

DEPARTMENT OF CITY PLANNING

- Letter of Implementation July 16, 2009
- Summary Compliance Report July 16, 2009



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Deputy Director
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July 16, 2009

Amanda M. Burden
Director
Department of City Planning
22 Reade Street
New York, New York 10007

Re: Resolution #09/11-030C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Department of City Planning's (DCP) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to December 31, 2006.

Dear Ms. Burden:

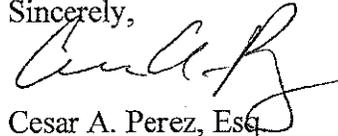
Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the Department of City Planning (DCP) for a period not to exceed six months. The compliance period was December 2008 through May 2009. The DCP's Final Compliance Report was submitted on June 12, 2009. Additional information was submitted on June 30, 2009 and July 7, 2009.

The goal of monitoring was to determine if the DCP implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Summary Compliance Report for Commission review. After reviewing the Report this Commission has determined that the DCP has implemented the recommended corrective actions as required by Chapters 35 and 36 of the New York City Charter to the Commission's satisfaction. The Department of City Planning is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you and Co-EEO Officers Sarah Whitham and Edwin Marshall for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,



Cesar A. Perez, Esq.
Chair

C: Sarah Whitham, Co-EEO Officer
Edwin Marshall, Co-EEO Officer



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Department of City Planning

Agency Head: Amanda M. Burden, Director

Co-EEO Officers: Sarah Whitham
Edwin Marshall

Audit Period: January 1, 2005 - December 31, 2006

Agency Census as of July 2006: 299

Date of Preliminary Determination Letter:	July 31, 2008
Date of Response Letter:	August 27, 2008
Date of Final Determinations Letter:	September 10, 2008

Compliance Initiated:	<i>January 2009</i>
Compliance Completed:	<i>June 2009</i>
Covering Months:	<i>December 2008 - May 2009</i>

Date: July 16, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Department of City Planning (DCP) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance Monitoring with the DCP in January 2009. The DCP's final Monthly Compliance Report was submitted on June 16, 2009. Additional information was submitted on June 30, 2009 and July 7, 2009.

All eight required actions were completed or accepted. The following is a summary of the compliance reports:

1. Since the DCP's workforce continues to show underutilization in certain protected groups, it should further expand its recruitment efforts to address underutilization by acquiring "Making the Most of New York City's Recruitment Resources," 2004, <http://extranet.dcas.nycnet/eo/pdf/apomasterclass-recruitmet.pdf>, a list of

recruitment sources compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups.

The DCP said it has acquired the list of recruitment sources compiled by the DCAS. On January 12, 2009, the female Co-EEO officer emailed a copy of the list to the coordinator of the DCP's Recruitment Committee. It submitted a copy of the list.

The response to the required action was accepted in January 2009.

2. The DCP should conduct adverse impact studies.

The DCP stated that it completed 54 adverse impact studies of five title categories utilizing the disparate impact analysis software provided by the DCEEO. The analyses did not indicate adverse impact. It submitted copies of the studies.

The required action was completed in June 2009.

3. The DCP should use the citywide managerial employee evaluation form.

The DCP said that on October 10, 2008 the director of personnel instructed division directors to use the citywide managerial employee evaluation form. It submitted a copy of the email that was sent to the division directors.

The required action was completed in October 2008.

4. The agency head should direct the HR Director to include the Co-EEO officers in the development of recruitment strategies and selection of recruitment media.

The DCP submitted a copy of a memorandum from the agency head to the human resources director directing him to include the Co-EEO officers in the development of recruitment strategies and selection of recruitment media.

The required action was completed in August 2008.

5. All staff, managerial and non-managerial, should receive an annual performance evaluation.

The DCP said that it will conduct annual performance evaluations on September 9, 2009. It submitted copies of the email directive, the performance evaluation manual and procedures, and the managerial and non-managerial performance evaluation forms.

The required action was completed in June 2009.

6. The DCP should re-distribute information about the identity, location and telephone number of the career counselor to all agency employees.

The DCP submitted a copy of the email notifying staff of the identity, location and telephone number of the career counselor.

The required action was completed in July 2008.

7. **The DCP should develop a plan, which includes a timetable and meets minimum standards set by the DCAS, to provide EEO training to all new and current employees who have not received that training.**

The DCP said its Co-EEO officers provided EEO training to 96 employees (line employees who joined the DCP since the last training) on April 27, May 4, and May 14, 2009. It submitted copies of the sign-in sheets. Approximately 15 employees who are left to be trained in this group will be scheduled for training in the fall 2009. In addition, approximately 140 employees require refresher EEO training which is also scheduled for fall 2009. The DCP plans to complete all training by December 31, 2009.

The DCP participated in the DCAS' DCEEO Manager and Supervisor Computer Based Training (CBT). As of June 3, 2009, all 78 of the DCP's managers, supervisors and Commissioners completed the EEO training. It submitted a list of the individuals who completed the CBT.

The required action was accepted in June 2009.

8. **The Director should disseminate an agency-wide memorandum to discuss audit findings.**

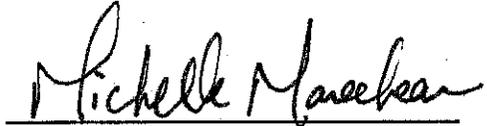
The attached memorandum from Director Amanda M. Burden was distributed on July 8, 2009.

The required action was completed in July 2009.

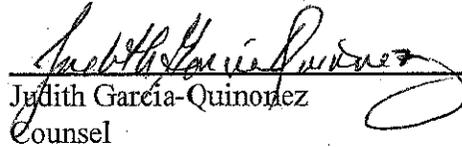
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Director Amanda M. Burden, informing her that the DCP has implemented the recommended corrective actions to the Commission's satisfaction.

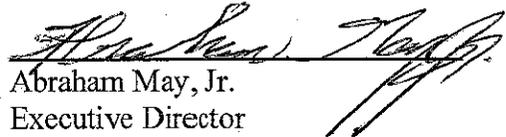
Respectfully Submitted,



Michelle Marecheau
Senior Auditor/ Compliance Officer



Judith Garcia-Quinonez
Counsel



Abraham May, Jr.
Executive Director

Attachment



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

MEMORANDUM

To: All Staff
From: Amanda M. Burden *AMB*
Date: July 8, 2009
Re: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC)¹ has completed an audit of our agency's compliance with the City's Equal Employment Opportunity Policy for the period of January 1, 2005 to December 31, 2006. The EEPC made six recommendations to enhance the EEO practices of the Department of City Planning and I am pleased to report that these have been implemented, and that the EEPC has indicated that we have satisfied their requirements.

The EEPC's recommendations, and the steps taken to address them, are as follows:

1. *"Since the DCP's workforce continues to show underutilization in certain protected groups, it should further expand its recruitment efforts to address underutilization by acquiring "Making the Most of New York City's Recruitment Resources," 2004, a list of recruitment sources compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups."*

The Department has acquired this recruitment resource and is sending job postings to relevant recruitment sources from this list, in addition to our regular practice of posting job openings on our website and the City's government jobs website.

2. *"The DCP should conduct adverse impact studies."*

An adverse impact study examines hiring decisions, using statistical tests, to see if there has been a substantially different rate of selection for a position which works to the disadvantage of members of a race, sex or ethnic group.² The Department's EEO Office completed a series of adverse impact studies for a representative sample of positions filled between 2003 and 2008, using the EEPC's recommended software and data obtained from DCP's Human Resources Division, which collected it from the division directors when they submitted hiring requests.

Based on an analysis of these studies, the Department's EEO Office found no evidence of adverse impact with the Department's hiring selections.

Amanda M. Burden, FAICP, Director
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nyc.gov/planning



3. *"The DCP should use the citywide managerial employee evaluation form."*

Sean Hennessy, the Department's Director of Personnel, directed the agency's directors to use this form for all managerial performance evaluations for the FY 2009 performance evaluation year. This form will continue to be used for all future managerial performance evaluations.

4. *"All staff, managerial and non-managerial, should receive an annual performance evaluation."*

Sean Hennessy directed the agency's directors to conduct annual performance evaluations. The performance evaluation process includes the development of tasks and standards, as well as progress conferences. All of the agency's divisions are working to complete a cycle of performance evaluations this summer. Future performance evaluation cycles will commence at the beginning of each fiscal year.

5. *"The DCP should develop a plan, which includes a timetable and meets minimum standards set by the DCAS, to provide EEO training to all new and current employees who have not received that training."*

This past spring, our EEO Co-Officers, Edwin Marshall and Sarah Whitham, coordinated EEO training for

- 96 staff hired since the last time EEO training was offered at the agency; and
- 74 managers and supervisors (including myself, the City Planning Commissioners, the Division Directors, Counsel, and other high-level managerial employees).

In addition, during the first half of FY 2010, Sarah and Edwin will conduct a training session for those new employees who were not able to attend one of the Spring training sessions, as well as provide refresher EEO training for the rest of the Department's staff.

6. *"The DCP's Director should disseminate an agency-wide memorandum to discuss audit findings."*

This memorandum is in response to this recommendation.

This agency is committed to ensuring that the City's EEO Policy is fully implemented. We have a responsibility to ensure that we promote diversity throughout our agency, and foster fairness, equity and respect amongst our agency employees.

For any assistance or information on Equal Employment Opportunity issues you should contact our agency's EEO Co-Officers, Edwin Marshall and Sarah Whitham. For any assistance or information on other Personnel issues, you should contact our Human Resources director, Sean Hennessy.

¹ The Equal Employment Practices Commission (EEOC) was created by the New York City Charter as an independent agency responsible for monitoring the equal employment practices, programs, policies, and

procedures of all City agencies that are funded in whole or in part by the City. More information about the EEPC can be found on its website: <http://nyc.gov/html/eepc/html/home/home.shtml>

² <http://www.uniformguidelines.com/uniformguidelines.html#129>