



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Department of Homeless Services

Agency Head: Robert H. Hess (former Commissioner)
Seth Diamond, Commissioner

EEO Officer: Mark Neil, Esq.

Audit Period: January 1, 2005 - June 30, 2006

Agency Census as of December 2006: 2,077

Preliminary Determination Letter:	<i>March 20, 2008</i>
Agency Response Letter:	<i>June 10, 2008</i>
Final Determination Letter:	<i>July 9, 2008</i>
Agency Response Letter:	<i>September 11, 2008</i>

Compliance Initiated:	<i>December 2008</i>
Compliance Completed:	<i>April 2010</i>
Covering Months:	<i>December 2008 – May 2009</i>

Date: June 25, 2010

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the Department of Homeless Services (DHS) with the City's Equal Employment Opportunity Policy (EEOP), the EEOC initiated Audit Compliance with the DHS on December 3, 2008. The DHS' Final Compliance Report was submitted on June 9, 2010.

The DHS requested and was granted an extension of the compliance period in order for the newly-appointed EEO Officer to attend the Department of Citywide Administrative Services' Basic Training for EEO Professionals and training to conduct an adverse impact assessment, as well as to implement the corrective action regarding accessibility of its facilities for employees and applicants for employment with disabilities.

All eighteen required actions were completed or accepted. The following is a summary of the compliance reports:

- 1. To comply with the Citywide EEO Policy and to ensure a uniform internal distribution process, the new hire package should include the Citywide EEO Policy and the EEO Policy Handbook. (Sect. VB, EEOP)**

The Citywide EEO Policy and EEO Policy Handbook were included in the DHS' New Hire Packet. A copy of the New Hire Packet was provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was accepted in January 2009.

- 2. To ensure that all employees are made aware of the Program, the Section 55-A Program pamphlets issued by the DCAS should be included in the new hire packet. (Sect. IIB, EEOP)**

The 55-A Program Brochure was included in the DHS' New Hire Packet. A copy of the New Hire Packet was provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was accepted in January 2009.

- 3. The DHS should ensure that all its facilities are completely accessible to persons with disabilities.**

The agency submitted documents regarding the occupancy classifications of DHS-owned facilities, a summary of all capital projects that were planned and/or completed during Fiscal Years 2009 and 2010, which included instances where the agency addressed and/or removed barriers to accessibility for employees and applicants for employment.

The required action was accepted in April 2010.

- 4. The DHS should ensure that EEO policies and procedures are available in alternate formats (i.e., large print, audio tape and/or Braille). (Sect. VC, EEOP).**

The DHS had made available a large print copy of the City's Equal Employment Opportunity Policy for persons with disabilities. A copy of the EEOP was provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was accepted in January 2009.

- 5. All relevant complaint files should include copies of letters to the complainants and respondents regarding the EEO office's determinations. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, Sec. 12b (1993).)**

Copies of letters to the complainants and respondents regarding the EEO Office's determinations were provided with the agency's response to the EEPC's Preliminary Determination dated June 10, 2008.

The required action was accepted in December 2008.

6. All relevant complaint files should include word processed notes of the discrimination investigation interviews.

Copies of typed redacted interview notes were provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was completed in January 2009.

7. Whenever possible, the investigation of complaints should be completed within 90 days of the receipt of the complaint. (DCPIG, April 1996 Amendment)

The DHS strives to comply with the 90-day requirement. In the event that an investigation is unable to be completed with the 90 days timeframe, the DHS will issue a 90-Day letter. A copy of a 90-day letter was provided with the agency's response to the EEPC's Preliminary Determination dated June 10, 2008.

The required action was accepted in December 2008.

8. In circumstances where the investigation cannot be completed within the 90-day timeframe, a notification delay letter, stating the reason for the delay, should be sent to the parties of the investigation. (DCPIG, April 1996 Amendment)

In the event that an investigation is unable to be completed with the 90 days timeframe, the DHS will issue a 90-Day letter. A copy of a 90-day letter was provided with the agency's response to the EEPC's Preliminary Determination dated June 10, 2008.

The required action was completed in December 2008.

9. At the conclusion of a discrimination complaint investigation, the EEO professional should prepare a confidential written report in accordance with the Discrimination Complaint Procedure Implementation Guidelines. (DCPIG, sect. 12b)

A copy of a confidential written report signed by the agency head was provided with the agency's response to the EEPC's Preliminary Determination dated June 10, 2008.

The required action was accepted in December 2008.

10. **The agency head should sign each confidential report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. Such sign off may be in written or electronic form. (Sect. VB, EEOP and DCPIG, sect. 12b)**

A copy of a confidential written report signed by the agency head was provided with the agency's response to the EEPC's Preliminary Determination dated June 10, 2008.

The required action was accepted in December 2008.

11. **The DHS should secure the necessary training, either from DCAS or another appropriate source, to 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. (Section IV, EEOP).**

The DHS EEO Officer attended Data Analysis for EEO Professionals at the Cornell University School of Industrial and Labor Relations. A letter was submitted verifying that the DHS EEO Officer completed training to conduct an adverse impact assessment.

The required action was completed in April 2010.

12. **The DHS should include a rating on EEO in their managerial evaluation form or use the managerial performance evaluation form designed by the DCAS, which contains a rating for EEO.**

The DHS will utilize the DCAS Managerial Evaluation Forms that include an EEO rating. A copy of the Managerial Evaluation Form was provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was accepted in January 2009.

13. **It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the direct report to the agency head regarding EEO program operational decisions be maintained.**

The DHS maintains documentation of meetings and other communications between the EEO Officer and the agency head. Copies of minutes from meetings between the EEO Officer and Agency Head were provided with the agency's first Compliance Monitoring Report dated January 12, 2009.

The required action was accepted in January 2009.

14. **The EEO officer must report directly to the agency head, or if approved by DCAS, to a direct report to the agency head on all EEO matters. (Sect. VB, EEOP)**

The EEO Officer reports directly to the Agency Head on all EEO matters. A copy of the agency's organizational chart was provided with the agency's first Compliance Monitoring Report dated January 12, 2009. The organizational structure has not changed with the new Agency Head.

On January 12, 2009, Mark Neil, Chief of Staff assumed the position of EEO Officer. The newly appointed EEO Officer received the DCAS Basic Training for EEO Professionals in November 2009. A copy of the certificate of completion was provided.

The required action was accepted in January 2009.

- 15. To ensure fair employment practices, the agency head should direct the human resources department to include the EEO Officer in the development of recruitment strategies and the selection of recruitment media. (Sect. IV, EEOP)**

The Agency Head issued a memo dated July 3, 2009 directing the HR Department to include the EEO Officer in the development of recruitment strategies. The EEO Officer will meet regularly with the Assistant Commissioner for Human Resources to review and strategize on recruitment strategies and the selection of recruitment media. A copy of the memo was provided.

The required action was accepted in July 2009.

- 16. It is the Commission's position that meetings between managers/supervisors and staff where they affirm their managerial commitment to the Citywide EEOP should be documented.**

All DHS staff is required to attend a quarterly discussion with their direct supervisors discussing the manager's affirmation of their commitment to the City's EEOP. The DHS provided a copy of its Quarterly Staff Review Form which is to be completed at the quarterly meetings as documentation that the importance of the Citywide EEOP and the necessity to attend annual EEO training was discussed.

The required action was accepted in January 2009.

- 17. The DHS personnel officer should notify all employees in writing of the name, location, and telephone number/email address of the career counselor. (Sect. VF, EEOP)**

The Career Counselor's business card is included in the New Hire Packet and the Agency Head issued an agency-wide memo dated January 9, 2009 notifying staff of the name, location, and telephone number of the Career Counselor. The DHS provided a copy of the memo, as well as memo from the new DHS agency head dated June 9, 2010.

The required action was accepted in January 2009.

18. **The agency head should distribute an agency-wide memo informing staff of the changes that are being implemented in the agency's EEO program pursuant to the audit and re-emphasize his commitment to the agency's EEO program.**

On January 9, 2009, the agency head issued an agency-wide memo notifying staff of the changes being made in the EEO Office and re-emphasizing his commitment to the agency's EEO program. On June 9, 2010, the new DHS agency head issued an agency-wide memo notifying staff of the changes made in the EEO Office and affirming his commitment to the agency's EEO program. A copy of the memo was provided with the agency's Final Monthly Compliance Report dated June 9, 2010.

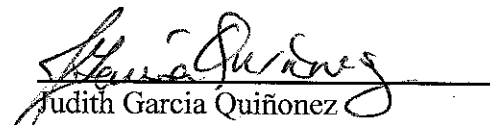
The required action was completed in June 2010.


Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Seth Diamond, Commissioner of the Department of Homeless Services, informing him that the Department of Homeless Services has satisfactorily implemented all of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Adrienne C. Smith
Auditor/Compliance Officer


Judith Garcia Quiñonez
Counsel/Compliance Director


Abraham May, Jr.
Executive Director

Attachment