

# EQUAL EMPLOYMENT PRACTICES COMMISSION

## CITY OF NEW YORK

**RESOLUTION #12/27-996:** Preliminary Determination Pursuant to the Audit of the New York City Housing Authority's (NYCHA) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, the Equal Employment Practices Commission audited the New York City Housing Authority's Equal Employment Opportunity Program; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

### **Be It Resolved,**

that pursuant to the audit of the New York City Housing Authority's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency offered its course "Interviewing and Selecting the Right Person" throughout the audit period to employees that conducted job interviews, 57% percent of respondents to the *EEPC's Supervisor/Manager Survey* who indicated they interviewed candidates for positions also indicated they did not receive training and/or a guide that outlined illegal or discriminatory questions and/or included instructions for conducting a structured interview. (EEPC/Sect. 831, City Charter)
2. Although the agency identified its EEO personnel in its EEO Policy Statement and distributed updates whenever there were changes in EEO staff, 64% of respondents to the *EEPC's Employee Survey* and 62% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that they did not know who the agency's EEO Officer is. (EEPC/Sect. 831, City Charter)
3. Although the agency has appointed a DRC, 86% of respondents to the *EEPC's Employee Survey* indicated they do not know who the DRC is. (EEPC/Sect. 831, City Charter)
4. Although the agency evaluates its supervisors and managers annually, the performance evaluation form did not include an EEO component. (EEPC/Sect. 831, City Charter and

DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1)*

5. The agency head did not direct managers and supervisors to 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 at least once a year during normal staff meetings. (Commission's Position)

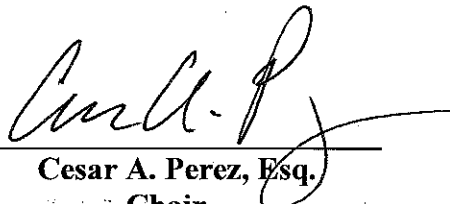
**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Chairman John B. Rhea, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Housing Authority's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on September 13, 2012.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

  
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Cesar A. Perez, Esq.  
Chair

**EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK**

**RESOLUTION #13/996C:** Determination of **Compliance** by the New York City Housing Authority with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized 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, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the New York City Housing Authority's (NYCHA) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 13, 2012, setting forth its findings and required corrective actions; and

**Whereas**, the NYCHA responded to the EEPC's preliminary determination letter on November 9, 2012, with its intentions to rectify the areas of non-compliance identified in the preliminary determination; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on November 27, 2012, including such recommended corrective action as the Commission deemed appropriate; and

**Whereas**, the NYCHA responded to the EEPC's final determination, during an Audit Closing/Compliance Initiation Meeting on Monday, January 7, 2013; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the NYCHA for a period not to exceed six months, from February through July, 2013, to determine whether it implemented the aforementioned required corrective actions; and

**Whereas**, the EEPC granted the NYCHA an informal extension to allow the agency to complete its assessment of accessibility of its facilities; and

**Whereas**, the NYCHA implemented Corrective Action #1, which states: The agency should ensure that all employees involved in job interviewing receive training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview that standardizes the type and order of interview questions asked to ensure that a fair comparison can be made between interviewees; and

**Whereas**, the NYCHA implemented Corrective Action #2, which states: Since the EEOP holds the EEO Officer responsible for investigating discrimination complaints within the agency and providing guidance and assistance to agency managers, supervisors and human resource professionals in addressing issues relating to equal employment opportunity, employees should be aware of the identity, location, and telephone number of the EEO Officer. The agency should redistribute this information; and

**Whereas**, the NYCHA implemented Corrective Action #3, which states: To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should re-distribute information to all employees in writing of the name, location, and telephone number of this person; and

**Whereas**, the NYCHA implemented Corrective Action #4, which states: Since agencies are responsible for ensuring compliance with all federal, state, and local laws pertaining to persons with disabilities, the agency should develop a plan to demonstrate accessibility compliance for the facilities and management offices where accessibility compliance/non-compliance is undetermined. This plan should identify the barriers in these facilities, detail the efforts the NYCHA has taken to remove barriers, and identify the agency (if not NYCHA) responsible for rendering the facility accessible to employees/applicants with disabilities; and

**Whereas**, the NYCHA implemented Corrective Action #5, which states: The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner; and

**Whereas**, the NYCHA implemented Corrective Action #6, which states: The agency head should direct managers and supervisors to emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings should be documented; and

**Whereas**, the NYCHA implemented Corrective Action #7, which states: In addition to the above recommendations, after implementation of the above corrective actions, 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 EEO Program; and

**Whereas**, since Section 815.a.(15) of the New York City the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, in October 2013, the NYCHA Chairman distributed a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the agency head's commitment to the agency's Equal Employment Opportunity Program; and

**Whereas**, all of the EEPC's required corrective actions are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**,  
that the New York City Housing Authority has implemented the required corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**,  
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to John B. Rhea, Chairman of the New York City Housing Authority.

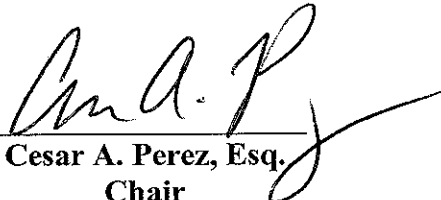
Approved unanimously on October 10, 2013.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva R. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

**From:** [Rhea, John](#)  
**To:** [DL Entire NYCHA \\*G\\*](#)  
**Subject:** New York City Equal Employment Practices Commission Audit of NYCHA  
**Date:** Wednesday, November 20, 2013 1:02:33 PM  
**Importance:** High

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Dear NYCHA Employee:

The New York Equal Employment Practices Commission has completed an audit of NYCHA's equal employment opportunity programs, policies and procedures for the period covering July 1, 2008 through June 30, 2011.

I am pleased to announce that NYCHA's equal employment policies, training, complaint and investigation procedures and case management are in compliance with the New York City Equal Employment Opportunity Policy.

Further, in line with Plan NYCHA's imperative to create a high performing organization NYCHA has implemented changes to its equal employment opportunity program that will ensure that every candidate is assessed accurately and consistently throughout the recruitment and selection processes. NYCHA managers involved in the hiring process are receiving mandatory training on structured interviewing designed to foster the fair comparison of interview candidates who seek employment with the Authority. Another critical program change calls for NYCHA to develop a plan to make restrooms and entrances in development management offices more accessible for employees with disabilities.

As Chairman, I reaffirm NYCHA's strong commitment to maintain equal employment opportunity practices for all employees and job applicants. NYCHA is an equal opportunity employer and provider of fair housing. Any employee or job applicant may file a complaint or seek assistance with an EEO matter between the hours of 8:30am to 5:00pm Monday through Friday by contacting NYCHA's Department of Equal Opportunity at 212-306-4468, or by visiting the DEO's offices at 250 Broadway, 3rd Floor, New York, NY.

Thank you.

**John B. Rhea**

Chairman of the New York City Housing Authority  
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New York City Housing Authority | [www.nyc.gov/nycha](http://www.nyc.gov/nycha)

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