



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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October 12, 2011

David J. Burney
Commissioner
Department of Design & Construction
30-30 Thomson Avenue
Long Island City, NY 11101

Re: Final Determination Pursuant to the Audit of Compliance by the Department of Design & Construction (DDC) with the City's Equal Employment Opportunity Policy from January 1, 2007 through December 31, 2009.

Dear Commissioner Burney:

On behalf of Chair Cesar A. Perez, Esq. and the members of the Equal Employment Practices Commission I thank you for your August 29th response to our July 6, 2011 Letter of Preliminary Determination pursuant to the Referenced audit.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

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)

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)

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 and Appendix D)

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))

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)

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)

Partially Agree

For the following reasons, hereafter identified as EEPC Rationale, we request clarification of your response to the following recommendations, which can be addressed in your response or during the compliance period:

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)

Your Response

EEO files include legible written and/or typewritten notes for each investigative interview. (Effective 1/1/10)

EEPC Rational

The response partially addresses the recommendation. We anticipate that complaint files will contain word processed investigative interview notes.

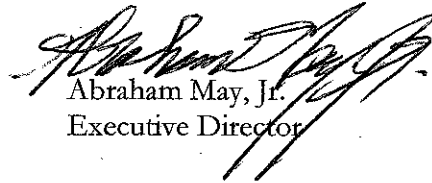
Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Quiñonez or her designee will contact your EEO Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Abraham May, Jr.
Executive Director

C: Dalela Harrison, EEO Officer