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Marc E. Jahr
President

August 12, 2011

AUG 12 2011 PM 3:09

Mr. Cesar A. Perez, Esq.
Chairperson
Equal Employment Practices Commission
City of New York
40 Rector Street, Suite 14
New York, New York 10006

Re: Resolution #11/07-HDC/Preliminary Determination Pursuant to the Audit of the Housing Development Corporation's Equal Employment Opportunity Program from January 1, 2007 to December 31, 2009.

Dear Mr. Perez:

This letter is in response to your official Preliminary Determination to the Audit of the Housing Development Corporation's Equal Employment Opportunity Program from January 1, 2007 to December 31, 2009.

HDC recognizes the importance of promoting Equal Employment Opportunity Practices and HDC has been and continues to be committed to a policy that ensures fair and effective equal employment opportunity for minority-group members and women.

We informed you during our exit meeting that we immediately did the following in response to your suggestions:

1. HDC's Discrimination Complaint Procedure has been revised to include the current addresses and phone numbers of the New York City Commission on Human Rights, the New York State Division of Human Rights and the U.S. Equal Employment Opportunity Commission (see attached copy.)
2. The Human Resources policy manual has been revised to include the procedure that the agency head will sign off on all final internal discrimination reports to indicate that they have been reviewed and whether recommendations, if any, have been approved and adopted. This revised policy will be administered for any future discrimination complaints (see attached section.)
3. A Disability Rights Coordinator has been appointed (see attached email notification.)

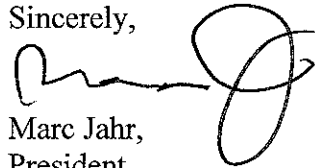
The recommendations listed below will be implemented:

4. The Equal Employment Opportunities (“EEO”) Officer will communicate decisions regarding future EEO complaints in writing to the parties in a discreet and confidential manner, indicating the conclusion reached, any corrective actions taken, whether the alleged misconduct has been substantiated and HDC’s opposition to that kind of activity. This policy will also be included in the Human Resources Procedure Manual.
5. Upon the recommendation of Michael Solomon of DCAS, I have contacted Lisa Nakanishi, Executive Director for Diversity, to arrange for EEO training for professionals. We are awaiting her response.

In addition to the recommendations, a memorandum was distributed to all staff informing them of changes being implemented in our EEO program pursuant to the audit (See attached copy of email from President to all staff.)

We want to thank you for your suggestions and look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Jahr', with a large, stylized flourish at the end.

Marc Jahr,
President



THE HDC DISCRIMINATION COMPLAINT PROCEDURE

PURPOSE

These guidelines are designed to further the goals of: (1) resolving complaints of discrimination within HDC through a fair and prompt process of conciliation and/or investigation, and (2) taking immediate and appropriate corrective action to remedy unlawful discrimination in the workplace. HDC, may from time to time amend and revise these guidelines.

TIME PERIOD FOR FILING COMPLAINTS OF DISCRIMINATION

A complaint of discrimination based on age, alienage or citizenship, color, creed, disability, gender (including sexual harassment), marital status, national origin, prior record of arrest or conviction, race, religion, and/or sexual orientation must be filed with the Human Resources Director (the Director) or EEO Counselor (Counselor) within one year of the date the alleged discriminatory act(s) occurred.

HOW TO FILE A COMPLAINT OF DISCRIMINATION

Any person who believes that s/he has experienced discrimination has a right to file a formal complaint with several federal, state or local agencies, some of which are listed below. A person does not give up this right when s/he files a complaint with the agency EEO officer. The following federal, state and local agencies enforce laws against discrimination:

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
40 Rector Street
New York, NY 10006
(212) 306-7500
(212) 306-7686 (TTY)

NEW YORK STATE DIVISION OF HUMAN RIGHTS

163 West 125th Street, 4th Floor

New York, NY 10027

(212) 961-8650

(212) 961-8999 (TTY)

or

20 Exchange Place, 2nd Floor

New York, NY 10005

(212) 480-2522

or

55 Hanson Place, 3rd Floor

Brooklyn, NY 11217

(718) 722-2856

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

New York District Office

33 Whitehall Street, 5th Floor

New York, NY 10004

(212) 336-3620 (voice); (212) 336-3622 (TTY)

In addition to filing with the agencies listed above, a person with a complaint alleging discrimination based on disability may file with:

UNITED STATES DEPARTMENT OF JUSTICE

Constitution Avenue & Tenth Street, N.W.

Washington, DC 20530

(202) 514-0301 (Voice)

(202) 514-0381 (TTY)

(202) 514-0383 (TTY)

Please Note: There are statutory deadlines for filing complaints with each of these agencies. The deadline in some instances is as short as 180 days. Therefore, if you believe you have been discriminated against and wish to file a complaint with an external agency, to preserve your rights, promptly contact the City Commission on Human Rights, the State Division of Human Rights, the EEOC, the Department of Justice, or a private attorney for further guidance.

A complaint may be filed with the HDC Human Resources Director or EEO Counselor in person, telephone or in writing.

The complainant should provide a statement of the facts, including pertinent dates, which constitutes the alleged discriminatory act(s). Any communication that is given to the Director or Counselor that identifies the respondent(s) with reasonable specificity and provides the essence of the circumstances which gave rise to the alleged discrimination may be deemed an acceptable complaint. The Human Resources Director will determine whether the statement is an acceptable complaint of discrimination.

RIGHT TO MEET WITH DIRECTOR OF HUMAN RESOURCES OR EEO COUNSELORS

When a person(s) feels that (s)he has experienced unlawful discrimination, (s)he has the right to meet privately with the Director of Human Resources or EEO Counselor during office hours to discuss the complaint.

COUNSELING

When the person(s) meets with the Director or Counselor, the Director or Counselor will interview the person(s) to elicit the details of the complaint.

The Director or Counselor will make the necessary inquiries to determine whether the complaint is EEO-related and will discuss the options available to the person(s). These options include:

- (a.) further actions the person(s) could take on his or her own behalf, for example, bringing the matter to the attention of his/her supervisor;
- (b.) conciliation by the Human Resources Director;
- (c.) investigation by the Human Resources Director; and/or
- (d.) referring the person(s) to appropriate personnel if the complaint is not EEO-related.

CONCILIATION AND MEDIATION

A) CONCILIATION PROCESS

The Director of Human Resources shall attempt to conciliate the dispute with the parties and to reach an informal resolution of the complaint within forty-five (45) working days of receipt of the request for conciliation. In conducting conciliations, the Director shall consult with the complainant(s), respondent(s) and other persons as appropriate.

Conciliation efforts to resolve the complaint shall not exceed forty-five (45) working days, unless this time period is extended by the Director.

B) TERMINATION OF CONCILIATION

The Director must issue a written report confirming the termination of conciliation. Termination of conciliation efforts occurs when:

- (a.) the complaint is withdrawn;
- (b.) resolution is agreed upon by both the complainant(s) and respondent(s), and, if the terms of the resolution require agency action, the head of the agency or his/her designee; or
- (c.) the Director deems conciliation efforts unproductive.

When a resolution is agreed upon, the terms of the resolution will be embodied in a written report that confirms the termination of conciliation. The report must be signed by the complainant(s) and respondent(s). Copies of the report will be given to the complainant(s) and respondent(s).

When a resolution is not agreed upon, and/or the Director determines that further conciliation efforts would be unproductive, the Director shall issue to the parties a written notice confirming termination of conciliation, which shall inform the complainant(s) of his/her right to request an investigation of the complaint of discrimination.

INVESTIGATION PROCESS

(a.) The Complainant

The investigation begins immediately after The Human Resources Director or EEO Counselor: (1) receives either an oral or written complaint of discrimination, and (2) determines that the allegations in the complaint are sufficient to establish a case of unlawful discrimination.

The Investigator must indicate in the complaint the date the complaint is filed, and the time the complaint is filed.

The Investigator also must learn all facts concerning the alleged incident by speaking to

the complainant(s) and/or the person(s) who allege the matter.

A thorough interview must be conducted with the complainant(s) and/or the person(s) to supplement and clarify information contained in the complaint.

All questions should be asked in a non-judgmental manner. Never give the impression that you do not believe the person speaking and do not express an opinion as to whether something inappropriate occurred.

Speak with other persons who may have witnessed the treatment or behavior or incident in question, who may have been identified as having been subjected to similar conduct or who have information concerning any aspect of the alleged discriminatory conduct.

(b) The Respondent

After interviewing the complainant, witnesses and other appropriate persons who might provide information in support of the complainant's allegations, the investigator shall serve the respondent with a notice of complaint along with a copy of the complaint. The following information shall not be given to the respondent: the complainant's home address and telephone number, and the name(s), title(s), and division(s) of witnesses to the alleged discriminatory act(s).

After being served with the notice and copy of the complaint, the respondent has the right to respond in writing. The respondent's right to respond shall remain in effect until the investigation process has ended. Respondents are encouraged to submit their written response as soon as possible after service. Ask the respondent to list any persons who are likely to have relevant information about the incident and interview those persons.

CONFIDENTIAL WRITTEN REPORT

Once all the facts have been gathered as accurately as possible from the appropriate persons, the Director of Human Resources must prepare a confidential written report on the complaint and must submit the report to the agency head for review.

The confidential written report shall be issued within 30 days of the date the discrimination complaint was filed, unless the time period is extended by mutual agreement of the director and the complainant.

In preparing the written report, the Director should consider not only the evidence and actual statements of the parties and witnesses, but also their motive, if any, to fabricate and other conduct as reported by eyewitnesses. The Director should consult General Counsel when questions arise during the preparation of the written report, or at any other

phase of the investigation.

If, based upon the facts, the Director determines that the respondent(s) engaged in unlawful discriminatory behavior, (s)he must determine the most appropriate action to be taken in light of the facts and circumstances and make a written recommendation to the agency head.

Corrective Action

Where corrective action is recommended, determine the most appropriate action which might be taken in light of the facts and circumstances uncovered during the investigation. Disciplinary action should be taken in accordance with applicable provisions of law, rules and regulations or any relevant collective bargaining agreement.

Determining the appropriate disciplinary action is often a difficult and sensitive matter with potential legal consequences. Therefore, General Counsel should be consulted for advice.

INFORMING PARTIES OF OUTCOME

Communicate the decision to the parties, in writing, in a discreet and confidential manner, indicating the conclusion reached; whether the misconduct alleged has been substantiated; and the agency's opposition to that kind of activity. If the results of the investigation are inconclusive, do not indicate that the agency concludes that no discrimination occurred because that is tantamount to accusing the complainant of lying (unless such dishonesty has been established by clear and convincing evidence. If clear and convincing evidence of dishonesty exists, the agency must conclude and report to the parties that no discrimination occurred.)

CONFIDENTIALITY AND RECORD KEEPING

Every effort will be made to avoid the disclosure of the identity of parties and witnesses and information regarding a. complaint of discrimination, except to those who have a need to know. Parties and witnesses should be advised not to discuss the investigation with workplace colleagues or friends.

All complaints and documents related to complaints, including all documents related to

the conciliation process will be treated confidentially, and will be retained by the Director of Human Resources. These records are not to be released to any third party without the written consent of both the complainant(s) and respondent(s), except as required by law. The Director should seek advice from General Counsel if a request for documents relating to a complaint is received.

This section does not preclude the placing of disciplinary documents in an employee's personnel file in accordance with the Director's investigation and recommendation for corrective action.

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Subject: Filing and Processing of Internal (EEO) Discrimination Complaints

Frequency: As required

Performed by: EEO Officer/EEO Counselors/Disability Rights Coordinator

Steps:

1. If and when an EEO complaint is filed, the “in-person” complaint will be written down and processed in written form.
2. The EEO Officer/EEO Counselor and/or Disability Rights Coordinator will use the guidelines of HDC’s current policy and procedure for filing EEO Complaints, located on the HDC Portal, including all steps for a complete investigation
3. The EEO Officer/EEO Counselor and/or Disability Rights Coordinator will issue a written report at the completion of the investigation. A copy of the written report will be sent to the President.
4. The President will sign off on the determination of the particular complaint (see attached statement that discrimination report has been reviewed “Statement by Agency Head/President Regarding EEO Complaint Disposition”

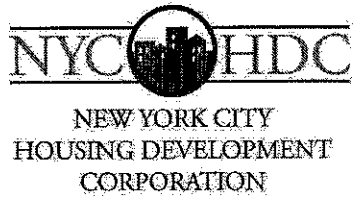
Forms Required:

1. “Statement by Agency Head/President Regarding EEO Complaint Disposition”

Last updated: August 12, 2011

Approval:

Human Resources



Statement by Agency Head/President Regarding EEO Complaint Disposition

Discrimination Complaint filed by:

Date Filed:

Summary of Complaint:

Conclusion:

Recommendations/Corrective Actions:

I have read the following discrimination complaint, conclusion and recommendations/corrective actions and sign off as follows:

Marc Jahr, President

Date

Mary McConnell

From: Marc Jahr
Sent: Thursday, August 04, 2011 2:04 PM
To: *HDCUsers
Subject: HDC's Equal Employment Practices

Importance: High

The Equal Employment Practices Commission ("EEOC") has completed their audit of HDC's Equal Employment Opportunities ("EEO") policies and practices. The following updates and changes have been implemented as a result of this audit:

- The "Discrimination Complaint Procedure", located on our "portal", has been revised to include the addresses and phone numbers of the New York City Commission on Human Rights, the New York State Division of Human Rights and the U.S. Equal Employment Opportunity Commission, so that employees are afforded the opportunity to effectively exercise their right to file an external complaint with federal, state and local administrative agencies.
- We have appointed David Knapke from Human Resources as Disability Rights Coordinator. The names of our EEO Counselors and Disability Rights Coordinator are listed in the Employee Handbook in the Equal Employment Opportunity Policy section.

Please take some time to re-familiarize yourselves with our EEO policies in light of the recommendations of the Equal Employment Practices Commission. The policies are in the HDC Employee Handbook at pages 2-16 through 2-17. Our Discrimination Complaint Procedure can be found on the HDC Portal in the "Document Center" under Human Resources. You can also directly use the following link:

<http://portal/Docs/default.aspx>

Once again, I wish to re-emphasize my commitment to HDC's EEO Program and welcome any questions, comments and/or suggestions you may have regarding it.

Marc.