



NEW YORK CITY DEPARTMENT OF  
DESIGN + CONSTRUCTION

AUG 30 2011 AM 11:47

DAVID J. BURNEY, FAIA  
Commissioner

August 29, 2011

Chairman Cesar A. Perez, Esq.  
Equal Employment Practices Commission  
40 Rector Street  
NY, NY 10006

Re: The Department of Design and Construction's Response to the Equal Employment Practices Commission (EEPC) Preliminary Determination Pursuant to the Audit of Compliance with the City's EEO Policy from January 1, 2007 through December 31, 2009

Dear Chairman Perez:

We are in receipt of the EEPC's preliminary determination pursuant to its recent audit of the Department of Design and Construction (DDC). I would like to assure you that DDC is committed to ensuring that the City's EEO Policy is fully implemented within our agency.

I have carefully reviewed the EEPC's determination and its recommendations for corrective action and my staff and I have begun implementing the recommended measures. Documentation of the implementation is attached.

Sincerely,

David J. Burney

cc: Dalela Harrison, EEO Officer  
Abraham May Jr. (EEPC)



DDC'S RESPONSE TO THE EEPD'S PRELIMINARY DETERMINATION  
PURSUANT TO THE JANUARY 1, 2007 THROUGH DECEMBER 31, 2009  
EEO COMPLIANCE AUDIT

**EEPC RECOMMENDATIONS**

**Recommendation #1**

All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)

**Response:**

DDC recruitment literature includes an EEO tagline, indicating that the City of New York and DDC is an equal opportunity employer.  
(Effective 6/2/11)

**Recommendation #2**

To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should redistribute to all employees in writing, the name, location and telephone number of this person. (Sect.. VB and VC, EEOP)

**Response:**

DDC will re-distribute information regarding the identity of the EEO Officer/Disability Rights Coordinator to all employees annually.  
(Expected completion date: 9/30/11)

**Recommendation #3**

All internal discrimination complaint files should include an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form*, completed by the complainant or an EEO representative, or a complaint that captures the information required on this form. (DCPIG Sect. 10/12)

**Response:**

The Office of EEO has and will continue to include complaint forms in all discrimination complaint files. (Effective 1/1/10)

#### Recommendation #4

The EEO Officer/Counselor should serve the respondent with a notice of complaint ( or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG Sect. 12 (b))

#### **Response:**

The Office of EEO has and will continue providing respondents with a copy and notice of complaints. (Effective 1/1/10)

#### Recommendation #5

Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)

#### **Response:**

*Artificially agree*  
*we*  
EEO files include legible written and/or typewritten notes for each investigative interview. (Effective 1/1/10) ~~we requested that notes be word processed~~  
*and*

#### Recommendation #6

To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity of, and the type of guidance which is available from, the Career Counselor. This should be done at least once each year. (12/14/ 2006 Addendum to EEOP standards and Procedures to Be Utilized By City Agencies (2005)) and Sect. VF, EEOP)

#### **Response:**

The agency will re-distribute information regarding the identity of the agency Career Counselor to all employees annually.  
(Effective 6/20/11)

**Recommendation #7**

The agency head should direct managers and supervisors to emphasize at least twice a year their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

**Response:**

The agency head will issue a memorandum, directing managers and supervisors to emphasize their commitment to the agency's EEO policies during regularly scheduled meetings, at least twice a year.  
(Expected completion date: 9/30/11)