terminations, layoffs, recall, transfers, leaves of absence, compensation and all other terms and conditions of employment.

Name: _____

Department: _____

Date: _____

Voluntary Self-Identification of Disability

Form CC-305
OMB Control Number 1250-0005
Expires 1/31/2017
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Why are you being asked to complete this form?

Because we do business with the government, we must reach out to, hire, and provide equal opportunity to qualified people with disabilities.¹ To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

How do I know if I have a disability?

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medical condition.

Disabilities include, but are not limited to:

- | | | | |
|-------------|----------------------|--|--|
| • Blindness | • Autism | • Bipolar disorder | • Post-traumatic stress disorder (PTSD) |
| • Deafness | • Cerebral palsy | • Major depression | • Obsessive compulsive disorder |
| • Cancer | • HIV/AIDS | • Multiple sclerosis (MS) | • Impairments requiring the use of a wheelchair |
| • Diabetes | • Schizophrenia | • Missing limbs or partially missing limbs | • Intellectual disability (previously called mental retardation) |
| • Epilepsy | • Muscular dystrophy | | |

Please check one of the boxes below:

- ☐ YES, I HAVE A DISABILITY (or previously had a disability)
- ☐ NO, I DON'T HAVE A DISABILITY
- ☐ I DON'T WISH TO ANSWER

Your Name

Today's Date

Voluntary Self-Identification of Disability

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Expires 1/31/2017
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Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

ⁱ Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at www.dol.gov/ofccp.

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.