



Sasha Neha Ahuja  
Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Director of Learning and  
Development

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

**BY MAIL AND EMAIL**

September 9, 2019

Louise Carroll  
Commissioner  
Department of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Re: Department of Housing Preservation & Development  
Evaluation of Sexual Harassment Prevention and Response Practices  
Audit Period: January 1, 2017 to December 31, 2018  
Determination: **PRELIMINARY**

Dear Commissioner Carroll:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the Department of Housing Preservation & Development's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2017 to December 31, 2018.

**Purpose**

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The Department of Housing Preservation & Development, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for 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 subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope**

The EEPC has adopted uniform standards for auditing municipal entities<sup>1</sup> and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

### ***Policy and Plan Requirements***

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

### **Methodology**

The EEPC communicates with 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, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the Department of Housing Preservation & Development on February 11, 2019; the completed PIQ(s) were returned on February 28, 2019. Supporting documentation was attached. Additional requests for information were made on March 21, 2019; April 4, 2019; May 1, 2019; June 26, 2019; July 19, 2019; and July 25, 2019.

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<sup>1</sup> Corresponding audit/analysis standards are numbered throughout the document.

The following determination indicates where the Department of Housing Preservation & Development has or has not complied, in whole or in part, with the established Standards.

### **Description of the Agency**

Established in 1978, the New York City Department of Housing Preservation and Development (HPD) is the largest municipal housing preservation and development agency in the nation. The agency's mission is to promote the quality and affordability of the city's housing and the strength and diversity of its many neighborhoods. HPD strives to achieve this mission by: preserving affordable housing and protecting tenants; developing new affordable housing; enforcing the Housing Maintenance Code; and engaging neighborhoods in planning. The Commissioner, except as otherwise provided by law, plans, initiates, conducts, supervises, coordinates, reviews and evaluates City programs relating to urban renewal, publicly-aided housing, neighborhood conservation, the enforcement of all laws relating to the rehabilitation or maintenance of housing, and the management of property acquired by the City, for or devoted to housing or urban renewal purposes. (Sources: The Green Book and the HPD website, 3/2019). At the end of the period in review, HPD had 2,307 employees (HPD CEEDS report: *Workforce Composition Summary* is attached as Appendix – 1.)

## **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 Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

✓ HPD submitted to the EEPC its *Equal Employment Opportunity (EEO) Policy Statement* and reported that it was posted on various bulletin boards throughout the main HPD office in March 2017 and August 2018. The *Equal Employment Opportunity (EEO) Policy Statement* contained an *Anti-Sexual Harassment Policy* section that stated, "[s]exual harassment is a form of employment discrimination prohibited by law," and the March 2017 version included the Agency Head's (Commissioner) signature. (HPD's *Equal Employment Opportunity Policy Statement* is attached as Appendix – 2.) On January 9, 2018, HPD's Executive Director of Operations, Human Resources issued the Commissioner's *Anti-Sexual Harassment Statement* to all HPD employees via email. (HPD's *Anti-Sexual Harassment Statement* is attached as Appendix – 3.) Within the *Anti-Sexual Harassment Statement*, HPD's Commissioner reiterated, "I would like to take this opportunity to remind everyone about our rights and responsibilities in relation to the EEO Policy in general and sexual harassment in particular...[s]exual harassment is a form of employment discrimination prohibited by law and the EEO Policy" and directed "[w]here a violation of the law and/or the EEO Policy is suspected, please contact the EEO Office immediately."

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

✓ On January 9, 2018, HPD's Commissioner issued their *Anti-Sexual Harassment Statement* via an email sent to all employees that included the names and contact information for HPD's EEO professionals and the location of the EEO Office.

➤ HPD did not demonstrate that, during the period in review, it distributed or posted uniform and responsive procedures for investigating discrimination and sexual harassment complaints, or the *Equal Employment Opportunity Policy, Standards, and Procedures to Be Utilized by City Agencies* – or an agency Policy that conforms to city, state and federal laws against sexual harassment. **Corrective Action Required.**

**Corrective Action #1:** 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

## **II. Training for the Agency**

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

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

✓ HPD's *Diversity and Equal Employment Opportunity Plan* for fiscal years 2017 and 2018 each contained a training plan to educate both new and existing employees. A monthly training schedule provided by HPD indicated that in 2017, *New Hire Orientation* and *EEO Training* was conducted monthly. Training logs from the Department of Citywide Administrative Services (DCAS) Citywide Training Center indicated as of December 31, 2018, 2,058 (or 88% of HPD employees) completed DCAS' *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training. The course objective on DCAS' *Human Capital* website stated that the computer-based training "...will facilitate awareness of the City's prohibition on sexual harassment in its workplaces under applicable laws and the City's Equal Employment Opportunity (EEO) Policy. Participants will learn the definitions of sexual harassment, relevant legislation, prevention techniques and a procedure for filing a complaint. This course will help participants to create an environment that is free from sexual harassment."

**NOTE:** HPD did not provide documentation that demonstrates the number of employees who

attended the 2017 *New Hire Orientation* and *EEO Training* or the topics covered in each course. In addition, the training plan HPD established in its *Diversity and Equal Employment Opportunity Plan* for fiscal years 2017 and 2018 did not include sexual harassment prevention training. HPD should establish a training plan to ensure that new and existing employees, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

### III. Complaint and Investigation Procedures

**Summary of Complaint Activity:** The agency reported **39** internal and **19** external complaints were filed during the period in review<sup>2</sup>.

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

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

✓ HPD complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, 10.30.18.2, and 11.13.18 each included a completed *EEO Complaint Form* that provided space to capture: *Name, Civil Service Title, Office Title, Division, Supervisor, and Office Telephone Number* of the complainant. The *EEO Complaint Form* also asked the complainant to provide the alleged basis of discrimination (a checklist of classes protected against employment discrimination was listed), the name, title, and division of the person(s) who discriminated and/or harassed the complainant, a description of the harassing or discriminatory behavior, the date and location of the alleged discrimination, witnesses (if any), and if the incident was reported to anyone within the agency. The *EEO Complaint Form* also provided the complainant the option to note what type of corrective action they wanted taken against the respondent, if the complainant would be open to conciliation, and if the complainant filed the complaint externally (a list of external agencies was provided). The complaint form also provided space for signature and date under the statement, "*I certify that I have read the above charge, that it is true to the best of my knowledge, information and belief and that I have read the attached notices concerning my rights to file a complaint with federal, state and local civil rights enforcement agencies.*"

5. Provide the option to file a complaint anonymously.

➤ HPD did not demonstrate that the option to file a complaint anonymously was provided. **Corrective Action Required.**

**Corrective Action #2:** Provide the option to file a complaint anonymously.

6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

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<sup>2</sup> 29% of the complaints filed during the period in review involved sexual harassment.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 all contained a *Notice of Investigation* that the Deputy EEO Officer emailed to the respective respondents. The *Notice of Investigation* included the allegation(s) made against the respondent, an outline of the interview process, and the respondent's right to be accompanied by a representative during the interview. The *Notice of Investigation* also directed the respondent to maintain confidentiality during the investigation process and to avoid acts of retaliation.

➤ The *Notice of Investigation* in complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 did not include the respondent's right to respond to the allegations. **Corrective Action Required.**

NOTE: Complaint file No. 10.30.18.2 was administratively closed for failure to articulate a claim of discrimination rendering communication with the respondent unnecessary.

**Corrective Action #3:** Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

✓ Complaint file No. 10.30.18.2 contained an *Administrative Closure of Discrimination Investigation* letter that confirmed that the complaint was administratively closed (terminated) by the EEO Office.

➤ HPD did not establish a policy whereby it issued or maintained written confirmation when an internal complaint/mediation was withdrawn or resolved by agreement of the parties or EEO Office. **See § I.2 for associated Corrective Action.**

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, 10.30.18.2, and 11.13.18 each contained handwritten notes of words spoken and facts provided during each interview. The handwritten notes included the date, time, and location of each interview.

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 each contained a conclusive *Confidential Memorandum* that was issued within 90 days of the date the complaint was filed. Complaint files Nos. 12.4.18, 12.4.18.2, 10.30.18, 10.30.18.2 and 11.13.18 each indicate that the initial interviews with each complainant occurred within 1 week of the filing of the complaint.

NOTE: The file for Complaint No. 10.30.18.2 included an *Administrative Closure of Discrimination Investigation* letter that was issued within 90 calendar days of the date the complaint was filed.

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the



delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

➤ Because complaint Nos. 12.4.18, 12.4.18.2, 10.30.18, 10.30.18.2, and 11.13.18 were investigated immediately and conclusive reports issued within 90 days, HPD's policies and procedures were analyzed to determine compliance with this standard. HPD did not demonstrate that it established a policy that required that in circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, the reason for the delay is specified in the complaint file and a time frame for completion of the report is projected. HPD also did not establish a policy whereby the complainant and respondent were notified of the delay. **See § I.2 for associated Corrective Action.**

**11.** Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's review.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 each contained a conclusive, *Confidential Memorandum* that was generated at the end of the complaint investigation. Each *Confidential Memorandum* included the following sections: *Allegations*, *Investigation* (which contained subsections *Interview with Complainant*, *Interview with Respondent*, and when necessary, *Interview With Witness(es)*), *Findings*, and *Determination & Recommendation*. In addition, each *Confidential Memorandum* contained the date and the Agency Head's signature under the statement, "Reviewed and Approved."

NOTE: HPD issued an *Administrative Closure of Discrimination Investigation* letter to close Complaint No. 10.30.18.2. The *Administrative Closure of Discrimination Investigation* letter contained a summary of the allegations, a statement of the relevant facts gathered, and a determination. There was no recommended action. The *Administrative Closure of Discrimination Investigation* letter was signed by the Deputy EEO Officer "on behalf of the Equal Employment Opportunity Office."

**12.** Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

✓ HPD reported to the EEOC that, "[t]he EEO Officer and Deputy EEO Officer have keys to all EEO hard files and password protected access to digital files. When the Agency Head or General Counsel needs access to a case file, a request is made to either the EEO Officer or Deputy EEO Officer and the files are provided."

**13.** Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 each included a conclusive *Confidential Memorandum* that had a section where the Agency Head signed and dated under the statement, "Reviewed and Approved."

NOTE: HPD issued an *Administrative Closure of Discrimination Investigation* letter to close Complaint

No. 10.30.18.2. The *Administrative Closure of Discrimination Investigation* letter was signed by the Deputy EEO Officer "on behalf of the Equal Employment Opportunity Office."

**14.** Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 each included notices that were emailed to both the complainants and respondents informing them of the outcome of the complaint investigation. Complaint file No. 10.30.18.2 included an *Administrative Closure of Discrimination Investigation* letter that was emailed to the complainant informing them of the outcome of the complaint.

**NOTE:** Complaint file No. 10.30.18.2 was administratively closed for failure to articulate a claim of discrimination rendering communication with the respondent unnecessary.

**15.** Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

✓ Complaint file Nos. 12.4.18, 12.4.18.2, 10.30.18, and 11.13.18 each contained a *Confidential Memorandum* that included the outcome of the investigation and corrective action(s) taken as a result. Complaint file No. 10.30.18.2 contained an *Administrative Closure of Discrimination Investigation* letter that included the outcome of the complaint.

**16.** Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

➤ Because none of the complaint files submitted were transferred due to the filing of an external complaint, HPD's policies and procedures were analyzed to determine compliance with this standard. HPD did not demonstrate that it established a policy or procedure that required the complainant and respondent to be notified in writing when the investigation by the EEO professional was transferred because of the filing of an external complaint. **See § I.2 for associated Corrective Action.**

**17.** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

✓ HPD reported that it tracked and monitored all complaints via DCAS' complaint tracking and monitoring system, CEEDS, which provided space to capture: location, status, length of time elapsed in the complaint investigation process, the issues and basis of the complaints, and the aggrieved individuals. In addition, HPD provided a copy of its internal complaint tracking spreadsheet *EEO Cases (Complaints)* (which tracked both internal and external complaints) that captured: *DCAS Case Record Number, Date Complaint Received, Case Name, Discrimination Type, Determination, Attorney Assigned, and Date of Notification of Disposition.*



➤ HPD did not provide documentation that demonstrates that complaint information was recorded in the CEEDS database. Additionally, HPD's *EEO Cases (Complaints)* tracking system did not identify location, status, length of time elapsed in the investigation process, the issues of the complaints, nor the aggrieved individuals. **Corrective Action Required.**

**Corrective Action #4:** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

**18.** Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

✓ HPD's *Tasks and Standards: General Counsel* stated the following under *Key Responsibilities*, "[a]nalyzes and resolves complex legal, operational, and policy issues regarding...equal opportunity, and administrative procedures." During the period in review, HPD's Deputy General Counsel and Deputy EEO Officer conducted an assessment<sup>3</sup> of workplace risk factors that may be associated with sexual harassment, and its implementation of the City's policies and procedures pertaining to sexual harassment as required by Local Law 93<sup>4</sup>. The results of the assessment assisted the agency head in identifying and determining appropriate responses to sexual harassment. (See § IV.19 for *NYC Agency Risk Assessment* details.)

➤ HPD did not provide documentation to demonstrate that, during the period in review, the General Counsel informed the principal EEO Professional when external complaints or litigation involving sexual harassment was brought against the agency, was available to consult on internal sexual harassment complaint investigations; and was responsible for the investigation of, and response to, external sexual harassment complaints. **Corrective Action Required.**

**Corrective Action #5:** Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

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<sup>3</sup> The Deputy EEO Officer participated in conducting the assessment in the absence of the principal EEO Professional who separated from the agency in August 2018.

<sup>4</sup> Local Law 93 "requires city agencies to assess workplace risk factors related to sexual harassment in order to help provide a fair and safe work environment for all city workers."

#### **IV. Annual Review of Practices, Policies and Programs**

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

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

✓ In October 2018, HPD's General Counsel, Deputy EEO Officer, and Executive Director of Operations, Human Resources collaborated to prepare HPD's *Agency Risk Assessment*. HPD assessed the following risk factors: *Homogenous Workplace, Cultural and Language Differences in the Workplace, Workplaces with Significant Power Disparities, Isolated Workplaces, and Decentralized Workplaces*. HPD's assessment concluded that there was a disproportionate number of subordinates to supervisors within the agency and that, due to the disparity "...most offices/divisions take a passive role in encouraging bystander intervention and preventing sexual harassment. This passive approach could pose a significant risk to the employees with the least power and voice within the agency." As a result of the assessment, HPD determined that supervisor and subordinate sexual harassment training would be utilized to mitigate this potential risk and, "...offer real time, real world scenarios to assist leaders and staff members to develop the skills to recognize risk factors and take proactive steps for prevention and intervention."

➤ HPD did not demonstrate that, during the period in review, the principal EEO Professional, HR Professional, and General Counsel reviewed the number of sexual harassment complaints on an annual basis to identify whether there were barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies. **Corrective Action Required.**

NOTE: Subsequent to the period in review, after reviewing its sexual harassment complaints, on May 29, 2019, HPD's principal EEO Professional emailed DCAS' Learning and Development division requesting tailored sexual harassment training for a group of employees whose job responsibilities involved interacting with the general public. A June 6, 2019 *Legal - HR - EEO Biweekly Meeting Agenda* included "Sexual Harassment complaint trends update" as a topic that was discussed between HPD's General Counsel, Executive Director of Operations, Human Resources, and principal EEO Professional. Emails from June 13, 2019 through August 8, 2019 between HPD's principal EEO Professional and DCAS's Learning and Development division regarding specifics of the future sexual harassment training indicated that HPD scheduled sexual harassment training for employees who interact with the general public as a way to correct the upward trend in complaints.

#### **V. Responsibility for Implementation - EEO Professionals**

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

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

✓ The job description for HPD's principal EEO Professional set forth the following responsibilities *"direct, operate, and oversee all aspects of HPD's EEO program and Diversity & Inclusion (D&I) initiatives."* A meeting invite indicated that on May 7, 2018, both the current (before being appointed) and the former principal EEO Professional completed DCAS' *Everybody Matters* training, which was conducted on-site at the HPD office. On November 2, 2018, HPD appointed the current principal EEO Professional to succeed the former via an email from the Commissioner to all HPD employees.

➤ HPD did not demonstrate that the current principal EEO Professional (appointed in November 2018) was trained regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. **Corrective Action Required.**

NOTE: Subsequent to the period in review, DCAS training logs indicated that in January 2019, the current principal EEO Professional completed *Reasonable Accommodation Procedural Guidelines; lgbtq: The Power of Inclusion; and Building an Inclusive Culture: Understanding Unconscious Bias*. In March 2019 the principal EEO Professional completed the DCAS course *Conflict Resolution Strategies for the Culturally Diverse Workplace*. In addition, an email confirmation indicated that on April 26, 2019 and May 3, 2019, the principal EEO Professional participated in *"...basic training for new (or new-ish) EEO Officers..."* conducted by DCAS. The email further stated that the training would, *"...provide an overview of essential responsibilities and functions, including; investigations, reasonable accommodations, compliance obligations (e.g. reporting information to DCAS), and the role of an EEO Officer within the agency. This training is designed to meet immediate needs, so that you and your essential staff, who are already doing the work, receive necessary and practical guidance."*

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

✓ HPD reported that, during the period in review, the principal EEO Professional's support to carry out EEO responsibilities was provided by a Deputy EEO Officer.

➤ Due to employee turnover, there were gaps in time where one of the two EEO positions was vacant for as long as 4 months. During the period in review, 3 individuals served as the principal EEO Professional and two individuals served as the Deputy EEO Officer. At the end of the period in review, the Deputy EEO Officer position was vacant. HPD also did not demonstrate that, during the period in review, the responsibilities of the principal EEO Professional were competently discharged by providing adequate resources such as opportunities for continuing education and professional development. **Corrective Action Required.**

NOTE: Subsequent to the period in review, on June 3, 2019, HPD appointed a Deputy EEO Officer. The job description for HPD's current Deputy EEO Officer listed the following responsibilities: *"[c]onduct investigations into allegations of discrimination and/or harassment involving any protected class as defined by the City's EEO Policy and all other regulatory bodies; as well as investigations into allegations of EEO retaliation"; "[p]repare memoranda, determinations and remedial recommendations for the EEO Officer's review"; and "[g]ather relevant documents and witness statements, prepare written investigation reports summarizing findings and offer analysis,*

*determinations and recommendations for the EEO Officer's approval".*

Certificates of completion and email confirmations demonstrated that the principal EEO Professional had access to continued education and professional development to meet EEO obligations subsequent to the period in review (see § V.20 for continued education).

**22.** Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

✓ At the end of the period in review, HPD consisted of 2,307 employees (80% of whom worked in the central office and the remaining 20% at seven field sites dispersed throughout New York City). HPD's EEO Office, located within HPD's central office, consisted of two EEO Professionals (the principal EEO Professional and a Deputy EEO Officer).

NOTE: At the end of the period in review, the Deputy EEO Officer position was vacant. Subsequent to the period in review, on June 3, 2019, HPD appointed a Deputy EEO Officer. Training logs from DCAS's Citywide Training Center indicated that the Deputy EEO Officer completed the following courses: *Revised EEO Complaint Investigative Guidelines Training*, *LGBT: Are You Ready for the "T" - Creating an Inclusive Culture for Transgender*, and *Structured Interviewing and Unconscious Bias* in 2016; *Diversity and Equal Employment Opportunity Basic Training* in 2017; and *Sexual Harassment Prevention, Conflict Resolution Strategies for the Culturally Diverse Workplace*, and *Building an Inclusive Culture: Understanding Unconscious Bias* in 2019.

Due to employee turnover, there were gaps in time where one of the two EEO positions was vacant for as long as 4 months. During the period in review, 3 individuals served as the principal EEO Professional and two individuals served as the Deputy EEO Officer. Given HPD's size and organizational structure, the EEOC strongly recommends the appointment of additional EEO support staff (either dedicated or not dedicated) to serve at one or more of the field offices and the central office to assist with complaint intake and in the absence of the existing EEO professionals.

**23.** Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

✓ During the period in review, the Deputy EEO Officer collaborated with the General Counsel to assess various risk factors that may be associated with sexual harassment via the *NYC Agency Risk Assessment* (see § IV.19).

**24.** Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

✓ HPD's job description for its principal EEO Professional contained the following *Key Responsibilities*: "...ensures compliance with the Citywide EEO Policy and is responsible for training all HPD employees on their rights and responsibilities as they relate to the Policy"; "[l]ead investigations into allegations of discrimination and/or harassment involving any protected class as defined by the City's EEO Policy and all other regulatory bodies..."; "...[a]ct as a resource and advisor to HPD senior staff and managers regarding EEO-related matters"; "[m]anage and supervise the Deputy EEO Officer and EEO support staff"; and "[p]repare and revise Agency EEO statements and postings." HPD reported that the principal EEO Professional was also responsible for conducting the new-hire orientation for all new employees during the period in review. The PowerPoint presentation utilized by the principal EEO Professional for the new hire orientation during the period in review, entitled, "*Diversity and Equal Employment Opportunity (EEO) at HPD*" indicated that HPD's new-hire orientation covered employee rights and responsibilities regarding sexual harassment prevention and complaint investigation procedures. EEO complaint files indicate that allegations of sexual harassment were investigated by the principal EEO Professional. *Tasks and Standards* indicated that HPD's *504 Coordinator* was responsible for providing large prints and audio formats of the EEO policies upon requests. HPD reported that there were no requests for EEO-related policies in alternate formats during the period in review.

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ HPD's organizational chart dated November 28, 2018 listed the principal EEO Professional by title and showed a direct reporting line between the principal EEO Professional and both the Agency Head (Commissioner) and Executive Deputy Commissioner.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

➤ HPD did not demonstrate that, during the period in review, it maintained documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

**Corrective Action #6:** Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

## **VI. Responsibility for Implementation – Supervisors/Managers**

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

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.



✓ HPD's *Anti-Sexual Harassment Statement* issued in 2018 informed managers that they would be held accountable for enforcing the agency's sexual harassment prevention policies by directing that, "HPD managers, directors and supervisors have an obligation to immediately inform the EEO Office of all incidents of discrimination, harassment, or retaliation that they become aware of or observe. Further, reports should be made to the EEO Office when incidents occur, outside of the traditional work setting, between co-workers or HPD affiliated individuals. Upon becoming aware of or observing such incident, the manager, director, or supervisor must, without exception, report the incident to the EEO Office." HPD documented the implementation of this expectation for managers and supervisors by utilizing its *Managerial Performance Appraisal Form* that included *Equal Employment Opportunity (EEO) Compliance* as a *Key Responsibility* along with the *Performance Expectation* that, "[a]ll duties will be carried out in accordance with the City's EEO Policy. Any violation of the City's EEO Policy is brought to the attention of the Agency's EEO Officer immediately."

28. Ensure 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).

✓ HPD's *Managerial Performance Appraisal Form* utilized during the period in review included *Equal Employment Opportunity (EEO) Compliance* as a *Key Responsibility* along with the *Performance Expectation* that, "[a]ll duties will be carried out in accordance with the City's EEO Policy. Any violation of the City's EEO Policy is brought to the attention of the Agency's EEO Officer immediately."

NOTE: The EEOC recommends that HPD's EEO rating in its *Managerial Performance Appraisal Form* communicate a clearer expectation by adding responsibilities and processes for assuring managers/supervisors' ability to make employment decisions based on merit and equal consideration or treat others in an equitable and impartial manner. HPD should also provide additional clarification as to what expectations are included in the responsibility to carry out all duties in accordance with the City's EEO Policy.

## VII. Reporting Standard for Agency Head

**Determination:** The agency is required to comply with the standards for this subject area.

29. Submit to the EEOC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

✓ HPD provided a *Diversity and Equal Employment Opportunity Plan* for fiscal years 2017 and 2018 as well as an *Agency Quarterly Diversity and EEO Report* for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of fiscal year 2017 and each quarter of fiscal year 2018, each of which contained a summary of the number of internal and external sexual harassment complaints.

➤ HPD did not provide a *Diversity and Equal Employment Opportunity Plan* for fiscal year 2019 nor an *Agency Quarterly Diversity and EEO Report* for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of fiscal year 2019.  
**Corrective Action Required.**

**Corrective Action #7:** Submit to the EEOC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly



report.

**30.** Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

**FINAL ACTION:** Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

**Summary of Corrective Actions:**

**The Department of Housing Preservation & Development has 8 required corrective action(s) at this time. This includes the aforementioned final action.**

**Conclusion**

Pursuant to Charter Chapter 36, the Department of Housing Preservation & Development has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

*Optional Response to Preliminary Determination:* If submitted, the Department of Housing Preservation & Development's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, 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.

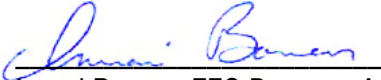
*(Optional Conference)* If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Department of Housing Preservation & Development's implementation of the prescribed corrective action(s).

*(No Response Option)* If the Department of Housing Preservation & Development 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 action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Department of Housing Preservation & Development must submit a response, signed by the agency head, to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.

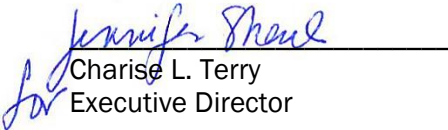
In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,



Imani Bowen, EEO Program Analyst

Approved by,



for Charise L. Terry  
Executive Director

C:

Dr. Taylor Ramsey, principal EEO Professional, Assistant Commissioner, Office of Equal Employment Opportunity, HPD  
Arden Levine, Executive Director of Strategic Planning & Compliance, HPD  
Ilacia Zuell, Manager, EEO Analysis and Audit, EEPC

## **Appendix - 1**

Department of Housing Preservation & Development  
CEEDS Report: *Work Force Composition Summary*  
2<sup>nd</sup> Quarter of Fiscal Year 2019



RUN DATE: 01/07/19  
 RUN TIME: 08:09:34.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 806 HOUSING PRESERVATION & DEVELOPMENT

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QUARTER 2 YEAR 2019

95568 DEPUTY GENERAL COUNSEL (HP	2	1	0	0	0	0	2	0	0	0	0	0	0	5
95569 DIRECTOR OF NEIGHBORHOOD C	0	0	0	0	0	0	0	1	0	0	0	0	0	1
95570 LEGISLATIVE ASSISTANT (HPD	0	0	0	0	0	0	2	0	0	0	0	1	0	3
EEO JOB GROUP TOTAL.....:	97	62	34	49	0	4	46	37	21	15	0	2	0	367
	26.45	16.89	9.26	13.35	0.00	1.09	12.53	10.08	5.72	4.09	0.00	0.54	0.00	100.00

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1000B	ADMINISTRATIVE ACCOUNTANT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1002A	ADMINISTRATIVE STAFF ANALY	10	3	1	2	1	0	6	6	3	4	0	1	0	37
1002C	ADMINISTRATIVE MANAGER NON	3	11	3	1	0	0	7	41	15	4	0	0	0	85
1002D	ADMINISTRATIVE STAFF ANALY	6	2	1	0	0	0	6	3	0	1	0	0	0	19
1002E	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	0	0	0	0	0	1
1004D	ADMINISTRATIVE REAL PROPER	0	0	0	0	0	0	0	4	0	0	0	0	0	4
12158	PROCUREMENT ANALYST	0	0	1	1	0	0	0	3	0	1	0	0	0	6
12626	STAFF ANALYST	0	2	0	0	0	0	3	3	1	3	0	0	0	12
12627	ASSOCIATE STAFF ANALYST	4	0	0	2	0	0	5	9	2	3	0	0	0	25
13403	STRATEGIC INITIATIVE SPECI	1	1	0	0	0	1	2	0	1	0	0	0	0	6
20122	ESTIMATOR (GENERAL CONSTRU	1	0	0	0	0	0	2	0	1	0	0	0	0	4
20126	SENIOR ESTIMATOR (ELECTRIC	0	0	0	1	0	0	0	0	1	0	0	0	0	1
20127	SENIOR ESTIMATOR (GENERAL	0	0	1	0	0	0	0	0	0	0	0	0	0	1
22426	PROJECT MANAGER	2	0	0	0	0	0	0	0	0	0	0	0	0	2
22427	ASSOCIATE PROJECT MANAGER	2	0	1	2	0	0	1	0	0	0	0	0	0	6
31167	INVESTIGATOR (EMPLOYEE DIS	1	1	2	1	0	0	2	3	2	0	0	0	0	12
31656	INSPECTOR MULTI DISCIPLIN	0	1	0	0	0	0	0	0	0	0	0	0	0	1
31670	INSPECTOR (HOUSING)	60	102	47	35	0	6	8	7	4	2	0	2	1	274
31675	ASSOCIATE INSPECTOR (HOUSI	16	15	8	4	0	1	2	1	1	0	0	0	0	48
31685	ASSOCIATE REHABILITATION S	1	1	0	0	0	0	0	0	0	0	0	0	0	2
32455	SUPERVISING DEMOLITION INS	3	1	0	0	0	0	0	0	0	0	0	0	0	4
34173	QUALITY ASSURANCE SPECIALI	1	2	0	1	0	0	0	0	0	0	0	0	0	4
34190	ASSOCIATE QUALITY ASSURANC	1	1	1	0	0	0	0	0	0	0	0	0	0	3
40410	APPRAISER (REAL ESTATE)	4	0	0	0	0	0	2	0	0	0	0	0	0	6
40502	MANAGEMENT AUDITOR	0	1	0	0	0	0	0	4	0	2	0	0	0	7
40510	ACCOUNTANT	5	2	2	3	0	0	6	8	2	6	0	0	0	34
54746	CONFIDENTIAL STRATEGY PLAN	0	0	0	0	0	0	1	2	1	0	0	0	0	4
80112	REAL PROPERTY MANAGER	4	5	5	0	0	0	1	7	3	0	0	0	0	25
80122	ASSOCIATE REAL PROPERTY MA	3	6	4	2	0	0	1	19	3	0	0	0	0	38
8297A	ADMINISTRATIVE PROCUREMENT	2	1	0	1	0	0	0	5	2	1	0	0	0	12
8300B	ADMINISTRATIVE PROJECT MAN	0	1	1	0	0	0	0	0	0	0	0	0	0	2
9556A	ADMINISTRATIVE PROJECT DIR	0	2	0	1	0	0	4	1	0	1	0	0	0	9
EEO JOB GROUP TOTAL.....:		130	161	78	57	1	8	60	126	41	29	0	3	1	695
		18.72	23.17	11.22	8.20	0.14	1.15	8.63	18.13	5.90	4.17	0.00	0.43	0.14	100.00

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

RUN DATE: 01/07/19  
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NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 806 HOUSING PRESERVATION & DEVELOPMENT

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	WHITE	BLACK	HISPANIC	ASIAN	AM IND	UN-	OTHER	TOTAL
13611 COMPUTER ASSOCIATE (TECHNI	1	3	0	0	0	0	1	1	0	1	0	0	0	7
13621 COMPUTER ASSOCIATE (OPERAT	5	0	3	3	0	0	2	2	0	1	0	0	0	16
13622 COMPUTER SPECIALIST (OPERA	3	0	1	0	0	0	0	1	0	0	0	0	0	8
13631 COMPUTER ASSOCIATE (SOFTWA	2	1	1	2	0	0	0	0	0	2	0	0	0	5
13632 COMPUTER SPECIALIST (SOFTW	9	1	1	13	0	0	0	0	0	2	0	0	0	8
13643 CERTIFIED IT DEVELOPER (AP	0	0	0	0	0	0	6	1	0	6	0	1	0	38
13651 COMPUTER PROGRAMMER ANALYS	0	1	0	0	0	0	1	0	0	0	0	0	0	1
13652 CERTIFIED IT ADMINISTRATOR	1	0	0	1	0	0	0	0	0	1	0	0	0	2
20210 ASSISTANT CIVIL ENGINEER	1	0	0	1	0	0	0	0	0	0	0	0	0	2
20215 CIVIL ENGINEER	1	0	0	1	0	0	0	0	0	0	0	0	0	2
20410 ASSISTANT MECHANICAL ENGIN	1	1	0	1	0	0	1	0	0	0	0	0	0	4
20415 MECHANICAL ENGINEER	0	0	0	1	0	0	0	0	0	0	0	0	0	1
21210 ASSISTANT ARCHITECT	4	2	2	3	0	1	2	1	3	0	0	0	0	18
21215 ARCHITECT	0	1	0	0	0	0	0	0	0	0	0	0	0	1
21744 CITY RESEARCH SCIENTIST (A	2	0	0	0	0	0	2	0	0	0	0	0	0	5
EEO JOB GROUP TOTAL.....:	30	10	8	26	0	1	15	6	3	12	0	1	0	112
	26.80	8.93	7.14	23.21	0.00	0.89	13.39	5.36	2.68	10.71	0.00	0.89	0.00	100.00

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 006 SOCIAL SCIENTISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1005A	ADMINISTRATIVE CITY PLANNE	0	1	0	0	0	0	0	1	0	1	0	0	0	0
22122	CITY PLANNER	4	5	2	0	0	0	11	3	1	3	0	2	0	
22401	MULTIPLE DWELLING SPECIALI	0	0	0	0	0	0	1	1	0	0	0	0	0	
22506	HOUSING DEVELOPMENT SPECIA	0	0	1	0	0	0	0	0	0	0	0	0	0	
22507	HOUSING DEVELOPMENT SPECIA	16	16	5	4	0	2	20	16	10	8	0	1	0	
22508	ASSOCIATE HOUSING DEVELOPM	8	6	2	1	0	0	7	10	4	2	0	0	0	
8300A	ADMINISTRATIVE HOUSING DVL	5	3	1	0	0	0	6	2	1	0	0	0	0	
EEO JOB GROUP TOTAL.....:		33	31	11	5	0	2	45	33	16	14	0	3	0	
		17.10	16.06	5.70	2.59	0.00	1.04	23.32	17.10	8.29	7.25	0.00	1.55	100.00	

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 007 SOCIAL WORKERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10104	ELIGIBILITY SPECIALIST	0	0	0	0	0	0	0	2	0	0	0	0	0	
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	2	0	0	0	0	0	
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		



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NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL EMP
30085 *ATTORNEY AT LAW	5	1	1	0	0	0	5	0	0	0	0	0	0	12
30086 AGENCY ATTORNEY INTERNE	0	0	0	0	0	0	0	0	0	1	0	0	0	1
30087 AGENCY ATTORNEY	9	2	4	5	0	2	12	9	2	4	0	2	0	51
EEO JOB GROUP TOTAL.....:	14	3	5	5	0	2	17	9	2	5	0	2	0	64
	21.87	4.69	7.81	7.81	0.00	3.13	26.56	14.06	3.13	7.81	0.00	3.13	0.00	100.00

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
13616	SUPERVISING COMPUTER SERVI	0	0	0	1	0	0	0	0	0	0	0	0	0	1
30080	PARALEGAL AIDE	0	0	0	1	0	0	1	0	1	0	0	0	3	
31105	INVESTIGATOR	1	2	0	0	0	0	1	0	0	0	0	0	4	
31121	ASSOCIATE INVESTIGATOR	0	2	0	0	0	0	0	0	0	0	0	0	2	
31305	INDUSTRIAL HYGIENIST	0	1	0	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		1	5	0	2	0	0	2	0	1	0	0	0	11	
		9.10	45.45	0.00	18.18	0.00	0.00	18.18	0.00	9.09	0.00	0.00	0.00	100.00	

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	6	4	4	3	0	0	8	62	23	5	1	0	116	
EEO JOB GROUP TOTAL.....:		6	4	4	3	0	0	8	62	23	5	1	0	116	
		5.16	3.45	3.45	2.59	0.00	0.00	6.90	53.45	19.83	4.31	0.86	0.00	100.00	

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10250	CLERICAL AIDE	0	0	0	0	0	0	0	0	0	1	0	0	1	
10251	CLERICAL ASSOCIATE	5	5	4	1	0	0	5	89	17	5	0	4	135	
10252	SECRETARY	0	0	0	0	0	0	1	16	3	0	0	0	20	
12202	SUPERVISOR OF STOCK WORKER	0	0	0	1	0	0	0	0	0	0	0	0	1	
12862	SECRETARY OF COMMISSIONER	0	0	0	0	0	0	0	0	1	0	0	0	1	
40526	BOOKKEEPER	0	0	0	0	0	0	1	0	1	3	0	0	5	
95575	SECRETARY TO THE DEPUTY CO	0	0	0	0	0	0	0	1	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		5	5	4	2	0	0	7	106	22	9	0	4	164	
		3.05	3.05	2.44	1.22	0.00	0.00	4.27	64.63	13.41	5.49	0.00	2.44	100.00	

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NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
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AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 025 CRAFT

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
31311	LEAD ABATEMENT WORKER	1	1	3	0	0	0	0	0	0	0	0	0	0	0	5
34205	SUPERVISOR OF ELECTRICAL I	3	0	0	0	0	0	0	0	0	1	0	0	0	4	
34221	SUPERVISOR OF MECHANICAL I	6	3	1	0	0	0	0	0	0	0	0	0	0	10	
90571	REPAIR CREW WORKER (HDA)	0	2	0	0	0	0	0	0	0	0	0	0	0	2	
90573	REPAIR CREW CHIEF (HDA)	1	0	3	0	0	0	0	0	0	0	0	0	0	4	
90574	SENIOR REPAIR CREW CHIEF (	1	0	2	1	0	0	0	0	0	0	0	0	0	4	
90576	REPAIR SHOP MANAGER (HDA)	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
91717	ELECTRICIAN	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		13	7	9	1	0	0	0	0	0	1	0	0	0	31	
		41.93	22.58	29.03	3.23	0.00	0.00	0.00	0.00	0.00	3.23	0.00	0.00	0.00	100.00	

AGENCY CODE : 806 HOUSING PRESERVATION & DEVELOPMENT  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
52406	COMMUNITY SERVICE AIDE	1	2	0	0	0	0	0	3	2	0	0	0	0	8
56056	COMMUNITY ASSISTANT	0	1	1	1	0	0	2	15	10	2	0	0	0	32
56057	COMMUNITY ASSOCIATE	8	40	25	3	0	2	14	106	66	7	1	4	0	276
56058	COMMUNITY COORDINATOR	23	24	27	10	0	8	27	61	37	9	0	5	0	231
EEO JOB GROUP TOTAL.....:		32	67	53	14	0	10	43	185	115	18	1	9	0	547
		5.85	12.25	9.69	2.56	0.00	1.83	7.86	33.82	21.02	3.29	0.18	1.65	0.00	100.00

AGENCY TOTAL.....:

363	355	206	164	1	27	245	566	244	109	2	24	1	2307
15.74	15.39	8.93	7.11	0.04	1.17	10.62	24.53	10.58	4.72	0.09	1.04	0.04	100.00

## **Appendix - 2**

Department of Housing Preservation & Development  
Equal Employment Opportunity Statement  
March 2017 and August 2018



## EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

### A. General Anti-Discrimination/Harassment Policy:

The New York City Department of Housing Preservation and Development (HPD) is an Equal Opportunity Employer. HPD is committed to compliance with federal, state and city laws and HPD rules and regulations that prohibit employment discrimination, harassment and retaliation. HPD will ensure that all applicants, employees and temporary workers are aware of their rights and obligations under this Policy through distribution of EEO materials and statements, training, and by encouraging work environments that appreciate and respect differences among persons. Employment decisions will be made on the basis of merit, fitness, equality of opportunity, and without discrimination on the basis of one's (actual or perceived) membership in any of these protected categories:

- Age
- Alienage/Immigration/Citizenship Status
- Color
- Disability
- Gender/Gender Identity/Expression
- Marital Status
- Military Status
- National Origin
- Partnership Status
- Predisposing Genetic Characteristic/Genetic Information
- Prior Record of Arrest or Conviction
- Race/Ethnicity
- Religion/Creed
- Sex
- Sexual Orientation
- Unemployment Status
- Victim of Domestic Violence, Sex Offenders & Stalking
- Credit History
- Caregiver Status

The laws, rules and regulations prohibit discrimination that affects:

- Recruitment
- Testing
- Hiring
- Work Assignment
- Performance Evaluation
- Promotions
- Training Opportunities
- Transfers
- Working Conditions
- Discharge
- Discipline
- Salary and Benefits

### B. Anti-Sexual Harassment Policy:

Sexual harassment is a form of employment discrimination prohibited by law. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Where a violation of the law and/or this Policy is suspected, you are encouraged to contact the EEO Office immediately. Any person found to be engaging in conduct or practices that violate the EEO Policy and/or the law will be subject to disciplinary action, which may include a reprimand, fine, suspension, probation, demotion, transfer, termination and other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, HPD shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant.

HPD officers, directors and supervisors have an obligation to immediately inform the EEO Office of all complaints of discrimination, harassment, or retaliation that they become aware of or observe. Upon becoming aware of or observing such incident, the officer or supervisor must, without exception, immediately complete an EEO Incident Report (available via Intranet) containing all information regarding the incident and forward the Incident Report directly to the EEO Office. Do not retain any copies.

### C. Reasonable Accommodations:

Consistent with the law, reasonable accommodations will be made for (1) disabilities (2) pregnancies (3) religious observances, practices and beliefs, and/or (4) victims of domestic violence, sex offenses and stalking, provided that the accommodation does not cause an undue hardship to HPD's operations.

### D. 55a Program:

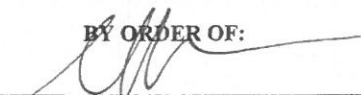
Section 55-a of the New York State Civil Service Law permits the City to convert as many as 700 competitive civil service lines to non-competitive civil service positions for people who can perform the job in question as needed by the Agency but who are certified as having a disability. The City encourages conversions of lines to 55-a status where agency needs permit.

### E. Anti-Retaliation Policy:

No one covered by this Policy may retaliate against or harass any person for opposing discrimination, filing a complaint, cooperating in the investigation of the complaint, or requesting a reasonable accommodation. Such retaliation or harassment is unlawful and a violation of HPD's EEO Policy. Violation of the EEO Policy will be cause for disciplinary action, which may include a reprimand, fine, suspension, probation, demotion, transfer, termination or any other measures calculated to eliminate unlawful and inappropriate employee conduct.

Any applicant, employee, intern or temporary worker who believes that s/he has been the subject of an EEO violation should contact HPD's EEO Office at (212) 863-6117. The EEO Office is located at 100 Gold Street, Room 5A-1, New York, NY 10038.

BY ORDER OF:

  
Maria Torres-Springer, Commissioner

Date: March 2017



## EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

### A. General Anti-Discrimination/Harassment Policy:

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- Color
- Disability
- Ethnicity
- Gender/Gender Identity/Expression
- Marital Status
- Military Status
- National Origin
- Partnership Status
- Predisposing Genetic Characteristic/Genetic Information
- Prior Record of Arrest or Conviction
- Race
- Religion/Creed
- Sexual Orientation
- Unemployment Status
- Victim or Witness of Domestic Violence, Sex Offenses or Stalking
- Credit History
- Caregiver Status

The laws, rules and regulations prohibit discrimination that affects:

- Recruitment
- Testing
- Hiring
- Work Assignment
- Performance Evaluation
- Promotions
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- Salary and Benefits

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Consistent with the law, reasonable accommodations will be made for (1) disabilities (2) pregnancies (3) religious observances, practices and beliefs, and/or (4) victims of domestic violence, sex offenses and stalking, provided that the accommodation does not cause an undue hardship to HPD's operations.

### D. 55a Program:

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No one covered by this Policy may retaliate against or harass any person for opposing discrimination, filing a complaint, cooperating in the investigation of the complaint, or requesting a reasonable accommodation. Such retaliation or harassment is unlawful and a violation of HPD's EEO Policy. Violation of the EEO Policy will be cause for disciplinary action, which may include a reprimand, fine, suspension, probation, demotion, transfer, termination or any other measures calculated to eliminate unlawful and inappropriate employee conduct.

Where a violation of the law and/or the EEO Policy is suspected, you are encouraged to contact the EEO Office immediately. Any person found to be engaging in conduct or practices that violate the EEO Policy and/or the law will be subject to disciplinary action, which may include a reprimand, fine, suspension, probation, demotion, transfer, termination and other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, HPD will take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant.

HPD officers, directors and supervisors have an obligation to immediately inform the EEO Office of all complaints of discrimination, harassment, or retaliation that they become aware of or observe. Upon becoming aware of or observing such incident, the officer or supervisor must, without exception, immediately complete an EEO Incident Report (available via Intranet) containing all information regarding the incident and forward the Incident Report directly to the EEO Office. Do not retain any copies.

Any applicant, employee, intern or temporary worker who believes that s/he has been the subject of an EEO violation should contact HPD's EEO Office at (212) 863-7842. The EEO Office is located at 100 Gold Street, Room 5A-1, New York, NY 10038.

BY ORDER OF:

Date: August 2018

Maria Torres-Springer, Commissioner

## **Appendix - 3**

Department of Housing Preservation & Development  
Anti-Sexual Harassment Statement  
January 2018





City of New York  
DEPARTMENT OF  
HOUSING PRESERVATION AND DEVELOPMENT  
100 GOLD STREET, NEW YORK, N.Y. 10038  
nyc.gov/hpd

**TO:** HPD Staff  
**FROM:** Commissioner Maria Torres-Springer *MTS*  
**DATE:** January 2018  
**SUBJECT:** Anti-Sexual Harassment Statement

I would like to take this opportunity to remind everyone about our rights and responsibilities in relation to the EEO Policy in general and sexual harassment in particular. While we learn of allegations of sexual harassment in various industries and in government, I am confident that here at HPD we will continue to foster and maintain a professional and respectful work environment for our employees and the general public which we serve.

Sexual harassment is a form of employment discrimination prohibited by law and the EEO Policy. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
3. Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Where a violation of the law and/or the EEO Policy is suspected, please contact the EEO Office immediately. Any person who engages in conduct that violates the EEO Policy and/or the law may be subject to disciplinary action, which may include a reprimand, fine, suspension, probation, demotion, transfer, termination and other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, HPD will take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant. Anyone who files a good faith complaint with the EEO Office will be protected against retaliation.

HPD managers, directors and supervisors have an obligation to immediately inform the EEO Office of all incidents of discrimination, harassment, or retaliation that they become aware of or observe. Further, reports should be made to the EEO Office when incidents occur, outside of the traditional work setting, between co-workers or HPD affiliated individuals. Upon becoming aware of or observing such incident, the manager, director, or supervisor must, without exception, report the incident to the EEO Office. The reporting requirement can be accomplished by phone, email, or EEO Incident Report (available on the HPD Intranet) which should be forwarded directly to the EEO Office. To maintain the confidentiality of the EEO process, please do not retain any copies of the Incident Report or share the details with other employees.

If you have any questions about EEO matters, please contact EEO Officer Toma N. Acholonu at 212-863-6117 or Deputy EEO Officer Jasmine K. Le Veaux at 212-863-7842 or by email at: [hpdceo@hpd.nyc.gov](mailto:hpdceo@hpd.nyc.gov). The EEO Office is available to all HPD employees as a resource. It is located in room 5A at 100 Gold Street, New York, New York 10038.

For more information about HPD's EEO Policy and access to forms, please visit: <http://hpdhome.hpd.nycnet/eo/Pages/home.aspx>.

Thank you for your continued commitment to maintaining a respectful work environment.



**Agency Response:**  
**NYC Department of Housing Preservation and Development (HPD) to  
Equal Employment Practices Commission (EEPC)**

**Evaluation of Sexual Harassment Prevention and Response Practices**  
**Audit Period: 1/1/2017 to 12/31/2018**  
**Date of Response: September 23<sup>rd</sup>, 2019**

---

**I. Issuance, Distribution and Posting of EEO Policies**

*Corrective Action #1: 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 Policy that conforms to city, state and federal laws against sexual harassment -- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.*

Agency Response to Corrective Action #1: On September 19<sup>th</sup>, 2019, HPD's Commissioner sent an email to all HPD employees affirming the agency's commitment to equal employment and providing information on filing a complaint. This email contained all relevant EEO materials as attachments, and also included links to the location of these materials on HPD's Intranet. A copy of the email is included with this response. HPD commits to sending a similar email on an annual basis going forward.

Additionally, and as demonstrated to EEPC during its review:

- HPD posts the City's EEO Policy, the agency EEO Complaint Form, the Commissioner's EEO and Anti-Sexual Harassment Statements, HPD's EEO Complaint Investigation Procedures, and the City's EEO Procedural Guidelines on HPD's Intranet (with current versions available during the entirety of the audit period); HPD further demonstrated that every HPD employee 1) has access to the Intranet and 2) receives training from HPD's EEO and HR departments during New Employee Orientation on how documents can be accessed from the Intranet.
- HPD posts its EEO Policy on electronic bulletin boards located throughout its main office at 100 Gold Street.
- All employees receive EEO training during New Employee Orientation where they are issued a copy of the EEO policy.

**II. Complaint and Investigation Procedures**

*Corrective Action #2: Provide the option to file a complaint anonymously.*



Agency Response to Corrective Action #2: On September 19<sup>th</sup>, 2019, HPD's Commissioner sent an email to all HPD employees affirming the agency's commitment to equal employment and providing information on filing a complaint. This email contained all relevant EEO materials as attachments, and also included links to the location of these materials on HPD's Intranet. A copy of the email is included with this response. These materials explain that employees may file complaints anonymously. HPD commits to sending a similar email on an annual basis going forward.

Additionally, and as demonstrated to EEPC during its review:

- HPD posts the City's EEO Policy, the EEO Complaint Form, the Commissioner's EEO and Anti-Sexual Harassment Statements, HPD's EEO Complaint Investigation Procedures, and the City's EEO Procedural Guidelines on HPD's Intranet (with current versions available during the entirety of the audit period); HPD further demonstrated that every HPD employee 1) has access to the Intranet and 2) receives training from HPD's EEO and HR departments during New Employee Orientation on how documents can be accessed from the Intranet. These materials explain that employees may file complaints anonymously.
- HPD posts its EEO Policy on electronic bulletin boards located throughout its main office at 100 Gold Street.
- All employees receive EEO training during New Employee Orientation where they are issued a copy of the EEO policy.
- The DCAS CEEDS database used by HPD indicates that at least four complaints in 2017 and 2018 were filed anonymously; three additional complaints were filed anonymously in 2019 to date. The frequency of the anonymous filings supports the proposition that employees are aware of their ability to do so.

Corrective Action #3: *Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.*

Agency Response to Corrective Action #3: HPD previously modified the Notice of Investigation format used in complaint procedures and sent the revised document to the EEPC during its review. HPD commits to using this document in all future case filings.

Corrective Action #4: *Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.*

Agency Response to Corrective Action #4: HPD uses the DCAS Citywide Equal Employment Database Systems (CEEDS), which tracks each of the fields described above, to maintain records of all internal and external complaints of discrimination and reasonable accommodations. Because reasonable accommodation cases are anonymized in CEEDS, HPD's EEO maintains an internal Excel spreadsheet in order to match anonymized case numbers to internal hard files. This internal spreadsheet also maintains basic information about internal complaints of discrimination to supplement the CEEDS database for record-keeping. HPD provided the EEPC with screenshots of the CEEDS database from the audit period on September 12<sup>th</sup>, 2019, and EEPC confirmed that its use of CEEDS as illustrated by those screenshots meets EEPC standards.



Corrective Action #5: *Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.*

Agency Response to Corrective Action #5: HPD provided EEPC with the following materials during the review period.

- A copy of the DCAS Annual Risk Assessment in 2018, on which the Principal EEO Professional, the Assistant Commissioner of Human Resources and the General Counsel's Office worked together with the Commissioner to assess sexual harassment risk at the agency. The Risk Assessment is signed by all the above-mentioned individuals.
- Agendas for meetings between key personnel in HPD's EEO, General Counsel, and HR departments about sexual harassment responses with evidence of follow-up action. Currently, HPD's Principal EEO Professional meets on a biweekly basis with the Deputy General Counsel of Labor and Employment and the Assistant Commissioner of Human Resources to discuss various employment matters, including appropriate responses to sexual harassment and complaint trends. During the review period, such actions included working with DCAS to deliver live training on sexual harassment prevention and response to parts of the agency where complaints may be overrepresented.
- Email evidence of the Deputy General Counsel of Labor and Employment notifying the EEO Professional of new cases so that relevant case files could be identified and provided. When external complaints are brought against the agency, the Deputy General Counsel must inform the Principal EEO Professional in order to determine if an internal case was filed. Moreover, the Deputy General Counsel enters external complaints into CEEDS, which the EEO Professional can also access.

With this response, HPD further provides the job posting for the position of Deputy General Counsel of Labor and Employment. The first-listed key responsibility is to "Counsel the agency on issues regarding labor and employment law and represent and/or advise the agency in connection with... claims of employment discrimination." There have been no external complaints of sexual harassment during the tenure of the current Deputy General Counsel of Labor and Employment. However, the Deputy General Counsel of Labor and Employment has consulted extensively with the EEO Professional and the HR department regarding an internal sexual harassment matter which resulted in the suspension of two employees in April 2019, with one HPD employee retiring and ongoing disciplinary action against another employee. Several emails reflecting this consultation are provided with this response.

## **V. Responsibility for Implementation - EEO Professionals**

Corrective Action #6: *Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.*



Agency Response to Corrective Action #6: With this response, HPD has provided the EEPC with six additional agendas from the audit period reflecting that the Principal EEO Professional met regularly with the First Deputy Commissioner, the Commissioner's designee on EEO matters during the audit period, regarding sexual harassment complaints, training and trends in sexual harassment cases. Moreover, with this response, HPD has also provided the EEPC a copy of the slides used during an EEO briefing with the Commissioner on July 23<sup>rd</sup>, 2019. These slides demonstrate that the EEO Professional was in conversation with the Commissioner on sexual harassment complaint trends and agency response, including live training for Divisions where complaints may be overrepresented.

## VII. Reporting Standard for Agency Head

Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response to Corrective Action #7: The agency completed all DCAS-mandated quarterly reports, including quarterly reports for the first and second quarters of 2019, and has provided those to the EEPC with this response document.

During the review period, HPD provided EEPC with its Annual Plan (submitted to DCAS on December 12<sup>th</sup>, 2018 and approved by DCAS on July 9<sup>th</sup>, 2019); HPD also provided a quarterly breakout of complaint activity with sexual harassment during the preliminary conference phase of this audit.



Louise Carroll  
Commissioner, HPD

9/23/19

Date

**NYC**





Sasha Neha Ahuja  
Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry  
Executive Director

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676.2724 fax

**BY MAIL AND EMAIL**

September 30, 2019

Louise Carroll  
Commissioner  
Department of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Re: Resolution #2019AP/234-806-(2019)  
Department of Housing Preservation & Development  
Evaluation of Sexual Harassment Prevention and Response Practices  
Audit Period: January 1, 2017 to December 31, 2018  
Determination: **FINAL**

Dear Commissioner Carroll:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: September 9, 2019  
Response Received: September 23, 2019

**Purpose**

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and



monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Department of Housing Preservation & Development's Sexual Harassment Prevention and Response Practices.

As the Department of Housing Preservation & Development falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards<sup>1</sup> to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Department of Housing Preservation & Development's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

### **Next Steps**

**The assigned compliance-monitoring period is: October 1, 2019 to March 31, 2020. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.**

***If corrective actions remain:*** Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Department of Housing Preservation & Development has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Department of Housing Preservation & Development will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Department of Housing Preservation & Development is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

***Final Memorandum:*** Upon the Department of Housing Preservation & Development's implementation of the final corrective action, if any, the EEPC requires that the Department of Housing Preservation & Development submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

***If no corrective actions remain:*** In lieu of a response to this Final Determination, the Department of Housing Preservation & Development must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Department of Housing Preservation & Development will be exempt from the abovementioned compliance-monitoring period.

---

<sup>1</sup> The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

**Conclusion**

This is the EEPc's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at [jshaw@eepc.nyc.gov](mailto:jshaw@eepc.nyc.gov) or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

  
Charise L. Terry  
Executive Director

c: Dr. Taylor Ramsey, Principal EEO Professional, Assistant Commissioner, Office of Equal Employment Opportunity, HPD  
Arden Levine, Executive Director of Strategic Planning & Compliance, HPD

Enclosed: TeamCentral Agency Manual

**FINAL DETERMINATION**

A response indicating progress of Department of Housing Preservation & Development's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires (PIQs)* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the *Annual EEO Plans and Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Agree**

Regarding your responses to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

**Corrective Action #2:**

Provide the option to file a complaint anonymously.

**Agency Response:**

*"On September 19<sup>th</sup>, 2019, HPD's Commissioner sent an email to all HPD employees affirming the agency's commitment to equal employment and providing information on filing a complaint. This email contained all relevant EEO materials as attachments, and also included links to the location of these materials on HPD's Intranet. A copy of the email is included with this response. These materials explain that employees may file complaints anonymously. HPD commits to sending a similar email on an annual basis going forward."* HPD provided a copy of its *EEO Complaint and Investigation Procedures* as well as the *EEO Complaint and Procedural Guidelines, City of New York, 2018* that were distributed to employees, both of which provide the option to file a complaint anonymously.

**EEPC Response:**

The EEPC accepts the agency's response and copy of an email that confirm distribution of HPD's *EEO Complaint and Investigation Procedures* and the *EEO Complaint and Procedural Guidelines, City of New York, 2018* policies as documentation that corrective action #2 has been implemented.

**Corrective Action #3:**

Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

**Agency Response:**

*"HPD previously modified the Notice of Investigation format used in complaint procedures and sent the revised document to the EEPC during its review. HPD commits to using this document in all future case filings."* HPD provided to the EEPC a *Notice of Investigation - Respondent* template letter that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of their choice.

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

EEPC Response:

The EEPC accepts the agency's response and documentation provided that corrective action #3 has been implemented.

Corrective Action #4:

Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

Agency Response:

*"HPD uses the DCAS Citywide Equal Employment Database Systems (CEEDS), which tracks each of the fields described above, to maintain records of all internal and external complaints of discrimination and reasonable accommodations. Because reasonable accommodation cases are anonymized in CEEDS, HPD's EEO maintains an internal Excel spreadsheet in order to match anonymized case numbers to internal hard files. This internal spreadsheet also maintains basic information about internal complaints of discrimination to supplement the CEEDS database for record-keeping. HPD provided the EEPC with screenshots of the CEEDS database from the audit period on September 12<sup>th</sup>, 2019, and EEPC confirmed that its use of CEEDS as illustrated by those screenshots meets EEPC standards." HPD submitted to the EEPC screenshots of both internal and external complaints tracked in its CEEDS database.*

EEPC Response:

The EEPC accepts the agency's response and screenshots which indicate utilization of the CEEDS complaint tracking system as documentation that corrective action #4 has been implemented.

Corrective Action #5:

Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Agency Response:

*"HPD provided EEPC with the following materials during the review period: [a] copy of the DCAS Annual Risk Assessment in 2018, on which the principal EEO Professional, the Assistant Commissioner of Human Resources and the General Counsel's Office worked together with the Commissioner to assess sexual harassment risk at the agency. The Risk Assessment is signed by all the above-mentioned individuals; [a]gendas for meetings between key personnel in HPD's EEO, General Counsel, and HR departments about sexual harassment responses with evidence of follow-up action. Currently, HPD's principal EEO Professional meets on a biweekly basis with the Deputy General Counsel of Labor and Employment and the Assistant Commissioner of Human Resources to discuss various employment matters, including appropriate responses to sexual harassment and complaint trends. During the review period, such actions included working with DCAS to deliver live training on sexual harassment prevention and response to parts of the agency where complaints may be overrepresented; [e]mail evidence of the Deputy General Counsel of Labor and Employment notifying the EEO Professional of new cases so that relevant case files could be identified and provided. When external complaints are brought against the agency, the Deputy General Counsel must inform the principal EEO Professional in order to determine if an internal case was filed. Moreover, the Deputy General Counsel enters external complaints into CEEDS, which the EEO Professional can also*

access. With this response, HPD further provides the job posting for the position of Deputy General Counsel of Labor and Employment. The first-listed key responsibility is to, '[c]ounsel the agency on issues regarding labor and employment law and represent and/or advise the agency in connection with...claims of employment discrimination.' There have been no external complaints of sexual harassment during the tenure of the current Deputy General Counsel of Labor and Employment. However, the Deputy General Counsel of Labor and Employment has consulted extensively with the EEO Professional and the HR department regarding an internal sexual harassment matter which resulted in the suspension of two employees in April 2019, with one HPD employee retiring and ongoing disciplinary action against another employee. Several emails reflecting this consultation are provided with this response." HPD provided a copy of the job description for its Deputy General Counsel as well as emails in which the principal EEO Professional consulted with the Deputy General Counsel on an internal complaint.

EEPC Response:

The EEPC accepts the agency's response and documentation provided that corrective action #5 has been implemented.

Corrective Action #7:

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response:

"The agency completed all DCAS-mandated quarterly reports, including quarterly reports for the first and second quarters of 2019, and has provided those to the EEPC with this response document." HPD submitted to the EEPC its Diversity and Equal Employment Opportunity Plan for fiscal year 2019, the Agency Quarterly Diversity and EEO Report for the first and second quarters of fiscal year 2019, and a Complaints Summary Report for the first and second quarters of fiscal year 2019 that included a breakout of sexual harassment complaint activity.

EEPC Response:

The EEPC accepts HPD's submission of outstanding Annual Plans and Quarterly Reports as demonstration of implementation of corrective action #7.

**Monitoring Required**

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

**Corrective Action #1:**

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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response:

"On September 19<sup>th</sup>, 2019, HPD's Commissioner sent an email to all HPD employees affirming the agency's commitment to equal employment and providing information on filing a complaint. This email contained all

relevant EEO materials as attachments, and also included links to the location of these materials on HPD's Intranet. A copy of the email is included with this response. HPD commits to sending a similar email on an annual basis going forward." HPD provided a copy of its September 19, 2019 Equal Employment Opportunity Policy email that contained the following attachments: *Equal Employment Opportunity (EEO) Policy Statement, 2019*; *Complaint of Discrimination Form*; *HPD's EEO Complaint and Investigation Procedures*; *EEO Complaint Procedural Guidelines, City of New York, 2018*; and *Equal Employment Opportunity Policy, Standards and Procedures To be Utilized by City Agencies, 2014*. The email also informed employees that "[a]ll of these documents are also available on HPD's intranet."

**EEPC Response:**

The EEPC recognizes the agency's commitment to implement corrective action #1. To avoid confusion and eliminate ambiguity, HPD should discontinue use of two sets of procedures/guidelines, adopt the *EEO Complaint Procedural Guidelines, City of New York, 2018* in its entirety, and demonstrate how employees are informed of this change. Alternately to demonstrate compliance, the HPD must update its *EEO Complaint and Investigation Procedures* to include the following requirements: the complaint investigation must to be completed within 90 days; in such rare circumstances when the investigation is not completed within that timeframe: note the reason for the delay within the complaint file as well as the projected timeframe for the completion of the final report and notify the parties of the delay; and notify the complainant and respondent if a complaint was transferred due to the filing of an external complaint. The finalized document should be provided to the EEPC during the compliance-monitoring period for review.

**Corrective Action #6:**

Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

**Agency Response:**

"With this response, HPD has provided the EEPC with six additional agendas from the audit period reflecting that the principal EEO Professional met regularly with the First Deputy Commissioner, the Commissioner's designee on EEO matters during the audit period, regarding sexual harassment complaints, training and trends in sexual harassment cases. Moreover, with this response, HPD has also provided to the EEPC a copy of the slides used during an EEO briefing with the Commissioner on July 23<sup>rd</sup>, 2019. These slides demonstrate that the EEO Professional was in conversation with the Commissioner on sexual harassment complaint trends and agency response, including live training for Divisions where complaints may be overrepresented." HPD submitted agendas of EEO meetings that occurred during the period in review between the principal EEO Professional and the First Deputy Commissioner as well as an *Equity, Inclusion and Equal Employment Opportunity (EEO)* at HPD PowerPoint presentation.

**EEPC Response:**

The EEPC recognizes the agency's commitment to implement corrective action #6. To demonstrate compliance, HPD must provide minutes, memos, or correspondence between the agency head/direct report and the principal EEO Professional, which pertain to directives or decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment; and documentation of subsequent implementation of those decisions or actions taken by the agency as a result of those directives.

**FINAL ACTION:**

Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to





the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.





RESOLUTION NO.  
2019AP/234-806-(2019)  
Department of Housing Preservation & Development  
Commissioner Louise Carroll  
Sexual Harassment Prevention and Response Practices  
DETERMINATION: FINAL

SYNOPSIS

<b>Corrective Action(s):</b>	<b>Total: 7</b>		
<b>Period Audit Covered:</b>	January 1, 2017 to December 31, 2018		
<b>Preliminary Determination Issued:</b>	September 9, 2019	Response Received	September 23, 2019
<b>Final Determination Issued:</b>	September 30, 2019	Response Due	October 30, 2019
<b>Compliance-Monitoring :</b>	Required	October 1, 2019 to March 31, 2020	

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Department of Housing Preservation & Development's Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Department of Housing Preservation & Development's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 9, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Provide the option to file a complaint anonymously.
3. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

**Whereas**, within a two-week deadline following the EEPC’s Preliminary Determination, the entity submitted a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2019, which indicated that the following areas required corrective action: no(s). 1 and 6; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2019 to March 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on September 30, 2019, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

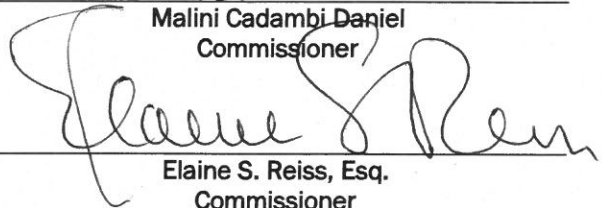
**Be It Resolved**, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Louise Carroll to assign compliance-monitoring.

Approved unanimously on October 31, 2019.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva R. Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

  
\_\_\_\_\_  
Sasha Neha Ahuja  
Chair

Final Determination Agency Response:  
NYC Department of Housing Preservation and Development (HPD) to  
Equal Employment Practices Commission (EEOC)

Evaluation of Sexual Harassment Prevention and Response Practices  
Audit Period: 1/1/2017 to 12/31/2018  
Date of Response: October 23<sup>rd</sup>, 2019

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Dear Executive Director Terry,

HPD has received the EEOC's Final Determination, dated September 30, 2019, evaluating HPD's sexual harassment prevention and response practices. In the Final Determination, the EEOC identified two corrective actions required and assigned a compliance monitoring period of October 1, 2019 to March 31, 2020.

HPD acknowledges and accepts your final determination and has taken the following corrective actions.

In Corrective Action #1, the EEOC noted that HPD utilized both its own *EEO Complaint and Investigation Procedures* ("HPD Procedures") and the *EEO Complaint Procedural Guidelines, City of New York, 2018* ("Citywide EEO Procedural Guidelines"). The EEOC recommended that, to avoid confusion, HPD discontinue use of the two sets of procedures and adopt the Citywide EEO Procedural Guidelines in their entirety and demonstrate how employees are informed of this change. Alternatively, the EEOC recommended specific changes in the HPD Procedures.

HPD has determined it will adopt the Citywide EEO Procedural Guidelines in their entirety. HPD distributed an email to all staff on October 21, 2019 advising that the agency has adopted the Citywide EEO Procedural Guidelines. The Citywide EEO Procedural Guidelines document was attached to the email and the HPD Procedures were removed from the agency's intranet.

Corrective Action #6 concerns the requirement to document directives or decisions between the agency head (or a direct report other than the General Counsel) and the Principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment. The EEOC noted that HPD had submitted agendas of EEO meetings between the principal EEO Professional and the First Deputy Commissioner, the Commissioner's designee on EEO matters during the audit period, as well as an *Equity, Inclusion and Equal Employment Opportunity at HPD* PowerPoint presentation. The EEOC stated that to demonstrate compliance, HPD must provide



minutes, memos, or correspondence between the agency head/direct report and the Principal EEO Professional, which pertain to directives or decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment, and documentation of subsequent implementation of those decision or actions taken by the agency as a result of those directives.

HPD is providing, together with this response, emails between the Principal EEO Professional and HPD's Commissioner regarding directives and decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment. HPD has also provided a copy of the tailored sexual harassment training, training attendance sign-in sheets, and a copy of the email sent out to all staff with the annual anti-sexual harassment statement; these attached items document the subsequent implementation of those decisions or actions taken by the agency as a result of those directives.

As directed in the Final Determination, documentation of HPD's corrective actions will also be submitted via Team Central.

Thank you for your attention.

Sincerely,



Commissioner Louise Carroll

**NYC**



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## Memorandum

To: All Employees  
From: Louise Carroll  
Date: December 13, 2019  
Re: Sexual Harassment Prevention and Response Practices

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The New York City Charter requires the Equal Employment Practices Commission (EEOC) to conduct periodic audits to ensure that each City agency or municipal entity complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

I am pleased to inform you that HPD recently and successfully completed an EEOC audit and evaluation of our practices and procedures for compliance with applicable equal employment opportunity laws and regulations. The audit was specific to HPD's sexual harassment prevention and response practices. Based on our work with the EEOC during this audit, HPD has implemented several measures to further strengthen our EEO commitment and practices and committed to continued maintenance of additional measures already in place at the agency. These measures include the following:

- Adopting the Citywide Equal Employment Opportunity (EEO) Procedural Guidelines in their entirety. On 10/21/19, HPD sent an email to all staff with the Procedural Guidelines attached.
- Re-affirming employees' right to file an EEO complaint, and the right to file such complaints anonymously. On 9/19/19, HPD emailed all staff with information on how to file a complaint, including associated materials (as attachments and Intranet links).
- Modifying applicable documents and processes to clarify the rights of respondents.
- Re-affirming HPD's ongoing process of tracking and monitoring complaints in a manner consistent with the required standards of oversight entities.
- Demonstrating, and continuing to encourage, a collaborative relationship among staff charged with overseeing EEO matters, specifically those in the Commissioner's Office, the EEO Office, and the Office of Legal Affairs.
- Demonstrating, and continuing to encourage, regular communication between the Commissioner and EEO Office that results in changes when and as necessary to administrative and program operations concerning sexual harassment.
- Re-affirming HPD's ongoing process of preparing periodic reports and plans that reflect the agency's measures and programs to provide equal employment opportunity and submitting these reports to oversight entities as required.

Through successful completion of the EEOC's audit and evaluation, and the aforementioned enhancements, I maintain my commitment to ensuring that HPD's employment practices encourage and sustain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency's and City's policies. 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.





**RESOLUTION NO.**  
**2019AP/237-806-(2019)C44**  
**Department of Housing Preservation & Development**  
**Commissioner Louise Carroll**  
**Sexual Harassment Prevention and Response Practices**  
**DETERMINATION: COMPLIANCE**

**SYNOPSIS**

<b>Corrective Action(s)</b>	Total: 7		
<b>Period Audit Covered</b>	January 1, 2017 to December 31, 2018		
<b>Preliminary Determination Issued</b>	September 9, 2019	Response Received	September 23, 2019
<b>Final Determination Issued</b>	September 30, 2019	Response Received	October 30, 2019
<b>Compliance-Monitoring</b>	Required	October 1, 2019 to March 31, 2020	without extension

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Department of Housing Preservation & Development’s Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Department of Housing Preservation & Development’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 9, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 Policy that conforms



to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

2. Provide the option to file a complaint anonymously.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on September 30, 2019, which indicated that the following areas required corrective action: no(s). 1 and 6; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from October 1, 2019 to March 31, 2020, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on October 30, 2019, the entity issued a response to the EEPC's Final Determination; and

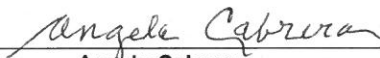
**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the Department of Housing Preservation & Development was monitored until December 13, 2019; and

**Whereas**, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated December 13, 2019, which recognized the EEPC's audit and reiterated commitment to the Department of Housing Preservation & Development's equal employment practices; Now Therefore,

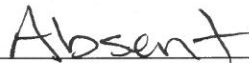
**Be It Resolved**, that the Department of Housing Preservation & Development has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

**Be It Resolved**, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner Louise Carroll of the Department of Housing Preservation & Development.

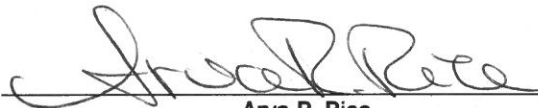
Approved unanimously on January 30, 2020.



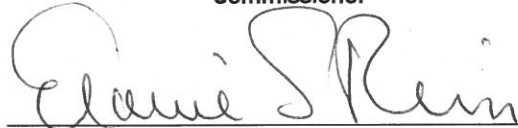
Angela Cabrera  
Commissioner



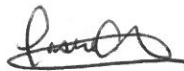
Malini Cadambi Daniel  
Commissioner



Arva R. Rice  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



Sasha Neha Ahuja  
Chair



Sasha Neha Ahuja  
Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

**BY MAIL AND EMAIL**

January 30, 2020

Louise Carroll  
Commissioner  
Department of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Re: Resolution #2019AP/237-806-(2019)C44  
DETERMINATION: Compliance

Dear Commissioner Carroll:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and acting principal EEO Professional Zenzile Vialva for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Ahuja".

Sasha Neha Ahuja  
Chair

c: Zenzile Vialva, Acting principal EEO Professional, HPD  
Arden Levine, Executive Director of Strategic Planning & Compliance, HPD



This

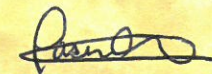
# Determination of Compliance

is hereby issued to

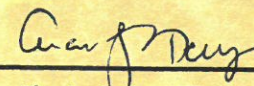
## Department of Housing Preservation & Development

for successful implementation of 7 of 7 required corrective action(s),  
thereby achieving compliance with the Equal Employment Practices Commission's  
Sexual Harassment Prevention and Response Practices  
from January 1, 2017 to this date.

On this 30<sup>th</sup> day of January in the year 2020,



Sasha Neha Ahuja, Chair



Charise L. Terry, Executive Director

In care of Commissioner Louise Carroll  
and Acting principal EEO Professional Zenzile Vialva