

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

RESOLUTION #99/07-850: Preliminary Determination Pursuant to the Audit of the Department of Design and Construction and its compliance with the City's Equal Employment Opportunity Policy from July 1, 1996 to December 31, 1998.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 Department of Design and Construction's compliance with the City's Equal Employment Opportunity Policy; 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 Design and Construction (DDC) and its compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. New employees, including transfers from other City agencies, do not routinely receive copies of DDC's EEO policies.
2. DDC's EEO policies have never been posted on agency bulletin boards.
3. Supervisors/managers have not been directed to meet with their staffs to discuss DDC's EEO policies.
4. Eleven of the 20 supervisors/managers interviewed by EEPC were unfamiliar with their rights and responsibilities under the City's EEOP.
5. The EEO Officer is unsure if DDC conducts new employee orientation sessions.
6. All 20 of the supervisors/managers interviewed by EEPC auditors were not informed that EEO performance would be part of their overall performance evaluations nor were they evaluated on

their EEO performance.

7. Two of the 5 job advertisements submitted by DDC did not contain the EEO tag line.
8. The EEO Officer did not submit documentation or evidence that all DDC facilities are accessible to persons with disabilities.
9. The agency's EEO complaint log does not contain a column to record the dates that discrimination complaints were completed.
10. The agency's EEO complaint log does not indicate the reasons for complaint closures (e.g., finding of probable cause or no probable cause).
11. Only one of the confidential written reports on discrimination complaints prepared by the EEO contains the signature of the agency head.
12. Final reports for 2 of the internal discrimination complaints filed during the audit period were not issued within the 90-day time frame required by the EEOP's Discrimination Complaint Procedures Implementation Guidelines.
13. The agency did not have persons of both sexes available to receive and investigate discrimination complaints.
14. Only 800 of the agency's 1,200 employees received preventive sexual harassment training.
15. None of the 5 job advertisements submitted by DDC to the Commission were placed in female- or minority-oriented publications.
16. A substantial cadre of DDC supervisors/managers did not receive structured interview training.
17. DDC did not conduct adverse impact studies.
18. There was no officially designated career counselor for a substantial part of the audit period.
19. DDC did not inform all employees in writing of the identity, location and telephone number of the career counselor.
20. The career counselor did not keep a list of employees who received career counseling.
21. The EEO Officer was not involved in selecting newspapers for DDC job advertisements.


Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Acting Commissioner of the Department of Design and Construction, Kenneth Holden, 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 Design and Construction will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on December 16, 1999.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner


Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION #01/01-850C Determination of implementation by the Department of Design and Construction of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Design and Construction Charter-mandated Equal Employment Opportunity Policy from July 1, 1996 to December 31, 1998.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 its audit of the New York City Department of Design and Construction, the Equal Employment Practices Commission issued a preliminary determination letter, dated December 16, 1999 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the Department of Design and Construction for six months commencing March 2000, to determine whether it implemented the aforementioned 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 which replaced the former Affirmative Employment Plan (AEP), and

Whereas, DDC's compliance period had to be extended three months; and

Whereas, the Department of Design and Construction did not submit its' Final Compliance Report until January 20001. Now Therefore,

Be It Resolved,
that the New York City Department of Design and Construction has fully implemented all twenty recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the New York City Department of Design and Construction, Kenneth Holden, formally informing him that the agency has implemented all twenty recommended corrective actions to the Commission's satisfaction.

Approved unanimously on January 18, 2001

Chereé A. Buggs Esq.
Commissioner

Angela Cabrera
Commissioner


Manuel A. Méndez
Commissioner



City of New York Department of Design and Construction

Kenneth Holden
Commissioner

30-30 Thomson Avenue
Long Island City, NY 11101

Tel. 718 / 391-1580
Fax 718 / 391-1893

www.ci.nyc.ny.us/buildnyc
HOLDENK@ddclan.cn.ci.nyc.ny.us

December 28, 2000

TO: DDC

FROM: Kenneth Holden

SUBJECT: Equal Employment Opportunity Program Audit

In October 1999, the Equal Employment Practices Commission began auditing DDC's Equal Employment Opportunity Program (EEOP). At the conclusion of the audit, the Commission made the following recommendations that DDC has incorporated into its FY 2001 EEOP:

Recommendation: The agency should conduct new employee orientation sessions and all new employees and transfers should receive copies of the agency's EEO policies. **Action Taken:** A new employee orientation session is conducted monthly. All new employees are required to attend. The EEO Office is represented at all sessions where the EEO policy is distributed and its content reviewed.

Recommendation: DDC's EEO policies should be posted on agency bulletin boards. **Action Taken:** The agency's EEO policies are accessible to all employees on the EEO web page on DDC's electronic bulletin board. Hard copies of all information can be printed directly from the bulletin board. In addition, all managers and supervisors have copies of the policies and have been asked to make them available to employees when needed.

Recommendation: Managers and supervisors should be directed to hold documented meetings with their staff to discuss their rights and responsibilities