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April 29, 2016

**BY MAIL AND E-MAIL**

Gary Rodney  
President  
NYC Housing Development Corporation  
110 William Street  
New York, NY 10038

Re: Preliminary Determination Audit: Review, Evaluation and Monitoring of the Employment Practices and Procedures of the New York City Housing Development Corporation's Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear President Rodney:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), 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, 2013 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 New York City Housing Development Corporation, 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*<sup>1</sup> 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

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<sup>1</sup> 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**

The New York City Housing Development Corporation is a corporate governmental agency constituted as a public benefit corporation and established in 1971 under Article XII, Private Housing Finance Law. The agency encourages the investment of private capital through low-interest mortgage loans and provides safe and sanitary dwellings for families and persons whose housing needs cannot be met by unassisted private enterprise. Through the issuance of bonds and notes, the agency provides construction and/or permanent financing for multifamily residential housing. At the end of the period in review the agency's headcount was 174 (see Appendices 2 & 3).

### **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 partial 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.
  - ✓ On May 1, 2014, the agency's President issued an EEO Policy statement via email to all employees, which emphasized a *"commitment to HDC's policy of equal opportunity for all employees and applicants for employment . . . in accordance with applicable federal, state or local law. In support of this policy, HDC expressly prohibits any form of employee harassment based upon a person's actual or perceived protected status."* The email also encouraged employees to review the agency's EEO Policy contained in the *Employee Handbook* and provided a link to the *Employee Handbook* on the agency's employee portal. The EEO Policy included the names and titles of the agency's EEO professionals, whose contact information was accessible via MS Outlook and the agency's phone directory.
2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC

and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ The agency's EEO Policy was preloaded onto each employee's computer upon hire. Additionally, in May 2014, the President encouraged employees to review the agency's EEO Policy included in the *Employee Handbook* and provided a link to the *Employee Handbook* on the agency's employee portal. The EEO Policy included the names of agency's EEO professionals, and stated the agency "is committed to a policy of equal opportunity for all employees and applicants for employment without unlawful discrimination on the basis of age, marital status, alienage, national origin, color, prior record of arrest or conviction, unemployment, creed, race, disability, religion, sexual orientation or gender," and status as a "victim[] of domestic violence." The EEO Policy also stated that "HDC expressly prohibits any form of employee harassment" including "unwelcome sexual advances; requests for sexual favors; offensive comments, jokes, innuendoes, gestures, or other racially, ethnically, sexually oriented or offensive conduct; and all other verbal or physical conduct of a sexual or otherwise offensive nature." The agency's *Discrimination Complaint Procedure* (which provided current contact information of federal, state and local agencies that enforce laws against discrimination) and the *Reasonable Accommodation Policy and Procedure* were also posted to the agency's employee portal. The agency's EEO Policy included the names and titles of the agency's EEO professionals, whose contact information was accessible via MS Outlook and the agency's phone directory.
  - The agency's EEO Policy did not include an up-to-date list of protected classes (i.e. military status, genetic information or predisposing genetic characteristic, status as a victim of stalking, or status as a victim of sex offences). Corrective Action Required.

**Corrective Action #1:** Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

## 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.
- ✓ During the period in review, the agency enlisted *Judi Hampton Public Relations Inc.*, a professional development firm that served the public and private sectors, to conduct EEO training. Five (5) training sessions, each three (3) hours in duration, were held on May 7, 8, and 9, 2014, for a total of 154 employees (approximately 89% of the agency's workforce<sup>2</sup>).

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<sup>2</sup> Based on workforce headcount at the end of the period in review, December 31, 2015 (see Appendices 2 & 3).

The training included discussions and case studies on reasonable accommodation, sexual harassment, and discrimination.

**III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):**

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ The agency reported that it reviewed advertising platforms to *“help attract applicants from the impacted protected class for future available positions. For example, if we noted a decline in female staff (which is not and has not been the case), there is a housing industry organization called Women In Finance which we could contact to promote future available positions.”* During the period in review, the agency utilized the following recruitment sources in an effort to attract a diverse workforce reflective of New York City’s population: *Baruch College, Fordham University, Columbia University, St. John’s University, New York University, Manhattan College, College of Staten Island, Community College of New York, New York Times, Monster.com, Indeed.com, Idealist.com, and Dice.com.* The agency also reported that it assessed *“hirings, promotions, and separations . . . [by] ethnicity and gender . . . in relation to . . . HDC’s personnel as a whole . . . to consider if there has been a noticeable adverse impact on any protected class.*
  - The agency did not provide any documentation of analyses used to conclude that there was no underutilization or adverse impact to any particular racial, ethnic, disability or gender group due to recruitment efforts. Corrective Action Required.

**Corrective Action #2:** Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

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 Vice President of Human Resources (the agency’s principal Human Resources professional) also served as the agency’s principal EEO professional. The

agency reported that since May 2014, the Vice President of Human Resources met with the General Counsel twelve (12) times to discuss EEO matters which included *HDC’s EEO Policy and Practices, employee separations, appraisals, Family and Medical Leave Act (FMLA), reasonable accommodation, HR, EEO, staffing issues, and training.* The agency provided summary workforce, hiring, promotions, and terminations reports from the period in review and reported no underutilization of its personnel and no EEO complaints. Additionally, the agency reported that *“[i]n the absence of such complaints, the [EEO] meetings basically consisted of . . . an overview analysis of any hirings, promotions or separations that had occurred since the last meeting.”*

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 period in review, the agency reported that it assessed *“hirings, promotions, and separations . . . [by] ethnicity and gender . . . in relation to . . . HDC’s personnel as a whole . . . to consider if there has been a noticeable adverse impact on any protected class. Given the diversity of HDC as a whole, and the relatively few staffing changes in any period of time, we have yet to detect any such adverse impact.”*
    - The agency did not provide any documentation of analyses used to conclude that there was no underutilization or adverse impact to any particular racial, ethnic, disability or gender group due to selection criteria. Corrective Action Required.

**Corrective Action #3:** 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 the period in review, the agency reported that it did not find any underutilization of women, minorities, or other protected groups.
    - The agency did not provide any documentation of analyses used to conclude that there was no underutilization, such as availability analyses, utilization analyses, or adverse impact studies. Corrective Action Required.

**Corrective Action #4:** 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.

8. 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).
- ✓ During the period in review, the agency reported that a Human Resources representative was present at all interviews and that the Human Resources Department provided sample interview questions to hiring managers upon request.
- The agency did not provide documentation that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring received a structured interview guide or training. Corrective Action Required.

**NOTE:** Subsequent to the period in review, the agency reported that two EEO professionals registered for the Department of Citywide Administrative Services' (DCAS) *Structured Interviewing & Unconscious Bias* in June 2016, and will “*apply a ‘train the trainers’ technique and share/distribute pertinent information obtained at each course.*”

**Corrective Action #5:** 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).

9. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency's *Employee Handbook*, which all employees received upon hire, notified employees of the procedure to obtain information about opportunities for promotion and transfer within the agency. The *Employee Handbook* stated that the agency “*established a job-posting program to give all employees an opportunity to apply for positions that they are interested in and qualified for. Vacancies below the senior management level are normally posted on the Corporation's website. . . . Positions are normally posted for ten workdays. . . .*”
10. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
- ✓ On June 28, 2015, the agency posted a job listing for a *Staff Accountant* position in *The New York Times* which contained the EEO tagline, “*EEO.*” During the period in review, the agency's “*Join Us*” page on its website stated “*HDC is an equal opportunity employer*” and listed available positions including, *Project Manager, Development; Project Manager, Engineering & Architecture; SharePoint/ .Net Developer; Deputy Director – Credit Risk; Portfolio Analyst in*

Asset Management; Assistant Director of Communications; Marketing Manager in Asset Management; and Compliance Specialist in Asset Management. The agency's employer profile pages on *indeed.com*, *Columbia University*, *Manhattan College*, *New York University*, *City College of New York*, *College of Staten Island*, and *St. John's University* also stated "HDC is an equal opportunity employer."

- During the period in review, the agency did not identify as an equal opportunity employer in the following job postings, *Marketing Manager in Asset Management* on *indeed.com*; *Staff Accountant* on the career pages of *Fordham University*, *Baruch College*, *St. John's University*, and *New York University*; *Project Manager, Engineering & Architecture* on the career pages of *Columbia University*, *Manhattan College*, *New York University*, *University of Buffalo*, *City College of New York*, and *College of Staten Island*; and *Project Manager, Preservation Finance* on the career pages of *Fordham University*, *Columbia University*, *New York University*, *St. John's University*, and *Baruch College*. Corrective Action Required.

**Corrective Action #6:** At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.

11. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

✓ The agency's applicant/candidate log contained the *applicants'/candidates' names*, and an unspecified date field.

- The agency's applicant/candidate log did not contain the *position, identification number, ethnicity, gender, disability status, veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)*, and *recruitment source* of all applicants. Corrective Action Required.

**Corrective Action #7:** 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.

**IV. CAREER COUNSELING:**

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

12. 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.

- The agency did not designate a professional with appropriate training to provide career counseling to employees upon request. Corrective Action Required.

**Corrective Action #8:** Designate a professional (may be referred to as the Career Counselor) with appropriate training 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.

13. 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.

- ✓ The Human Resources Department annually notified all employees and managers via email to complete performance evaluations. The agency ensured that employees were advised of the EEO policies by preloading them on to each employee's workstation upon hire. The *Employee Handbook* informed all employees of procedures for performance evaluations and job postings, employee development opportunities, their rights and responsibilities under the agency's EEO policies and the discrimination complaint procedures, and identified the Human Resources Department as "responsible for the development and administration of policies and programs that will assist in attracting and retaining qualified employees. The *Employee Handbook* included the contact information for Human Resources. During the period in review, the Human Resources Department was immediately prepared to provide its EEO Policy in large print format to accommodate individuals with disabilities. Additionally, the agency's *Request for Reasonable Accommodation* form identified the Director of Human Resources as the Disability Rights Coordinator and was available to employees and applicants upon request.

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.

14. 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 provided its EEO policies in large print format and indicated its commitment to provide its EEO Policies in audio tape and Braille upon request to employees and applicants for employment with disabilities.

15. Document reasonable accommodation requests and their outcomes.

- ✓ The agency reported that during the period in review, no requests for reasonable accommodation were received. Additionally, the agency reported that the Human Resources Department would provide its *Reasonable Accommodation Policy and Procedure* and *Request for Reasonable Accommodation* form to employees and applicants with disabilities upon request, and create a log to document reasonable accommodation requests and their outcomes.

**VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:**

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

16. 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 the President's September 2014 email, "*Workplace Environment and Employee Protections*," all employees were notified of the Vice President of Human Resources' designation as the principal EEO professional. The Vice President of Human Resources attended a three (3) hour EEO training on May 7, 2014 (see section II. 3.), received a certificate of completion from *BLR and HRHero's "FMLA Master Class"* on October 23, 2014, and completed Cornell University's ILR School's "*Legal Issues in the Workplace*" training on December 9, 2014.

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

- ✓ During the period in review, the agency's EEO Unit consisted of a principal EEO professional (see section VI. 16.) and four EEO Counselors; three EOE Counselors completed a three (3) hour EEO training in May 2016.

- One (1) EEO Counselor, who was added to the EEO Unit in 2015, did not complete EEO training. Corrective Action Required.

**NOTE:** In 2016, the agency reported the designation of a new principal EEO professional, who with the Sr. VP Administration (also an EEO Counselor), would attend the DCAS trainings *Everybody Matters* in May 2016 and *Structured Interviewing & Unconscious Bias* in June 2016. The agency also reported that the entire EEO Unit would attend the DCAS trainings *Workplace Realities of Disability Etiquette* in May 2016 and *Conflict Resolution Strategies* in June 2016.

**Corrective Action #9:** Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

18. 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 agency's organizational chart indicated that the Vice President of Human Resources (also the principal EEO professional) directly reported to the Sr. V.P. Administration who directly reported to the President.

19. 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 agency reported that the Vice President of Human Resources, as the principal EEO professional, met with the President (or a direct report) fourteen (14) times to discuss EEO matters. Meeting topics included *HDC's EEO Policy and practices, employee separations, role and expectations as the Vice President of Human Resources and principal EEO professional, employee issues, employee classes, general EEO and HR issues, new appraisals and potential terminations.*

➤ Although the Vice President of Human Resources, as the principal EEO professional, met with the President (or a direct report other than the General Counsel) to discuss EEO matters, the agency did not maintain appropriate documentation of those meetings and other communications regarding decisions that impact the administration and operation of the EEO program. Corrective Action Required.

**Corrective Action #10:** 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.

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

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

20. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

✓ The agency conducted annual self-assessments whereby each employee was instructed by Human Resources to complete the appropriate portion of their performance evaluation form, then met with their manager to discuss "*a plan for future development.*" Performance

evaluations included “a recap of developmental goals and training from the past year, a summary of completed and/or current projects, a supervisor’s appraisal and a plan for future development.”

21. 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 forms stated in bold that “HDC is committed to a policy of non-discrimination and equal opportunity for all persons, regardless of race, sex, color, religion, creed, national origin or ancestry, marital status, sexual orientation, disability or military status in employment.”
- The agency’s performance evaluation form did not contain a rating for EEO or a section that covered managerial 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. Corrective Action Required.

**Corrective Action #11:** Ensure that 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).

#### VIII. **REPORTING STANDARD FOR AGENCY HEAD:**

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

22. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>3</sup> (up to 30 days following each quarter) on efforts to implement the plan.
- During the period in review, the agency did not provide an Annual Plan of measures and programs to provide equal employment opportunity, or quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. Corrective Action Required.

**Corrective Action #12:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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<sup>3</sup>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 12 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,

A handwritten signature in blue ink that reads "William Peterson". The signature is written in a cursive style and is positioned above a horizontal line.

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in blue ink that reads "Charise L. Terry". The signature is written in a cursive style and is positioned above a horizontal line.

Charise L. Terry, PHR  
Executive Director

c: Stephen Mondelli, Principal EEO Professional

## **Appendix - 1**

Housing Development Corporation  
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**

Housing Development Corporation  
Statistical Profile of Agency Workforce  
Beginning and End of Audit Period

**Attachment 13: Statistical Profile of Agency Workforce**  
Beginning and End of Audit Period

Agency: Housing Development Corporation

<b># Employees</b>	<b>Beginning of Audit Period <u>7/1/2013</u></b>	<b>End of Audit Period <u>12/31/2015</u></b>
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<b>Male</b>	<b>62</b>	<b>65</b>
<b>Female</b>	<b>106</b>	<b>109</b>

<b>White</b>	<b>66</b>	<b>71</b>
<b>Black</b>	<b>42</b>	<b>41</b>
<b>Hispanic</b>	<b>24</b>	<b>21</b>
<b>Asian</b>	<b>36</b>	<b>41</b>
<b>Native American</b>		
<b>Unknown</b>		

<b>Total # of Employees</b>	<b>168</b>	<b>174</b>
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## **Appendix - 3**

Housing Development Corporation  
Section D – Employment Data  
December 1, 2013 - December 31, 2015\*  
End of Audit Period

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\* As presented by the agency.

Section D - EMPLOYMENT DATA

Number of Employees

Race/Ethnicity

Hispanic or Latino Not Hispanic or Latino

Job Categories

Male	Female	Male							Female					Total Col A - N
		White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	

Job Categories	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1 Officials/Managers	0	0	2	2	0	0	0	0	3	0	0	1	0	0	8
1.1 Exec/Senr Officials & Mgr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.2 First/Mid Officials & Mgr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 Professionals	5	9	22	6	0	12	0	0	34	13	0	17	0	0	118
3 Technicians	0	0	0	1	0	1	0	0	0	0	0	0	0	0	2
4 Sales Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 Admin Supp Workers	2	5	3	5	0	4	0	0	7	14	0	6	0	0	46
6 Craft Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7 Operatives	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 Laborers and Helpers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9 Service Workers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10 Total	7	14	27	14	0	17	0	0	44	27	0	24	0	0	174
11 Previous Year Total	7	14	27	14	0	17	0	0	44	27	0	24	0	0	174

1. Date(s) of Payroll period used 12/01/15 Thru 12/31/15

2. Does Establishment Employ Apprentices? Y

MAY 13 2016 PM 3:08



**Jim Quinlivan**  
*Senior Vice President*

May 13, 2016

William Peterson  
EEO Program Analyst  
253 Broadway  
Suite 602  
New York, NY 10007

Dear Mr. Peterson:

RE: Preliminary EEPC Audit Response  
NYC Housing Development Corporation (HDC)

Thank you for the courtesy extended by you and the EEPC staff during the audit, during the subsequent conference call, and now during this opportunity to provide a preliminary response.

HDC is fully committed to the principles of equal opportunity in all employment matters; and we are proud of our diverse workforce. We acknowledge that former HDC Human Resources personnel were not adequately maintaining records in a manner that always documented the full extent of our EEO commitment and practices, and we appreciate the feedback included in your findings which will enable us to improve that. We also thank you for your sensitivity in appreciating this period of transition. We will be advertising for a new Vice President of Human Resources (HR) next week and our goal is to have that position filled during the summer. In the meantime Stephen Mondelli will remain your primary point of contact as our Assistant Vice President of Human Resources and designated Interim EEO Officer. As both Senior Vice President for Administration and a designated EEO Counselor, I am working very closely with Stephen and all of HDC's HR and EEO team members. I am also a direct report of our agency head, HDC President Gary Rodney, with whom I communicate regularly about all HR and EEO issues (including the progress of this audit). Gary is very engaged in this process, and our final audit response (following your final determination letter) will come directly from him.

One matter we would like to clarify before proceeding is a technicality that was previously addressed between former HDC President Emily Youssef and former EEPC Executive Director Abraham May in 2005. Specifically, you state that Chapter 36, Section 831(a) of The New York City Charter addresses HDC because a majority of our board members are appointed by The Mayor. This is not accurate and we would like to reaffirm our clarification from 2005. Corporation Counsel Opinion Letter 11-90 (dated December 20, 1990) clarifies that HDC, as a public benefit corporation created under The New York State Private Housing Finance Law, was not subject to the 1988 and 1989 City Charter amendments. HDC's subsequent opinion regarding this Corporation Counsel letter (dated January 30, 1991) stated that HDC as a matter of policy agreed to comply with the substance of Chapter 36 of The NYC Charter, even though HDC is not obliged to adhere to its requirements by law.

HDC recognizes the importance of promoting EEO and in that spirit we are implementing your recommendations as best practices. We ask that you reconsider, or at least clarify, only the last of your 12 recommended corrective actions. Corrective Action # 12 instructs the submission by HDC to the EEPC of an annual EEO "plan" and quarterly EEO "reports". Please note the following in this regard:

- We believe that our April 11, 2016 teleconference was the first time HDC was made aware of such plans and reports. We have researched our records and found no indications of any prior requests, nor was this a finding of the audits performed by your office of HDC's practices in 2005 or 2011. We therefore propose the possibility that these may be technical reporting constructs which exceed the substance of Chapter 36 and may not have applicability to HDC.
- During our conference call it was specifically stated by a participating EEPC representative that HDC would be subject to only the annual plan but not the quarterly reports. Your April 29, 2016 letter instead requests both. It was further offered during our call that a model or template of the annual plan would be provided by EEPC for HDC to review, which we have yet to receive.

And so for **Action Item #12**, we therefore request that you reconsider its applicability to HDC entirely. Conversely, we ask that you confirm EEPC's earlier instruction during our April 11 teleconference that only the annual plan is expected; and that you provide us with a format or sample of such an annual plan.

We appreciate your consideration regarding that one recommendation. Our responses to your other recommendations (for corrective actions numbered 1 through 11) follow:



**Action Item #1: Update EEO Policy**

HDC has updated the EEO Policy in our Employee Handbook to add the missing protected classes, and we thank you for calling that to our attention. We located a list used in DCAS literature which included all protected classes and we used that same language. The page from the Employee Handbook with this updated list is included in *Attachment 1*. We also updated the list anywhere else it appeared, and it will be prominently included in the next "Commitment to EEO" affirmation statement by HDC's President; which will be finalized and issued to all HDC staff once your final letter of determination has been received (so that any other further recommendations can also be incorporated).

**Action Items #2, 3 & 4: Assess recruitment efforts/employee selection and document adverse impact analysis**

As stated earlier, we had been able to informally assess and evaluate this information during prior EEO meetings based on the great diversity of HDC for an agency of its size and the limited number of employment-related changes in any one window of time relative to that diverse pool. There had been an understanding that more formal analysis supporting each of those assessment conversations was being maintained by former HR personnel but that was not the case. Although we believe the diversity of our demographic make-up is evident in the statistical forms we completed as part of your audit, we also acknowledge that formal procedures are necessary to document and maintain that record. We again thank you for these recommendations, and going forward we have implemented a periodic analysis format that is in fact based on the same demographic/statistical forms provided in your audit (although while your forms of course covered the entire audit period ours will be done quarterly through reports generated by our HRIS system, ABRA). We will then discuss the results in our quarterly internal EEO committee meetings and address whether or not any adverse impact was identified (and if so plan next steps). The first such reports covered a little more than a quarter (January 1 through April 30). We have included them here in the *attachment labeled "2/3/4"*, along with the EEO meeting minutes from this week in which the results were discussed and no adverse impact identified. Going forward we will revert to a truly quarterly schedule, with the next assessments and meetings to be held in July and then every three months thereafter. If any such assessment reveals an adverse impact, the EEO committee will advise the HDC President and General Counsel and work together to devise a mitigating strategy (such as your suggestions of contacting organizations serving the impacted groups; exploring advertising publications that may be oriented to the impacted groups; and participating in relevant career fairs).

**Corrective Action #5: Interview Training for All Staff Involved in Recruitment and Hiring**

Stephen Mondelli (our AVP of HR, Interim EEO Officer & Disability Rights Coordinator) and I (as SVP of Administration and EEO Counselor) have signed up for the next DCAS course titled "Structured Interviewing & Unconscious Bias" in June 2016. In *Attachment 5* you will find our email response from DCAS that they will not send out those confirmations until closer to the course date. Also in Attachment 5 you will find my email exchange last week with Belinda French, EEO Officer for DCAS (who I met at another course she instructed) where Belinda agreed to get back to me with recommendations for trainers (either from DCAS or one of the consulting firms they work with) who could provide such interview training for all HDC staff who are likely to participate in employment interviews (approximately 50 people). We will continue to follow up with Belinda and DCAS and, if necessary, other resources as well. But our goal is to identify the trainer and then schedule that larger session in July or August 2016. In the interim, after Stephen and I attend our own class next month, we will distribute the interview guide and related materials to all such relevant staff as an intermediary resource until their own formal training.

**Corrective Action # 6: Identify the agency as an equal opportunity employer in all recruitment literature**

We accept the feedback but would like to again state that the only postings where this EEO indicator was noted as missing were on certain external websites where those individual postings linked to an "employer profile page" (which did include the EEO statement). However, for further clarity going forward we are repeating the EEO statement within the actual text of each job description so that on such websites it will appear on both the HDC employer profile page and the individual listing page. Of course most positions you noted from the audit period were already filled and the last two are close to being filled (those latter two were corrected on some of the sites that responded more quickly to our requests than others; but in any event they will be coming down soon as well when they are filled). In *Attachment 6* please find the range of advertising sources for HDC's most recently available position ("Cash Management Analyst") and note that on all such sources where there is both an employer profile page and an individual listing page, the EEO designation now features on both. HDC commits to ensuring that practice continues for all new positions that are and will be advertised going forward. We will affirm HDC as an equal opportunity employer in all recruitment literature.

**Corrective Action #7: Maintain an applicant/candidate log or tracking system**

As discussed on our April 11, 2016 teleconference, EEPC acknowledged that not all agencies can/do track specific information about all “applicants” (i.e. the voluminous resumes that come in; most of which include no demographic-indicating information). We will continue to maintain our general log in that respect. What we are committing to doing is creating a log in Excel with the capacity to track and sort “candidates” (i.e. applicants who actually reach the interview stage) by the various identifying information you request in this finding. You will see in *Attachment 7* a print-out of this log with all those categories indicated on the spreadsheet. HR will populate this log with information collected in two forms (also included in Attachment 7) which we will request candidates to complete when they arrive for interviews: (1) a “Self-Identification” form (modeled after samples linked to on the federal EEOC website) requesting voluntary disclosure of gender and race/ethnic identification and (2) An “Applicant Information” form which asks all the other information you requested and corresponds to the categories in our Excel log with the exception of disability. Our counsel’s understanding of ADA, which was reinforced during the recent Disability Etiquette course I attended at DCAS, is that it is prohibited to ask questions about disabilities or reasonable accommodations until a conditional employment offer has been made and even then only in certain situations and very carefully. At the interview stage, our instruction by Counsel is only to discuss disabilities and accommodations if an applicant volunteers that he has a disability (meaning he truly volunteered it on his own and not because he was prompted by a “voluntary” question) or because the disability is “obvious” (the example cited in EEOC literature we found was an applicant in a wheelchair) and even then only when relevant to the job (i.e. an engineer who must inspect walk-up buildings). So we will leave the disability category on the log as you instructed, but it will only be filled out if one of those situations arises. We will maintain this tracking system going forward starting with our interviews for the new “Cash Management Analyst” position and for all new positions thereafter.

**Corrective Action #8: Designate a Career Counselor**

Teresa (Terry) Gigliello has agreed to serve as HDC’s career counselor. Terry has three decades of experience at HDC, was promoted through the ranks to become an Officer of the Corporation, is familiar with all HDC business, and is a member of our Employee Development Committee. Terry is respected by all, and has already served as an informal mentor to many employees. HDC President Gary Rodney will include the announcement of Terry’s appointment during his next “Commitment to EEO” statement, which will be issued upon receipt of the final EEPC determination letter (so that any other recommendations can also be included). In *Attachment 8* you will find Terry’s resume.

**Corrective Action #9: Ensure all EEO professionals are properly trained**

Stephen Mondelli (Interim EEO Officer & Disability Rights Coordinator) and I (Jim Quinlivan; EEO Counselor) have recently completed two DCAS courses regarding inclusiveness in the workplace (“Everybody Matters”) and disability etiquette (“Workplace Realities”). Copies of our certificates are included in *Attachment 9*, as are emails regarding the confirmations that are still pending for two other courses we signed up for in June 2016 (“Structured Interviewing and Unconscious Bias” for Stephen and me and “Conflict Resolution Strategies” for the two of us again as well as our two other EEO Counselors, Cathleen Baumann and Mary John). Also in *Attachment 9* is another copy of my email exchange with DCAS’ EEO Officer Belinda French, which included an inquiry about EEO training specifically for our core EEO Committee (Officer/Counselors); in addition to EEO training for the entire agency staff. We will continue to follow up to schedule more training opportunities this summer.

**Corrective Action #10: Documentation of EEO Communication with Agency Head (or Direct Report)**

HR (including the Interim EEO Principal Stephen Mondelli) reports to me (Jim Quinlivan, a direct report of HDC President Gary Rodney). Cathleen Baumann, another Officer of The Corporation and another EEO Counselor, is a direct report of HDC General Counsel Rich Froehlich. Although Cathy and I have always communicated closely (if not daily) with Gary and Rich, we will now set up formal quarterly meetings after our EEO Committee meetings to brief them specifically on those meeting minutes and any other relevant business. We will of course also continue to update them in real time as needed, but we agree that formalizing a designated quarterly meeting titled “EEO” for more structured check-ins is best; particularly given Gary’s commitment to ensuring equal opportunity in all employment-related strategies and practices. In *Attachment 10* you will find an “EEO Updates” meeting scheduled on HDC’s Outlook Calendar with Gary and Rich for next Thursday May 18<sup>th</sup>.

**Corrective Action #11: Ensure managerial performance evaluations include a rating for EEO**

HDC has been re-examining its staff appraisal format with input from internal and external counsel. As yet, the format to be used in 2016 (for appraisals later this year) has yet to be decided. But we have been working on a checklist of the criteria it will cover and based on this finding we have added EEO-related criteria for all managerial/supervisory employees. This “criteria checklist” is a working outline but we have included it here as *Attachment 11* (the supervisory/EEO-related bullet points are near the end of the second page).

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Thank you again for your guidance and assistance throughout this process, and for this opportunity to provide a preliminary response. On behalf of HDC President Gary Rodney and the senior leadership of HDC, we would like to close by again affirming the agency's commitment to the principles and practices of equal opportunity in all employment-related matters. We look forward to continuing those efforts so that we can sustain and build upon the diverse, thriving workforce we take so much pride in.

Please contact Stephen Mondelli (212-227-8114) or me directly (212-227-7030) if you would like to discuss any of this information.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Quinlivan", with a long, sweeping underline.

Jim Quinlivan  
Senior Vice President

cc: Charise L. Terry, PHR  
G. Rodney, R. Froehlich, C. Baumann, S. Mondelli



Angela Cabrera  
Malini Cadambi Daniel  
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Charise L. Terry, PHR  
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253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
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**BY MAIL AND EMAIL**

June 2, 2016

Gary Rodney  
President  
NYC Housing Development Corporation  
110 William Street  
New York, NY 10038

RE: Final Determination #2016/907: Pursuant to the Audit: Review, Evaluation and Monitoring of the New York City Housing Development Corporation's Employment Practices and Procedures from July 1, 2013 to December 31, 2015.

Dear President Rodney:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your May 13, 2016 response to our April 29, 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 standards<sup>1</sup> 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.**

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<sup>1</sup> 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 EEPC'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 EEPC 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,

  
Charise L. Terry, PHR  
Executive Director

c: Stephen Mondelli, 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:

**Agree**

Regarding your responses<sup>2</sup> to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

**Corrective Action #6**

At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.

Agency Response: “[G]oing forward we are repeating the EEO statement within the actual text of each job description so that ... it will appear on both the HDC employer profile page and the individual listing page ... [T]he EEO designation now features on both. HDC commits to ensuring that practice continues for all new positions that are and will be advertised going forward. We will affirm HDC as an equal opportunity employer in all recruitment literature.” (Response, Pg. 4.)

EEPC Response: The EEPC accepts the agency's efforts and attached documentation that corrective action #6 has been implemented. All job postings state “HDC is an equal opportunity employer.”

**Monitoring Required**

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

**Corrective Action #1**

Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.

Agency Response: “HDC has updated the EEO Policy in our Employee Handbook to add the missing protected classes ... We also updated the list anywhere else it appeared, and it will be prominently included in the next “Commitment to EEO” affirmation statement by HDC's President;

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<sup>2</sup> Excerpts are italicized.



which will be finalized and issued to all HDC staff once your final letter of determination has been received (so that any other further recommendations can also be incorporated).” (Response, Pg. 3.)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action #1. Documentation which demonstrates that the updated policy was distributed to employees will be required during compliance-monitoring.

**Corrective Action #2**

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

Agency Response: “[W]e have implemented a periodic analysis format [and] ... ours will be done quarterly through reports generated by our HRIS system, ABRA ... We will then discuss the results in our quarterly internal EEO committee meetings and address whether or not any adverse impact was identified (and if so plan next steps). The first such reports covered a little more than a quarter (January 1 through April 30) ... in which the results were discussed and no adverse impact identified. Going forward we will revert to a truly quarterly schedule, with the next assessments and meetings to be held in July and then every three months thereafter. If any such assessment reveals an adverse impact, the EEO committee will advise the HDC President and General Counsel and work together to devise a mitigating strategy (such as your suggestions of contacting organizations serving the impacted groups; exploring advertising publications that may be oriented to the impacted groups; and participating in relevant career fairs).” (Response to Action Items #2, 3 & 4: Assess recruitment efforts/employee selection and document adverse impact analysis, Pg. 3.)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action #2. An agency assessment of its recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #3**

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: See agency response to corrective action #2.

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action

**#3.** An agency assessment of its selection process will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #4**

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.

Agency Response: See agency response to corrective action **#2**.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action **#4**. Documentation of the agency's efforts to develop and hire interested and qualified women, minorities, and candidates from other protected groups into discretionary titles with underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #5**

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: “[O]ur AVP of HR [(Interim EEO Officer and Disability Rights Coordinator)] ... and ... [the SVP of Administration (an EEO Counselor)] have signed up for the next DCAS course titled "Structured Interviewing & Unconscious Bias" in June 2016 ... [O]ur goal is to identify the trainer and then schedule that larger session in July or August 2016. In the interim ... we will distribute the interview guide and related materials to all such relevant staff as an intermediary resource until their own formal training.” (Response, Pg. 4.)

EEPC Response: The EEPC accepts the agency's efforts to address corrective action **#5**. Implementation of this corrective action will be monitored during the compliance-monitoring period.

**Corrective Action #7**

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.

Agency Response: “[W]e are committing to ... creating a log in Excel with the capacity to track and sort "candidates" (i.e. applicants who actually reach the interview stage) by the various identifying information you request in this finding ... HR will populate this log with information collected in two forms ... which we will request candidates to complete when they arrive for interviews: (1) a "Self- Identification" form (modeled after samples linked to on the federal EEOC website) requesting voluntary disclosure of gender and race/ethnic identification and (2) An "Applicant Information" form which asks all the other information you requested and corresponds to the categories in our Excel log ... We will maintain this tracking system going forward starting with our interviews for the new "Cash Management Analyst" position and for all new positions thereafter.” (Response, Pg. 5.)

EEPC Response: The EEPC accepts the agency's efforts to address corrective action #7. Documentation which confirms use of the applicant tracking system and assigning responsibilities for collection of the application to someone other than the hiring manager will be required during the compliance-monitoring period.

#### **Corrective Action #8**

Designate a professional (may be referred to as the Career Counselor) with appropriate training 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.

Agency Response: “[The Career Counselor] has three decades of experience at HDC, was promoted through the ranks to become an Officer of the Corporation, is familiar with all HDC business, and is a member of our Employee Development Committee. [The Career Counselor] is respected by all, and has already served as an informal mentor to many employees. HDC President ... will include the announcement of [the Career Counselor’s] appointment during his next "Commitment to EEO" statement, which will be issued upon receipt of the final EEPC determination letter...” (Response, Pg. 6.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #8. Documentation which notifies staff of the identity and type of guidance available from the Career Counselor will be required during the compliance-monitoring period.

#### **Corrective Action #9**

Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

Agency Response: “[The EEO Counselor that did not receive EEO training] recently completed two DCAS courses regarding inclusiveness in the workplace ("Everybody Matters") and disability etiquette ("Workplace Realities").” (Response, Pg. 7.)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #9. Documentation that the EEO Counselor attended a comprehensive EEO course (i.e., certificate of completion, sign-in sheets), which demonstrates that the EEO Counselor is trained in EEO laws

and procedures and knows how to carry out their responsibilities under the EEO Policy, will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #10**

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.

Agency Response: “[W]e will now set up formal quarterly meetings after our EEO Committee meetings to brief ... [the President and General Counsel] specifically on those meeting minutes and any other relevant business. We will of course also continue to update them in real time as needed, but we agree that formalizing a designated quarterly meeting titled "EEO" for more structured check-ins is best; particularly given ... [the President's] commitment to ensuring equal opportunity in all employment-related strategies and practices.” (Response, Pg. 7.)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action #10. Appropriate documentation of meetings between the principal EEO professional and the agency head (or a direct report other than the General Counsel), with regard to decisions impacting the administration and operation of the EEO program, if any, will be required during the compliance-monitoring period.

**Corrective Action #11**

Ensure that 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).

Agency Response: “HDC has been re-examining its staff appraisal format with input from internal and external counsel. As yet, the format to be used in 2016 (for appraisals later this year) has yet to be decided. But we have been working on a checklist of the criteria it will cover and based on this finding we have added EEO-related criteria for all managerial/supervisory employees. This "criteria checklist" is a working outline...” (Response, Pg. 7.)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action #11. Documentation that the managerial performance evaluation form contains a rating for EEO will be required during the compliance-monitoring period.

**Corrective Action #12**

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: “HDC recognizes the importance of promoting EEO and in that spirit we are implementing your recommendations as best practices...” (Response, Pg. 2.)



EEPC Response: The EEPC recognizes the agency's response to corrective action **#12**. The EEPC will provide a sample plan and further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

**RESOLUTION #2016/907:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York City Housing Development Corporation's Employment Practices and Procedures from July 1, 2013 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 New York City Housing Development Corporation's (HDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 29, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. 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.
4. 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.

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

5. 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).
6. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
7. 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.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training 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.
9. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. 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.
11. Ensure that 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).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 13, 2016 with documentation of its actions to rectify required corrective action nos. 6; 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 2, 2016 which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated that corrective action(s) nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 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 President Gary Rodney of the New York City Housing Development Corporation.

Approved unanimously on June 16, 2016.




Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner





NEW YORK CITY  
HOUSING DEVELOPMENT  
CORPORATION

Gary Rodney  
*President*

June 30, 2016

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

RE: Response to Final Determination #2016/907  
NYC Housing Development Corporation (HDC)

Dear Executive Director Terry:

Attached you will find my staff's responses to the specific corrective actions cited in your letter dated June 2, 2016.

Your staff may have advised you that as HDC's systems operate independently of the NYC Department of Information Technology & Telecommunications (DOITT), we have been experiencing challenges in accessing "TeamCentral" on the citynet system. The technology experts of our respective teams have been in contact about the issue and we have also been in communication with DOITT. My team advises me that there has been some promising recent progress. In the meantime, we are pleased to provide our timely response in writing (with attachments as back-up where appropriate). We will of course be pleased to transfer information to "TeamCentral" if and when the citynet access issues are fully resolved.

We welcome the feedback provided throughout the audit process and in your final determination letter. As you will see in my staff's responses, there is only one action item (#12) about which we are requesting further clarification and consideration. We otherwise embrace the recommendations as opportunities to make procedural improvements that will enable us to better document both the diversity of our workforce and the full extent of HDC's commitment to the principles of equal opportunity in all employment matters. Our responses demonstrate that we have already taken many steps to address the recommendations. My team looks forward to bringing each remaining recommendation to its appropriate resolution and will continue to be fully engaged and available to your staff; both during the compliance-monitoring period and beyond.

I would like to thank your staff for their cooperative engagement throughout this process, particularly during a sensitive time of transition at our agency following the departure of our former Vice President of Human Resources (who also served as our EEO Officer). The search for a replacement is well underway and we expect to have someone in place by the end of summer. Until then, Stephen Mondelli (our Assistant Vice President of Human Resources) will continue as our Interim EEO Officer and remain your staff's primary point of contact.

Thank you again and please do not hesitate to contact me directly or my Senior Vice President of Administration, Jim Quinlivan. We can both be reached at (212) 227-8440.

Sincerely,



Gary Rodney

cc: HDC - Quinlivan/Froehlich/Mondelli  
EEPC - Peterson/Giraud

w/ attachments labeled as follows:

- Narrative Responses by the HDC Staff (to all actions)
- Attachment A (back-up to actions 1 & 8)
- Attachment B (back-up to actions 2, 3 & 4)
- Attachment C (back-up to action 5)
- Attachment D (back-up to action 7)
- Attachment E (back-up to action 9)
- Attachment F (back-up to action 10)
- Attachment G (back-up to action 11)



NEW YORK CITY  
HOUSING DEVELOPMENT  
CORPORATION

**Eric Enderlin**

*President*

INTERNAL MEMORANDUM

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Date: December 13, 2016

To: All HDC Staff

From: Eric Enderlin 

RE: Commitment to Equal Employment Opportunity (EEO)

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As we near the end of the calendar year, I am taking this opportunity to reaffirm HDC's full commitment to the principles and practices of equal opportunity in all employment-related matters.

Specifically, I want to emphasize my commitment to HDC's policy of equal opportunity for all employees and applicants for employment, without regard for actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, pregnancy, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim, or witness of domestic violence, sex offenses or stalking, unemployment status and consumer credit history, in accordance with applicable federal, state and local laws.

I encourage you to review HDC's Equal Employment Opportunity (EEO) Policy, Non-Harassment Policy and Complaint Procedure in HDC's Employee Manual (pages 2-16 and 2-17) available on HDC's Portal. These pages also contain the names and contact information for HDC's EEO professionals, which are repeated below for your convenience:

- EEO Officer: Lois Bricken-McCloskey ([lmccloskey@nychdc.com](mailto:lmccloskey@nychdc.com); 212-227-2898)
- EEO Counselors: Cathleen Baumann ([cbaumann@nychdc.com](mailto:cbaumann@nychdc.com); 212-227-9681)  
Mary John ([mjohn@nychdc.com](mailto:mjohn@nychdc.com); 212-227-7011)  
Stephen Mondelli ([smondelli@nychdc.com](mailto:smondelli@nychdc.com); 212-227-8114)  
Jim Quinlivan ([jquinlivan@nychdc.com](mailto:jquinlivan@nychdc.com); 212-227-7030)

Additionally, I'm pleased to inform you that HDC recently and successfully completed an audit by New York City's Equal Employment Practices Commission (the EEPC). Based on our collaborative work with the EEPC during the audit, HDC has implemented several measures to further strengthen our EEO commitment and practices. These measures include the following:

- We have updated HDC's EEO Policy and Employee Handbook to reflect all current protected classes (which are also addressed in the second paragraph of this memorandum). We are fortunate to live in a City and State which collectively provide additional protections beyond those addressed by federal law; and our update reflects all such classes of protection.
- HDC is an extremely diverse organization. In order to document and ensure the continuation of that diversity, our EEO professionals are more formally assessing and monitoring workforce-related demographics and statistics; which will be reviewed with me on both a quarterly and an annual basis.
- All EEO professionals and all HDC supervisory staff completed training in how to conduct structured, unbiased interviews. Additional training opportunities will be forthcoming, including mandatory EEO training for all HDC staff early in 2017.
- The performance appraisal for HDC's supervisory staff was modified to specifically address EEO as part of our managers' evaluation criteria.

As noted above, mandatory EEO training will be provided to all staff in early 2017. Everyone will be given ample notice of the training dates once they have been confirmed.

If you have any questions regarding any of the above, or about any EEO-related matter, please see one of our dedicated EEO professionals who will be happy to provide you with the appropriate guidance.

I am extremely proud to lead an agency of such diversity and talent. I thank all of you for contributing to an environment which celebrates that diversity, nurtures that talent, and is supportive of one and all.

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

**RESOLUTION #2016/907C-18:** Determination of **Compliance** (Monitoring Period Required) by the New York City Housing Development Corporation 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, 2013 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 New York City Housing Development Corporation's (HDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 29, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the agency's EEO Policy distribution: an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. 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.
4. 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.
5. 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).

6. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
7. 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.
8. Designate a professional (may be referred to as the Career Counselor) with appropriate training 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.
9. Ensure that all EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
10. 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.
11. Ensure that 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).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, HDC submitted its response to the EEPC's Preliminary Determination letter, on May 13, 2016, with documentation of its actions to rectify required corrective action No. 6; 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 2, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective actions Nos. 1 - 5 and 7 - 12 require compliance monitoring; and

**Whereas**, HDC submitted its response to the EEPC's Final Determination letter, on June 30, 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 remaining corrective actions from June 2016 - November 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, HDC submitted a copy of the agency head's memorandum to staff, 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 New York City Housing Development Corporation 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.

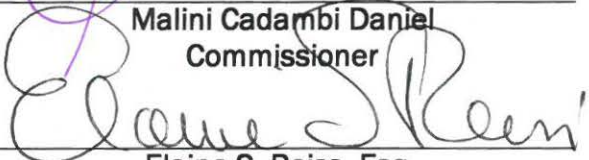
**Be It Resolved**, that the Commission will forward this Final Determination to President Eric Enderlin of the New York City Housing Development Corporation.

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

Eric Enderlin  
President  
NYC Housing Development Corporation  
110 William Street  
New York, NY 10038

Re: Resolution #2016/907C-18: Determination of Agency Compliance

Dear President Enderlin:

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 New York City Housing Development Corporation. This Commission has determined that the New York City Housing Development Corporation 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 Lois Bricken-McCloskey for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Elaine S. Reiss". The signature is written in a cursive style with a large, stylized "E" and "R".

Elaine S. Reiss, Esq.  
Commissioner

c: Lois Bricken-McCloskey, Principal EEO Professional



EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

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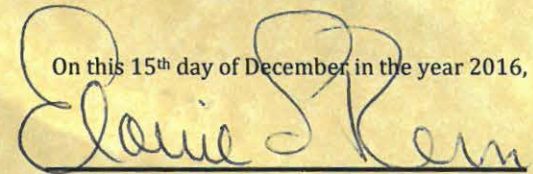
# Determination of Compliance

is issued to the

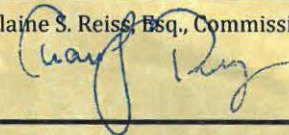
## New York City Housing Development Corporation

*for successfully implementing 12 of 12 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit From July 1, 2013 to this date.*

On this 15<sup>th</sup> day of December in the year 2016,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

*In care of President Eric Enderlin  
and Principal EEO Professional Lois Bricken-McCloskey*