



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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April 27, 2005

Verna Eggleston
Commissioner
Human Resources Administration
180 Water Street
New York, NY 10038

Re: Resolution #05/07-096 / Preliminary Determination Pursuant to the Audit of the Human Resources Administration (HRA) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

Dear Commissioner Eggleston:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

This letter contains the preliminary determinations of EEPC pursuant to its audit of compliance by the Human Resources Administration (HRA) during the thirty-month period commencing July 1, 2001 and ending December 31, 2003. Requests for corrective actions and/or recommendations are included where the EEPC has determined that HRA has failed to comply in whole or in part with the City's EEO Policy.

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

administration's new EEOP. Accordingly, all recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the new policy. Therefore, the Human Resources Administration should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City's new Equal Employment Policy are cited in parenthesis at the end of each recommendation.

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

Scope and Methodology

Audit methodology included an analysis of HRA's quarterly reports. EEPC auditors also conducted in-depth, on-site interviews with HRA's EEO Officer and two EEO Counselors/Investigators (one of whom is also Career Counselor) and four Personnel Officers (EEO Liaisons). In addition, EEPC auditors interviewed 22 supervisors/managers to determine awareness of their rights and responsibilities under the EEOP. The results of these interviews are attached. (Appendix I)

A survey of 3,082 people employed by HRA during the audit period was distributed, (This number excludes 418 surveys that were returned as undeliverable) 369 people (12%) responded. The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 4)

Description of the Agency

The Human Resources Administration delivers social services that enable individuals and families to achieve their highest level of self-reliance. The agency administers a wide range of programs throughout the five boroughs including food stamps, income support, substance abuse service centers, residential treatment centers, senior centers, housing and homeless services, child care, employment support, immigrant affairs, medical assistance programs, adult protective services and HIV/AIDS service administration.

Personnel Activity During the Audit Period

During the audit period, 2,577 people were hired: 461 Caucasians, 1,439 African-Americans, 464 Hispanics, 155 Asians, 36 Native-Americans/Alaskans, and 22 "Unknowns." Of the hires, 1,758 were women, 817 were men and 2 were unknown. One thousand seven hundred forty eight people were promoted during the period in review: 202 Caucasians, 1164 African-Americans, 292 Hispanics, 73 Asians, 14 Native-Americans/Alaskans, three "Unknowns." One thousand two hundred sixty eight were women. (Appendix 5)

HRA reports that 3,280 employees were involuntarily separated for a variety of reasons during the audit period: 734 Caucasians, 1875 African Americans, 512 Hispanics, 124 Asians, 28 Native American/Alaskan, and seven unknown. Of those individuals, 2,103 were women.

Discrimination Complaint Activity During the Audit Period

During the audit period, 11 internal discrimination complaints were filed. Five of the complaints received a probable cause determination and six received a no probable cause determination. Of the complaints that received a probably cause determination, four were based on sexual harassment and one was based on race. Of the complaints that received a no probable cause determination, three were based on sexual harassment, one was based on gender and race, and one was based on race and religion.

Sixty-five external complaints were filed during the audit period: 11 were based on race, 10 were based on sex, six were based on religion, three were based on age, 26 were designated "other." Nineteen of the complaints received a no probable cause determination, 18 received right to sue letters, eight were administratively closed, one received a probable cause determination, and one was withdrawn.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

HRA is in compliance with the following requirements:

1. The agency's EEO Policies (which includes General Anti-Discrimination Statement, Sexual Harassment Prevention Policy Statement, Disabilities Policy, 55-A, Anti-Retaliation, and EEO Complaint and Investigation Procedures) are distributed to all new hires during their orientation in their new hire packets. The policies are also distributed during training sessions; they were last distributed in the 2002 session.
2. The EEO Policies are posted on agency bulletin boards, which are checked periodically by the Personnel Officers (EEO Liaisons.)
3. The EEO Officer informed EEPC auditors that the agency's EEO policies are available in large print.

HRA is in compliance with the following requirement:

The EEO Officer informed auditors that the EEO Policies are available on the agency intranet.

HRA is not in compliance with the following requirements:

1. While the agency's "Informationals" address some of the most recent "protected classes" pursuant to New York City and State laws, the agency's current EEO Policy does not contain an up-to-date list of "protected classes" under the New York City and New York State Human Rights Laws. Specifically, the policy fails to indicate that it is illegal to discriminate on the basis of status as a victim of domestic violence (Local Law No. 1 of

2001), gender identity (Local Law No. 3 of 2002), status as a victim of sex offenses and stalking (Local Law No. 75 of 2003). Furthermore, under the New York State Human Rights Law, it is now illegal to discriminate on the basis of military status (July, 2003).

2. Eighty-three percent of survey respondents and 41% of supervisors interviewed by EEPC auditors indicated that they did not know who the EEO Officer was. Corrective action is required.

Recommendation: All employees should be informed in writing of the name, location and telephone number of the EEO Director/Officer.

3. The agency's Discrimination Complaint Procedure contains out-of-date addresses and telephone numbers for the U.S. Equal Employment Opportunity Commission (EEOC).

Plan Dissemination – Externally

HRA is in compliance with the following requirement:

The eight job advertisements submitted to the EEPC by HRA's EEO Officer indicate that the agency is an equal opportunity employer.

Affirmative Action and Reasonable Accommodations for Persons with Disabilities

HRA is in compliance with the following requirements:

1. HRA's EEO policy includes a "Disabilities Policy" as well as a "Reasonable Accommodation Procedure."
2. The EEO Officer provided numerous examples of employees who have received reasonable accommodations for their disabilities. For example, HRA has provided a large monitor, voice activated software, ergonomic chair, special lighting, an elevated work station, and has adjusted the rail in the bathroom stall.
3. HRA's EEO Policy includes information about the Section 55-A Program. The EEO Officer informed EEPC auditors that 28 HRA employees have participated in the program.

HRA is in partial compliance with the following requirement:

1. The EEO Officer, who is the Disability Rights Coordinator, informed EEPC auditors that she has conducted surveys of some of the facilities to ensure that entrances and bathrooms are accessible to people with disabilities. The EEO Officer does not, however, conduct surveys of all HRA facilities. Although this task is performed by the personnel officers, there is no system for reporting to the EEO Officer about possible problems with facilities. Corrective action is required.

Recommendation: HRA should conduct a survey to ensure that all facilities are accessible for persons with disabilities and inform the EEO Officer of the results. (Sect. IIB, EEOP)

EEO Complaint and Investigation System

HRA is in compliance with the following requirements:

1. HRA provided EEPC auditors with 13 internal complaints filed with the EEO Office during the audit period. All 13 complaint files contained investigation interview notes. In addition, the EEO Office's recommendations for all 13 complaints were reviewed and signed by the agency head. (DCP, Sect. 12 (b))
2. The agency's EEO Professionals (EEO Officer, EEO Investigator and EEO Investigator/Trainer) have all attended the Department of Citywide Administrative Service's basic training course for EEO professionals.
3. HRA has ensured that persons of both sexes are available to receive and investigate discrimination complaints.
4. The agency identifies the EEO Officer and the male and female investigators by listing their names, locations and telephone numbers in the agency's EEO Policy.

HRA is in partial compliance with the following requirement:

1. Of the 13 internal complaint files, all files indicated in the final report that written notice of the determination would be sent to complainant/respondent; however, in six of those files, no written notice was present, and two files contained a written notice to either the complainant or the respondent, but not to both. Corrective action is required.

Recommendation: All internal complaint files should contain letters to the parties informing them of the resolution of the complaint. (Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures, Section 12 (b))

HRA is not in compliance with the following requirement:

While all 13 internal complaint files contained a final report, none of the reports were labeled "confidential." Corrective action is required.

Recommendation: All internal investigative reports must be labeled "confidential" in large bold print. (DCP, Sect. 12(b))

EEO Training

HRA is in compliance with the following requirement:

HRA has a plan to train all new and existing employees on EEO. All new hires receive a partial EEO training during orientation and a full EEO training when the entire program site

receives training. According to the EEO Officer, it takes approximately two and a half years to train the entire agency. During the audit period, HRA's former EEO trainer and current trainer trained approximately 6,819 employees.

Selection and Recruitment

HRA is in compliance with the following requirement:

The EEO Officer told EEPC auditors that HRA ensures that employees who conduct interviews receive structured interview training annually. This training is conducted by DCAS, however, HRA has an alternative plan to conduct the training internally and a trainer has already been identified. As such, of the supervisors who conduct interviews, 70% told EEPC auditors that they had received structured interview training.

HRA is in partial compliance with the following requirement:

The EEO Officer stated that she reviews all internal and external job vacancy postings and ensures that all recruitment literature contains the EEO tagline. The EEO Officer indicated that minority-oriented newspapers including *El Diario* are frequently used; however, the EEO Officer does not participate in choosing the media for recruitment. Corrective action is required.

Recommendation: The Commissioner should require the Human Resources Director to include the EEO Officer in the recruitment process. (Sect. VC, EEOP)

HRA is not in compliance with the following requirement:

While the Agency Specific Plan indicates that HRA examines all devices used to select candidates for employment, promotion or separation to determine adverse impact and will take appropriate steps to diminish adverse impact, the EEO Officer told EEPC auditors that adverse impact studies on HRA's workforce have not been conducted. The EEO Officer indicated that she had conducted a workforce analysis to determine if women or minorities were underrepresented in particular job categories, but she found no underutilization. The EEO Officer was, though, unable to provide a copy of the workforce analysis. Corrective action is required.

Recommendation: Since the EEOP requires City agencies to assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group, HRA should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Sect. IV, EEOP)

Promotional Opportunities

HRA is in partial compliance with the following requirements:

1. Although no written notice has been sent to HRA employees, one of the EEO Counselors was appointed as the agency's Career Counselor in July 2001. The EEO Officer stated

that staff is notified of the appointment of the Career Counselor in training sessions and the Career Counselor has provided counseling upon request. Ninety-one percent of employees surveyed, however, were not aware of which individual is responsible for career counseling. Corrective action is required.

Recommendation: HRA should inform all employees in writing of the identity, location and telephone number of the Career Counselor. This information should also be updated on the agency's bulletin boards. (Sect. VB, EEOP)

2. Although Section VI of the tasks and standards managerial evaluation refers to EEO Performance, 73% of the Supervisors interviewed stated that they are not aware that their performance evaluations include a section where they are rated on EEO performance; in addition, 77% stated that they were not informed that EEO performance would be considered in determining eligibility for promotions and merit increases.

Recommendation: Supervisors should be informed that they will be rated on EEO Performance. (Sect. VE, EEOP)

EEO Officer Responsibilities

HRA is in partial compliance with the following requirements:

1. The EEO Officer reports to the Executive Deputy Commissioner, a direct report to the agency head, and they meet regularly to discuss general EEO matters. The EEO Officer stated that while she prepares agendas for the meetings, they are usually discarded and no notes are kept of the meetings. Corrective action is required.

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

Supervisory Responsibility in EEO Plan Implementation

HRA in compliance with the following requirement:

1. According to the EEO Officer, agency managers/supervisors are directed to discuss the EEO Policy at meetings with subordinates. The EEO Officer provided a memorandum from the EEO Officer distributed to the Executive Deputy Commissioners in 1999, directing them to reaffirm their commitment to EEO; the EEO Officer indicated that no such memoranda were distributed since that time.

Special Problems

1. Although managers/supervisors have been directed to discuss the EEO Policy at meetings with subordinates, of the 22 supervisors to whom this requirement is applicable, nine (46%) indicated that they do not discuss the agency's commitment to EEO during staff meetings. Moreover, 78% of employees who responded to the question of whether supervisors hold meetings with staff to discuss his or her commitment to the agency's

EEO Policy indicated either that they did not remember or that their supervisors did not hold such meetings. Corrective action is required.

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

2. While the EEO Policies are available on the agency intranet, 50% of the supervisors indicated that they were not aware of it. Corrective action is required.

Recommendation: HRA should notify all staff that the EEO Policies are available on the agency intranet. Staff should be further instructed on how to access the policies on line.

3. The EEO Office is staffed with a Director (EEO Officer), a full time secretary, and two full time investigators/counselors. Since the retirement of the former full time trainer, one of the counselors/investigators now spends half of his time training staff instead of devoting 100% of his time to investigation and counselor activities. Corrective action is required.

Recommendation: HRA should replace the EEO Trainer so there can be two full time Counselors/Investigators in addition to the EEO Officer.

4. The agency specific plan indicates that there is a full time EEO Coordinator, however, the EEO Coordinator does not work in the EEO Office. According to the Associate Staff Analyst job description for the position of EEO Coordinator, this individual appears to assist and report directly to the Executive Deputy Commissioner on numerous issues, most of which, do not appear to be EEO related. The description is inconsistent with the tasks that the title implies. Corrective action is required.

Recommendation: As reflected in the agency specific plan, the EEO Coordinator should be performing EEO related matters.

5. EEPC auditors interviewed four of the approximately 13 Personnel Officers (also known as EEO Liaisons). According to the EEO Officer, the Personnel Officers assist in the dissemination of the EEO Policies by ensuring that the policies are posted on bulletin boards, and conducting surveys of sites to ensure accessibility for persons with disabilities. Moreover, in the agency specific plan, the personnel officers are referred to as EEO professionals. The EEPC auditors found there to be little consistency in the tasks performed by the various personnel officers. For instance, some indicated that they have, on occasion, investigated discrimination complaints, while others did not. The auditors were unable to obtain anything in writing indicating what the responsibilities are. For example, of the four interviewed, two had previously been trained in EEO and the other two had not been trained. The agency specific plan indicates that four of the personnel officers are on a waiting list to be trained by DCAS. In addition, the personnel officers interviewed, indicated that the EEO Officer recently held a meeting for all of them to attend. The personnel officers indicated that this meeting was helpful. Corrective action is required.

Recommendation: HRA should develop a plan, which includes a timeframe, to train new and existing EEO Liaisons/Personnel Officers who have not already received necessary EEO training. (Sect. VB, EEOP)

Recommendation: The EEO Officer should meet at least quarterly with the Personnel Officers.

Recommendation: The EEO Officer should develop written tasks and/or responsibilities expected of the Personnel Officers/EEO Liaisons.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. All employees should be informed in writing of the name, location and telephone number of the EEO Officer.
2. HRA should conduct a survey to ensure that all facilities are accessible for persons with disabilities and inform the EEO Officer of the results. (Sect. IIB, EEOP)
3. All internal complaint files should contain letters to the parties informing them of the resolution of the complaint. (Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures, Section 12 (b))
4. All internal investigative reports must be labeled "confidential" in large bold print. (DCP, Sect. 12(b))
5. The Commissioner should require the Human Resources Director to include the EEO Officer in the recruitment process. (Sect. VC, EEOP)
6. Since the EEOP requires City agencies to conduct adverse impact studies to determine if certain selection devices adversely impact any particular racial, ethnic, disability or gender group, HRA should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Sect. IV, EEOP)
7. HRA should inform all employees in writing of the identity, location and telephone number of the Career Counselor. This information should also be updated on the agency's bulletin boards. (Sect. VB, EEOP)
8. Supervisors should be informed that they will be rated on EEO Performance. (Sect. VE, EEOP)
9. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and direct report to the agency head regarding EEO decisions should be maintained.

10. It is the Commission's position that at least twice a year during regular staff meetings, supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office.
11. HRA should notify all staff that the EEO Policies are available on the agency intranet. Staff should be further instructed on how to access the policies on line.
12. HRA should replace the EEO Trainer so there can be two full time Counselors/Investigators in addition to the EEO Officer.
13. As reflected in the agency specific plan, the EEO Coordinator should be performing EEO related matters.
14. HRA should develop a plan, which includes a timeframe, to train new and existing EEO Liaisons/Personnel Officers who have not already received necessary EEO training. (Sect. VB, EEO)
15. The EEO Officer should meet at least quarterly with the Personnel Officers.
16. The EEO Officer should develop written tasks and/or responsibilities expected of the Personnel Officers/EEO Liaisons.

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

Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of HRA's compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in the citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take, and which recommendations it intends to incorporate into its Equal Employment Opportunity Policy. As you informed us during the exit meeting of March 30, 2005, you have already implemented some of our recommended corrective actions. Please specify these corrective actions in your response. Please forward your response within thirty days of receipt of this letter.

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

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

Sincerely,


Angela Cabrera
Commissioner

APPENDIX - 1

(Human Resources Administration) SUPERVISOR INTERVIEW RESULTS

1. Do you supervise at least five employees?
(22) Yes (0) No
2. Are you familiar with the City's EEO Policy: Standards and Procedures? Please describe it.
(21) Yes (1) No
3. Are you familiar with your rights and responsibilities under the City's EEOP? What are they?
(22) Yes (0) No
4. Is the City's EEO Policy available to you in print format in your work unit, Personnel Office, or EEO Office?
(21) Yes (1) No (0) Do not know
5. Are you aware that your agency's EEO Policy may be different than the City's EEO Policy?
(10) Yes (12) No
6. Do you have a copy of your agency's discrimination complaint procedure?
(17) Yes (1) No (4) Do not know
7. Have you ever reaffirmed or stated the agency's commitment to EEO during staff meetings?
(12) Yes (9) No
8. Do you inform employees (when necessary) that they have a right to file a discrimination complaint with the agency's EEO Officer?
(19) Yes (3) No
9. Have you received your agency's EEO and Sexual Harassment Policy Statements?
(19) Yes (0) No (3) Do not remember
10. Are your EEO and sexual harassment policies available on your computer?
(11) Yes (3) No (8) Do not know
11. If so, do you find accessing the polices difficult?
(7) Yes (2) No (6) N/A
12. Have you received preventive sexual harassment training from your agency?
(17) Yes (3) No (1) Do not remember
13. Did all the employees in your unit receive sexual harassment prevention training?
(16) Yes (2) No (3) Do not know

14. If you have been employed for less than five years, did you receive a new employee orientation session?

(4) Yes (0) No (15) > 5 years

15. Do you participate in new employee orientation sessions?

(6) Yes (16) No

16. (If yes to either) Do new employee orientation sessions include information on your agency's EEO policies?

(5) Yes (0) No (3) No orientation

17. Are you involved in the interviewing process for new employees?

(10) Yes (11) No

18. If yes, did your agency provide you with training and a structured interview guide for interviewing new hires?

(7) Yes (5) No

19. Do you know who your agency's EEO Officer is? What is his/her name?

(13) Yes (9) No

20. Has the EEO Officer met with you, either as an individual or in a group setting, to discuss your rights and responsibilities under the city's EEO policy?

(13) Yes (6) No (3) Do not remember

21. Does your performance evaluation include a section where you are rated on your EEO performance?

(2) Yes (16) No (1) No evaluation

22. Were you informed that EEO performance will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?

(3) Yes (17) No (0) N/A

23. Do you feel you have enough training to respond knowledgeably to an employee who complains about discrimination or harassment?

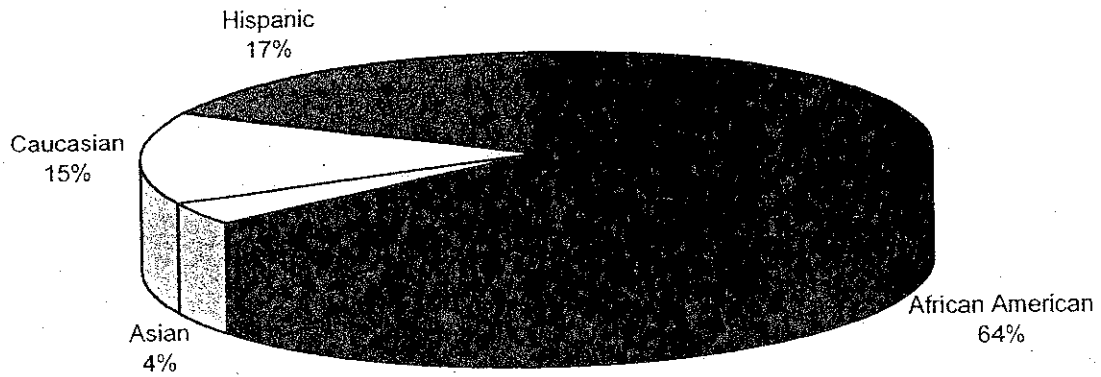
(16) Yes (5) No

24. Do you have any additional comments about EEO in your agency?

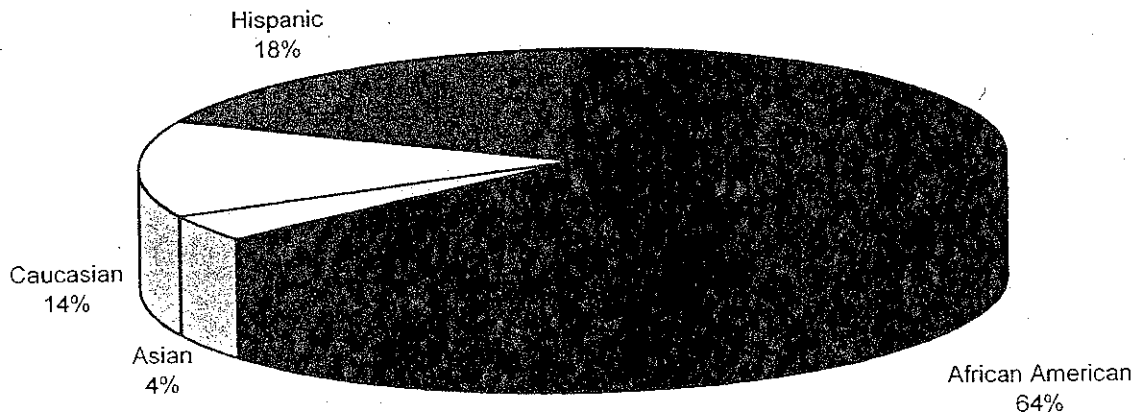
(5) Yes (12) No

Appendix - 2

HRA Workforce by Ethnicity



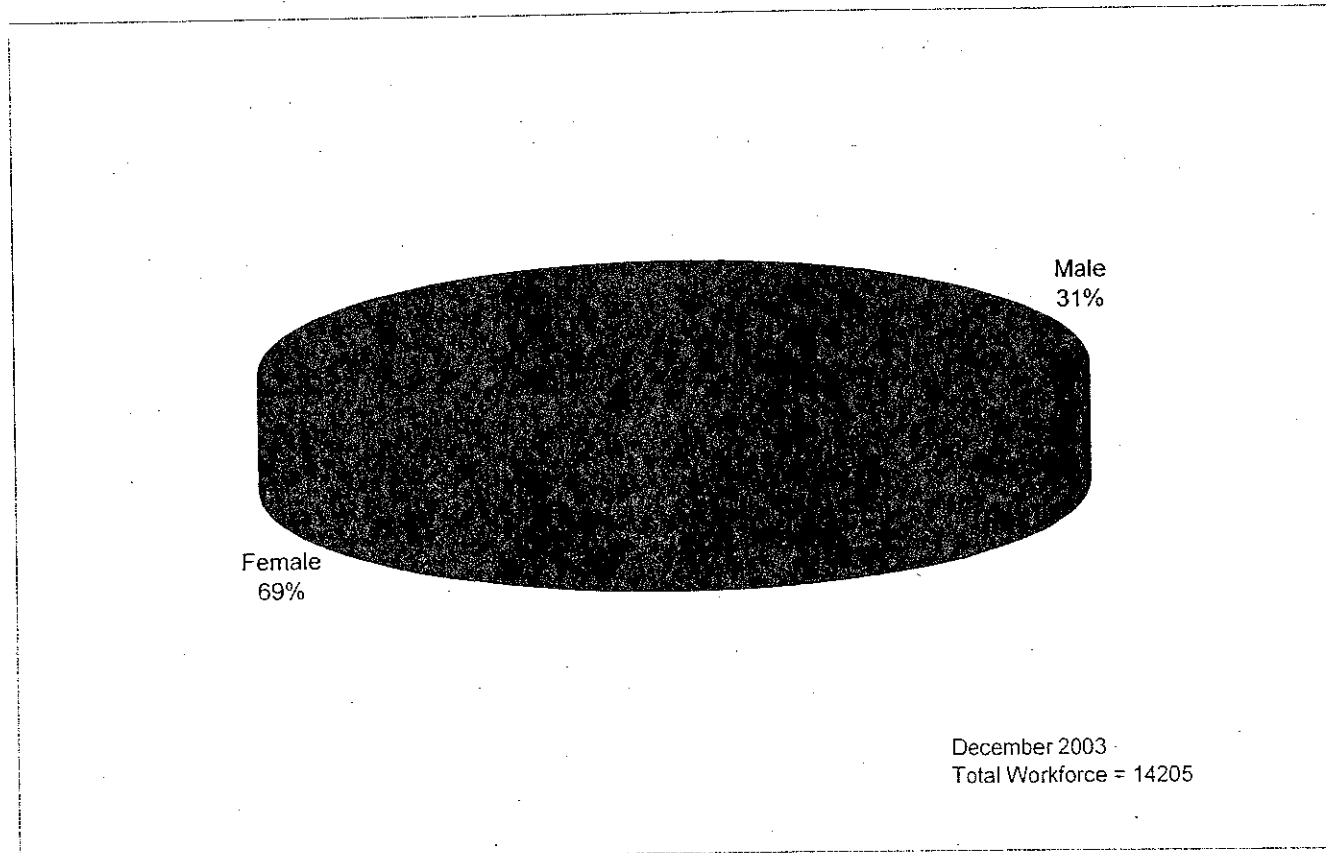
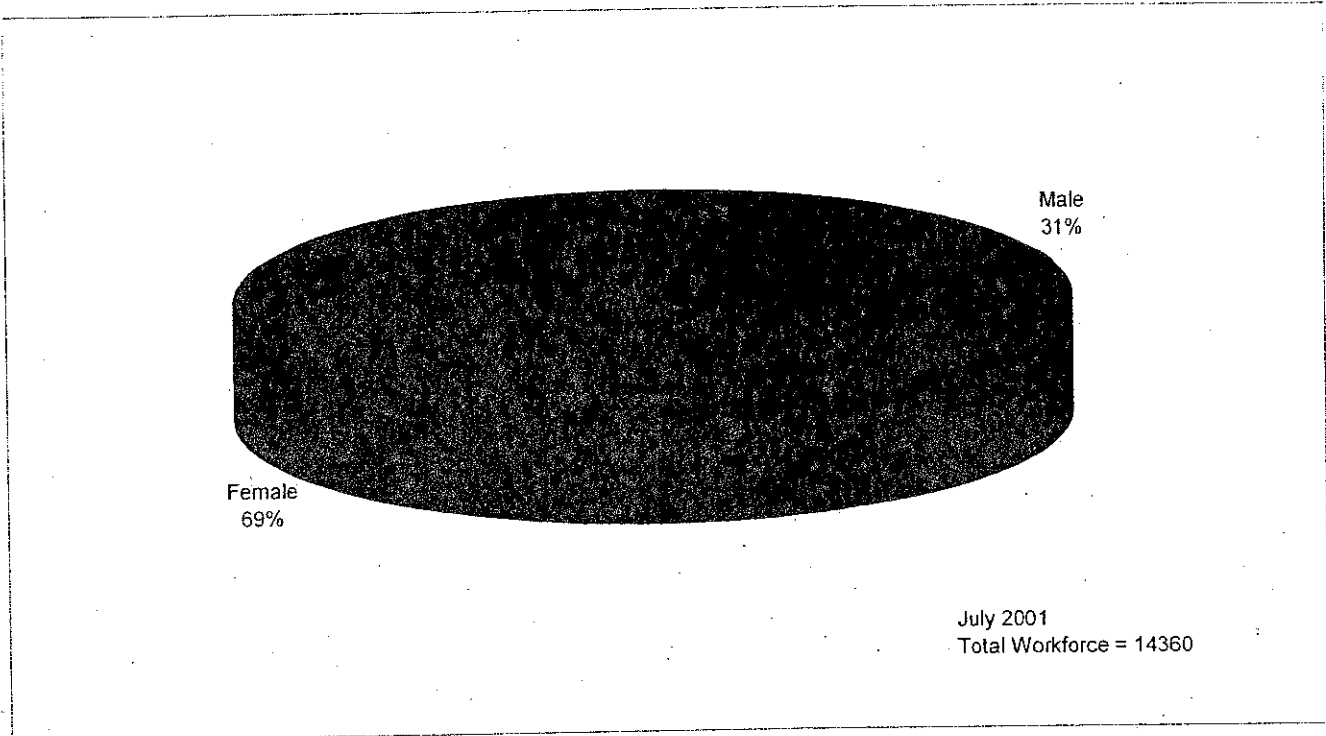
July 2001
Total Workforce = 14360



December 2003
Total Workforce = 14205

Appendix - 3

HRA Workforce by Sex



APPENDIX - 4

HUMAN REOURCES ADMINISTRATION SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (64) No (300)

2. Is your agency's EEO policy statement posted on the agency bulletin boards?
Yes (176) No (165)

3. Is your agency's Sexual Harrassment Policy Statement posted on the agency bulletin boards?
Yes (152) No (182)

4. Were you given the EEO Policy Statement?
Yes (265) No (37) Do not remember (63)

5. Were you given the Sexual Harassment Policy Statement?
Yes (228) No (62) Do not remember (76)

6. Do you have a copy of the Discrimination Complaint Procedures?
Yes (136) No (149) Do not remember (82)

7. Do you agree with the principles of Affirmative Action?
Yes (265) No (46)

8. Do you know what the City's Equal Employment Opportunity Policy (EEOP) is?
Yes (251) No (110)

9. Do you know what your agency's EEO Plan is?
Yes (147) No (209)

10. Do you know how to obtain your agency's EEO Plan?
Yes (184) No (173)

11. Did your supervisor hold meetings with staff to discuss his or her commitment to the agency's EEO Policy?
Yes (73) No (236) Do not remember (53)

12. When you started working at your agency, did you attend an orientation session?
If no, please skip to question #14.
Yes (251) No (54) Do not remember (47)

HUMAN RESOURCES ADMINISTRATION SURVEY RESULTS CONTINUED

13. If hired after 1996, did your orientation session include information on your rights and responsibilities under the EEO Policy?
Yes (112) No (26)

B. EEO COMPLAINTS

14. Do you know how to file an EEO Complaint?
Yes (226) No (129)
15. If you had a discrimination complaint, would you bring it to your agency's EEO Officer?
Yes (217) No (34) Undecided (105)
16. Did you ever file a discrimination complaint with the EEO Office?
(If No, please skip to question #20)
Yes (38) No (325)
17. What was the basis of the complaint? _____
18. Were you satisfied with the manner in which your complaint was managed?
Yes (16) No (18)
19. Was your manager or supervisor supportive of your right to file a complaint?
Yes (7) No (20) N/A (0)

C. SEXUAL HARASSMENT

20. Did you receive Sexual Harassment Prevention training?
(If No, please skip to question #22)
Yes (211) No (147)
21. Did you find this training helpful?
Very (97) Somewhat (92)
Not really (14) Waste of time (11)
22. Would you prefer to file a sexual harassment complaint with an office outside your agency instead of your agency's EEO office?
Yes (172) No (143)

D. JOB PERFORMANCE/ADVANCEMENT

23. Do you see job postings on agency bulletin boards for vacant positions prior to the application deadline?
Yes (204) No (120) Do not remember (29)

HUMAN RESOURCES ADMINISTRATION SURVEY RESULTS CONTINUED

24. If you were employed for over a year, did you receive annual evaluation(s)?

If No, skip to question #27.

Yes (222) No (132) Not employed for over one year (3)

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

Yes (113) No (120)

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

Yes (48) No (188)

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

Yes (23) No (339)

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

Yes (133) No (138) Don't Know (90)

AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

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

Yes (240) No (63)

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

Yes (34) No (282)

31. If so, did the agency accomodate you?

Yes (25) No (29)

OPTIONAL

32. What is your race/ethnicity? _____

33. What is your sex?

Male (114) Female (206)

APPENDIX – 5

The following table indicates personnel activity during the audit period, July 1, 2001 through December 31, 2003.

Human Resources Administration

Hires by Sex and Ethnicity

Total Hires: 2,577

| Male | Female | Unknown | Total | Caucasian | African American | Hispanic | Asian | Alaskan | Unknown | Total |
|------|--------|---------|-------|-----------|------------------|----------|-------|---------|---------|-------|
| 817 | 1,758 | 2 | 2,577 | 461 | 1,439 | 464 | 155 | 36 | 22 | 2,577 |

Promotions by Sex and Ethnicity

Total Promotions: 1,748

| Male | Female | Total | Caucasian | African American | Hispanic | Asian | Alaskan | Unknown | Total |
|------|--------|-------|-----------|------------------|----------|-------|---------|---------|-------|
| 480 | 1,268 | 1,748 | 202 | 1,164 | 292 | 73 | 14 | 3 | 1,748 |

Separations by Sex and Ethnicity

Total Separations: 3,280

| Male | Female | Total | Caucasian | African American | Hispanic | Asian | Alaskan | Unknown | Total |
|-------|--------|-------|-----------|------------------|----------|-------|---------|---------|-------|
| 1,177 | 2,103 | 3,280 | 734 | 1,875 | 512 | 124 | 28 | 7 | 3,280 |

Source: Audit data supplied by the Human Resources Administration

Response To

PDL



HUMAN RESOURCES ADMINISTRATION
180 WATER STREET
NEW YORK, NEW YORK 10038
TELEPHONE: (212) 331-6000 FAX: (212) 331-6214

VERNA EGGLESTON
Administrator/Commissioner

15-06-05 RCVD 8601

June 13, 2005

Abraham May Jr.
Executive Director
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

We are in receipt of your preliminary determination in which you state the results of your audit of the Human Resources Administration's compliance with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

While there are some legitimate findings noted in your report, we remain firm in our position that some are not supported by the evidence provided. Our detailed responses to the findings and recommendations are attached, and where we agree we have outlined the corrective actions that we have completed or propose to take. We have also stated those findings with which we disagree along with the reasons for our disagreement.

As stated in my previous letter, HRA has an enviable record in the EEO area, and we remain committed to supporting those policies. Should you have any questions pertaining to this matter, please contact Holly E. Brown, the Executive Deputy Commissioner of the Office of Audit Services and Organizational Analysis at (212) 331-3978.

Sincerely,

Verna Eggleston
Administrator/Commissioner

**Human Resources Administration's Response and Corrective
Action Plan Pursuant to the
EEPC's Preliminary Determination Pursuant to the Audit of
HRA and its Compliance with the City's EEO Policy from July 1, 2001 - December 2003**

Plan Dissemination - Internally

HRA is not in compliance with the following requirements:

1. While the agency's "informationals" address some of the most recent "protected classes" pursuant to New York City and State laws" the agency's current EEO Policy does not contain an up to-date list of "protected classes" under the New York City and New York City and New York State Human Rights Laws. Specifically, the policy fails to indicate that it is illegal to discriminate on the basis of status as a victim of domestic violence (Local Law No. 1 of 2001), gender identity ("Local Law No. 3 of 2002), status as a victim of sex offenses and stalking (Local Law No. 75 of 2003). Furthermore, under the New York State Human Rights Law, it is now illegal to discriminate on the basis of military status. (July, 2003).

HRA Action Plan

Completed. Informational No. 04-04 was updated December 6, 2004.

2. Eighty-three percent of survey respondents and 41% of supervisors interviewed by EEPC auditors indicated that they did not know who the EEO Officer was. Corrective action is required

EEPC Recommendation:

All employees should be informed in writing of the name location and telephone number of the EEO Director/Officer.

HRA Action Plan

Completed. Informational No. 05-11 was issued May 25, 2005.

3. The agency's Discrimination Complaint Procedure contains out-of-date addresses and telephone numbers for the U.S. Equal Employment Opportunity Commission (EEOC).

HRA Action Plan

Completed. Procedure No. 04-03 was updated December 6, 2004.

Affirmative Action and Reasonable Accommodations for Persons with Disabilities

HRA is in partial compliance with the following requirement:

1. The EEO Officer, who is the Disability Rights Coordinator, informed EEPC auditors that she has conducted surveys of some of the facilities to ensure that entrances and bathrooms are accessible to people with disabilities. The EEO Officer does not, however, conduct surveys of all HRA facilities. Although this task is performed by the personnel officers, there is no system for reporting to the EEO Officer about possible problems with facilities. Corrective action is required.

EEPC Recommendation:

HRA should conduct a survey to ensure that all facilities are accessible for persons with disabilities and inform the EEO Officer of the results. (Sect. 11B, EEOP)

HRA Action Plan

HRA agrees with the recommendation of the EEPC, to ensure that all facilities are surveyed for issues of accessibility and that any potential issues be shared with the EEO Officer. On May 1, 2005, HRA's General Support Services conducted a survey of HRA owned and leased facilities to determine ADA compliance. A report of the results of the survey will be published by EOM June 2005, which will be shared with the EEO Officer.

EEO Complaint and Investigation System

HRA is in partial compliance with the following requirements:

1. Of the 13 internal complaint files, all files indicated in the final report that written notice of the determination would be sent to complainant/respondent; however, in six of those files, no written notice was present, and two files contained a written notice to either the complainant or the respondent, but not to both. Corrective action is required

EEPC Recommendation:

All internal complaint files should contain letters to the parties informing them of the resolution of the complaint. (Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures, Section 12 (b))

HRA Action Plan

The Commissioner has mandated, since this finding that written follow-up be a component of the EEO Officer's performance evaluation.

HRA is not in compliance with the following requirement:

While all 13 internal complaint files contained a final report, none of the reports were labeled "confidential." Corrective action is required.

EEPC Recommendation: All internal investigative reports must be labeled "CONFIDENTIAL" in large bold print. (DCP, Sect. 12 (b))

HRA Action Plan

Reference Eggleston letter to May dated February 25, 2005.

As of January 31, 2005 all files are conspicuously labeled "confidential".

Selection and Recruitment

HRA is in partial compliance with the following requirement:

The EEO Officer stated that she reviews all internal and external job vacancy postings and ensures that all recruitment literature contains the EEO tagline. The EEO Officer indicated that minority-oriented newspapers including El Diario are frequently used; however, the EEO Officer does not participate in choosing the media for recruitment. Corrective action is required.

EEPC Recommendation:

The Commissioner should require the Human Resources Director to include the EEO Officer in the recruitment process.

HRA Action Plan

It is HRA's policy that all forms of outreach are used in recruitment

advertisement including recruitment flyers via the Civil Service process.

HRA is not in compliance with the following requirement:

While the Agency Specific Plan indicates that HRA examines all devices used to select candidates for employment, promotion or separation to determine adverse impact and will take appropriate steps to diminish adverse impact, the EEO Officer told EEPC auditors that adverse impact studies on HRA's workforce have not been conducted. The EEO Officer indicated that she had conducted a workforce analysis to determine if women or minorities were underrepresented in particular job categories, but she found no underutilization. The EEO Officer was, though, unable to provide a copy of the workforce analysis. Corrective action is required.

EEPC Recommendation:

Since the EEOP requires City agencies to assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group, HRA should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Sect. IV, EEOP)

HRA Action Plan

DCAS functions as the City's official personnel officer. In that capacity, DCAS has the responsibility of conducting adverse impact studies for the agencies

under their supervision. To date, DCAS has not disseminated any additional required postings, nor have they scheduled training on how to conduct adverse impact studies.

Promotional Opportunities

HRA is in partial compliance with the following requirements:

1. Although no written notice has been sent to HRA employees, one of the EEO Counselors was appointed as the agency's Career Counselor in July 2001. The EEO Officer stated that staff is notified of the appointment of the Career Counselor in training sessions and the Career Counselor has provided counseling upon request. Ninety-one percent of employees surveyed, however, were not aware of which individual is responsible for career counseling. Corrective action is required.

EEPC Recommendation:

HRA should inform all employees in writing of the identity, location and telephone number of the Career Counselor. This information should also be updated on the agency's bulletin boards. (Sect. VB, EEOP)

HRA Action Plan

Contrary to the report, HRA is indeed in compliance with the requirement that all staff be made aware of the identity and functions of the EEO Officer and the agency's Career Counselor. The identities of these persons, along with a description of their responsibilities is disclosed to staff at new employee orientation as well as being posted on employee bulletin boards in common areas; specifically in the pantries and in restroom entrance areas as well as the agency's intranet. Therefore we disagree with this finding and believe that HRA is in compliance with the requirement to make the policies and identity of the associated officers available to staff.

2. Although Section VI of the tasks and standards managerial evaluation refers to EEO Performance, 73% of the Supervisors interviewed stated that they are not aware that their performance evaluations include a section where they are rated on EEO performance; in addition, 77% stated that they were not informed that EEO performance would be considered in determining eligibility for promotions and merit in increases.

EEPC Recommendation:

Supervisors should be informed that they will be rated on EEO Performance. (Sect. VE, EEOP)

HRA Action Plan

HRA disagrees with this finding and recommendation, as the premise upon which they are based is false. To begin with, there is no such reference to EEO performance in Section VI of the Managerial Performance Evaluation Form. Therefore requiring that they be accountable for this activity is inappropriate; and the agency does not award merit increases. The processing of promotions do, in fact, require the submission of a performance evaluation with the exception of those made from civil service lists, but EEO performance is not a consideration for these actions. It is not within HRA's authority to establish or negotiate citywide personnel policy. Consequently, the EEPC must convey their requirement that EEO performance be included in performance evaluations to DCAS and the NYC Office of Labor Relations.

EEO Officer Responsibilities

HRA is in partial compliance with the following requirements:

1. The EEO Officer reports to the Executive Deputy Commissioner, a direct report to the agency head, and they meet regularly to discuss general EEO matters. The EEO Officer stated that while she prepares agendas for the meetings, they are usually discarded and no notes are kept of the meetings. Corrective action is required

EEPC Recommendations:

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

HRA Action Plan

We disagree with this observation and subsequent recommendation. While regular meetings between the levels of supervision are necessary and critical to the proper management of an organization, the Agency is not aware of any law, rule, or regulation which requires that every meeting and the contents thereof between a manager-supervisor and her subordinate(s) be memorialized.

Supervisory Responsibility in EEO Plan Implementation

SPECIAL PROBLEMS

1. Although managers/supervisors have been directed to discuss the EEO Policy at meetings with subordinates, of the 22 supervisors to whom this requirement is applicable, nine (46%) indicated that they do not discuss the agency's commitment to EEO during staff meetings. Moreover, 78% of employees who responded to the question of whether supervisors hold meetings with staff to discuss his or her commitment to the agency's EEO Policy indicated either that they did not remember or that their supervisors did not hold such meetings. Corrective action is required.

EEPC Recommendation:

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

HRA Action Plan

The Agency has an enviable and pro-active record of enforcing its zero tolerance policy towards unlawful discriminatory practices.

2. While the EEO Policies are available on the agency intranet, 50% of the supervisors indicated that they were not aware of it. Corrective action is required.

EEPC Recommendation:

HRA should make staff aware that EEO Policies are available on the agency intranet. Staff should be further instructed on how to access the policies on line.

HRA Action Plan

As the Agency's EEO policies are updated, they are made available to all staff through distribution on line, regular staff trainings, distribution of hard copies, and during staff orientations.

3. The EEO Office is staffed with a Director (EEO Officer), a full time secretary, and two full time investigators/counselors. Since the retirement of the former full time trainer, one of the counselors/investigators now spends half of his time training staff instead of devoting 100% of his time to investigation and counselor activities. Corrective action is required.

EEPC Recommendation:

HRA should replace the EEO Trainer so there can be two full time Counselors/Investigators in addition to the EEO Officer.

HRA Action: Plan

The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's needs.

4. The agency specific plan indicates that there is a full time EEO Coordinator, however, the EEO Coordinator does not work in the EEO Office. According to the Associate Staff Analyst job description for the position of EEO Coordinator, this individual appears to assist and report directly to the Executive Deputy Commissioner on numerous issues, most of which, do not appear to be EEO related. The description is inconsistent with the tasks that the title implies. Corrective action is required.

EEPC Recommendation:

As reflected in the agency specific plan, the EEO Coordinator should be performing EEO related matters.

HRA Action Plan

The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's needs.

5. EEPC auditors interviewed four of the approximately 13 Personnel Officers (also known as EEO Liaisons). According to the EEO Officer, the Personnel Officers assist in the dissemination of the EEO Policies by ensuring that the policies are posted on bulletin boards, and conducting surveys of sites to ensure accessibility for persons with disabilities. Moreover, in the agency specific plan, the personnel officers are referred to as EEO professionals. The EEPC auditors found there to be little consistency in the tasks performed by the various personnel officers. For instance, some indicated that they have, on occasion, investigated discrimination complaints, while others did not. The auditors were unable to obtain anything in writing indicating what the responsibilities are. For example, of the four interviewed, two had previously been trained in EEO and the other two had not been trained. The agency specific plan indicates that four of the personnel officers are on a waiting list to be trained by DCAS. In addition, the personnel officers interviewed, indicated

that the EEO Officer recently held a meeting for all of them to attend. The personnel officers indicated that this meeting was helpful. Corrective action is required.

EEPC Recommendation:

HRA should develop a plan, which includes a timeframe, to train new and existing EEO Liaisons/Personnel Officers who have not already received necessary EEO training.

HRA Action Plan

There is only one EEO Liaison who needs to complete the EEO Professional Training and who is currently on DCAS' training schedule.

EEPC Recommendation:

The EEO Officer should meet at least quarterly with the Personnel Officers

HRA Action Plan

The Agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaisons to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.

EEPC Recommendation:

The EEO Officer should develop written tasks and/or responsibilities expected of the Personnel Officers/EEO Liaison

HRA Action Plan

The Agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaisons to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.

FDL



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Commissioners

Abraham May, Jr.

Executive Director

Eric Matusewitch, PHR, CAAP

Deputy Director

July 5, 2005

Verna Eggleston
Administrator/Commissioner
Human Resources Administration
180 Water Street
New York, New York 10038

Re: Final Determination Pursuant to the Audit of the Human Resources Administration (HRA) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

Dear Commissioner Eggleston:

Thank you for your June 13, 2005 response to our Letter of Preliminary Determination pursuant to the audit of compliance by the Human Resources Administration with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

As previously noted, in January 2005 the current administration's Equal Employment Opportunity Policy (EEOP) was disseminated. To avoid any inconsistency with the mandates set forth in the new EEOP, there are a few findings based on the old policy which have no accompanying recommendation. Numbers one and three of HRA's response refer to findings where there were no recommendations. The EEPC will not, therefore, "agree" or "disagree" with those specific responses.

Additionally, this Commission is authorized by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members and women. Accordingly, all recommendations for corrective actions are consistent with the audit's findings, the EEOP, and this Commission's authority.

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

Agree

The EEPC agrees with your responses to the following recommendations, pending documentation, which can be provided during the compliance period:

Recommendation #1

All employees should be informed in writing of the name, location and telephone number of the EEO Officer.

Recommendation #2

HRA should conduct a survey to ensure that all facilities are accessible for persons with disabilities and inform the EEO Officer of the results. (Sect. IIB, EEOP)

Recommendation #4

All internal investigative reports must be labeled "confidential" in large bold print. (DCP, Sect. 12(b))

Further Clarification

The EEPC requires further clarification of your responses to the following recommendations:

Recommendation #3

All internal complaint files should contain letters to the parties informing them of the resolution of the complaint. (Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures, Section 12 (b))

Your Response

The Commissioner has mandated, since this finding that written follow-up be a component of the EEO Officer's performance evaluation.

EEPC Rationale

The EEPC seeks a proactive response to this recommendation. While we agree that it is necessary that this task be incorporated in the EEO Officer's performance evaluation, we recommend that you immediately disseminate a directive emphasizing the importance of written follow-ups to the parties.

Recommendation #14

HRA should develop a plan, which includes a timeframe, to train new and existing EEO Liaisons/Personnel Officers who have not already received necessary EEO training. (Sect. VB, EEOP)

Your Response

There is only one EEO Liaison who needs to complete the EEO Professional Training and who is currently on DCAS' training schedule.

EEPC Rationale

The audit indicated that four of the EEO Liaisons had not been trained. This finding was not disputed at the audit exit meeting. What is the status of the other three EEO Liaisons?

Disagree

The EEPC disagrees with your responses to the following recommendations:

Recommendation #5

The Commissioner should require the Human Resources Director to include the EEO Officer in the recruitment process. (Sect. VC, EEOP)

Your Response

It is HRA's policy that all forms of outreach are used in recruitment advertisement including recruitment flyers via the Civil Service process.

EEPC Rationale

Your response does not address the recommendation. The EEOP requires involvement of the EEO Office in recruitment for, and advertising of, vacancies in discretionary positions.

Recommendation #6

Since the EEOP requires City agencies to conduct adverse impact studies to determine if certain selection devices adversely impact any particular racial, ethnic, disability or gender group, HRA should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Sect. IV, EEOP)

Your Response

DCAS functions as the City's official personnel officer. In that capacity, DCAS has the responsibility of conducting adverse impact studies for the agencies under supervision. To date, DCAS has not disseminated any additional required postings, nor have they scheduled training on how to conduct adverse impact studies.

EEPC Rationale

The EEOP clearly states that agencies are responsible for assessing the manner in which candidates are selected and promoted to determine if there is any adverse impact on any particular racial, ethnic, disability or gender group. Moreover, DCAS has arranged for some training for EEO Officers in this area, specifically in October 2004 at the New York City Law Department.

Recommendation #7

HRA should inform all employees in writing of the identity, location and telephone number of the Career Counselor. This information should also be updated on the agency's bulletin boards. (Sect. VB, EEOP)

Your Response

Contrary to the report, HRA is indeed in compliance with the requirement that all staff be made aware of the identity and functions of the EEO Officer and the agency's Career Counselor. The identities of these persons, along with a description of their responsibilities is disclosed to staff at new employee orientation as well as being posted on employee bulletin boards in common areas; specifically in the pantries and in restroom entrance areas as well as the agency's intranet. Therefore we agree with this finding and believe that HRA is in compliance with the requirement to make the policies and identity of the associated officers available to staff.

EEPC Rationale

While we don't question that HRA has made efforts to comply with this requirement, ninety-one percent of the employees surveyed were not aware of which individual is responsible for career counseling.

Recommendation #8

Supervisors should be informed that they will be rated on EEO Performance. (Sect. VE, EEOP)

Your Response

HRA disagrees with this finding and recommendation, as the premise upon which they are based is false. To begin with, there is no such reference to EEO performance in Section VI of the Managerial Performance Evaluation form. Therefore requiring that they be accountable for this activity is inappropriate; and the agency does not award merit increases. The processing of promotions do, in fact, require the submission of a performance evaluation with the exception of those made from civil service lists, but EEO performance is not a consideration for these actions. It is not within HRA's authority to establish or negotiate citywide personnel policy. Consequently, the EEPC must convey their requirement that EEO performance be included in performance evaluations to DCAS and the NYC Office of Labor Relations.

EEPC Rationale

The managerial evaluations, as provided by DCAS, address EEO performance in the section entitled "Utilizing Human Resources" (which is actually Section IV, we erroneously referred to this as Section VI in the Preliminary Determination.) Agencies have the discretion to enhance this section to more specifically address EEO Performance.

The EEOP very clearly requires supervisors and managers to perform their responsibilities in a non-discriminatory manner, be accountable to the agency head for effectively implementing EEO-related policies, and to cooperate with the EEO Officer in the implementation of EEO policies and standards; (Section VE, EEOP) therefore, EEO performance of supervisors and managers should be considered in discretionary promotions.

Recommendation #9

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

Your Response

We disagree with this observation and subsequent recommendation. While regular meetings between the levels of supervision are necessary and critical to the proper management of an

organization, the Agency is not aware of any law, rule, or regulation which requires that every meeting and the contents therefore between a manager-supervisor and her subordinate(s) be memorialized.

EEPC Rationale

As discussed at length in the Audit Exit Meeting, this recommendation calls for memorializing EEO "decisions," not "every meeting and the contents." We are confident that the usefulness of this recommendation will be apparent, as your EEO Office is currently in a state of transition.

Recommendation #10

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

Your Response

The Agency has an enviable and pro-active record of enforcing its zero tolerance policy towards unlawful discriminatory practices.

EEPC Rationale

Your response does not address the recommendation. The EEOP requires supervisors and managers to make efforts to maintain a work environment that fosters sensitivity and respect and be accountable for effectively implementing EEO-related policies.

Recommendation #11

HRA should notify all staff that the EEO Policies are available on the agency intranet. Staff should be further instructed on how to access the policies on line.

Your Response

As the Agency's EEO policies are updated, they are made available to all staff through distribution on line, regular staff trainings, distribution of hard copies, and during staff orientation.

EEPC Rationale

Your response does not address the recommendation. The audit indicated that 50% of the supervisors interviewed were not aware that they could access the EEO Policies on the agency intranet.

Recommendation #12

HRA should replace the EEO Trainer so there can be two full time Counselors/Investigators in addition to the EEO Officer.

Your Response

The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's needs.

EEPC Rationale

Given the size of your agency (14,205 employees at the end of the audit period), we reiterate the importance of this recommendation.

Recommendation #13

As reflected in the agency specific plan, the EEO Coordinator should be performing EEO related matters.

Your Response

The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's needs.

EEPC Rationale

Your response does not address the recommendation.

Recommendation #15

The EEO Officer should meet at least quarterly with the Personnel Officers.

Your Response

The agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaison to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.

EEPC Rationale

Your response does not address the recommendation.

Recommendation #16

The EEO Officer should develop written tasks and/or responsibilities expected of the Personnel Officers/EEO Liaisons.

Your Response

The agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaison to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.

EEPC Rationale

Your response does not address the recommendation.

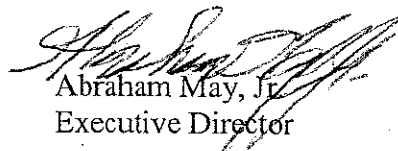
Conclusion

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 in writing to the aforementioned determination 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 in the next two weeks. Towards that end, EEPC Counsel Lisa Badner or her designee will contact your EEO Director 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,



Abraham May, Jr.
Executive Director

Response To

FDL



DATE: 9/1/05

06-09-05 RCVD 8689

TO: Abraham May, Jr.

FROM: Verna Eggleston
Administrator/Commissioner

Please see attached a copy of Holly Brown's response to final determination, dated 8/9/05.

Be advised that I have discussed and reviewed the letter and corrective action plan.

c: Richard O'Halloran
Jean Matthews
Holly Brown



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VERNA EGGLESTON
Administrator/Commissioner

HOLLY E. BROWN
Executive Deputy Commissioner

August 9, 2005

COPY

Abraham May, Jr.
Executive Director
New York City Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

Dear Mr. May:

We are in receipt of the New York City Equal Employment Practices Commission's (EEPC) Final Determination report on its review of the Human Resources Administration's (HRA) compliance with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003. As per my letter dated July 27, 2005 indicating HRA's intention to respond to that Final Determination report, you will find attached the Agency's detailed response.

HRA has taken several measures to implement improvements per your recommendations. The Commission's audit compliance procedure which your letter of July 5, 2005 indicates will follow, should detect these initiatives.

Again, HRA has an enviable record in the arena of EEPC compliance and we remain committed to the retention of this standing. HRA values the feedback provided by this examination and appreciates the opportunity to respond.

Sincerely,

Holly E. Brown

cc: Commissioner Eggleston
Richard O'Halloran

Attachment

Equal Employment Practices Commission
Audit of Compliance with NYC's EEO Policy from July 1, 2001 to December 31, 2003
Audit Response Worksheet

| EEOC Recommendations | HRA's Responses | EEOC Rationales | HRA's Final Actions |
|---|---|--|--|
| <p>Recommendation #1: All employees should be informed in writing of the name, location and telephone number of the EEO Officer.</p> | <p>Completed. Informational No. 04-04 was updated December 6, 2004.</p> | <p>EEOC agrees.</p> | <p>Completed. Informational No. 04-04 was updated and distributed as of December 6, 2004.</p> |
| <p>Recommendation #2: HRA should conduct a survey to ensure that all facilities are accessible for persons with disabilities and inform the EEO Officer of the results.</p> | <p>HRA agrees with the recommendation of the EEOC, to ensure that all facilities are surveyed for issues of accessibility and that any potential issues be shared with the EEO Officer. HRA's General Support Services conducted a survey of HRA owned and leased facilities to determine ADA compliance. A report of the results of the survey will be published by EMP by June 2005, which will be shared with the EEO Officer.</p> | <p>EEOC agrees.</p> | <p>Completed. The survey was completed and the report was shared with OSR/EEO on August 9, 2005</p> |
| <p>Recommendation #3: Internal complaint files should contain letters to the parties informing them of the resolution of the complaint (Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures, Section 12 (b))</p> | <p>The Commissioner has mandated, since this finding that written follow-up be a component of the EEO Officer's performance evaluation.</p> | <p>EEOC requires further clarification.</p> <p>The EEOC seeks a proactive response to this recommendation. While we agree that it is necessary that this task be incorporated in the EEO Officer's performance evaluation, we recommend that you immediately disseminate a directive emphasizing the importance of written follow-ups to the parties.</p> | <p>Completed. This requirement will be included in an Agency wide Executive Order ("EEO Complaint and Investigation Procedures (Audit Compliance)" which will be distributed to all employees. These procedures clearly define EEO's complaint process, which includes the responsibility of the EEO Office to advise all parties in writing, of the outcome of the complaint. (Section VIII, "Investigation of Complaints").</p> |



**Equal Employment Practices Commission
Audit of Compliance with NYC's EEO Policy from July 1, 2001 to December 31, 2003
Audit Response Worksheet**

| EEOC Recommendations | HRA's Responses | EEOC Rationales | HRA's Final Actions |
|--|--|--|--|
| <p>Recommendation #4: All internal investigative reports must be labeled "confidential" in large bold print.</p> | <p>Reference Eggleston letter to Mayor dated February 25, 2005. As of January 31, 2005 all files are conspicuously labeled "confidential".</p> | <p>EEOC agrees.</p> | <p>Completed.</p> |
| <p>Recommendation #5: The Commissioner should require the HRA director to include the EEO Officer in the recruitment process.</p> | <p>It is HRA's policy that all forms of outreach are used in recruitment advertisement including recruitment flyers via the Civil Service process.</p> | <p>EEOC Disagrees. Your response does not address the recommendation. The EEOC requires involvement of the EEO Officer in recruitment for, and advertising of, vacancies in discretionary positions.</p> | <p>Completed. HRA will include the EEO Officer in the recruitment process with regard to the selection of the media for outside recruitment. (August 2, 2005 Memorandum from Jean Matthews to Candida Carcama)</p> |
| <p>Recommendation #6: Since the EEOC requires City agencies to conduct adverse impact studies to determine if certain selection devices adversely impact any particular racial, ethnic, disability or gender group, HRA should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Sect. IV, EEOC)</p> | <p>DCAS functions as the City's official personnel officer. In that capacity, DCAS has the responsibility of conducting adverse impact studies for the agencies under supervision. To date, DCAS has not disseminated any additional required postings, nor have they scheduled training on how to conduct adverse impact studies.</p> | <p>EEOC Disagrees. The EEOC clearly states that agencies are responsible for assessing the manner in which candidates are selected and promoted to determine if there is any adverse impact on any particular racial, ethnic, disability or gender group. Moreover, DCAS has arranged for some training for EEO Officers in this area, specifically in October 2004 at the New York City Law Department.</p> | <p>Completed. HRA has sought guidance from the New York City Department of Citywide Administrative Services requesting information on scheduled training courses or appropriate sources on adverse impact studies.</p> |



**Equal Employment Practices Commission
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 Audit Response Worksheet**

| EEPC Recommendations | HRA's Responses | EEPC Rationales | HRA's Final Actions |
|--|--|--|---|
| <p>Recommendation #7: HRA should inform all employees in writing of the identity, location and telephone number of the Career Counselor. This information should also be updated on the agency's bulletin boards. (Sect. VB, EEOP)</p> | <p>Contrary to the report, HRA is indeed in compliance with the requirement that all staff be made aware of the identity and functions of the EEO Officer and the agency's Career Counselor. The identities of these persons, along with a description of their responsibilities is disclosed to staff at new employee orientation as well as being posted on employee bulletin boards in common areas; specifically in the pantries and in restroom entrance areas as well as the agency's intranet. Therefore we agree with this finding and believe that HRA is in compliance with the requirement to make the policies and identity of the associated officers available to staff.</p> | <p>EEPC Disagrees. While we don't question HRA has made efforts to comply with this requirement, ninety-one percent of the employees surveyed were not aware of which individual is responsible for career counseling.</p> | <p>In addition to previously distributed Informational EEO posters, HRA will distribute a poster agency wide informing all employees in writing of the identity, location and telephone number of the Career Counselor.</p> |
| <p>Recommendation #8: Supervisors should be informed that they will be rated on EEOP Performance. (Sect. VE, EEOP)</p> | <p>HRA disagrees with this finding and recommendation, as the premise upon which they are based is false. To begin with, there is no such reference to EEO performance in Section VI of the Managerial Performance Evaluation form. Therefore requiring that they be accountable for this activity is inappropriate; and the agency does not award merit increases. The processing of</p> | <p>EEPC Disagrees. The managerial evaluations, as provided by DCAS, address EEO Performance in the section entitled "Utilizing Human Resources" (which is actually Section IV, we erroneously referred to this section VI in the Preliminary Determination.) Agencies have the discretion to enhance this section to more specifically address</p> | <p>In accordance with "Guidelines for Evaluating Managerial Performance in NYC Agencies, issued by DCAS in January 1996, Appendix B, Section IV, HRA's managerial performance evaluation includes compliance with EEO regulations and directives.</p> |



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| <p>Recommendation #9: It is the Commissioner's position that appropriate documentation of meetings and other communications between the EEO Officer and direct report to the agency head regarding EEO decisions should be maintained.</p> | <p>We disagree with (EEOC's) observation and subsequent recommendation. While regular meetings between the level of supervision are necessary and critical to the proper management of an organization, the Agency is not aware of any law, rule, or regulation, which requires that every meeting and the contents therefore between a manager-supervisor and her subordinate(s) be memorialized.</p> | <p>EEO Performance. The EEOC very clearly requires supervisors and managers to perform their responsibilities in a non-discriminatory manner, be accountable to the agency head for effectively implementing EEO-relates policies, and to cooperate with the EEO Officer in the implementation of EEO policies and standards; (Section VE, EEOC) therefore, EEO performance of supervisors and managers should be considered in discretionary promotions.</p> | <p>Final decisions on policy and procedural changes will go through the Agency "Blue" process which is an approval transmittal routing document that records the signature approval of the applicable responsible parties.</p> |
| <p>Recommendation #10: It is the Commission's position that at least twice a year during regular staff meetings, supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to</p> | <p>The Agency has a enviable pro-active record of enforcing its zero tolerance policy towards unlawful discriminatory practices.</p> | <p>EEOC Disagrees. As discussed at length in the Audit Exit Meeting, this recommendation calls for memorializing EEO "decisions," not "every meeting and the contents." We are confident that the usefulness of this recommendation will be apparent, as your EEO Office is currently in a state of transition.</p> | <p>HRA's Executive Order regarding EEO complaint and investigation procedures, discusses the responsibility of supervisors to meet with employees under their jurisdiction to emphasize their commitment to the Agency's EEO policies</p> |



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| file a discrimination complaint with the EEO Office. | | fosters sensitivity and respect and be accountable for effectively implementing EEO-related policies. | and the right of each employee to file a discrimination complaint with the EEO Office (See Memorandum). |
| Recommendation #11: HRA should notify all staff that the EEO Policies are available on the agency's intranet. Staff should be further instructed on how to access the policies on line. | As the Agency's EEO policies are updated, they are made available to all staff through distribution on line, regular staff trainings, distribution of hard copies, and during staff orientation. | EEOC Disagrees. Your response does not address the recommendation. The audit indicated that 50% of the supervisors interviewed were not aware that they could access the EEO Policies on the agency intranet. EEOC Disagrees. Given the size of your agency (14,205 employees at the end of the audit period), we reiterate the importance of this recommendation. | HRA will distribute the Agency's "EEO Complaint and Investigation Procedures" which includes information on how to access the City of New York's EEO Policy via the intranet. |
| Recommendation #12: HRA should replace the EEO Trainer so there can be two full time Counselors/Investigators in addition to the EEO Officer. | The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's needs. | EEOC Disagrees. Your response does not address the recommendation. | HRA will revise its EEO plan to incorporate EEO Training into the Agency wide Training Curriculum. |
| Recommendation #13: As reflected in the agency specific plan, the EEO Coordinator should be performing EEO related matters. | The staffing of the Agency's EEO office is constantly under review and subject to modification based on the Agency's need. | EEOC Disagrees. Your response does not address the recommendation. | HRA will revise its EEO plan. The EEO Coordinator position no longer exists. |
| Recommendation #14: HRA should develop a plan, which includes a timeframe, to train new and existing EEO Liaisons/Personnel Officers who have not already received necessary EEO training. (Sect. VB, EEO P) | There is only one EEO Liaison who needs to complete the EEO Professional training and who is currently on DCAS' training schedule. | EEOC requires further clarification. The audit indicated that four of the EEO Liaisons had not been trained. This finding was not disputed at the audit exit meeting. What is the status of the other three EEO Liaisons? | HRA has requested a schedule for EEO Professionals Training from NYC Department of Citywide Administrative Services |



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| <p>Recommendation #15: The EEO Officer should meet at least quarterly with the Personnel Officers.</p> | <p>The agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaison to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.</p> | <p>EEOC Disagrees. Your response does not address the recommendation.</p> | <p>HRA's EEO Officer will meet at least quarterly with Personnel Officers.</p> |
| <p>Recommendation #16: The EEO Officer should develop written tasks and/or responsibilities expected of the Personnel Officers/EEO Liaisons.</p> | <p>The agency's Personnel Officers provide administrative support to the agency's various programs; and when they act as liaison to the EEO office, they consult with and act under the direct guidance of the Agency's EEO officer.</p> | <p>EEOC Disagrees. Your response does not address the recommendation.</p> | <p>HRA's Personnel Officers/EEO Liaisons will follow the guidelines set forth in the NYC EEO Policy (Section V, Subsection F, "Enforcement and Accountability Standards".</p> |

