

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/01-071: Preliminary Determination Pursuant to the Audit of the Department of Homeless Services' (DHS) Equal Employment Opportunity Program from January 1, 2005 through June 30, 2006.

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, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Homeless Services' 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 Department of Homeless Services' compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's new hire packet did not include the Citywide EEO Policy and the EEO Policy Handbook.
2. The agency's new hire packet did not include the 55-A Program brochure.
3. All twenty-five DHS facilities are not accessible to, and usable by, persons with disabilities.
4. The agency's EEO policies were not available in alternate formats for persons with disabilities.
5. Six of the 10 discrimination complaint files submitted by the DHS do not contain a written notice to the complainant/respondent regarding the EEO office's determination.
6. All of the complaint files provided to EEPC auditors were missing investigative interview notes.

7. The investigation of four complaints took more than 90 days to complete. (DCPIG, April 1996 Amendment)
8. The four files that indicated that the investigations were not completed within 90 days did not contain the required notification letters. (DCPIG, April 1996 Amendment)
9. The 10 most recent complaint files did not contain a confidential written report with the agency head signature. (DCPIG, Sect.12b)
10. The DHS agency head did not sign each confidential written report to indicate that it had been reviewed and whether the recommendation, if any, was approved and adopted. (Sect. VB, EEOP and DCPIG, Sect. 12b)
11. The agency did not conduct adverse impact studies. (Sect. IV, EEOP)
12. There is no EEO component included in the managerial performance evaluation form that the DHS provided to EEPC auditors.
13. The DHS EEO officer does not keep notes or documentation of meetings on EEO matters with the direct report to the agency head.
14. The DHS EEO officer was not involved in developing recruitment strategies or selecting recruitment media. (Sect. IV, EEOP)
15. Meetings between supervisors/managers and staff reaffirming their commitment to EEO are not documented.
16. Seventy-four percent of the DHS survey respondents indicated that they do not know the name of the person in the agency responsible for providing career counseling.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Department of Homeless Services' Commissioner, Robert V. Hess, 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 Department of Homeless Services will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on March 20, 2008.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #10/02-071C: Determination of implementation by the Department of Homeless Services of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Homeless Services' Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to June 30, 2006.

Whereas, pursuant to Chapter 36, Sections 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 ensure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Department of Homeless Services (DHS), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated March 20, 2008, setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, DHS submitted its response on June 10, 2008; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on July 9, 2008 identifying those recommendations accepted and rejected by DHS; and

Whereas, in response to EEPC's final determination letter, DHS submitted its response on September 11, 2008; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DHS for a period not to exceed six months, from December 1, 2008 through May 31, 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, on July 8, 2009 the Department of Homeless Services requested an extension of the compliance period; and

Whereas, the Department of Homeless Services submitted its Final Compliance Report on June 9, 2010; and

Whereas, the Department of Homeless Services implemented all of the recommended corrective actions; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy. Now Therefore,

Be It Resolved,

that the Department of Homeless Services has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Commissioner of the Department of Homeless Services, Seth Diamond, formally informing him that the DHS has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on June 25, 2010,

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner



Cesar A. Perez, Esq.
Chair

Memo

To: All Staff
From: Robert V. Hess, Commissioner
CC: Fran Winter, First Deputy Commissioner; Mark Neal, Chief of Staff
Date: January 9, 2009
Re: Equal Opportunity at the Department of Homeless Services (DHS)

DHS is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the Citywide EEO Policy, by maintaining fair employment practices for all of our employees, and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

Although I am pleased with our accomplishments, I would like to remind you that our agency EEO program contains the following requirements:

- Managers and supervisors must conduct documented meetings with staff, at least once a year to reaffirm their commitment to the agency's EEO Policy and to discuss the right of employees to file EEO complaints with DHS' EEO officer and/or EEO counselors.
- All managers and supervisors involved in conducting employment interviews are required to review materials regarding structured interviewing provided by the Department of Citywide Administrative Services.
- Joyce Rivers is the agency's Career Counselor. Her office is at 33 Beaver Street, Room 1257C, New York, New York 10004. Her telephone number is (212) 361.8570. Employees interested in receiving career counseling should make an appointment.

Available online is the City's EEO Policy, which can be viewed and downloaded at: (www.nyc.gov/html/dcas/html/resources/eeopol.shtml).

Also available online is the EEO policy handbook titled *About EEO: "What You May Not Know"*, which was handed out to all employees in 2003 and since then to all new employees at orientation and in EEO refresher training: (www.nyc.gov/html/dcas/html/resoruces/eoo_booklet.shtml).

Hard copies of both documents are available in the DHS Office of Equal Opportunity Affairs located at 33 Beaver Street, Room 1759, New York, New York 10004.

I encourage all employees to use these resources and to address any questions or concerns with the agency's EEO Officer, Mark L. Neal by calling the EOA Hotline at 212.361.7914.