

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #08/13-136:** Preliminary Determination Pursuant to the Audit of the Landmarks Preservations Commission's (LPC) Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

**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 endure 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 Landmarks Preservation Commission'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 Landmarks Preservation Commission's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. During the audit period, the LPC mistakenly included the *previous* Citywide EEO Policy in the new hire package. (Sect. VB, EEOP)
2. During the audit period, the agency head did not send a general EEO policy statement or memo to all employees. (Sect. VB, EEOP)
3. Although the agency had EEO professionals of different genders, only the EEO officer was authorized to investigate discrimination complaints. (Sect. VB, EEOP)
4. An EEO counselor, selected prior to the audit period, continued serving in that capacity for at least six months after she was appointed executive director.

5. The former EEO officer met “infrequently” with the EEO counselors to review their work and keep them abreast of EEO developments. (Sect VC, EEOP)
6. Although the former EEO officer was aware of and had a copy of a letter to the agency chairperson alleging age discrimination, he (former EEO officer) did not have the complainant complete the City’s Discrimination Complaint Intake Form. (DCAS, Discrimination Complaint Procedures Implementation Guidelines (DCPIG), sect. 12a)
7. The former EEO officer’s written report (containing his findings) was prepared 18 months after the discrimination complaint letter was sent to the chairperson. (DCAS, DCPIG, April 2, 1996 Amendment)
8. The former EEO officer’s written report for the age discrimination complaint consisted of a memo to the file and was not prepared in the format required by the DCPIG. (DCPIG, sect. 12b)
9. The former EEO officer’s written report for the age discrimination complaint was not signed by the agency head. (DCPIG, sect. 12b)
10. There was no indication in the age discrimination complaint file that the complainant was informed in writing of the outcome of the investigation. (DCPIG, sect. 12b)
11. Fifty-eight percent of employees surveyed by the EEPC indicated that they had not received EEO training. (Sect. IV, EEOP)
12. Although the EEO officer reviewed the agency’s CEEDS data and was aware that minorities were underutilized in the landmarks preservationist title, the agency did not undertake any targeted recruitment efforts as a result of that review.
13. The EEO officer was unsure if all employees involved in the job interviewing process received structured interview training. (Sect. IV, EEOP)
14. The LPC did not assess the manner in which candidates were selected for employment to determine whether there was any adverse impact upon any particular racial, ethnic, disability, or gender group. (Sect. IV, EEOP)
15. Although the director of administration was appointed career counselor in 2005, employees were not notified in writing of her appointment. (Sect. VB, EEOP)
16. The agency did not conduct managerial performance evaluations during the audit period. (DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)

17. The LPC's organization chart does not show a reporting relationship between the EEO officer and the agency head. (Sect. VB, EEOP)
18. The former and current EEO officers have not been involved in developing recruitment strategies or selecting recruitment media for the preservationist title—where most vacancies occur. (Sect. IV, EEOP)
19. Supervisors and managers were not directed to discuss the agency's EEO policies with their subordinates. (DCAS, "Model Agency EEO Commitment Memo")
20. The LPC has not prepared non-managerial performance evaluations. (*Personnel Rules and Regulations of the City of New York*, Rule 7.5.4(e))

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Landmarks Preservation Commission's Chair/Commissioner, Robert B. Tierney, 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 Landmarks Preservation Commission will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on June 19, 2008.

**Angela Cabrera**  
Commissioner

**Manuel A. Méndez**  
Vice-Chair

**Veronica Villanueva, Esq.**  
Commissioner



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**Ernest F. Hart, Esq.**  
Chair

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

**RESOLUTION #09/09-136C:** Determination of implementation by the Landmarks Preservation Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Landmarks Preservation Commission's Charter-mandated Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

**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

**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 Landmarks Preservation Commission (LPC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated June 19, 2008, setting forth its findings and recommended corrective actions; and

**Whereas**, the LPC submitted its responses to EEPC's preliminary determination letter, on July 15, 2008; and

**Whereas**, the EEPC issued a Final Determination letter, dated August 6, 2008; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the LPC 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**, the Landmarks Preservation Commission submitted its Final Compliance Report on June 1, 2009; and

**Whereas**, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

**Whereas**, the members of this Commission have reviewed a Compliance Summary Report prepared by the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved**,  
that the Landmarks Preservation Commission 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 City Charter.

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Commissioner of the Landmarks Preservation Commission, Robert B. Tierney, formally informing him that the LPC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 16, 2009.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

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



Cesar A. Perez, Esq.  
Chair



## The New York City Landmarks Preservation Commission

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Robert B. Tierney  
Chair

**TO:** All LPC Staff  
**FROM:** Robert B. Tierney, Chair *RBT*  
**DATE:** February 20, 2009  
**RE:** Equal Employment Opportunities

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As an update to memo distributed last month, I would like to remind all Staff that the Equal Employment Practices Commission [EEPC] audit continues.

As the Chair of the Landmarks Preservation Commission, I reaffirm this agency's strong and continuing commitment to maintaining fair employment practices for all its employees and job applicants. Should any employee have any issues which they feel relate to the EEO Policy, they should not hesitate to contact any of the following personnel:

- John Graham, male counselor (212) 669-7917
- John Weiss, male counselor (212) 669-7921
- Margaret McMahon, disability rights coordinator and career counselor (212) 669-7943
- Lily Fan, female counselor, and EEO Officer (212) 669-7952