

HUMAN RESOURCES ADMINISTRATION

- Letter of Preliminary Determination November 12, 2010
- Agency Response January 5, 2011
- Letter in Lieu of Final Determination January 14, 2011



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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November 12, 2010

Robert Doar
Commissioner
Human Resources Administration
180 Water Street
New York, New York 10038

Re: Resolution #10/10-069/ Preliminary Determination Pursuant to the Audit of the Human Resources Administration (HRA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008.

Dear Commissioner Doar:

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 women and minority 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.

Pursuant to Chapter 36, Section 831(d)(5) 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.

Section 831(d)(2) authorizes this Commission to recommend all necessary and appropriate measures, standards and programs to be utilized by city agencies to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women employed by, or seeking employment with, 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 Human Resources Administration (HRA), which may herein be referred to as "the agency," 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 the agency 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 parameter 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 agency 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.

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 an analysis of the agency's responses to an EEPC Document and Information Request Form. The EEPC auditors distributed interview questionnaires to the agency's EEO Officer, one EEO Counselor/Investigator, EEO Trainer, Disability Rights Coordinator, Section 55A Coordinator, Personnel Director/Director of Human Resources, Agency Counsel (individual responsible for responding to external EEO complaints), Career Counselor, and Director of the Audit Unit. In addition, employees were asked to participate in the *EEPC's Employee Survey* and supervisors/managers were asked to complete the *EEPC's Supervisor/Manager Survey*.

The City-wide Equal Employment Database System (CEEDS) data prepared by the Department of Citywide Administrative Services 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.

Typically, auditors would analyze underutilization data for a complete measure of the employment practices of an agency. At present, the CEEDS data for the entire period is unavailable. The EEPC anticipates updated data for this period from the DCAS. Upon its availability, the EEPC will review the data and make supplemental recommendations pursuant to this audit.

The *EEPC's Employee Survey* was distributed via computer to 14,300 people employed by the agency during the audit period. One thousand, seven hundred and eight people (12%) responded. Because a goal of a minimum of 20% response rate (1 in 5) is considered significant, the survey was discarded and employees were given an opportunity to retake the survey; the second survey received a response rate of 24% (1 in 4). The results of the survey is discussed in the proceeding pages and also attached. (Appendix 1)

Since the City's EEO Policy holds supervisors and managers accountable for "effectively implementing EEO-related policies" and ensuring non-discrimination within their departments or units, the EEPC sent its *Supervisor/Manager Survey* to 148 supervisors and managers employed full-time by the agency during the audit period. These employees were given a month to complete it. Thirty-seven people (25%) responded. The results of the survey is attached and discussed in the proceeding. (Appendix 5)

Description of the Agency

The agency delivers social services that enable individuals and families to achieve their highest level of self-reliance. The agency administers a wide range of programs throughout the five boroughs including food stamps, income support, substance abuse service centers, residential treatment centers, senior centers, housing and homeless services, child care, employment support, immigration affairs, medical assistance programs, adult protective services and HIV/AIDS service administration.

Personnel Activity During the Audit Period

During the audit period, 2600 people were hired: 455 Caucasians, 1,400 African-Americans, 523 Hispanics, 212 Asians, 2 Native Americans and 8 "Unknown." Of the individuals hired, 1,782 were female. One thousand, seven hundred and eighty-four individuals were promoted during the audit period: 266 Caucasians, 1,044 African-Americans, 357 Hispanics, 114 Asians, and 2 Native Americans, and 1 "Unknown." Of the employees promoted, 1,285 were female. (Appendix 4)

The agency reports that 3,108 full-time employees were involuntarily separated during the audit period: 560 Caucasians, 1,826 African-Americans, 542 Hispanics, 166 Asians, 9 Native Americans, and 5 "Unknown." Two thousand, fifty-eight of those individuals were female.

Between January 1, 2006 and December 31, 2008, the total number of the agency's employees increased from 14,113 to 14,157. There were small increases in the number of Asians (738 to 781), Hispanics (2,634 to 2,681), and females (9,747 to 9,772). However, there were

small decreases in the number of Caucasians (2,048 to 2,002), African-Americans (8,648 to 8,621), and Native Americans (40 to 37). (Appendices 2 and 3)

Discrimination Complaint Activity During the Audit Period

During the period in review, 168 internal discrimination complaints were filed: 38 were based on race, 35 were based on sexual harassment, 15 were based on disability, 9 were based on national origin, 6 were based on prior arrest/conviction, 5 were based on retaliation, 4 were based on age, 3 were based on religion, 2 were based on color, 2 were based on gender, 2 were based on sexual orientation, 1 was based on military, and 1 was based on reasonable accommodation. Forty-two internal discrimination complaints were based on multiple categories. Another three internal complaints were withdrawn. The EEO officer completed and issued reports for 166 of these complaints, which received 23 probable cause determinations and 143 no probable cause determinations. No complaints were pending at the end of the audit period.

One hundred and forty-seven external complaints were filed: 39 were based on race, 18 were based on disability, 14 were based on national origin/ethnicity, 9 were based on retaliation, 8 were based on gender, 7 were based on prior arrest record/conviction, 5 were based on religion/creed, 4 were based on reasonable accommodation, 2 were based on sexual harassment, and 1 was based on alienage/citizen status. The other 40 external discrimination complaints had multiple bases.

Fifty-three received no probable cause, 6 received probable cause, 43 received right to sue, 12 received no probable cause and right to sue, 1 no action required, 1 untimely filing, 2 closed, 5 dismissed, 1 withdrawn and 2 annulled. The remaining 21 filed with the Equal Employment Opportunity Commission, State Division on Human Rights, and City Commission on Human Rights, were pending at the end of the audit period.

During the audit period there were seven lawsuits pending. Five of the seven lawsuits had a prior internal complaint filed with the agency. Three were based on race, national origin and religion. One was based on race, retaliation, and disability. One was based on disability and family medical leave. The last one was based on age and retaliation. They were filed with either the Supreme Court of New York or the United States District Court (Eastern District of New York or Southern District of New York). There were no EEO judgments/settlements for the previous five years.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

The agency is in compliance with the following requirements:

1. The Citywide EEO Policy was distributed to legal, human resources, and EEO representatives, as well as managers and supervisors via agency training sessions, interviews and the Intranet.

The agency has posted its EEO Policies electronically on the agency's Intranet which can be accessed by clicking "Equal Employment Opportunity" link, and throughout the agency on bulletin boards. In addition, 76% of respondents to the *EEPC's Employee Survey* indicated the policies were posted on agency bulletin boards or kept in an area otherwise accessible. The Citywide EEO Policy was distributed to legal, human resources, and EEO representatives, as well as managers and supervisors via agency training sessions, interviews and the Intranet.

2. The agency has made The City's EEO Policy Handbook (*About EEO: What You May Not Know*, with addendum) accessible to employees via the Intranet. In addition, 78% of respondents to the *EEPC's Employee Survey* indicated they had received the EEPC Policy Handbook. The EEO Policies are included in the "new-hire" packet.
3. The agency head has issued a general EEO Policy Statement; it was distributed (electronically) to employees in 2007. The Statement is on the agency's Intranet and included in the EEO Policy Manual as an attachment and handed out at the EEO training sessions. Also, a memorandum from the agency head was distributed to employees in February 2008 titled *Professionalism and EEO* which encouraged employees to visit the EEO link at the agency's Intranet site. In addition, 81% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated that they had received a copy of the agency's EEO Policy Statement.

Plan Dissemination – Externally

The agency is in compliance with the following requirement:

Ten internal job vacancy notices (Space Analyst II, Executive Agency Counsel M3, Associate Staff Analyst, Supervisor of Office Machine Operator II, Administrative Procurement Analyst MI; Staff Analyst II; Principal, Administrative Associate I (2); and Clerical Associate III (2)) and nine newspaper advertisements (Director of Talent Acquisition (2), Deputy Director of Security M1, Space Analysts (2), Assistant Deputy Commissioner (3), and Engineers) submitted by the agency include the tag line "the NYC agency is an Equal Opportunity Employer."

EEO for Persons with Disabilities and Reasonable Accommodations

The agency is in compliance with the following requirements:

1. The agency appointed its EEO Officer as the agency's Disability Rights Coordinator (DRC), whose responsibility is to handle reasonable accommodation requests and ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. In accordance with the reasonable accommodation procedure of the City's EEO Policy, the agency has provided accommodations for employees with disabilities upon request. The DRC maintained files on all requests for accommodation. During the period in review, 47 requests for accommodations (for office equipment, special equipment, and modifications of duties) were granted.
2. The agency participates in the Section 55-A Program and has appointed its Human Resources Officer as the Program Coordinator. Responsibilities included: serving as agency liaison with the DCAS; receiving 55-A approvals; notifying the Processing Unit to change employee's status from provisional to non-competitive upon receipt of approval from the DCAS; notifying program area of approval of status change of employee; and preparing required documentation.

Information about the 55-A Program is distributed during EEO training and employees are informed of this Program at new-employee orientation. The agency's personnel officer informs the EEO Officer on a quarterly basis via email of the number of 55-A Program participants; currently, 46 employees participate and 20 actions are pending.

3. The agency is aware that the DCAS makes the City's EEO policies available in alternate formats for use by applicants and employees with disabilities and would make the policy available upon request. No employee has requested an alternate format of the EEO policies.
4. The agency has developed an extensive transition plan to ensure full accessibility compliance in accordance with the ADA Accessibility Guidelines (ADAAG) and Local Law 58. The HRA's *Accessibility for Employees /Applicants with Disabilities Checklist* identifies obstacles that could limit persons (including employees and applicants) with physical disabilities from having access to facilities and details the efforts the agency has taken, and will take, to remove barriers. In addition, the agency submitted its *Building Evacuation Assistance System* that facilitates the identification and emergency evacuation of persons who require special assistance due to disability or medical condition. The agency is working on updating and maintaining access that is consistent with the established standards. In cases where the HRA is not generally responsible for compliance because the facility is run by another government agency or a private sponsor, the checklist indicates that the agency has referred the issue to the entity which is accountable.

The agency is in partial compliance with the following requirement:

Although the agency appointed a DRC, 88% of respondents to the *EEPC's Employee Survey* indicated they did not know who the agency's DRC is. Corrective action is required.

Recommendation: 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, Personnel Officer should re-distribute the identity of the Disability Rights Coordinator. (Sect. VB, EEOP)

Discrimination Complaint and Investigation Procedures

The agency is in compliance with the following requirements:

1. The EEO Officer received and investigated discrimination complaints in conformance with Section III of the EEOP and the discrimination complaint procedures and implementation guidelines issued by the DCAS.
2. The EEO Officer maintained a monthly log of discrimination complaints filed against the agency. Copies of completed monthly complaint logs were submitted.
3. The agency head reviewed EEO complaints on a regular basis. Cases were sent to the Office of Legal Affairs for review by the General Counsel and Senior Deputy General Counsel, and forwarded to the agency head for review and appropriate action.
4. The Senior Deputy General Counsel of the Office of Legal Affairs/Operations is responsible for the investigation of, and response to, external EEO complaints. The Senior Deputy General Counsel informs the EEO Officer when external EEO complaints or litigation were brought against the agency. There was ongoing interaction between the EEO Officer and Senior Deputy General Counsel.
5. The agency has appointed two males (Deputy EEO Director, EEO Counselor/Investigator) and two females (EEO Officer/ EEO Counselor/Investigator) for complaint intake and investigation.
6. The agency has identified its EEO Staff by posting their names, locations and numbers in the training handbook. The agency had 27 EEO Liaisons who were identified on the Intranet.
7. The Agency EEO Staff (EEO Officer/ Disability Rights Coordinator, Deputy EEO Director, EEO Counselors/Investigators (2), and Office Manager) completed the basic training course for EEO professionals conducted by the Department of Citywide Administrative Services/ Office of Citywide Equal Employment Opportunity (DCAS/OCEEO). The EEO Officer also completed Complaint Handling course at the Cornell University's School of Industrial and Labor Relations' the EEO Studies Program (Cornell ILR).

The agency is in partial compliance with the following requirement:

Although the agency appointed an EEO Officer, 60% of respondents to the *EEPC's Employee Survey* indicated that they did not know who the agency's EEO Officer is. Corrective action is required.

Recommendation: 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 re-distribute this information. (Sect. VC)

EEO Internal Discrimination Complaint Files

The agency submitted 10 internal discrimination complaint files to the EEPC for review.

The agency is not in compliance with the following requirements:

1. Six of the 10 internal complaint files submitted (FY' 08-96s/ FY' 08-62c, FY' 08-97s/ FY' 08-63c, FY' 08-101s/ FY' 08-66c, FY' 08-100s/ FY' 08-65c, FY' 08-90s/ FY' 08-58c, FY' 08-92s/ FY' 08-60c) did not contain any notes of interviews conducted with the complainant, respondent or witness. Corrective action is required.

Although additional files were submitted subsequent to the October 13, 2010 Audit Exit Meeting, 4 of the total files submitted did not contain notes.

Recommendation: Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)

2. All 10 internal complaint files submitted (FY' 08-96s/ FY' 08-62c, FY' 08-97s/ FY' 08-63c, FY' 08-101s/ FY' 08-66c, FY' 08-100s/ FY' 08-65c, FY' 08-93s/ FY' 08-61c, FY' 08-91s/ FY' 08-59c, FY' 08-90s/ FY' 08-58c, FY' 08-89s/ FY' 08-57c, FY' 08-92s/ FY' 08-60c, FY' 08-94s/ FY' 08-64c) did not include a written notice of discrimination complaint to the respondent. Corrective action is required.

Recommendation: The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))

3. Two of the 10 internal complaint files submitted (08-97s/ FY' 08-63ca, FY' 08-92s/ FY' 08-60c) were not labeled "confidential." Corrective action is required.

Recommendation: All confidential written reports should be labeled "Confidential" in large bold print. (DCPIG, Sect. 12b)

EEO Training

The agency is in compliance with the following requirement:

The agency developed a plan to train all new and existing employees on EEO. The training curriculum was approved by DCAS/DCEEO. It included a component on Preventing Sexual Harassment. The agency proposed to train 5,000 employees annually. A total of 5,488 staff was trained during the audit period. In addition, 57% of respondents to the *EEPC's Employee Survey* indicated that they received EEO training during the past two years. The Deputy EEO Officer conducted EEO training for staff. His qualifications include 8 years of experience as EEO Investigator. He received training from Cornell University School of Industrial and Labor Relations and the DCAS training for EEO professionals.

In addition, 51% of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they received sexual harassment prevention training and 69% of those respondents said they received the training within the past two years.

Selection and Recruitment

The agency is in compliance with the following requirement:

The agency advertised job vacancy notices in periodicals with large minority readership. It provided a list of recruitment sources it utilized during the audit period including the *Chief Leader*, *El Diario*, and *Amsterdam News*.

The agency is not compliance with the following requirement:

1. The agency utilizes discretionary applicant forms that include the name, gender, and ethnicity of the applicant, and the reason for selection/rejection; it does not include the source of recruitment. Corrective action is required.

The agency's recruitment flyer system was discussed during the October 13, 2010 Audit Exit meeting. The system did not record external recruitment sources individually, but applied a general label of "external". Subsequently, the HRA submitted documentation on its participation in an E-Hire Pilot Program. Although other applicant information was recorded, this method also did not identify the recruitment source individually.

Recommendation: Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)

2. The agency did not provide formal structured interview training for employees who conduct job interviews. Sixty-nine percent of the respondents to the *EEPC's Supervisor/Manager Survey* indicated they interviewed candidates for positions. Of those respondents 9% indicated they received structured interview training, 30% said they received a structured interviewing guide, and 27% said they received both the training and the guide. Corrective action is required.

Subsequent to the October 13, 2010 Audit Exit Meeting, the HRA submitted a guideline entitled, "Sample Questions that Can be Asked at a Pool." The agency did not provide documentation, however, that this guide was routinely used for each job title when interviews were conducted.

Recommendation: The agency should ensure that all employees involved in job interviewing receive formal 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. (Sect. IV, EEOP)

Promotional Opportunities

The agency is in compliance with the following requirement:

1. The agency utilizes the citywide *Managerial Performance Evaluation Form*, which includes a rating for EEO. Section B IV: Utilizing Human Resources, covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.
2. The agency has designated an individual familiar with civil service and provisional jobs to serve as career counselor. Employees are informed of her identity unofficially through meetings, posters and video.

The agency is in partial compliance with the following requirement:

Although the agency has appointed a career counselor, 89% of respondents to the *EEPC's Employee Survey* indicated that they did not know the name of the person in the agency that is responsible for providing career counseling. Corrective action is required.

Recommendation: To ensure that employees know the identity of the agency's Career Counselor, the Personnel Officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor, at least once each fiscal year. (Sect. VB, EEOP and 12/14/2006 Addendum to *Standards and Procedures to Be Utilized By City Agencies (2005)*)

Supervisory Responsibility in EEO Plan Implementation

The agency is not in compliance with the following requirement:

Fifty-three percent of respondents to the *EEPC's Employee Survey* indicated that their supervisor and manager did not discuss the right of employees to file discrimination complaints with the EEO office during staff meetings within the past year. Corrective action is required.

Recommendation: At least twice a year during normal staff meetings, supervisor and manager must 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 must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

EEO Officer Reporting Arrangement

The agency is in compliance with the following requirement:

The EEO Officer reports directly to the agency head on EEO matters and meets with him at least every three weeks; she prepares an agenda and keeps notes of those meetings. Copies of agenda and notes were submitted. The organization chart submitted to EEPC shows a reporting relationship between the EEO Officer and the agency head.

EEO Officer Responsibilities

The agency is in compliance with the following requirement:

The agency's EEO Officer spends 100% of his time on EEO matters.

Reporting Standards

The agency is in compliance with the following requirement:

The agency submitted three quarterly reports and one annual report to the EEPC for FY 2006, FY 2007, and FY 2008.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. 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, Personnel Officer should re-distribute the identity of the Disability Rights Coordinator. (Sect. VB, EEOP)
2. 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 re-distribute this information. (Sect. VC)

3. Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)
4. The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))
5. All confidential written reports should be labeled "Confidential" in large bold print. (DCPIG, Sect. 12b)
6. Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)
7. The agency should ensure that all employees involved in job interviewing receive formal 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. (Sect. IV, EEOP)
8. To ensure that employees know the identity of the agency's Career Counselor, the Personnel Officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor, at least once each fiscal year. (Sect. VB, EEOP and 12/14/2006 Addendum to *Standards and Procedures to Be Utilized By City Agencies (2005)*)
9. At least twice a year during normal staff meetings, supervisor and manager must 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 must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

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 agency'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

Human Resources Administration
EMPLOYEE SURVEY RESULTS

Employees = 14300 Survey Respondents = 3385 24%

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 (3038) No (271)
2. Do you know who your agency's EEO Officer is?
Yes (1326) No (2010)
3. Is the City's EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?
Yes (2489) No (775)
4. Were you given a copy of the EEO Policy Handbook - About EEO: What You Need to Know?
Yes (2576) No (716)
5. Do you believe your agency practices equal opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?
Yes (1680) No (1568)
6. Has your manager or supervisor discussed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings at least twice within the past year?
Yes (796) No (1614) Do not remember (895)
7. Has your manager or supervisor discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings at least twice within the past year?
Yes (791) No (1747) Do not remember (771)
8. When hired, were you advised of the City's EEO policies, and of your rights and responsibilities under such policies?
Yes (2142) No (321) Do not remember (871)

B. EEO COMPLAINTS

9. Do you know how to file an EEO complaint?
Yes (2019) No (1308)
10. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (1965) No (435) Undecided (938)
11. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?
Yes (1326) No (904) Undecided (1101)
12. During the past 3 years, did you file a complaint with your agency's EEO Office?
Yes (157) No (3171)
13. Was your manager or supervisor supportive of your right to file a complaint?
Yes (209) No (245) Not Applicable (2845)

C. EEO TRAINING

14. During the past 2 years, did you receive EEO training?
Yes (1890) No (1412)
15. How informative was this training?
Very informative (1100) Somewhat informative (727)
Not really informative (104) Not Applicable (1322)

HRA SURVEY RESULTS CONTINUED

D. JOB PERFORMANCE/ADVANCEMENT

16. Does your agency use training and development programs in order to improve job performance and/or career opportunities?
Yes (2215) No (641) I do not know (448)
17. Were vacant positions advertised on bulletin boards or other areas accessible to employees in a timely manner?
Yes (1800) No (1006) Do not remember (519)
18. The Personnel Rules and Regulations of the City of New York and the Guidelines for Evaluating Managerial Performance in NYC Agencies require that all employees (managerial and non-managerial) receive at least one performance evaluation a year. Have you received annual performance evaluations within the past 2 years?
Yes (2288) No (808) Employed for less than 12 mos (217)
19. Did your evaluation contain recommendations for improving your job performance?
Yes (1038) No (1087) Not Applicable (0)
20. Did your evaluation contain recommendations for career advancement with your agency?
Yes (400) No (1755) Not Applicable (0)
21. Do you know the name of the person in your agency that is responsible for providing career counseling?
Yes (365) No (2959)

E. SPECIFIC PROTECTIONS

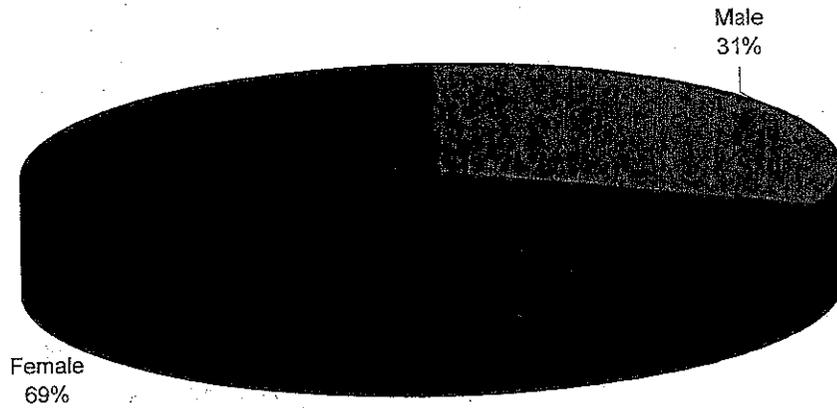
22. Do you know who your agency's Disability Rights Coordinator is?
Yes (404) No (2911)
23. The City's EEO Policy requires that agencies take appropriate action to reasonably accommodate qualified employees and applicants with disabilities, and those who are victims of domestic violence, sex offenses, 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 (497) No (2800)
24. Was your accommodation granted?
Yes (399) No (1502)

OPTIONAL INFORMATION

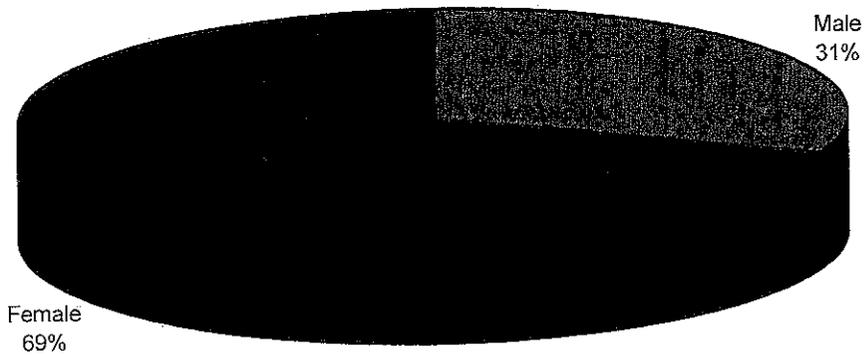
25. Race/Ethnicity
- | | |
|---------------------------------------|--------------------------------------|
| Asian or Pacific Islander (153) | Hispanic (563) |
| American Indian or Alaska Native (16) | White (not of Hispanic origin) (518) |
| Black (not of Hispanic origin) (1514) | Other (170) |
26. Gender
- | | |
|------------|---------------|
| Male (909) | Female (2213) |
|------------|---------------|

Appendix - 2

Human Resources Administration Workforce by Gender



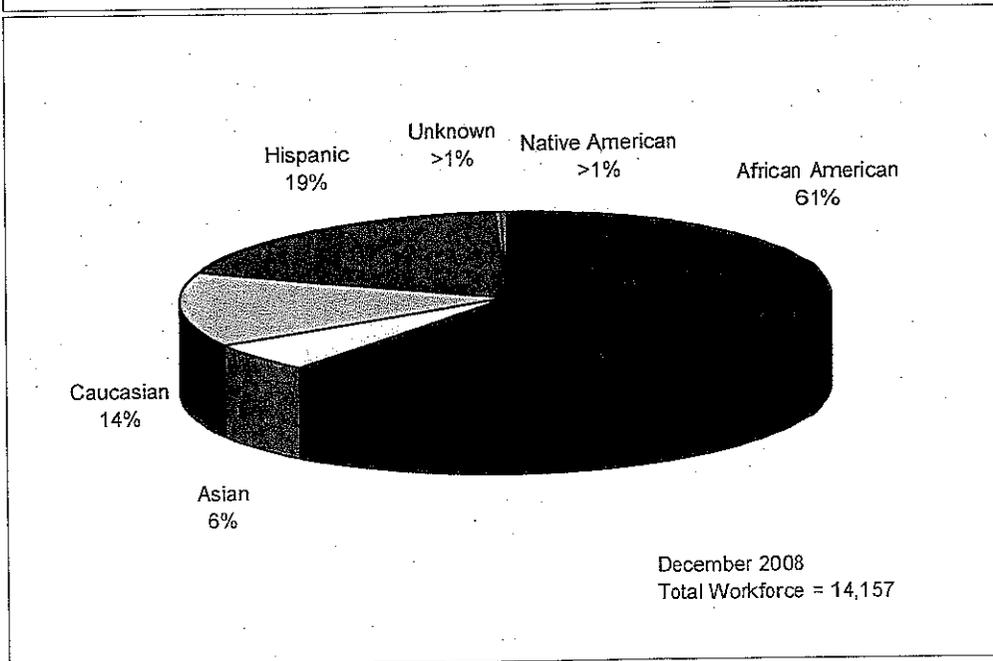
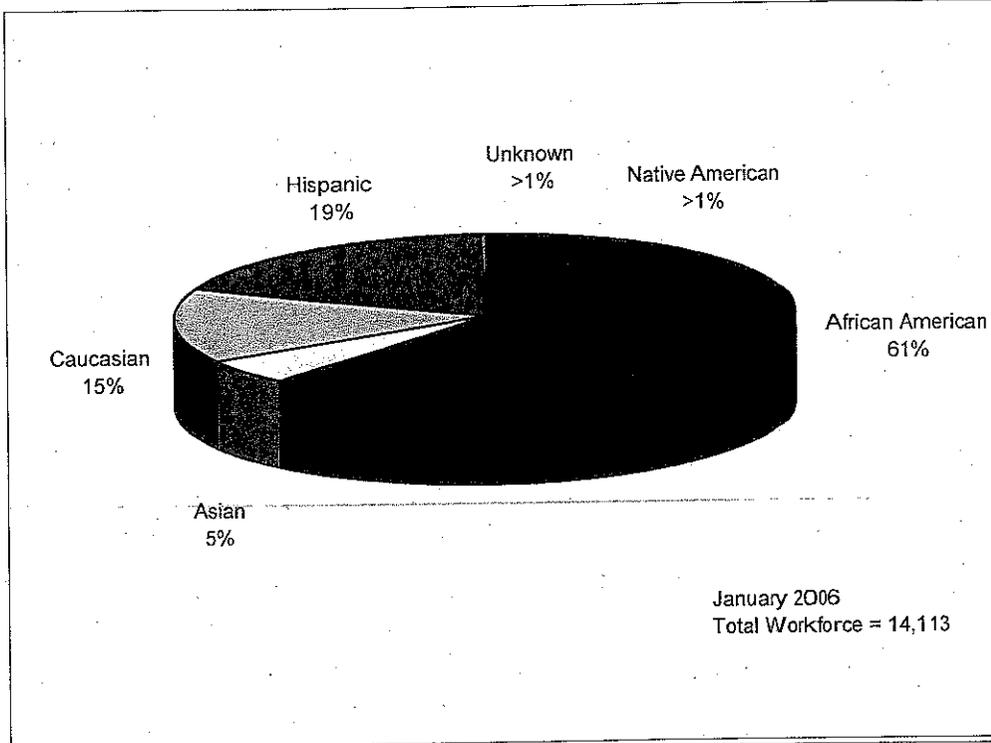
January 2006
Total Workforce = 14,113



December 2008
Total Workforce = 14,157

Appendix - 3

Human Resources Administration Workforce by Ethnicity



APPENDIX – 4

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

Human Resources Administration

Hires by Gender and Ethnicity

Total Hires: 2,600

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native Americans	Unknown	Total
817	1782	2600	455	1,400	523	212	2	8	2,600

Promotions by Gender and Ethnicity

Total Promotions: 1,784

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native Americans	Unknown	Total
499	1,285	1,784	266	1,044	357	114	2	1	1,784

Separations by Gender and Ethnicity

Total Promotions: 3,108

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native Americans	Unknown	Total
1,049	2,058	3,108	560	1,826	542	166	9	5	3,108

Source: Audit data supplied by HRA

Human Resources Administration

SUPERVISOR/MANAGER QUESTIONNAIRE RESULTS

Total Supervisors = 148 Completed Questionnaire = 37 (25%)

1. Which of the following are you?
Supervisor (13) Manager (24)
2. How many employees are under your supervision?
Less than 5 (0) 11 - 20 (8)
6 - 10 (7) 21 or more (21)
3. How long have you worked for this agency?
3yrs or less (1) Over 3 yrs (35)
4. Each agency head may 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 (29) No (7) Do not remember (0)
5. In your agency, where can the City's EEO Policy be found?
In the EEO Office (17) In my office (4)
In the HR/Personnel Office (4) I do not know (5)
On the Intranet (5)
6. Of the choices indicated, which is most easily accessible to you?
The EEO Office (0) Your Office (7)
The HR/Personnel Office (4) Not applicable (1)
The Intranet (24)
7. Is the Discrimination Complaint Procedure included with the EEO Policy?
Yes (24) No (0) Do not know (11)
8. Do you know the name of your agency's EEO Officer?
Yes (21) No (7) Do not know (6)
9. Did the EEO Officer meet with you to discuss your EEO rights as an employee?
Yes (13) No (22)
10. Did the EEO Officer meet with you to discuss your EEO responsibilities as a supervisor or manager?
Yes (13) No (22)
11. Did you complete the Department of Citywide Administrative Services' (DCAS) Division of Citywide EEO Computer based Training?
Yes (17) No (18)
12. In your role as a supervisor/manager, have you discussed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings at least twice within the past year?
Yes (20) No (15)
13. 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 at least twice within the past year?
Yes (21) No (15)
14. Did you receive sexual harassment prevention training from your agency?
Yes (18) No (17)
15. Please indicate when the training was done.
Within the past 2 years (11) over 2 years ago (6)
16. Did all of the employees that you supervise receive sexual harassment prevention training?
Yes (9) No (8) Do not know (19)

HRA SUPERVISOR/MANAGER QUESTIONNAIRE CONTINUED

17. When you were hired, did you receive an orientation session that included a review of the City's EEO Policy?
Yes (17) No (4) Do not remember (15)
18. Do you participate in orientation sessions for new employees?
Yes (10) No (25)
19. Do new employee orientation sessions include information on the City's EEO Policy?
Yes (21) No (1) Do not know (14)
20. Do you interview candidates for positions in your agency?
Yes (25) No (11)
21. 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?
Training (3) Both training and guide (9)
Guide (10) I do not interview applicants (11)
22. When was your last performance evaluation?
Within the past year (21) Over a year ago (15)
23. Were you informed that fulfillment of your EEO responsibilities will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?
Yes (13) No (17) Not applicable (6)
24. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner.)
Yes (15) No (20) I do not receive performance evaluations (0)
25. Do you conduct formal evaluations of the employees under your supervision annually?
Yes (32) No (3)
26. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees who may complain about discrimination or harassment?
Yes (21) No (14)

OPTIONAL INFORMATION

27. Race/Ethnicity
Asian or Pacific Islander (1) Hispanic (4)
American Indian or Alaskan Native (0) White (10)
Black (10) Other (0)
28. Gender
Male (7) Female (21)

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS

PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)

WORKFORCE SUMMARY AS OF DECEMBER 31, 2006

DEPARTMENT OF SOCIAL SERVICES (069)

JOB GRP	MALE					FEMALE					TOTAL			
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN		NATIVE AMER	UKWN	OTHR
001	2	0	0	0	0	0	5	1	0	0	0	0	0	8
002	121	52	22	21	0	0	74	105	35	19	1	0	0	450
003	143	119	36	41	0	0	98	255	70	31	0	0	0	793
004	162	72	26	57	2	0	52	75	12	26	0	0	0	484
005	10	2	1	1	0	0	9	16	5	3	0	0	2	49
006	0	0	0	0	0	0	1	0	0	0	0	0	0	1
007	271	1176	339	160	2	0	508	3249	1129	192	14	0	1	7041
008	21	5	5	3	0	0	36	10	4	3	0	0	0	87
009	1	0	0	0	0	0	2	1	0	2	0	0	0	6
010	72	253	65	37	0	0	33	427	113	9	3	0	0	1012
012	44	172	50	20	0	0	63	886	145	28	8	0	0	1416
013	64	245	81	16	1	1	109	1170	340	47	4	2	10	2090
015	0	1	0	0	0	0	0	0	0	0	0	0	0	1
018	7	27	10	1	0	1	3	14	4	2	0	0	0	69
021	0	2	2	0	0	0	0	0	1	0	0	0	0	5
022	8	57	18	3	1	0	2	22	15	1	0	0	0	127
024	1	0	0	0	0	0	0	0	0	0	0	0	0	1
025	48	20	6	1	0	0	0	0	0	0	0	0	0	75
026	1	5	0	0	0	0	0	1	0	0	0	0	0	7
027	0	6	3	0	1	0	0	0	0	0	0	0	0	10
028	3	5	1	0	0	0	0	0	0	0	0	0	0	9
031	7	23	15	3	1	0	7	47	39	5	0	0	1	148
TOTAL	986	2242	680	364	8	2	1002	6279	1912	368	30	2	14	13889
%TAGE	7%	16%	5%	3%	<1%	<1%	7%	45%	14%	3%	<1%	<1%	<1%	100%

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS
 PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)
 WORKFORCE SUMMARY AS OF DECEMBER 31, 2007

REPORT: PBUTNO31

DEPARTMENT OF SOCIAL SERVICES (069)

OB GRP	MALE							FEMALE							TOTAL
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	OTHR		
001	0	0	1	0	0	1	5	0	0	0	0	0	0	7	
002	130	56	21	25	0	0	83	113	37	20	1	1	0	487	
003	128	122	38	38	0	0	96	268	66	26	0	1	0	783	
004	159	75	25	58	2	1	56	76	10	28	0	0	0	490	
005	10	2	1	1	0	0	8	15	5	3	0	0	2	47	
006	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
007	257	1185	350	162	2	2	509	3279	1199	190	13	2	0	7150	
008	20	5	5	4	0	0	36	9	2	4	0	0	0	85	
009	1	0	0	1	0	0	2	1	0	2	0	0	0	7	
010	68	254	65	37	0	0	33	420	116	11	3	0	0	1007	
012	40	161	46	20	0	0	58	847	148	28	9	0	0	1357	
013	63	246	77	16	1	2	115	1129	330	45	4	1	0	2029	
015	0	2	0	0	0	0	0	1	0	0	0	0	0	3	
018	5	28	12	0	0	0	3	16	4	1	0	0	0	69	
021	0	2	2	0	0	0	0	1	1	0	0	0	0	6	
022	7	56	18	3	1	0	2	15	14	0	0	0	0	116	
024	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
025	54	29	5	1	0	0	0	0	0	0	0	0	0	89	
026	1	4	0	0	0	0	0	1	0	0	0	0	0	6	
027	0	6	3	0	1	0	0	1	0	0	0	0	0	11	
028	5	4	1	1	0	0	0	0	0	0	0	0	0	11	
031	8	28	16	6	1	0	9	49	43	5	0	1	0	166	
TOTAL	957	2265	686	373	8	6	1016	6241	1975	363	30	6	2	13928	
%TAGE	7%	16%	5%	3%	<1%	<1%	7%	45%	14%	3%	<1%	<1%	<1%	100%	

OMIS CITYWIDE PERSONNEL PRODUCTION SYSTEMS
PERSONNEL REPORTING AND INFORMATION SYSTEM FOR EMPLOYEES (PRISE)
WORKFORCE SUMMARY AS OF DECEMBER 31, 2008

DEPARTMENT OF SOCIAL SERVICES (069)

OB GRP	MALE						FEMALE						TOTAL	
	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN	WHITE	BLACK	HSPN	ASIAN	NATIVE AMER	UKWN		OTHR
001	0	0	1	0	0	1	5	0	0	0	0	0	0	7
002	132	60	19	24	0	0	89	133	45	19	0	0	0	521
003	117	122	39	40	0	0	99	276	63	29	0	1	0	786
004	163	73	26	72	2	0	74	70	9	38	0	1	0	528
005	11	2	1	1	0	0	7	15	6	4	0	0	2	49
007	251	1184	342	150	2	1	494	3284	1204	193	12	1	0	7118
008	21	5	5	7	0	0	39	15	2	3	0	1	0	98
009	1	2	0	1	0	0	2	1	1	1	0	0	0	9
010	67	245	69	40	0	0	32	417	121	11	3	0	0	1005
012	39	161	48	21	0	0	55	885	159	33	8	0	0	1409
013	55	240	72	18	1	2	108	1048	313	45	4	3	0	1909
015	1	2	0	0	0	0	0	1	0	0	0	0	0	4
018	5	27	9	0	0	0	1	15	3	1	0	0	0	61
021	0	2	2	0	0	0	0	1	1	0	0	0	0	6
022	5	58	15	3	1	0	2	11	10	0	0	0	0	105
024	1	0	0	0	0	0	0	0	0	0	0	0	0	1
025	51	22	10	1	0	0	0	0	0	0	0	0	0	84
026	2	5	0	0	0	0	0	1	0	0	0	0	0	8
027	0	5	3	0	1	0	0	1	0	0	0	0	0	10
028	5	5	1	1	0	0	0	0	0	0	0	0	0	12
031	8	28	11	3	1	0	10	41	33	2	0	0	0	137
TOTAL	935	2248	673	382	8	4	1017	6215	1970	379	27	7	2	13867
%TAGE	7%	16%	5%	3%	<1%	<1%	7%	45%	14%	3%	<1%	<1%	<1%	100%

10383

Robert Doar
Commissioner

January 5, 2011

180 Water Street
New York, NY 10038

212 331 6000

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

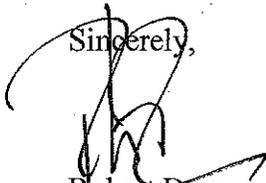
Dear Mr. Perez:

We have received the Preliminary Determination, dated November 12, 2010, that you issued pursuant to your audit of the Human Resources Administration and its compliance with New York City's Equal Employment Opportunity Policy during the period January 1, 2006 to December 31, 2008.

We are pleased to note that your audit revealed no serious violations, which reflects our commitment to operate in a manner consistent with good EEO practices. Attached are our responses to your report's recommendations with which we agree, as well as documents that demonstrate that we have taken corrective actions to address your concerns.

HRA has an enviable EEO record and we remain committed to supporting those policies which provide employees with confidence in the integrity and support of the Agency. Should you have any questions regarding this matter, please contact Hope Henderson, the Director of the Bureau of Audit Coordination, at 212-331-4660.

Sincerely,



Robert Doar

**HUMAN RESOURCES ADMINISTRATION'S RESPONSE TO THE EEPC'S
PRELIMINARY DETERMINATION
RE: THE AUDIT OF HRA'S COMPLIANCE WITH THE CITY'S EQUAL
EMPLOYMENT OPPORTUNITY POLICY FROM JANUARY 1, 2006 THROUGH
DECEMBER 31, 2008**

Auditor's Recommendation #1:

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, Personnel Officer should re-distribute the identity of the Disabilities Rights Coordinator. (Sect.VB, EEOP)

Agency's Response:

HRA agrees with this recommendation and on October 13, 2010, the Executive Deputy Commissioner for the Office of Staff Resources prepared and distributed to all HRA staff, an informational memorandum which identified the Disabilities Rights Coordinator. (See Attachment #1)

Auditor's Recommendation #2:

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 re-distribute this information. (Sect. VC)

Agency's Response:

HRA agrees with this recommendation and on October 13, 2010, the Executive Deputy Commissioner for the Office of Staff Resources, prepared and distributed to all HRA staff, an informational memorandum which identified the name, location and telephone number of the EEO Officer. (See Attachment #2)

Auditor's Recommendation #3:

Because the DCPIG requires the investigator to report words spoken and facts provided as close to verbatim as possible, complaint files must contain thorough word processed notes, for each interview. (Sect. 12b, DCPIG and EEPC Position)

Agency's Response:

HRA agrees with this recommendation. We have begun to include thorough word processed notes, for each interview, in the complaint files. (See Attachment #3)

Auditor's Recommendation #4:

The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the

complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file. (DCPIG, Sect. 12(b))

Agency's Response:

HRA agrees with this recommendation and the Equal Employment Opportunity (EEO) Office has begun to serve respondents with a notice of complaint via electronic mail. They are also informed of their right to be accompanied by a representative of his/her choice. Tracking of the electronic mail "read" receipts will be kept in the complaint file. (See Attachment #4)

Auditor's Recommendation #5:

All confidential written reports should be labeled "Confidential" in large bold print. (DCPIG, Sect. 12b)

Agency's Response:

HRA agrees with this recommendation. All written reports will be stamped "Confidential" in large, bold print. (See Attachment # 5)

Auditor's Recommendation #6:

Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)

Agency's Response:

HRA agrees with this recommendation. The Agency currently posts its vacant positions, for which no civil service lists exist via its recruitment flyer system. This system has the ability to capture the information outlined above. However, because this information is not requested of the candidates, it would be subjective as it would be based solely on the interviewers' observations. Additionally when hiring is done from civil service pools, this data is not captured because the selections are made from civil service lists that are promulgated by DCAS.

Currently HRA participates in the New York City Automated Personnel System's (NYCAPS) E-Hire pilot program. This pilot program is operated by DCAS and is a module of the PeopleSoft application which supports the City's personnel system. When rolled-out, the E-Hire program will allow candidates to apply on line for positions in all city agencies. E-Hire is designed to capture all EEO data which will be self reported by candidates. While no final decisions have been made to date, it is anticipated that a centralized website will be established to which outside recruitment sources will be directed. For example, should an agency post a vacancy on Monster.com or in a newspaper, the advertisement will provide a link to this centralized site.

Auditor's Recommendation #7:

The agency should ensure that all employees involved in job interviewing receive formal 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. (Sect. IV, EEO)

Agency's Response:

HRA agrees with this recommendation and the Equal Employment Opportunity Office and Office of Staff Resources, Training and Development Division are collaborating to create a structured interviewing curriculum for staff who are involved in the interviewing process, that will standardize interview questions, establish uniform procedures for conducting agency interviews and provide staff with information regarding revised hiring procedures.

Auditor's Recommendation #8:

To ensure that employees know the identity of the agency's Career Counselor, the Personnel Officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor, at least once each fiscal year. (Sect. VB, EEO and 12/14/2006 Addendum to *Standards and Procedures to be Utilized by City Agencies (2005)*)

Agency's Response:

HRA agrees with this recommendation and on October 13, 2010, the Executive Deputy Commissioner for the Office of Staff Resources prepared and distributed to all HRA staff, an informational memorandum that identified the name, location, telephone number of the Career Counselor. The memorandum also advised of the type of guidance that the Career counselor provides. HRA will re-distribute this information at least once annually. (See Attachment # 6)

Auditor's Recommendation #9:

At least twice a year during normal staff meetings, supervisor and manager must 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 must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

Agency's Response:

HRA agrees with this recommendation. Commissioner Doar will distribute an Executive Order, to HRA staff, informing them that managers and supervisors are required to emphasize their commitment to the Agency's EEO Policy, at least twice a year during regular staff meetings. (See Attachment #7)

Auditor's Recommendation #10:

The Agency Head must 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.

Agency's Response:

Commissioner Doar will distribute a memorandum to HRA staff that informs them of the changes that are being implemented in the agency's EEO Office pursuant to the audit, as well as

re-emphasizes the Agency's commitment to our Equal Employment Opportunity Program. (See Attachment #8)

ATTACHMENT #1

RECOMMENDATION #1



Human Resources
Administration
Department of
Social Services
Office of Staff
Resources

Robert Doar
Commissioner

MEMORANDUM

Thomas DePippo
Senior Executive
Deputy Commissioner

Rachel Levine
Executive Deputy
Commissioner

180 Water Street
New York, NY 10038

212 331 3333

TO: All Staff

FROM: Rachel Levine *Rachel Levine*

DATE: October 13, 2010

SUBJECT: Equal Employment Opportunity, Disability Rights, and Career Counseling

Pursuant to public policy, it is important for all HRA staff to be aware of resources available at HRA concerning Equal Employment Opportunity, Disability Rights, and Career Counseling. Information about these areas, including telephone numbers and locations, is prominently posted at every work site in HRA. Contact information and a brief description of the role of each office are provided below:

EEO Officer and Disability Rights Coordinator: Stephanie Grant, 180 Water Street - Mezzanine, 212-331-5115, grantst@hra.nyc.gov

The **EEO Officer** is responsible for investigating complaints of discrimination from staff within the agency and providing guidance and assistance to agency managers, supervisors and human resource professionals in addressing issues related to Equal Employment Opportunity.

The **Disability Rights Coordinator** is responsible for handling reasonable accommodation requests from staff and ensuring compliance with all federal, state and local laws, as well as City and Agency policies, pertaining to persons with disabilities.

Career Counselor: Geraldine Penn, 180 Water Street - 5th Floor, 212-331-3328, pennng@hra.nyc.gov

The **Career Counselor** holds sessions to explore the history and behavior of a staff person, to help him/her better understand their own motivations and desires and take proactive steps to improve the quality of their work lives.

All HRA staff members in need of any of the services described above should feel free to contact these individuals at anytime.

ATTACHMENT #2

RECOMMENDATION #2



Human Resources
Administration
Department of
Social Services
Office of Staff
Resources

Robert Doar
Commissioner

MEMORANDUM

Thomas DePippo
Senior Executive
Deputy Commissioner

Rachel Levine
Executive Deputy
Commissioner

180 Water Street
New York, NY 10038

212 331 3333

TO: All Staff

FROM: Rachel Levine *Rachel Levine*

DATE: October 13, 2010

SUBJECT: Equal Employment Opportunity, Disability Rights, and Career Counseling

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ATTACHMENT #3

RECOMMENDATION #3

08-61c

May 19, 2008.

Complainant

Notes

"Since being employed by HRA from 1982 and working at CASA 8 Home Care Medicaid Unit as an ES II from 1988, this is my first time filing an EEO complaint.

I have worked under [REDACTED] supervision for the past 6 years. In the past year or so, I have been verbally abused by [REDACTED] and have been called a "Bitch" and "crazy." The last abuse I took was at a meeting held on March 26, 2008 in which the Director, [REDACTED] Co-workers: Mr. [REDACTED] [REDACTED] the Unit Supervisor, [REDACTED] were present and Ms. [REDACTED] continuously called me "crazy." I said to Ms. [REDACTED] "You are going to stop calling me out of my name and I don't have to be spoken to with such name calling." During this meeting, I learned that [REDACTED] told another worker, [REDACTED] who she believes is her friend but is not her friend. This causes problems, which Ms. [REDACTED] knew prior to the meeting. I feel this worker being of Latin decent and so is Ms. [REDACTED] gets preferential treatment. I have asked to be removed from the Medicaid unit a year ago and to be placed in another area away from Ms. [REDACTED] but was denied by the Director, Ms. [REDACTED] [REDACTED] who stated that the Medicaid program could not be set up in another area.

[REDACTED] started confusion; yet this worker who just started working with HRA less than two years, got special treatment. She was physically moved out of the Medicaid unit to another location in the building, within two days. The computer programmer was on location to set her up to perform Medicaid work. All of her accommodations were met.

I have been made to feel insulted, offended, disrespected, verbally abused, and racially discriminated against. I have been segregated and Ms. [REDACTED] displayed favoritism when interacting with Ms. [REDACTED] Ms. [REDACTED] approach towards me is always rude, aggressive and with a nasty tone. I brought this to Ms. [REDACTED]'s attention on numerous occasions, but to no avail. I can no longer tolerate this treatment by Ms. [REDACTED]

[REDACTED] - Witness
Telephone Interview

June 11, 2008

Notes

"I have not witnessed any discriminatory actions or remarks by Ms. [REDACTED] towards [REDACTED]s. I did not hear Ms. [REDACTED] call Ms. [REDACTED] a "Bitch" or "crazy".

[REDACTED] - Witness

June 11, 2008

██████████ – Witness
Telephone Interview

June 11, 2008

Notes

"I have witnessed racial discrimination by Ms. ██████████ towards all "Black" workers in our office. She treats Ms. ██████████, who is Hispanic, better than us. She gives her less work." Note: The EEO office received a memorandum dated April 14, 2008 from ██████████ ██████████ which states, "I, ██████████, attest that during the meeting held by the unit supervisor, Ms. ██████████, and Director, Ms. ██████████ on March 26, 2008, did in fact hear the unit supervisor, Ms. ██████████ call Ms. ██████████ "crazy".

██████████ - Witness
Telephone Interview

June 11, 2008

Notes

"I have witnessed racial discrimination by Ms. ██████████ towards all of us "Blacks" in the office. She gives Ms. ██████████, who is Hispanic, less work and treats her very special."

Note: The EEO office received a memorandum dated April 9, 2008 from ██████████ which states, "I, ██████████, attest that during the meeting held by the Director, Ms. ██████████ on March 26, 2008, did in fact hear the unit supervisor, Ms. ██████████ call Ms. ██████████ "crazy". This meeting was a very hostile, tense and out of control meeting in which Ms. ██████████ repeatedly called ██████████ "crazy".

June 2, 2008

[REDACTED]
RespondentNotes

"[REDACTED] is my best worker, but has a behavior problem. She always said that she wanted to be my daughter. She wants to get close to me and gets very jealous when anyone gets close to me.

I advised her to attend the Employee Assistance Program (EAP) several times, but she refused. I told her she would be allowed the time to attend EAP. When we first started working together, I comforted her when she was having problems with other people and also at home. One time, I visited her at home when she was sick. I always tried to work with her. I later realized, she had a behavior problem and dealt with her only on a work related basis.

When [REDACTED] started working in my unit, she sat in the cubicle next to me and along with her own assignments, when I asked her to do other work related duties, such as make copies or other clerical work, she never refused. She was never given less work than the other workers. I was then accused by Ms. [REDACTED] of showing favoritism to Ms. [REDACTED]. To make peace, Ms. [REDACTED] was moved and is currently sitting a good distance away from the unit, where she has to walk back and forth in order to complete her assignments. Ms. [REDACTED] never asked to sit at that location.

I never called Ms. [REDACTED] a "Bitch" or "crazy." There is no way I could possibly discriminate against Ms. [REDACTED] because of her race, since my mother is "black" and my husband is "black". It seems to me that Ms. [REDACTED] feels she is not getting enough of my attention, which she got at one time. I deal with Ms. [REDACTED] strictly on a work related basis, because she has a behavior problem."

ATTACHMENT #4

RECOMMENDATION #4

Grant, Stephanie

From: Hryckowian, Jason
Sent: Thursday, December 02, 2010 5:22 PM
To: Grant, Stephanie
Subject: FW: EEO Complaint
Importance: High

From: Hryckowian, Jason
Sent: Friday, October 29, 2010 1:48 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: EEO Complaint
Importance: High

Mr. [REDACTED]

An EEO complaint has been filed against you with this office by FJC Security Guard [REDACTED]. EEO has therefore scheduled an interview at the EEO office on Wednesday, November 3, at 11:00am, during which you will be granted an opportunity to respond to the specific allegations. You may be accompanied by a union representative. Please confirm this appointment at your earliest convenience.

I would like to take this opportunity to advise you that EEO investigations are confidential and you should therefore not approach or contact Ms. [REDACTED] regarding this issue. Additionally, retaliation against an individual for filing a complaint of discrimination is prohibited by NYC EEO policy.

If you have any questions, my contact information is below.

Thank you.

S. Jason Hryckowian
Human Resources Administration/EEO
180 Water Street - Mezzanine
New York, NY 10038
(P)(212) 331-5116
(F)(212)331-4332

12/7/2010

ATTACHMENT #5

RECOMMENDATION #5



Human
Resources
Administration
Department of
Social Services

Equal Employment
Opportunity
Robert Doar
Commissioner

Stephanie Grant
EEO Officer/Director

180 Water Street
New York, NY 10038

212 331 5114/5115

MEMORANDUM

CONFIDENTIAL

DATE: July 18, 2008
TO: Stephanie Grant
FROM: Margaret Etkins, EEO Counselor
Office of Equal Employment Opportunity

SUBJECT: CLOSE OUT REPORT FY' 08-91s COMPLAINT # FY'08-59c

BACKGROUND:

Complainant Name: [REDACTED]
Gender/Race: [REDACTED]
National Origin: [REDACTED]
SS#: [REDACTED]
Title: [REDACTED]
Assigned to: [REDACTED]

Respondent Name: [REDACTED]
Gender/Race: [REDACTED]
National Origin: [REDACTED]
SS#: [REDACTED]
Title: [REDACTED]
Assigned to: [REDACTED]

Respondent Name: [REDACTED]
National Origin: [REDACTED]
SS#: [REDACTED]
Title: [REDACTED]
Assigned to: [REDACTED]

The Human Resources Administration's Equal Employment Opportunity Office received a complaint dated April 28, 2008, from [REDACTED] alleging discrimination based on national origin. The respondents in this complaint are [REDACTED]

On April 28, 2008, [REDACTED] visited the EEO Office.

Specifically, the complainant alleged the following:

"I was hired as a provisional Job Opportunity Specialist on August 6, 2007, at 180 Water Street, New York, New York. I was told to start the next day at the Intensive Service Center located at 109 East 16th Street, Union Square. After two weeks of training, I worked in the Intensive Service Center until October 15, 2007. I was sent to a training program at 110 Livingston Street, Brooklyn along with fifteen other trainees. The training ended on January 17, 2008.

RECOMMENDATION #6
NO ATTACHMENT REQUIRED

RECOMMENDATION #7
NO ATTACHMENT REQUIRED

ATTACHMENT #6

RECOMMENDATION #8



**Human Resources
Administration**

Department of
Social Services

Office of Staff
Resources

Robert Doar
Commissioner

Thomas DePippo
Senior Executive
Deputy Commissioner

Rachel Levine
Executive Deputy
Commissioner

180 Water Street
New York, NY 10038

212 331 3333

MEMORANDUM

TO: All Staff

FROM: Rachel Levine *Rachel Levine*

DATE: October 13, 2010

SUBJECT: Equal Employment Opportunity, Disability Rights, and Career Counseling

Pursuant to public policy, it is important for all HRA staff to be aware of resources available at HRA concerning Equal Employment Opportunity, Disability Rights, and Career Counseling. Information about these areas, including telephone numbers and locations, is prominently posted at every work site in HRA. Contact information and a brief description of the role of each office are provided below:

EEO Officer and Disability Rights Coordinator: Stephanie Grant, 180 Water Street - Mezzanine, 212-331-5115, grantst@hra.nyc.gov

The **EEO Officer** is responsible for investigating complaints of discrimination from staff within the agency and providing guidance and assistance to agency managers, supervisors and human resource professionals in addressing issues related to Equal Employment Opportunity.

The **Disability Rights Coordinator** is responsible for handling reasonable accommodation requests from staff and ensuring compliance with all federal, state and local laws, as well as City and Agency policies, pertaining to persons with disabilities.

Career Counselor: Geraldine Penn, 180 Water Street - 5th Floor, 212-331-3328, pennng@hra.nyc.gov

The **Career Counselor** holds sessions to explore the history and behavior of a staff person, to help him/her better understand their own motivations and desires and take proactive steps to improve the quality of their work lives.

All HRA staff members in need of any of the services described above should feel free to contact these individuals at anytime.

ATTACHMENT #7

RECOMMENDATION #9

COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY (EEO) REGULATIONS

TO: Distribution

DRAFT

FROM: Robert Doar
Administrator/Commissioner

In an effort to insure that HRA is in Compliance with Equal Employment Opportunity (EEO) Regulations as they relate to the EEO Complaint and Investigation Procedures, all employees must be advised of the appropriate actions to take when they believe they have a complaint of employment discrimination or are aware of a problem possibly involving discrimination. Site managers and supervisors are required to personally communicate information regarding the EEO complaint procedure by periodically conducting general staff meetings to review and discuss the process, as well as affirm their commitment to the Agency's EEO Policy. This procedure must be addressed at least twice a year during regular staff meetings and reviewed/discussed when new employees are assigned to the work location. Employees should be referred to the EEO Policy manual and/or to the EEO Office if they have questions or require further assistance. A copy of the New York City Equal Employment Opportunity Policy manual, and the EEO Policy Handbook, "About EEO: What You May Not Know", may be downloaded from the HRA intranet, by going to the link for the Office of Equal Employment Opportunity, which contains this and other EEO related information that may be informative. This process will also require that responsibility area/center heads meet with employees under their jurisdiction to discuss the procedure.

Managers and supervisors are not required to provide EEO Training. The meetings/discussions should include general statements regarding the following:

1. The EEO protected categories
2. When to File
3. Where to File an Internal Complaint or Seek Assistance with an EEO Matter
4. Meeting with the EEO Professional
5. Anonymous Complaints
6. Confidentiality
7. Services Available from the EEO Office
8. Investigation of Complaints
9. Discipline and Other Corrective Action
10. Withdrawing Complaints of Discrimination
11. RA/RC Responsibilities
12. Other Places Where a Complaint May Be Filed

Please reference Procedure No. 09-07 (Revision of the EEO Complaint and Investigation Procedures) during your discussions. A copy of the meetings attendance sheets should be forwarded to Stephanie Grant, EEO Director, 180 Water Street, East Mezzanine, New York, N.Y. 10038. Inform your staff that attendance at these meetings does not exempt them from their responsibility to attend mandated EEO training when scheduled.

Should you have any questions or require additional information, you may contact the EEO Office at (212) 331-5114.

Replaces E-709

Effective: Immediately

ATTACHMENT #8

RECOMMENDATION #10



Robert Doar
Commissioner

180 Water Street
New York, NY 10038

212 331 6000

MEMORANDUM

DRAFT

DATE:

TO: HRA Staff

FROM: Robert Doar
Administrator/Commissioner

SUBJECT: EQUAL EMPLOYMENT PRACTICES COMMISSION AUDIT

The Equal Employment Practices Commission (EEOC) conducts audits of the Equal Employment Opportunity offices of all New York City agencies to determine compliance with the City's Equal Employment Opportunity Policy. EEOC's most recent audit of compliance of the Human Resources Administration (HRA) covered the period from January 1, 2006 to December 31, 2008. Upon completion of the audit, EEOC recommended that HRA comply with their required actions and commenced monitoring audit compliance for a six-month period. I am pleased to inform you that HRA has implemented all required actions that were recommended by EEOC.

The EEOC made recommendations to enhance HRA's Equal Employment Opportunity practices. Some of these recommendations include:

- Informing all HRA employees in writing of the identity, location and telephone number of the EEO Officer.
- Distribution of Executive Order E-728, which informs all HRA staff that the EEO policies are available on the Agency's intranet, and that managers/supervisors meet with staff at least twice a year to affirm their commitment to the Agency's EEO policy.
- Informing all HRA employees in writing of the identity, location, and telephone number of the Career Counselor.

As Commissioner, I remain strongly committed to maintaining fair employment practices for all of the staff and job applicants. HRA has an enviable EEO record and is dedicated to preventing discrimination by ensuring all employees are aware of their rights and obligations under this policy. We must continue to maintain a workplace that promotes respect, tolerance and appreciation for the diversity that is reflected in our staff.

All staff are encouraged to utilize the resources available within HRA and to address any concerns to HRA's EEO Officer, Stephanie Grant, at (212) 331- 5115.



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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

Telephone: (212) 788-8646 Fax: (212) 788-8652

Cesar A. Perez, Esq.
Chair
Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva A. Rice
Commissioners

Abraham May, Jr.
Executive Director
Charise Hendricks, PHR
Deputy Director
Judith Garcia Quiñonez
Counsel

January 14, 2011

Commissioner Robert Doar
Human Resources Administration
180 Water Street
New York, New York 10038

Re: Initiation of Audit Compliance

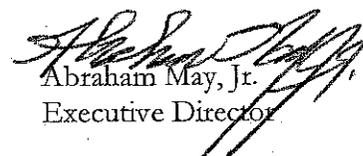
Dear Commissioner Doar:

On behalf of Chair Cesar Perez, Esq. and the members of the Equal Employment Practices Commission, I want to thank you for your January 5, 2011 Response (with attachments) to our November 12, 2010 Preliminary Determination Letter pursuant to the audit of the Human Resources Administration's Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008. Since your response confirms your agreement with all audit recommendations this letter is in lieu of a Final Determinations Letter.

Since Recommendation #6 is based on our finding that your agency's discretionary applicant form excludes the recruitment source, your response needs further clarification. We anticipate a mutually satisfactory clarification during the Charter-mandated audit compliance process. EEPC Counsel/Compliance Director Judith Garcia Quinonez, Esq. or her designee will contact EEO Officer Stephanie Grant to schedule a meeting to initiate audit compliance.

We look forward to working with you and your staff to ensure an effective Equal Employment Opportunity Program in the Human Resources Administration.

Sincerely,


Abraham May, Jr.
Executive Director

C: Stephanie Grant, EEO Officer
Hope Henderson, Audit Unit
Judith Garcia Quinonez, Esq., Counsel