



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 6, 2006

Tino Hernandez
Chairman
New York City Housing Authority
250 Broadway
New York, NY 10007

Re: Final Determination Pursuant to the Audit of the New York City Housing Authority (NYCHA) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2003 to June 30, 2005.

Dear Chairman Hernandez:

Thank you for your September 28, 2006 response to our August 3, 2006 Letter of Preliminary Determination pursuant to the audit of the New York City Housing Authority's Equal Employment Opportunity Policy from July 1, 2003 to June 30, 2005.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations:

Recommendation #1

The NYCHA should follow section V(C)(4) of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities. Specifically, the NYCHA should ensure that its EEO policy is equally accessible to persons with visual impairments (e.g., large print, audio cassette or Braille). (Sect. V(C)(4), Citywide EEOP, 2005)

Recommendation #2

The Associate Investigator who has not completed EEO training should complete such training by either attending standard training for EEO professionals conducted by the Department of Citywide Administrative Services or completing the EEO certificate program at Cornell University's School of Industrial and Labor Relations. (Sect. IV and V(C)(1), Citywide EEOP, 2005)

Recommendation #3

The Director of the DEO should memorialize meetings with the Chair where discrimination complaints are discussed and resolutions of those complaints are decided. These notes should indicate that the Chair has reviewed, and approved or disapproved, of the recommendations.

Recommendation #4

Consistent with the NYCHA's OEO Investigator's Manual, the Investigator should complete the investigation and issue the draft Investigation Report to the Assistant Director of the OEO within 90 business days of the filing of the complaint. (Sect. IV(A)(2), the NYCHA's Investigator's Manual)

Recommendation #5

In the event that there is some impediment to concluding the investigation within 90 business days, the reason for delay should be noted in the OEO case file. (Sect. IV(A)(2), the NYCHA's Investigator's Manual)

Recommendation #6

The NYCHA should include a tagline indicating the agency is an equal opportunity employer on all internal and external job vacancy notices. (Sect. IV, Citywide EEOP, 2005)

We agree to remove the finding of partial compliance regarding the survey results for the distribution of the NYCHA's EEO Policy Statement and discrimination complaint procedure.

Regarding your objection to our survey methodology, as we explained at the July 21, 2006 audit exit meeting, the Commission consulted with an academic expert on survey design and interpretation prior to initiating our voluntary employee survey process. This expert determined that if a city agency has 10,000 or more employees, 2,500 survey forms should be randomly distributed. He also found that a response rate of 5% or higher was statistically valid. In this case, since 9.3% of NYCHA employees surveyed responded, the Commission found this response rate to be statistically valid.

In addition, please note that there is no recommended corrective action associated with this finding. The Commission is obliged to report to you the survey results; the NYCHA may use this information to redistribute its EEO policies or develop other methods of notifying employees of the agency's EEO policies.

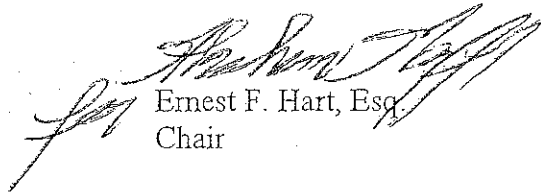
Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPCCounsel Lisa Badner or her designee will contact your EEO Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Ernest F. Hart, Esq.
Chair