



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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June 8, 2005

Jeanne B. Mullgrav
Commissioner
Department of Youth and Community Development
156 William Street
New York, NY 10038

Re: Preliminary Determination Pursuant to the Audit of the Department of Youth and Community Development (DYCD) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2003 to December 31, 2004.

Dear Commissioner Mullgrav:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

This letter contains the preliminary determinations of the EEPC pursuant to its audit of compliance by the Department of Youth and Community Development (DYCD) during the two-year period commencing January 1, 2003 and ending December 31, 2004. Requests for corrective actions and/or recommendations are included where the EEPC has determined that DYCD has failed to comply in whole or in part with the City's EEO Policy.

Pursuant to the New York City Charter, as amended, in 1996 the Department of Citywide Administrative Services (DCAS) issued the prior administration's Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants. The EEOP directs agencies to develop agency-specific plans for providing equal employment opportunity within the parameters of these standards and procedures. In January 2005, DCAS issued the current administration's EEOP. In addition, this Commission is empowered by Section 831 of

the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women. Accordingly, all recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the new EEOP. Therefore, the Department of Youth and Community Development should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City's new EEOP are cited in parenthesis at the end of each recommendation.

The purpose of this audit is to evaluate the agency's compliance with the EEOP, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included an analysis of DYCD's quarterly reports. EEPD auditors also conducted in-depth, on-site interviews with DYCD's EEO Officer, two EEO Counselors, and the Career Counselor. In addition, EEPD auditors interviewed nine supervisors to determine awareness of their rights and responsibilities under the EEOP. The results of these interviews are attached. (Appendix 1)

A survey of 347 people employed by DYCD during the audit period was distributed. (This number excludes 23 surveys that were returned as undeliverable.) Eighty-two people (23.6%) responded. The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 5)

Description of the Agency

The Department of Youth and Community Development develops, coordinates and implements youth programs and activities, and is the designated Community Action Agency of the federal Community Services Block Grant Program in New York City. DYCD also performs the following: stimulates interest in the needs and priorities of youth and communities; oversees all youth employment programming and administers Workforce Investment Act funded youth employment services; awards contracts to a broad network of community-based organizations that provide programs and services that support youth and community development; and is the lead agency for the Interagency Coordinating Council on Youth.

Personnel Activity During the Audit Period

During the audit period, 139 people were hired: 29 Caucasians, 63 African-Americans, 30 Hispanics, 1 Native American, and 2 "Unknowns." Eighty-six of the hires were women. Sixty-one people were promoted during the period in review: 9 Caucasians, 25 African-Americans, 21 Hispanics, and 6 Asians. Thirty-four of those promoted were women. (Appendix 4)

DYCD reports that 57 employees were involuntary separated during the audit period: 16 Caucasians, 8 African-Americans, 16 Hispanics, 16 Asians, and 1 Native-American. Thirty-seven of those individuals were women.

Between January 1, 2003 and December 31, 2004, the total number of DYCD employees increased by 6.1%, going from 344 to 365. The percentage of African-Americans increased by 8% (39% to 47%), while there were 2%, 4%, and 3% decreases for Hispanics, Asians, and women, respectively. (Appendices 2 and 3)

Discrimination Complaint Activity During the Audit Period

One internal discrimination complaint (based on sexual harassment) was filed during the audit period and received a no probable cause determination. One external discrimination complaint (based on race and "pending" before the New York City Commission on Human Rights) was filed during the audit period.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination – Internally

DYCD is in compliance with the following requirements:

1. DYCD issued an EEO Manual, which includes a general EEO Policy Statement, a Sexual Harassment Policy Statement, a Disabilities Policy Statement, a Reasonable Accommodation Procedures, and an EEO Complaint and Investigation Procedures.
2. The EEO policies were distributed at new employee orientation sessions, discussed at EEO training sessions, and posted on the agency intranet. All employees received a memo regarding the intranet posting, as well as a separate memo listing the agency's EEO professionals. In addition, the EEO policies were posted on bulletin boards at the agency's two worksites (156 William Street and 161 William Street).
3. Eighty-five percent of survey respondents indicated they were given DYCD's EEO Policy Statement, and 90% indicated that document is posted on agency bulletin boards.
4. DYCD's EEO Policies were available in large print and on audio cassette for persons with visual disabilities.
5. The agency uses a managerial evaluation form that includes a rating for EEO ("utilizing human resources").

DYCD is not in compliance with the following requirement:

All five supervisors interviewed by EEPAC auditors who indicated they had received a performance evaluation stated that that document does not include a rating for EEO performance. Corrective action is required.

Recommendation: All supervisors/managers should be notified that the performance evaluation form contains a rating for EEO performance. (Sect. VE, EEOP)

Plan Dissemination – Externally

DYCD is in compliance with the following requirement:

All five Citywide Job Vacancy Notices submitted by the agency indicate that DYCD and the City of New York are equal opportunity employers.

Affirmative Action and Reasonable Accommodation for Persons with Disabilities

DYCD is in compliance with the following requirements:

1. The EEO Officer was appointed the Disabilities Rights Coordinator.
2. DYCD is housed in two private buildings (156 and 161 William Street), which are accessible to and usable by persons with disabilities. Recently, employees from the former Department of Employment (DOE) merged with DYCD. Prior to the DOE employees moving to their new offices on William Street, their labor unions—in conjunction with New York Committee for Occupational Safety and Health (NYCOSH)—inspected the two buildings and found them ADA compliant. DYCD representatives also gave an example of such accessibility: hallways, bathroom doors, and stalls are wide enough for persons in wheelchairs. In addition, 93.6% of survey respondents indicated DYCD had made facilities accessible for persons with disabilities.
3. DYCD participates in the Section 55-A Program. DCAS brochures were distributed to employees with paychecks during the audit period and posted on bulletin boards. Between January 1, 2003 and December 31, 2004, one person was enrolled in that Program.
4. DYCD has made reasonable accommodations to employees with disabilities; most have been for ergonomic equipment and devices. Other accommodations included the granting of alternate work schedules and the provision of TTY phones for the hearing impaired.

EEO Complaint and Investigation System

DYCD is in compliance with the following requirements:

1. The EEO Officer and EEO Counselors have attended DCAS's training course for EEO professionals.
2. The EEO Officer (female) and the EEO Counselors (1 male and 1 female) are authorized to receive and investigate discrimination complaints.
3. The EEO Officer maintains and updates a monthly discrimination complaint log.

DYCD is not in compliance with the following requirements:

1. Although the EEO Officer's confidential written report in the one internal discrimination complaint filed during the audit period was directed to the agency head, there is no indication that the Commissioner reviewed or approved the report and recommendations. Corrective action is required.

Recommendation: The agency head should sign each confidential written report to indicate it has been reviewed and whether the recommendation(s), if any, have been approved and adopted. (DCAS, Discrimination Complaint Procedures Implementation Guidelines (DCPIG), sect. 12b)

2. There is no indication in the file that the respondent was notified in writing of the agency's determination. Corrective action is required.

Recommendation: All parties to internal discrimination complaints should be notified in writing of the agency's determination. (DCPIG, sect. 12b)

EEO Training

DYCD is in compliance with the following requirement:

According to the EEO Officer and attendance sheets submitted by DYCD, almost all agency employees received EEO training during the audit period. The DCAS-approved training was conducted by a staff developer, who attended DCAS's training for EEO professionals. The EEO Officer assisted in developing the training curriculum. In addition, the EEO Officer discussed EEO policies and related matters at a July 12, 2004 "Extended Cabinet Member" session attended by 68 supervisors and managers. Furthermore, 84% of survey respondents and 100% of supervisors/managers interviewed by EEPIC auditors indicated they had received sexual harassment prevention training for their agency.

Underutilization

DYCD's CEEDS data indicated underutilization of African-Americans in the small science professionals category for the last 4 quarters of the audit period. The one individual hired into that category during the period in review was an Asian male, and the two individuals promoted into that category were also Asian males.

Addressing Underutilization

DYCD is in compliance with the following requirement:

The EEO Officer indicated that most of the individuals in the science professionals category are computer specialists and there was very little hiring in that category during the past two years. DYCD was therefore unable to address that underutilization. If the agency receives

permission to conduct discretionary hiring, it will reach out to minority-oriented organizations to fill the position(s).

Selection

DYCD is in compliance with the following requirement:

According to attendance sheets submitted by the agency, DYCD provided structured interview training to 73 supervisors/managers from February through June 2004. This training included the following handouts: DYCD, *Structured Interviewing Handbook*; Mayor's Office for People With Disabilities, *Pointers for Interviewing People With Disabilities*; New York State Division of Human Rights, *Recommendations on Employment Inquiries*; and U.S. Equal Employment Opportunity Commission, *Guide to Pre-Employment Inquiries*. In addition, 6 of the 7 supervisors/managers (86%) who indicated they were involved in the interviewing process for new employees told EEPC auditors that they had received structured interview training.

DYCD is in partial compliance with the following requirement:

The EEO Officer told EEPC auditors that DYCD did not conduct adverse impact studies during the audit period. The agency's Career Counselor, though, indicated that he would conduct an adverse impact study on the March 24, 2005 Summer Youth Employment Program (SYEP) hires using the software provided by DCAS. Corrective action is required.

Recommendation: DYCD should assess the manner in which candidates are selected for *all* positions—not just the SYEP positions—to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. (Sect. IV, EEOP)

Promotional Opportunities

DYCD is in compliance with the following requirement:

The Assistant Commissioner/Office of Support Services was appointed the Career Counselor in January 2004 and devotes about 33% of his time to the latter function. An April 27, 2004 memorandum was sent to all employees regarding his Career Counselor appointment. In that capacity, he notifies staff of upcoming civil service exams, internal vacancies, and provides individual career counseling. He has provided such counseling to 6 or 7 employees.

DYCD is not in compliance with the following requirement:

Fifty-seven percent of survey respondents indicated that their performance evaluations do not contain recommendations for improving job performance, and 77 percent indicated that their evaluations do not have recommendations for career advancement. Corrective action is required.

Recommendation: The agency head should direct supervisors/managers to include in their evaluations recommendations for improving job performance and career advancement.

EEO Officer Reporting Arrangement

DYCD is in compliance with the following requirement:

The EEO Officer reports directly to, and holds ad hoc meetings with, the Commissioner on EEO matters.

DYCD is not in compliance with the following requirement:

The EEO Officer informed EEPC auditors that she does not keep agendas or notes of her meetings with the Commissioner regarding EEO matters. Corrective action is required.

Recommendation: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO decisions should be maintained.

EEO Officer Responsibilities

DYCD is in compliance with the following requirements:

1. Although DYCD did not place any job advertisements during the audit period, the EEO Officer indicated she will be involved in selecting recruitment media if any ads are run in the future.
2. The EEO Officer told EEPC auditors that she devotes about 50 percent of her time to EEO matters; the balance is spent on her duties as Executive Assistant to the Deputy Commissioner for Administration. She also said she has adequate support staff to discharge her EEO duties. At the end of the audit period, the agency had 365 employees.

Supervisory Responsibility in EEO Plan Implementation

DYCD is not in compliance with the following requirement:

The EEO Officer informed EEPC auditors that supervisors and managers were not directed to discuss the agency's EEO policies with their subordinates. Corrective action is required.

Recommendation: It is the Commission's position that at least twice a year during normal staff meetings, supervisors should emphasize their commitment to the City's EEO Policy and affirm the right of each employee to file a discrimination complaint with the EEO Office.

Special Problem/Contingency

Seventy-seven percent of survey respondents indicated they do not know the name of the person responsible for providing career counseling. Corrective action is required.

Recommendation: DYCD should once again inform all employees in writing of the name, location, and phone number of the agency's Career Counselor. (Sect. VB, EEOP)

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The agency head should sign each confidential written report to indicate it has been reviewed and whether the recommendation(s), if any, have been approved and adopted. (DCPIG, sect. 12b)
2. All parties to internal discrimination complaints should be notified in writing of the agency's determination. (DCPIG, sect. 12b)
3. DYCD should assess the manner in which candidates are selected for *all* positions—not just the SYEP positions—to determine whether there is any adverse impact upon any particular racial, ethnic disability, or gender group. (Sect. IV, EEOP)
4. The agency head should direct supervisors/managers to include in their evaluations recommendations for improving job performance and career advancement.
5. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO decisions should be maintained.
6. It is the Commission's position that at least twice a year during normal staff meetings, supervisors should emphasize their commitment to the City's EEO Policy and affirm the right of each employee to file a discrimination complaint with the EEO Office.
7. DYCD should once again inform all employees in writing of the name, location, and phone number of the agency's Career Counselor. (Sect. VB, EEOP)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEOC's audit of DYCD's compliance with the City's Equal Employment Opportunity Policy, we respectfully request your response to the aforementioned preliminary determinations.

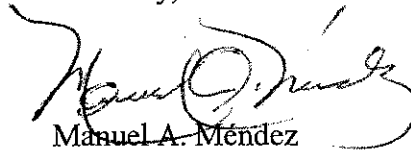
Your response should indicate what corrective actions your office will take, and which recommendations it intends to incorporate in its Equal Employment Opportunity Plan, where appropriate, to comply with the City's Equal Employment Opportunity Policy. As you informed

us during the exit meeting of June 7, 2005, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of the recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's Equal Employment Opportunity Plan.

In closing, we wish to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Manuel A. Méndez', written in a cursive style.

Manuel A. Méndez
Vice-Chair/Commissioner

APPENDIX - 1

Department of Youth and Community Development SUPERVISOR SURVEY RESULTS

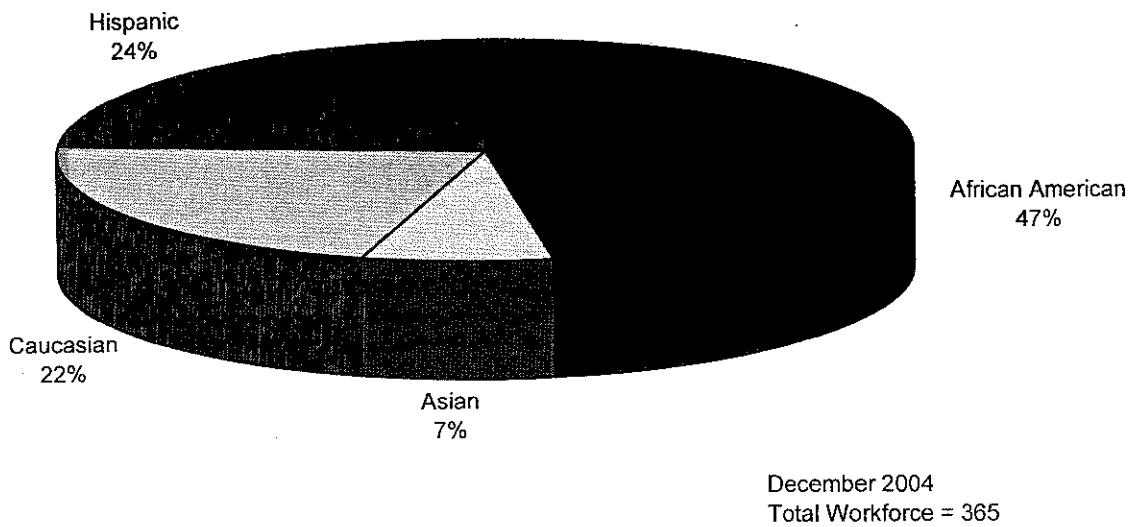
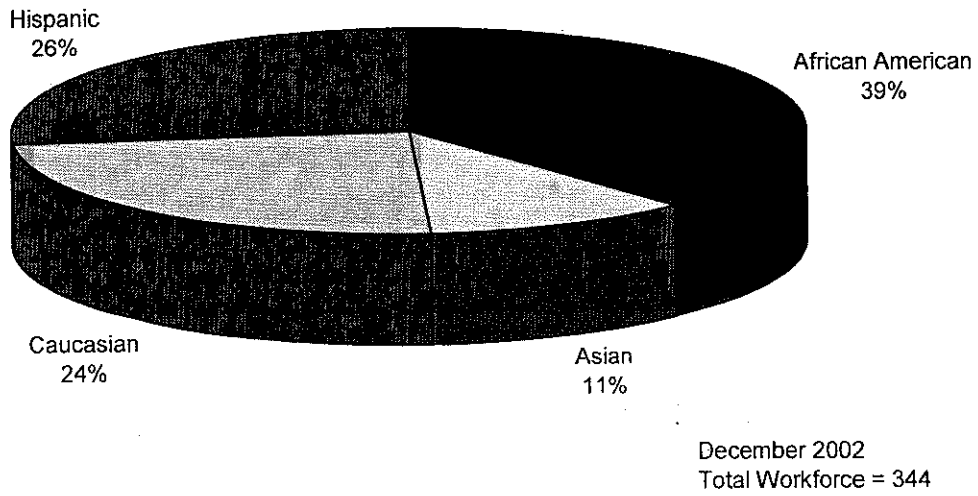
1. Are you familiar with your agency's EEO Policy? Please describe it.
(9) Yes (0) No
2. Are you familiar with your rights and responsibilities under your agency's EEOP? What are they?
(9) Yes (0) No
3. Do you have a copy of your agency's EEO Policies?
(9) Yes (0) No (0) Do not know
4. Do you have a copy of your agency's discrimination complaint procedure?
(9) Yes (0) No (0) Do not know
5. Have you ever reaffirmed or stated the agency's commitment to EEO during staff meetings?
(6) Yes (3) No
6. Do you inform employees (when necessary) that they have a right to file a discrimination complaint with the agency's EEO Officer?
(8) Yes (1) No
7. Have you received your agency's EEO and Sexual Harassment Policy Statements?
(9) Yes (0) No (0) Do not remember
8. Are your EEO and sexual harassment policies available on your computer?
(5) Yes (0) No (4) Do not know
9. If so, do you find accessing the policies difficult?
(0) Yes (5) No (4) N/A
10. Have you received preventive sexual harassment training from your agency?
(9) Yes (0) No (0) Do not remember
11. Did all the employees in your unit receive sexual harassment prevention training?
(9) Yes (0) No (0) Do not know
12. If you have been employed for less than five years, did you receive a new employee orientation session?
(1) Yes (0) No (7) greater than 5 years
13. Do you participate in new employee orientation sessions?
(4) Yes (5) No

DYCD SUPERVISOR RESULTS CONTINUED

14. (If yes to either) Do new employee orientation sessions include information on your agency's EEO policies?
(4) Yes (1) No (1) No orientation (0) Do not know
15. Are you involved in the interviewing process for new employees?
(4) Yes (5) No
16. If yes, did your agency provide you with training and a structured interview guide for interviewing new hires?
(6) Yes (1) No
17. Do you know who your agency's EEO Officer is? What is his/her name?
(9) Yes (0) No _____
18. Has the EEO Officer met with you, either as an individual or in a group setting, to discuss your rights and responsibilities under the city's EEO policy?
(8) Yes (0) No (0) Do not remember
19. Does your performance evaluation include a section where you are rated on your EEO performance?
(0) Yes (5) No (4) No evaluation
20. Were you informed that EEO performance will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?
(0) Yes (0) No (9) N/A
21. Do you feel you have enough training to respond knowledgeably to an employee who complains about discrimination or harassment?
(8) Yes (1) No
22. Do you have any additional comments about EEO in your agency?
(5) Yes (4) No
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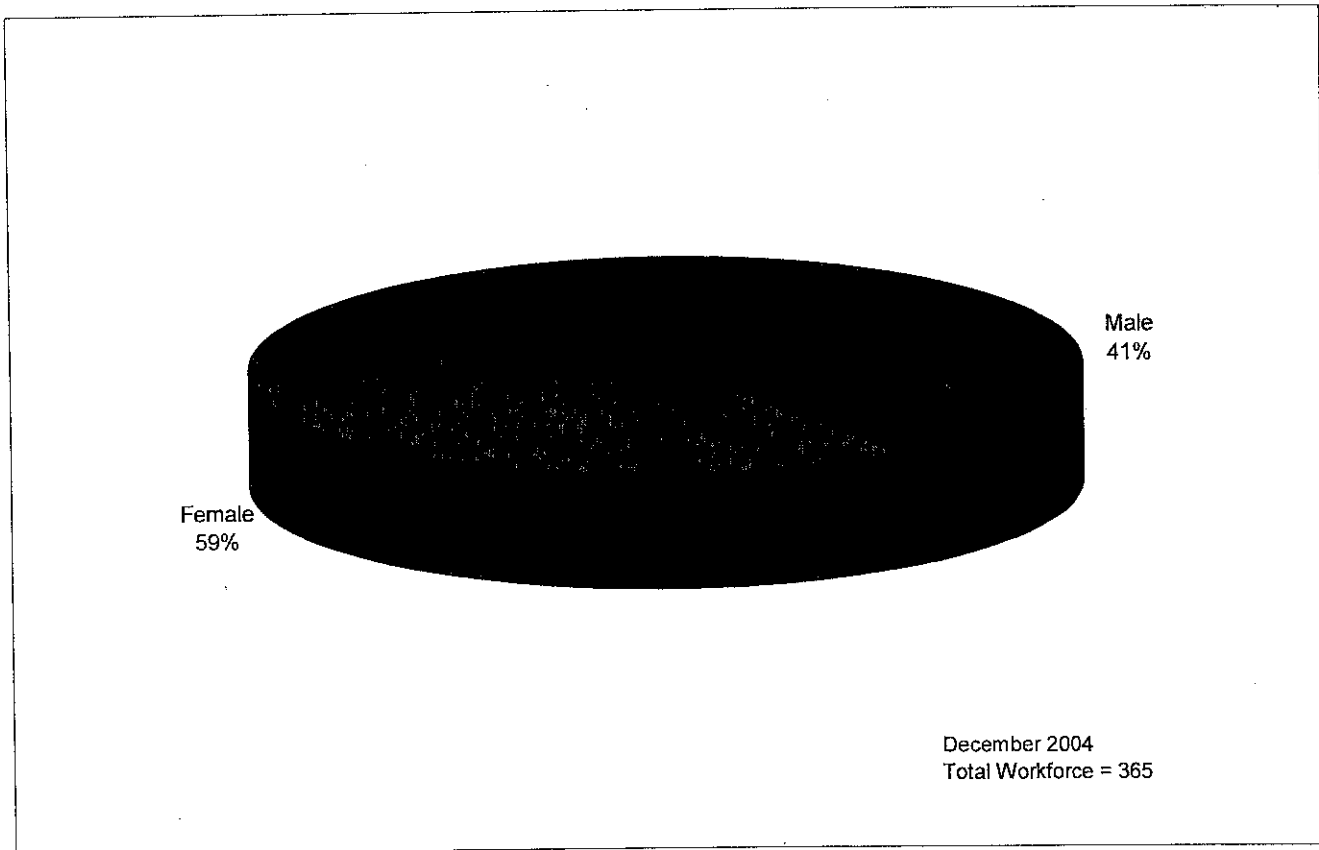
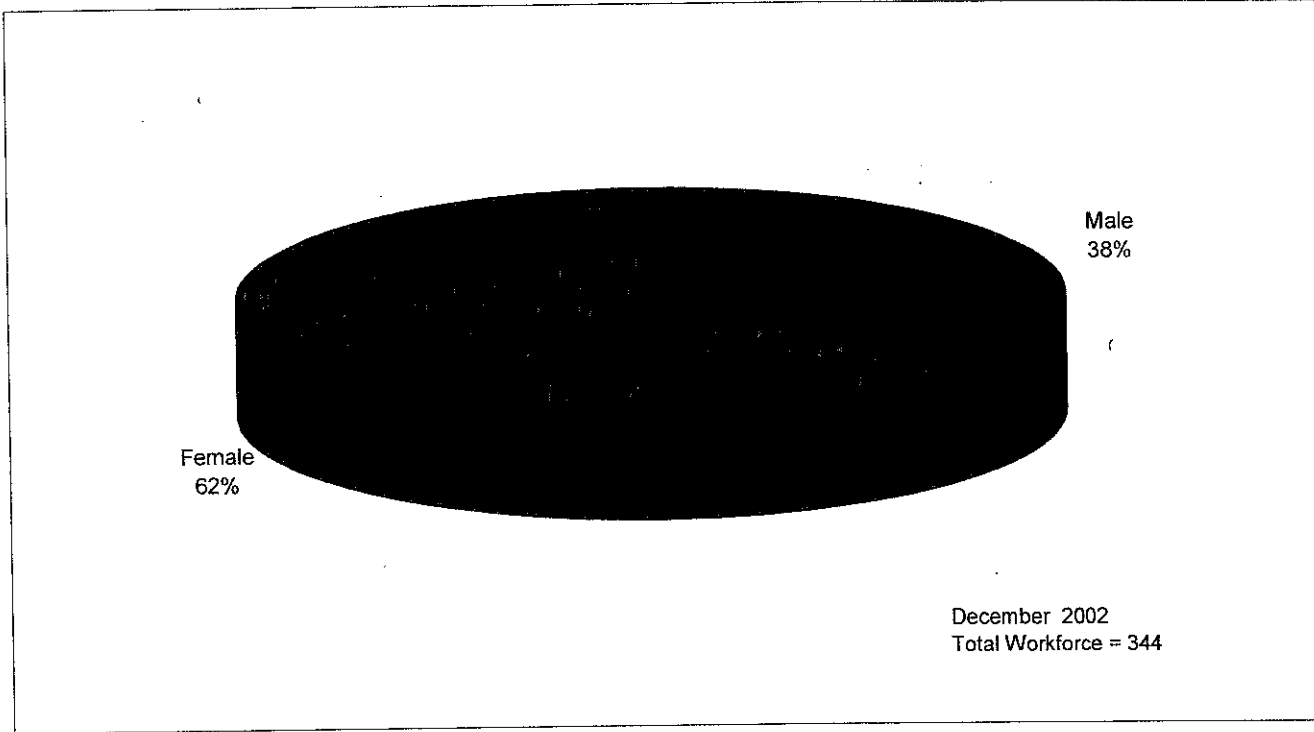
Appendix - 2

Department of Youth and Community Development Workforce by Ethnicity



Appendix - 3

Department of Youth and Community Development



APPENDIX – 4

The following tables indicate personnel activity during the audit period, July 1, 2002 through June 30, 2004.

DYCD Hires by Sex and Race

Total: 139

MALE	FEMALE	TOTAL	CAUCASIAN	AFRICAN-AMERICAN	HISPANIC	ASIAN	TOTAL
53	86	139	29	63	30	14	139*

* Includes 1 Native American and 2 “Unknowns”

DYCD Promotions by Sex and Race

Total: 61

MALE	FEMALE	TOTAL	CAUCASIAN	AFRICAN-AMERICAN	HISPANIC	ASIAN	TOTAL
27	34	61	9	25	21	6	61

Source: Audit data supplied by DYCD

APPENDIX - 5

DEPARTMENT OF YOUTH AND COMMUNITY SERVICES SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (73) No (6)
2. Is your agency's EEO policy statement posted on the agency bulletin boards?
Yes (67) No (7)
3. Is your agency's Sexual Harrassment Policy Statement posted on the agency bulletin boards?
Yes (66) No (9)
4. Were you given the EEO Policy Statement?
Yes (70) No (4) Do not remember (8)
5. Were you given the Sexual Harassment Policy Statement?
Yes (74) No (2)
6. Do you have a copy of the Discrimination Complaint Procedures?
Yes (51) No (15) Do not remember (15)
7. Do you agree with the principles of Affirmative Action?
Yes (63) No (10)
8. Do you know what the City's Equal Employment Opportunity Policy (EEOP) is?
Yes (65) No (12)
9. Do you know what your agency's EEO Plan is?
Yes (37) No (39)
10. Do you know how to obtain your agency's EEO Plan?
Yes (57) No (22)
11. Did your supervisor hold meetings with staff to discuss the staff's responsibilities under the EEO Policy?
Yes (29) No (35) Do not remember (15)
12. When you started working at your agency, did you attend an orientation session?
If no, skip to question #14.
Yes (51) No (15) Do not remember (9)

DEPARTMENT OF YOUTH AND COMMUNITY SERVICES SURVEY RESULTS CONTINUED

13. If hired after 1996, did your orientation session include information on your rights and responsibilities under the EEO Policy?

Yes (33) No (3) Not Applicable (0)

B. EEO COMPLAINTS

14. Do you know how to file an EEO Complaint?

Yes (68) No (11)

15. If you had a discrimination complaint, would you bring it to your agency's EEO Officer?

Yes (45) No (18) Undecided (17)

16. Did you ever file a discrimination complaint with the EEO Office?

(If No, please skip to question #20)

Yes (4) No (76)

17. What was the basis of the complaint? _____

18. Were you satisfied with the manner in which your complaint was managed?

Yes (2) No (4)

19. Was your manager or supervisor supportive of your right to file a complaint?

Yes (2) No (5) N/A (2)

C. SEXUAL HARASSMENT

20. Did you receive Sexual Harassment Prevention training?

(If No, please skip to question #22)

Yes (67) No (13)

21. Did you find this training helpful?

Very (29) Somewhat (28)
Not really (0) Waste of time (5)

22. Would you prefer to file a sexual harassment complaint with an office outside your agency instead of your agency's EEO office?

Yes (34) No (44)

D. JOB PERFORMANCE/ADVANCEMENT

23. Do you see job postings on agency bulletin boards for vacant positions prior to the application deadline?

Yes (71) No (3) Do not remember (5)

DEPARTMENT OF YOUTH AND COMMUNITY SERVICES SURVEY RESULTS CONTINUED

24. If you were employed for over one year, have you received evaluations on an annual basis? If No, skip to question #27.

Yes (36) No (35) Not employed for over one year (5)

25. Does your evaluation contain recommendations for improving your job performance?

Yes (19) No (26)

26. Does your evaluation contain recommendations for career advancement with your agency?

Yes (10) No (34)

27. Do you know the name of the person in your agency who is responsible for providing career counseling?

Yes (19) No (63)

28. Do you believe your agency practices equal employment opportunity?

Yes (43) No (23) Don't Know (15)

AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

29. Has your agency made facilities accessible for persons with disabilities?

Yes (59) No (4)

OPTIONAL

30. What is your race/ethnicity? _____

31. What is your sex?

Male (0) Female (0)

32. Did you ever ask for an accomodation for a physical or mental disability?

Yes (0) No (0)

33. If so, did the agency accommodate you?

Yes (0) No (0)