DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

- Letter of Implementation March 12, 2009
- Summary Compliance Report March 12, 2009

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
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March 12, 2009

Martha K. Hirst
Commissioner
Department of Citywide Administrative Services
One Centre Street, 17th Floor
New York, New York 10007

Re: Resolution #09/05-856C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Department of Citywide Administrative Services' (DCAS) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to December 31, 2006.

Dear Commissioner Hirst:

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 Citywide Administrative Services (DCAS) for a period not to exceed six months. The compliance period was August 2008 through January 2009. The DCAS' Final Compliance Report was submitted on February 11, 2009.

The goal of monitoring was to determine if the DCAS 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 Monthly 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 DCAS has implemented the recommended corrective actions as required by Chapter 35 and 36 of the New York City Charter to the Commission's satisfaction. The Department of Citywide Administrative Services 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 EEO Officer Norma D. Martin for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,

Ernest F. Hart, Esq.
Chair

C: Norma D. Martin, EEO Officer

EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Department of Citywide Administrative Services

Agency Head: Martha K. Hirst, Commissioner

EEO Officer: Norma D. Martin

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

Agency Census as of December 2006: 1,915

Date of Preliminary Determination Letter:	December 20, 2007
Date of Response Letter:	January 28, 2008
Date of Final Determinations Letter:	April 14, 2008
Date of Response Letter to the Commission's Final Determinations Letter:	May 14, 2008

Compliance Initiated:	*July 2008*
Compliance Completed:	*February 2009*
Covering Months:	*August 2008 - January 2009*

Date: March 12, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Department of Citywide Administrative Services (DCAS) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance Monitoring with the DCAS in August 2008. The DCAS' final Monthly Compliance Report was submitted on February 11, 2009.

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

1. **It is the Commission's position that complaint files should contain clear and thorough word-processed notes of interviews conducted with the complainant, respondent or witnesses.**

The DCAS said it is committed to ensuring that complaint files contain word processed notes of future interviews conducted with complainants, respondents and witnesses. It has purchased a Dragon's "Naturally Speaking 9 Preferred" voice recognition software, which the EEO office will utilize to maintain word processed notes.

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

2. **All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator.**

The DCAS said that during the compliance period a Discrimination Complaint form was completed by the EEO officer in response to a written complaint received from a job applicant via conventional mail. It will continue to make every effort to ensure that all future complaint files include a Discrimination Complaint form or an Anonymous/Oral Complaint form that has been completed by the complainant or the EEO investigator. The DCAS submitted a copy of the completed Complaint form.

The required action was completed in September 2008.

3. **Whenever possible, the investigation of complaints should be completed within 90 days of the receipt of the complaint. In circumstances where the investigation cannot be completed within the 90-day timeframe, a notification delay letter, stating the reason for the delay, should be sent to the parties of the investigation.**

The DCAS said that the EEO office completed the investigation of a complaint that was filed during the compliance period (September 24, 2008) within 90 days of receipt of the complaint. However, the review and approval of the complaint determination and recommendation has not been completed. Therefore, a notification and reason for the delay was forwarded to the complainant. There is no named respondent. It submitted a copy of the notification delay letter.

The required action was completed in December 2008.

4. **All respondents should be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent(s) must acknowledge receipt of the notice. The receipts should be maintained in the complaint file.**

The DCAS said it will continue to make every effort to ensure that all individual respondents who are clearly identified are served with a notice of complaint along with a copy of the complaint. In circumstances where a respondent is not clearly identified at the start of the investigation, the notice of complaint and copy of the complaint will be served as soon as practicable. The DCAS submitted a copy of the memo to the Commissioner.

The required action was completed in September 2008.

5. **"Making the Most of New York City's Recruitment Resources," (2004 http://extranet.dcas.nycnet/eeo/pdf/apomasterclass_recruitment.pdf) is a DCAS publication designed to assist agencies in creating a more diverse applicant pool. The DCAS should further expand its recruitment efforts by utilizing this document.**

The DCAS stated that it has identified and utilized recruitment resources from the DCAS' publication to further diversify the applicant pool for discretionary positions in the agency attorney and administrative construction project manager titles. It also stated that it will continue to utilize the publication and other resources to provide diverse recruitment resources.

The required action was completed in August 2008.

6. **In keeping with the mandate of the EEOP, the DCAS should ensure that job vacancies for which underutilization of women and/or minorities have previously been identified are advertised in female-and minority-oriented publications, and sent to professional and community organizations serving minorities, women, and persons with disabilities.**

The DCAS stated that the director of human resources has been directed to work with the EEO officer prior to advertising any discretionary positions in titles exhibiting underutilizations, so that the EEO officer can assist in identifying diverse recruitment sources. The EEO officer will continue to provide the director of human resources with job group underutilization information each quarter.

The required action was completed in November 2008.

7. **The DCAS should adhere to its plan to provide structured interview training to personnel involved in the recruitment and hiring process.**

The DCAS indicated that it will provide Hiring/Structured Interviewing training to all personnel involved in the recruitment and hiring process on March 4, 11, 12, 18, 19, and 20, 2009. The training will be conducted by the EEO officer and the acting director of human resources.

The required action was accepted in February 2009.

8. **The DCAS should assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group.**

The DCAS stated that it conducted analyses (utilizing the disparate impact analysis software provided by the DCEEO) of five agency job titles for which candidates were recently selected. The vacancies were in agency EEO Job Groups which CEEDS data indicated underutilization of females and/or minorities during the fourth quarter FY 2008. The analyses did not indicate adverse impact. It submitted copies of the studies.

The required action was completed in October 2008.

9. **During the audit period there were significant underutilizations of African-Americans, Hispanics, and/ or females in 12 job categories. Given the requirement of the Citywide EEO Policy, the agency head should direct the human resources director to regularly include the EEO officer in developing recruitment strategy and selecting recruitment media.**

The DCAS said that it has directed the human resources director to work with the EEO officer in developing recruitment strategy and selecting recruitment media. It submitted a copy of the memo.

The required action was completed in September 2008.

10. **The agency head should direct supervisors/managers to include in their evaluations recommendations for improving job performance.**

The DCAS stated that since April 2006 all supervisors and managers (including newly hired) responsible for evaluating employees have attended mandatory Performance Evaluation Program training. As part of the training, they are instructed to provide employees with recommendations to improve their job performance. Subsequent to the training all supervisors/managers receive a copy of the "Guide to Non-Managerial Performance Evaluation Policy" each year. The most recent training was conducted on May 13, 20 and 22, 2008. The DCAS submitted a copy of the "Guide to Non-Managerial Performance Evaluation Policy" and copies of the attendance sheets.

The required action was completed in September 2008.

11. **It is the position of the DCAS ("Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eeo/pdf/mdel_memo.pdf) and the EEPC that the meetings conducted by supervisors/managers to 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 should be documented.**

The DCAS said that the Commissioner issued a directive on November 5, 2008 directing all senior staff to inform all supervisors in their divisions/offices that as part of an annual staff meeting they should reiterate their commitment to the City's EEO Policy and the right of all employees to file EEO complaints with the agency's EEO office. The directive also included a requirement that these meetings be documented and that the EEO officer be informed of the date these meetings occurred. The EEO officer will maintain a record of these notices. It submitted a copy of the directive and a sample of the email notifications from supervisors/managers.

The required action was completed in December 2008.

12. **The EEO officer should have regularly scheduled meetings with the agency head. Appropriate documentation of meetings and other communications between the EEO officer and the agency head regarding EEO decisions should be maintained.**

The DCAS stated that a bi-monthly meeting schedule was established in January 2008 between the EEO officer and the agency head. The EEO officer maintains documentation of these meetings and other communications regarding EEO decisions. She submitted copies of notes of

the meetings along with the attendance sheets.

The required action was completed in August 2008.

13. **The DCAS' Commissioner should disseminate an agency-wide memorandum to discuss audit findings.**

The attached memorandum from Commissioner Martha K. Hirst was distributed on February 6, 2009.

The required action was completed in February 2009.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner Martha K. Hirst, informing her that the DCAS has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,

Michelle Marecheau-Antoine
Senior Auditor/ Compliance Officer

Judith Garcia-Quinonez
Counsel

Abraham May, Jr.
Executive Director

Attachment

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER

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Martha K. Hirst
Commissioner

Citywide Personnel Services

Facilities Management & Construction

Municipal Supply Services

Real Estate Services

Citywide Equal Employment Opportunity

Citywide Occupational Safety & Health

Transportation Services

The City Record

CityStore

MEMORANDUM

TO: All DCAS Employees

FROM: Martha K. Hirst

DATE: February 6, 2009

SUBJECT: **Equal Employment Practices Commission Audit**

The Equal Employment Practices Commission ("EEPC") conducts audits of the Equal Employment Opportunity practices of all City agencies. The EEPC recently completed an audit of our agency's compliance with the City's Equal Employment Opportunity Policy ("EEOP"), covering the period January 1, 2005 through December 31, 2006.

I am pleased to note that the EEPC's audit findings were overwhelmingly positive. However, the EEPC has made some recommendations, the majority of which we have already complied with, to enhance DCAS's EEO practices. I would like to share with you certain areas in which DCAS has incorporated the EEPC's recommendations, which should improve the effectiveness of our EEO practices, and, ultimately, better serve you:

- Managers and supervisors will conduct documented meetings with staff, at least once a year, to reaffirm their commitment – and the agency's commitment - to the City's EEO Policy and to discuss the rights of employees to file EEO complaints with DCAS's EEO Officer and/or EEO counselors.
- The agency has developed a Hiring/Structured Interviewing training course, which all personnel involved in the recruitment/hiring process are required to attend.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all our employees. DCAS is committed to preventing all improper discrimination by ensuring that all employees are aware of their rights and obligations under the City's EEOP, and by fostering a cooperative work environment that reflects appreciation for the diversity reflected in our staff.

The "About EEO: *What You May Not Know*" booklet and Addendum, which is distributed to all agency employees, provides information concerning your right to work in a professional environment, free of bigotry and biases, and your obligation to help maintain such an environment.

In addition please remember that you can obtain a copy of the **"About EEO: *What You May Not Know*"** booklet electronically, by accessing the DCAS intranet at http://www.nyc.gov/html/dcas/downloads/pdf/misc/abouteeo.pdf. If you do not have access to a computer at your worksite and should need a printed copy of the booklet, please contact the DCAS EEO Officer, Norma Martin, at (212) 669-8645.

I would also like to take this opportunity to remind you of the following:

Amy Hebert, Acting Director of Human Resources, is the agency's Career Counselor and will provide career counseling to those employees who request it. Her office is located on the 17th Floor of One Centre Street and her telephone number is (212) 669-4434. Employees interested in receiving career counseling should schedule an appointment to meet with Amy.

Michael Slutsky, Director of Labor Relations, is the agency's 55-a Coordinator and will provide information concerning the 55-a Program to employees who request it. His office is located on the 17th Floor of One Centre Street and his telephone number is (212) 669-3739. Employees interested in obtaining information about the 55-a Program should schedule an appointment to meet with Michael.

Finally, I encourage all personnel to avail themselves of the resources available within DCAS and to contact the following agency EEO Representatives if they should have any questions regarding the City's EEO Policy or if they wish to file a complaint or report suspected discrimination:

Norma Martin, DCAS EEO Officer
Municipal Building, One Centre Street, 15th Floor
Telephone (212) 669-8645 Fax: (212) 313-3068 (TDD/TTY) (212) 669-4898

EEO Representatives
Preston Baker
DCAS Central Storehouse
66-26 Metropolitan Avenue
Middle Village, NY 11379
(718) 417-2117

Helen Pickett
Municipal Building, One Centre Street, 20th Floor
(212) 669-4179

Rosa Polanco
Municipal Building, One Centre Street, 16th Floor
(212) 669-4228

c: John Castellaneta
Ilene Lees
Norma Martin
Amy Hebert
Michael Slutsky