

DEPARTMENT OF CULTURAL AFFAIRS

- Letter of Preliminary Determination April 22, 2010
- Agency Response May 20, 2010
- Letter of Final Determination May 28, 2010



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

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April 22, 2010

Kate Levin
Commissioner
Department of Cultural Affairs
31 Chambers Street, 2nd Floor
New York, NY 10006

Re: Preliminary Determination Pursuant to the Audit of the Department of Cultural Affairs (DCLA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008.

Dear Commissioner Levin:

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).)

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 by city agencies.

The Charter defines city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

This letter contains the preliminary determinations of the EEPC pursuant to its audit of compliance by the Department of Cultural Affairs (DCLA) during the thirty-six month period

commencing January 1, 2006 and ending December 31, 2008. Requests for corrective actions and/or recommendations are included where the EEPC has determined that DCLA has failed to comply in whole or in part with the City's EEO Policy.

All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the EEO Policy, which, in accordance with section 815 of the City Charter, holds agency heads responsible for the effective implementation of Equal Employment Opportunity. Therefore, the Department of Cultural Affairs should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City's EEO Policy are cited in parenthesis at the end of each recommendation. In addition, this Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women.

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 analysis of the DCLA's responses to an EEPC Document and Information Request Form. Typically, EEPC staff would analyze Citywide Equal Employment Database System (CEEDS) data prepared by the Department of Citywide Administrative Services (DCAS) which determines underutilizations and concentrations of targeted groups within the agency's workforce. These designations represent imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. CEEDS data is critical in identifying underutilization in the city's workforce. Where underutilization is revealed within an agency's workforce, auditors determine whether an agency has undertaken reasonable measures for addressing underutilization.

At present, the CEEDS data requires updating in order for the underutilization analysis to provide an accurate measure of the employment practices of city agencies; the DCAS is currently updating this data. Upon completion, the EEPC will review the data and make supplemental recommendations pursuant to this audit, if necessary.

EEPC auditors also conducted in-depth, on-site interviews with the DCLA's EEO Officer/HR Director/Career Counselor, the EEO Counselor, and Agency Counsel.

A survey of 64 people currently employed by the DCLA was distributed. Eighteen people (28%) responded. Survey findings are attached. (Appendix 1) A survey of 5 DCLA supervisors was distributed. Three supervisors (60%) responded. Survey findings are attached (Appendix 5)

Description of the Agency

The Department of Cultural Affairs (DCLA) is the largest public funder of culture in the country, providing support for nonprofit organizations representing the visual, literary, and performing arts disciplines, as well as zoos, botanical gardens, historical and science museums.

The DCLA oversees operating funds for 34 City-owned cultural institutions, a capital program for cultural facilities, and program grants for roughly 800 cultural organizations in all five boroughs. The DCLA also commissions public artworks through the Percent for Art program, provides resources to more than 3,000 non-profit organizations and public schools annually through the Materials for the Arts program, and administers federal grants for cultural groups serving low- and moderate-income neighborhoods.

The DCLA is an advocate for the City's nonprofit cultural community, providing technical assistance to individual organizations, developing promotional initiatives to boost participation in the City's cultural life, and articulating the profound impact of culture on New York City's quality of life and economic well-being.

Personnel Activity During the Audit Period

According to data provided by the DCLA, during the audit period, 47 people were hired: 29 Caucasians, 10 African-Americans, 1 Hispanics, 5 Asians, and 2 Native Americans. Of the individuals hired, 33 were female. Forty-one individuals were promoted during the audit period: 25 Caucasians, 12 African Americans, 2 Hispanics, and 2 Asians. Of the employees promoted, 27 were female. (Appendix 4)

The DCLA reports that no employees were involuntarily separated during the audit period.

Between January 1, 2006 and December 31, 2008, the total number of employees increased by 11, going from 53 to 64. The number of African-American employees increased from 16 to 22, Hispanic employees decreased from 6 to 5, Asian employees increased from 2 to 4, and Native Americans increased from 0 to 2. Female employees increased from 33 to 42. (Appendices 2 and 3)

Discrimination Complaint Activity During the Audit Period

The agency reports that no internal or external complaints were filed during the audit period.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

The DCLA is in compliance with the following requirements:

1. The Citywide EEO Policy, EEO Policy statement, EEO Policy Handbook and addendums were last distributed in October 2008 to all employees and available on the agency's intranet. The agency's "EEO Policy manual", which includes the Citywide EEO Policy, EEO Policy

Statement, and EEO Policy handbook is distributed annually during EEO training sessions and during new employee orientation. In addition, 78% of the respondents to the EEPC's Employee Survey indicated that they had received the EEO Policy Statement and 89% of the respondents indicated that they had received the EEO Policy Handbook.

2. The Citywide EEO Policy and EEO Policy statement is posted on the agency's intranet and bulletin board. The EEO officer continually checks and maintains the board to ensure the EEO information is clearly posted and current. In addition, 94% of the respondents to the EEPC's Employee Survey indicated that the City's EEO Policy is posted on the agency's bulletin boards or kept in an area otherwise accessible to employees.
3. The agency identified its EEO professionals by indicating their names and contact information in the EEO Policy Manual. In addition, 94% of the respondents to the EEPC's Employee Survey indicated that they know who the EEO Officer is.

Plan Dissemination – Externally

The DCLA is in compliance with the following requirement:

1. The five city-wide job vacancy notices (Deputy Counsel, Program Specialist, Director of Finance, Executive Assistant to the Commissioner, and Associate Arts Program Specialist) submitted by the agency indicate that the DCLA is an equal opportunity employer.
2. The five job advertisements (Director of Finance, Program Specialist, Project Manager, Mover Driver, and Director) that were posted in the New York Times and on the New York Foundation for the Arts (NYFA) website indicated that the DCLA is an equal opportunity employer.

EEO and Reasonable Accommodation for Persons with Disabilities

The DCLA is in compliance with the following requirements:

1. The DCLA participates in the Section 55-A program. There are currently no program participants.
2. The DCLA's EEO training sessions include a section on the 55-A program.
3. The EEO Officer has been appointed the Disability Rights Coordinator. No reasonable accommodation requests were made during the audit period.
4. The DCLA has made the EEO Policy Statement and the Citywide EEO Policy Handbook available in large print for persons with disabilities. The EEO Officer is aware that the policies are available in alternate formats from DCAS.
5. The DCLA's response to the EEPC's accessibility for persons with disabilities checklist indicates that its office at 31 Chambers Street, which is maintained by the DCAS, is

accessible to, and useable by, persons with disabilities. There is a street accessible entrance, wheelchair accessible elevators, Braille and a bell in elevators, wide restroom stalls, grab bars, low sink and fixtures in the bathrooms. In addition, 94% of the respondents to the EEPC's Employee Survey indicated that the agency's facility is accessible to persons with disabilities.

Discrimination Complaint and Investigation Procedures

The DCLA is in compliance with the following requirements:

1. The DCLA's EEO Officer maintains and updates a monthly log of discrimination complaints filed against the agency. During the audit period, no internal discrimination complaints were filed.
2. The DCLA's EEO Officer and EEO Counselor have attended the basic training course for EEO professionals conducted by the Department of Citywide Administrative Services (DCAS).
3. The DCLA appointed two EEO representatives, a female EEO Officer and male EEO Counselor, to receive and investigate discrimination complaints.

EEO Training

The DCLA is in compliance with the following requirement:

The DCLA's EEO officer conducted EEO training in 2006, 2007, and 2008. All employees received training. The DCLA has a plan to train all new and existing employees on an ongoing basis. The training plan includes topics such as EEO laws, reasonable accommodation procedures, discrimination complaint investigation procedures, the citywide EEO Policy, employees' rights and responsibilities, and sexual harassment. In 2009, subsequent to the audit period, some DCLA employees had taken computer-based EEO training offered by the DCAS. In addition, 83% of the respondents to the EEPC's Employee Survey indicated that they received EEO training during the past 2 years.

Selection and Recruitment

The DCLA is in compliance with the following requirements:

1. The agency has provided Structured Interview training to employees who are involved in employment interviewing. All of the respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that they received this type of training.
2. The EEO officer reviews the Citywide Equal Employment Database System (CEEDS) reports and is involved in developing recruitment strategies and selecting recruitment media geared towards minority and female audiences and persons with disabilities.

3. Although, the DCLA did not conduct adverse impact studies during the audit period, the agency conducted a study of the selection of the Program Officer title using an online Disparate Impact Analysis tool. The study indicated that adverse impact was not found.

Promotional Opportunities

The DCLA is in compliance with the following requirements:

1. The DCLA formally appointed a career counselor. An agency-wide memo notifying employees of the name and telephone number of the counselor was distributed and posted on the bulletin board. In addition, 44% of the respondents to the EEPC's Employee Survey indicated that they know the name of the person in their agency that is responsible for providing career counseling.
2. The DCLA conducts annual managerial and non-managerial performance evaluations. The agency uses a managerial performance evaluation form which includes a section on EEO functions. In addition, 100% of the respondents to the EEPC's Supervisor/Manager Questionnaire indicated that they received a performance evaluation within a year.

The DCLA is in partial compliance with the following requirement:

Although the agency conducts non-managerial performance evaluations, 57% of the respondents to the EEPC's Employee Survey who had been employed for over a year indicated that they had not received an annual performance evaluation within the past 12 months. Corrective action is required.

Recommendation: Since the *Personnel Rules and Regulations of the City of New York and DCAS* require that non-managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate all non-managerial employees. (DCAS, Rule 7.5.4(e) of the Personnel Rules and Regulations of the *City of New York*)

Supervisory Responsibility in EEO Plan Implementation

The DCLA is not in compliance with the following requirement:

Managers and supervisors were instructed to discuss the department's EEO policies with their subordinates during normal staff meetings; however, documentation of these meetings was not maintained. Corrective action is required.

Recommendation: At least twice a year during normal staff meetings, managers and 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. These meetings should be documented. (DCAS, "Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eo/pdf/model_memo.pdf and EEPC Position)

EEO Officer Reporting Arrangement

The DCLA is in compliance with the following requirements:

1. The EEO Officer reports to the agency head and meets with her on EEO matters. Documentation of these meetings is maintained.
2. The EEO Officer meets with the EEO Counselor periodically to review his work and keep him abreast of EEO developments. Documentation of these meetings is maintained.

The DCLA is not in compliance with the following requirement:

Although the EEO Officer reports to the agency head on EEO matters, the DCLA's 2009 organizational chart does not show that the EEO officer reports directly to the agency head. Corrective action required.

Recommendation: Because the EEOP requires the EEO Officer report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP)

Special Contingencies

The EEO Officer is the agency's Senior Director of Human Resources and Administration. She is also the only employee in the Human Resources Department and is responsible for implementing the agency's personnel policies and practices, including its disciplinary policy. Approximately 30% of her time is spent on EEO, Career Counseling, and Disability Rights matters. To discharge her responsibilities under the Citywide EEO Policy, the EEO Officer must review all personnel policies and practices to ensure they are not discriminatory. The EEO Office is also required to investigate, or supervise the investigation of, discrimination complaints, which may allege discriminatory implementation of these policies. There is a potential conflict of interest in this situation.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. At least twice a year during normal staff meetings, managers and 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. These meetings should be documented. (DCAS, "Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eoo/pdf/model_memo.pdf and EEPC Position)
2. Since the *Personnel Rules and Regulations of the City of New York* and DCAS require that non-managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate all non-managerial

employees. (DCAS, Rule 7.5.4(e) of the Personnel Rules and Regulations of the *City of New York*)

3. Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (Sect. VB, EEOP).

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 the DCLA'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 to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. 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 EEO Plan.

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

Sincerely,



Cesar A Perez, Esq.
Chair

APPENDIX - 1

Department of Cultural Affairs
EMPLOYEE SURVEY RESULTS

Employees = 64 Survey Respondents = 18 28%

A. GENERAL OVERVIEW

1. Equal Employment Opportunity (EEO) guarantees the right of all persons to be accorded full and equal consideration on the basis of merit, regardless of protected group status. Do you agree with this principle?
Yes (18) No (0)
2. Do you know who your agency's EEO Officer is?
Yes (17) No (1)
3. Is the City's EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?
Yes (17) No (1)
4. Each agency head is required to distribute a statement in support of Equal Employment Opportunity to all employees. Were you given your agency's EEO Policy statement?
Yes (14) No (0) Do not remember (3)
5. Were you given a copy of the EEO Policy Handbook - About EEO: What You Need to Know?
Yes (16) No (2)
6. Do you believe your agency practices equal opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?
Yes (16) No (2)
7. Has your manager or supervisor discussed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year?
Yes (4) No (6) Do not remember (8)
8. Has your manager or supervisor discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?
Yes (4) No (7) Do not remember (7)
9. When hired, were you advised of the City's EEO policies, and of your rights and responsibilities under such policies?
If No, please skip to question #11.
Yes (14) No (1) Do not remember (3)

B. EEO COMPLAINTS

10. Do you know how to file an EEO complaint?
Yes (13) No (5)
11. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (15) No (1) Undecided (2)
12. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?
Yes (7) No (6) Undecided (5)
13. During the past 3 years, did you file a complaint with your agency's EEO Office?
Yes (0) No (18)

SURVEY RESULTS CONTINUED

14. If yes, what was the basis of your complaint? (Check all that apply)

- | | |
|------------------------------------|--|
| Age (0) | Partnership Status (0) |
| Alienage or Citizen Status (0) | Predisposing genetic characteristic (0) |
| Arrest or Conviction Record (0) | Race (0) |
| Color (0) | Sexual Harassment (0) |
| Creed (0) | Sexual Orientation (0) |
| Disability (0) | Veteran's Status (0) |
| Gender (incl. gender identity) (0) | Victim of Domestic Violence,
Stalking, and Sex Offenses (0) |
| Marital Status (0) | Other (0) |
| Military Status (0) | Not Applicable (1) |
| National Origin (0) | |

15. Was your manager or supervisor supportive of your right to file a complaint?

- | | | |
|---------|--------|---------------------|
| Yes (0) | No (0) | Not Applicable (16) |
|---------|--------|---------------------|

C. EEO TRAINING

16. During the past 2 years, did you receive EEO training?

- | | |
|----------|--------|
| Yes (15) | No (3) |
|----------|--------|

17. How informative was this training?

- | | |
|----------------------------|--------------------------|
| Very informative (9) | Somewhat informative (6) |
| Not really informative (0) | Not Applicable (3) |

D. JOB PERFORMANCE/ADVANCEMENT

18. Were vacant positions advertised on bulletin boards or other areas accessible to employees in a timely manner?

- | | | |
|----------|--------|---------------------|
| Yes (14) | No (2) | Do not remember (2) |
|----------|--------|---------------------|

19. Did you receive an annual performance evaluation within the past 12 months?

- | | | |
|---------|--------|-----------------------------------|
| Yes (5) | No (8) | Employed for less than 12 mos (4) |
|---------|--------|-----------------------------------|

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

- | | | |
|---------|--------|--------------------|
| Yes (3) | No (3) | Not Applicable (0) |
|---------|--------|--------------------|

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

- | | | |
|---------|--------|--------------------|
| Yes (2) | No (5) | Not Applicable (0) |
|---------|--------|--------------------|

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

- | | |
|---------|---------|
| Yes (8) | No (10) |
|---------|---------|

E. SPECIFIC PROTECTIONS

23. Do you know who your agency's Disability Rights Coordinator is?

- | | |
|----------|--------|
| Yes (11) | No (7) |
|----------|--------|

24. The Americans with Disabilities Act requires that public buildings and facilities be accessible to persons with disabilities. Are your agency's facilities accessible to persons with disabilities?

- | | | |
|----------|--------|----------------|
| Yes (17) | No (0) | Don't Know (1) |
|----------|--------|----------------|

25. The City's EEO Policy requires that agencies take appropriate action to reasonably accommodate qualified employees and applicants with disabilities, and those who are victims of domestic violence, sex offenses, or stalking, to enable to them to perform their jobs or enjoy equal benefits and privileges of employment. It also requires agencies to provide reasonable accommodations for the religious observances, beliefs and practices of an employee or applicant. During the past 3 years, did you ask for a reasonable accommodation due to any of the above?

- | | |
|---------|---------|
| Yes (0) | No (18) |
|---------|---------|

SURVEY RESULTS CONTINUED

OPTIONAL INFORMATION

26. Race/Ethnicity

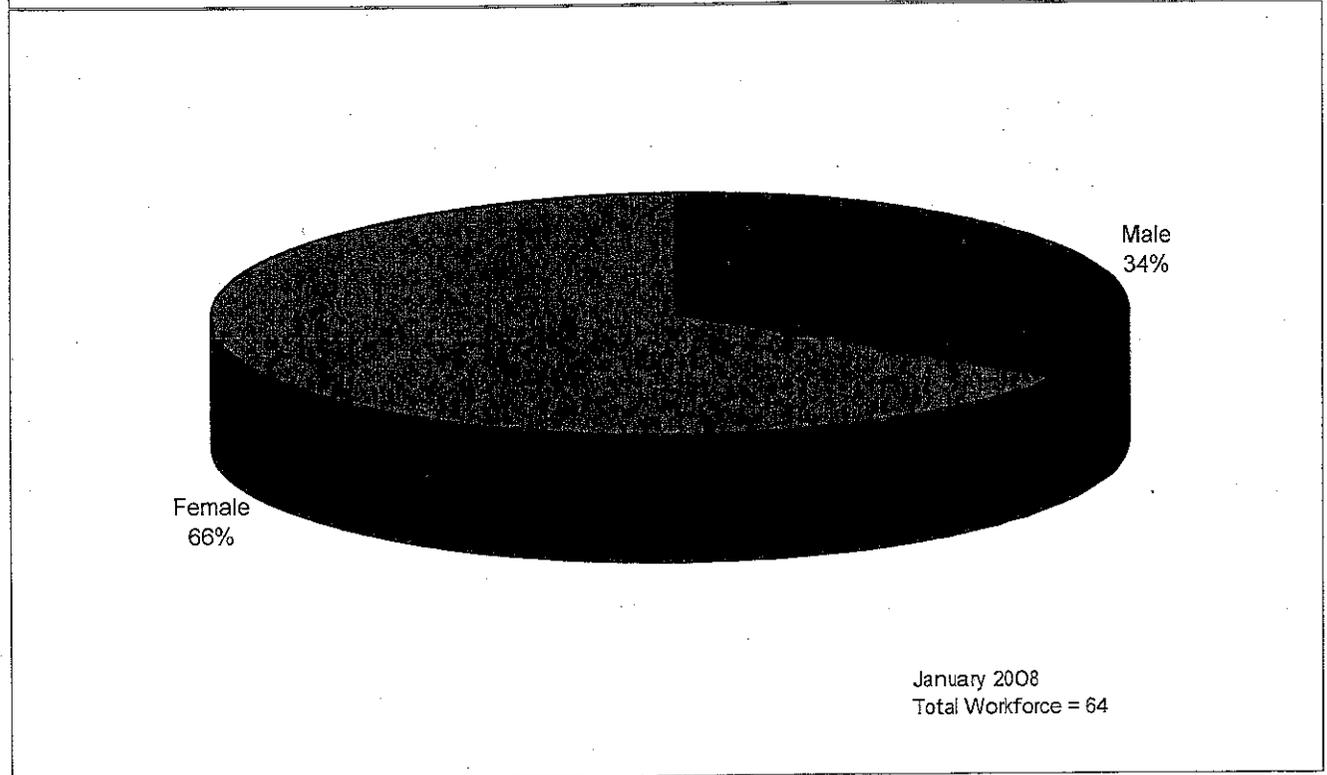
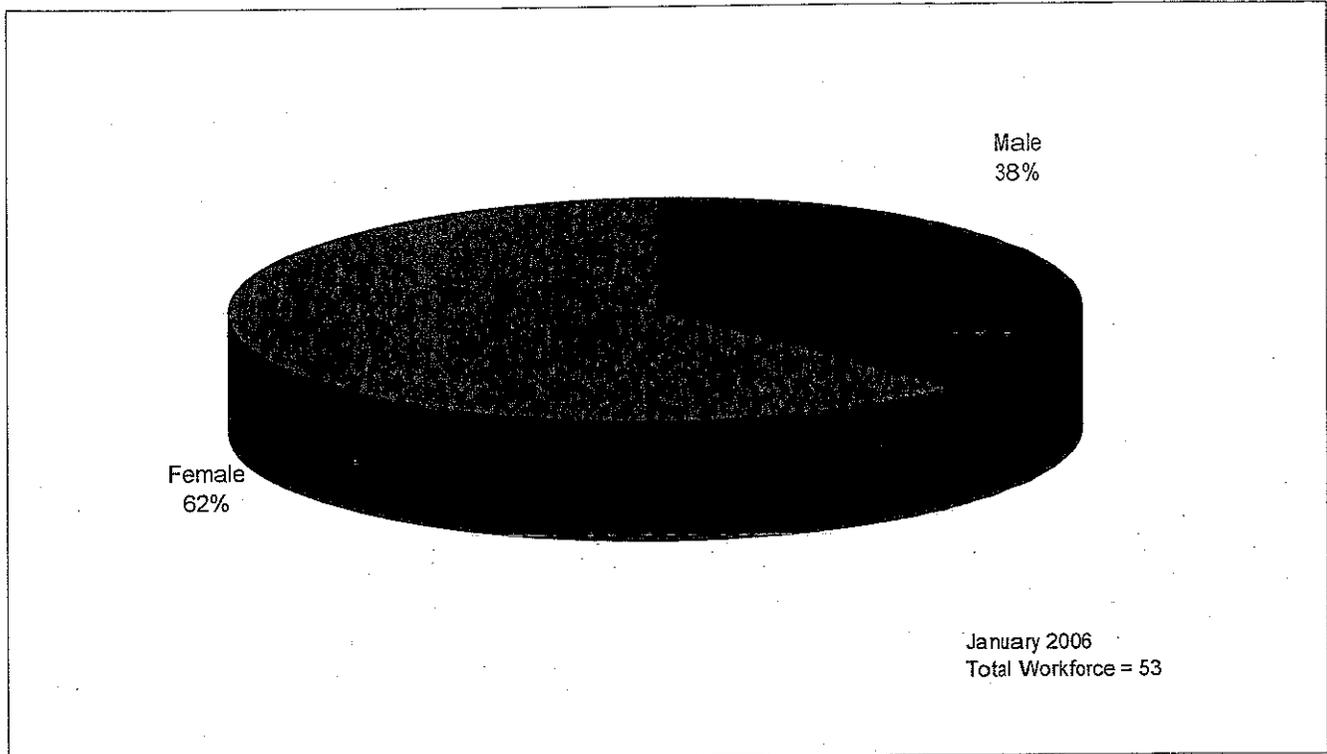
Asian	(0)	Native Hawaiian or Other Pacific Islander	(0)
American Indian or Alaska Native	(0)	White	(10)
Black or African American	(4)	Two or More Races	(0)
Hispanic or Latino	(1)	Other	(0)

27. Gender

Male	(6)	Female	(10)
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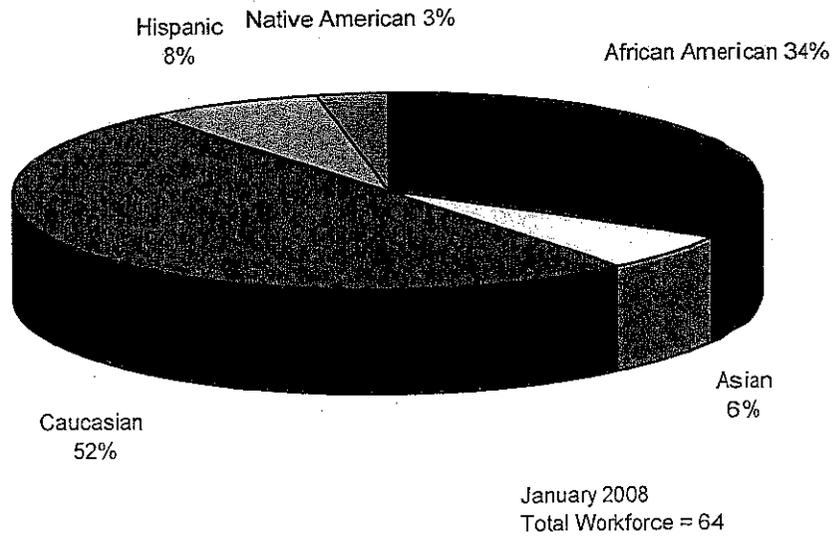
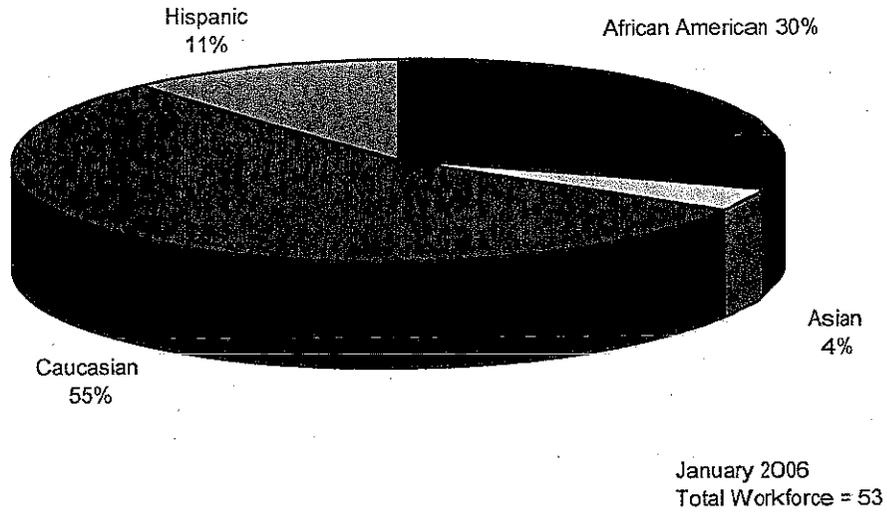
Appendix - 2

Department of Cultural Affairs Workforce by Sex



Appendix - 3

Department of Cultural Affairs Workforce by Ethnicity



APPENDIX – 4

The following table indicates personnel activity during the audit period, January 1, 2006 through December 31, 2008

Department of Cultural Affairs

Hires by Gender and Ethnicity

Total Hires: 47

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
14	33	47	29	10	1	5	2	47

Promotions by Gender and Ethnicity

Total Promotions: 41

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
14	27	41	25	12	2	2	0	41

Source: Audit data supplied by the DCLA

APPENDIX - 5
Department of Cultural Affairs
SUPERVISOR/MANAGER QUESTIONNAIRE RESULTS

Total Supervisors = 5 Completed Questionnaire = 3 (60%)

1. Are you familiar with the City of New York's Equal Employment Opportunity (EEO) Policy?
 Yes (3) No (0)
 Provided description (3)

2. Are you aware of your rights as an employee under the City's EEO Policy?
 Yes (3) No (0)
 Provided description (3)

3. Are you aware of your responsibilities as a supervisor/manager under the City's EEO Policy?
 Yes (3) No (0)
 Provided description (3)

4. What is the name of your agency's EEO Officer?
 Know (3) Do not know (0)

5. Did the EEO Officer meet with you to discuss the following: (Check all that apply)
 Your EEO rights as an employee (3)
 Your EEO responsibilities as a supervisor/manager (3)
 Neither (0)

6. In your agency, where can the City's EEO Policy be found? (Check all that apply.)
 EEO Office (0) My work unit (2)
 HR/Personnel Office (3) I do not know (0)
 Intranet (1) Other (0)

7. Of the choices indicated above, which is most easily accessible to you?
 EEO Office (0) My work unit (1)
 HR/Personnel Office (1) Other (0)
 Intranet (1)

8. Each agency head is required to distribute a statement in support of Equal Employment Opportunity to all employees. Have you received a copy of your agency's EEO Policy Statement?
 Yes (3) No (0) Do not remember (0)

9. Do you have access to a copy of the Discrimination Complaint Procedure?
 Yes (3) No (0) Do not know (0)

10. In your role as a supervisor/manager, have you discussed the agency's commitment to the principal of Equal Employment Opportunity during staff meetings within the past year?
 Yes (2) No (1) Other (0)

11. In your role as a supervisor/manager, have you discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?
 Yes (2) No (1)

12. Did you receive sexual harassment prevention training from your agency? O Office?
 Yes (2) No (1) Do not remember (0)

13. Did all of the employees that you supervise receive sexual harassment prevention training?
 Yes (1) No (0) Do not know (2)

QUESTIONNAIRE CONTINUED

14. When you were hired, did you receive an orientation session that included a review of the City's EEO policy?

Yes (3) No (0) Do not remember (0)

15. Do you participate in orientation sessions for new employees?

Yes (1) No (2)

16. Do new employee orientation sessions include information on the City's EEO policy?

Yes (3) No (0) Do not know (0)

17. Do you interview candidates for positions in your agency?

Yes (3) No (0)

18. If you are involved in interviewing job applicants, did your agency provide you with training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview?

Yes (3) No (0) I do not interview applicants (0)

19. When was your last performance evaluation?

Within a year (3) Over a year ago (0)

20. 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?

Yes (0) No (3) Not Applicable (0)

21. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and

Yes (0) No (2) I do not receive performance evaluations (0)

22. Do you evaluate your employees annually?

Yes (2) No (1) Other (0)

23. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees that may complain

Yes (3) No (0)

24. Please share your additional comments or concerns regarding EEO in your agency.

Comments (0)



10348

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KATE D. LEVIN
Commissioner

May 20, 2010

Cesar A. Perez, Esq.
Chairman
Equal Employment Practices Commission
40 Rector Street 14th Floor
New York, NY 10006

Dear Chairman Perez:

I am writing in response to the Equal Employment Practices Commission's Audit of the Department of Cultural Affairs (DCLA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008.

I have reviewed with staff the Equal Employment Practices Commission (EEPC) preliminary determination and I agree to implement the three recommendations for corrective action.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate D. Levin". The signature is stylized and extends to the right with a long horizontal stroke.

Kate D. Levin
Commissioner



EQUAL EMPLOYMENT PRACTICES COMMISSION

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Department of Cultural Affairs
31 Chambers Street, 2nd Floor
New York, NY 10007

Re: Compliance Initiation

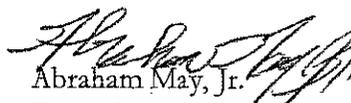
Dear Commissioner Levin:

On behalf of Chair Cesar A. Perez, Esq. and the members of the Equal Employment Practices Commission I want to thank you for your May 20th Response to our April 22nd Preliminary Determination Letter pursuant to our audit of your Equal Employment Opportunity Program for the three-year period that commenced January 1, 2006 and ended December 31, 2008.

We have reviewed your Response and we acknowledge your agreement with all of our recommendations for corrective actions. Your agreement obviates the issuance of a Final Determination Letter. We will therefore initiate the City Charter-mandated audit compliance process. EEPCC Counsel/Compliance Director Judith Garcia Quiñonez, Esq. or her designee, will contact EEO Officer Cynthia Ingram to schedule a compliance initiation meeting.

We look forward to working with you and your staff to strengthen the Equal Employment Opportunity Program in the Department of Cultural Affairs.

Sincerely,


Abraham May, Jr.
Executive Director

C: Cynthia Ingram, EEO Officer

/ Judith Garcia Quiñonez Esq., Counsel