LANDMARKS PRESERVATION COMMISSION

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

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
40 Rector Street, 14th Floor, New York, New York 10006
Telephone: (212) 788-8646 Fax: (212) 788-8652

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

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

July 16, 2009

Robert B. Tierney, Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, NY 10007

Re: Resolution #09/09–136C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Landmarks Preservation Commission's (LPC) Equal Employment Opportunity Program (EEOP) from July 1, 2005 to June 30, 2007.

Dear Chairperson Tierney:

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 Landmarks Preservation Commission (LPC) for a period not to exceed six months. The compliance period was December 2008 through May 2009. The LPC's Final Compliance Report was submitted on June 1, 2009.

The goal of monitoring was to determine if the LPC implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from July 1, 2005 to June 30, 2007.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Compliance Summary Report for Commission review. This Commission has determined that the LPC 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 Landmarks Preservation Commission 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 Lily Fan for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,

Cesar A. Perez, Esq.
Chair

C: Lily Fan, EEO Officer

EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Landmarks Preservation Commission

Agency Head: Robert B. Tierney, Chair

EEO Officer: Lily Fan

Audit period: July 1, 2005 – June 30, 2007

Agency Census as of December 31, 2007: 62

Preliminary Determination Letter:	*June 19, 2008*
Agency Response Letter:	*July 15, 2008*
Final Determination Letter:	*August 6, 2008*
Compliance Initiated:	*November 2008*
Compliance Completed:	*June 2009*
Covering Months:	*December 2008 – May 2009*

Date: July 16, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Landmarks Preservation Commission (LPC) with the City's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007, the EEPC initiated Audit Compliance with the LPC in November 2008. The LPC's final Monthly Compliance Report was submitted on June 1, 2009.

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

1. **The agency head should issue and distribute a general EEO policy statement or memo to all employees. This document, to be sent as a payroll distribution, should be based on the Mayor's January 31, 2005 policy statement and the model agency head statement that is posted in the DCAS "about EEO" website. (March 2, 2205 memo from the DCAS Assistant Commissioner Jyll Townes to mayoral agency EEO officers, and Sect. VB of the EEOP)**

   The LPC distributed an EEO Policy statement memo to employees on May 16, 2008. A copy of the memo was submitted with the LPC's first monthly report.

   This action was completed in December 2008.

2. **The general EEO policy statement or memo should be posted on the agency bulletin boards. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to mayoral agency EEO officers, and Sect. VB of the EEOP)**

   The LPC posted the policy statement, Citywide EEO Handbook, and EEO related posters on the agency bulletin board. A photo of the bulletin board was submitted with the LPC's first monthly report.

   This action was completed in December 2008.

3. **The male EEO counselor should be authorized to investigate internal discrimination complaints. (Sect. VB, EEOP)**

   The LPC appointed a male EEO counselor who is authorized to investigate EEO complaints. A memo dated February 23, 2009, notifying staff of his appointment was submitted in the LPC's second monthly report.

   This action was completed in February 2009.

4. **The current EEO officer should meet with the EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, EEOP)**

   The EEO officer and counselors meet each quarter to discuss EEO issues. A copy of a memo from the EEO officer to the EEO file indicating that she meets regularly with the EEO counselors was submitted with the LPC's second monthly report.

   This action was completed in January 2009.

5. **All internal discrimination complaint files should include a Discrimination Complaint Intake Form completed by the complainant or the EEO investigator. (DCAS, DCPIG, sect. 12a)**

   In a memo dated January 5, 2009 to supervisors, the LPC's Commissioner indicated the enhancements and updates to the discrimination complaint investigation procedure. A copy of a completed complaint intake form was submitted in the first monthly report.

   This action was completed in January 2009.

6. **The confidential written report should be issued within 90 days of the date the discrimination complaint was filed. In rare circumstances where the confidential written report cannot be issued within 90 days, the agency should send the complainant and respondent(s) a Delay Notification Letter. (DCAS, DCPIG, April 2, 1996 amendment)**

In a memo dated January 5, 2009 to supervisory and EEO staff, the LPC's chairperson indicated the enhancements and updates to the discrimination complaint investigation procedure, which includes this provision. A copy of the Commissioner's memo of commitment was provided in the LPC's second monthly report.

This action was completed in January 2009.

7. **All confidential written reports should be prepared in the format required by the DCPIG, sect. 12b.**

   In a memo dated January 5, 2009 to supervisory and EEO staff, the LPC's chairperson indicated the enhancements and updates to the discrimination complaint investigation procedure, which includes this provision. A copy of the Commissioner's memo of commitment was provided in the LPC's second monthly report.

   This action was completed in January 2009.

8. **The agency head must sign each confidential written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (DCPIG, sect. 12b)**

   In a memo dated January 5, 2009 to supervisory and EEO staff, the LPC's chairperson indicated the enhancements and updates to the discrimination complaint investigation procedure, which includes this provision. A copy of the Commissioner's memo of commitment was provided in the LPC's second monthly report.

   This action was completed in January 2009.

9. **After review of the confidential written report by the agency head, the EEO officer shall inform all parties in writing of the outcome of the investigation. (DCPIG, sect. 12b)**

   In a memo dated January 5, 2009 to supervisory and EEO staff, the LPC's chairperson indicated the enhancements and updates to the discrimination complaint investigation procedure, which includes this provision. A copy of the Commissioner's memo of commitment was provided in the LPC's second monthly report.

   This action was completed in January 2009.

10. **The LPC should follow-up on its pledge and use the DCAS on-line EEO training program or, if that program is not issued in the near future, develop a manual program that includes a timetable to provide EEO training for those employees who have not received it. (Sect. IV, EEOP)**

The LPC hired a consultant who provided EEO training for the LPC staff on June 18, 2008. A copy of the attendance sheets of the training was provided in the LPC's first monthly report.

This action was accepted in December 2008.

11. **Since the LPC's workforce continues to show persistent underutilization of African Americans and intermittent underutilization of Hispanics in the landmarks preservationist title, the agency head should direct the director of administration to acquire and use *Making the Most of New York City's Recruitment Resources* (2004), compiled by the DCAS and posted on its webpage.**

The LPC acquired and made use of *Making the Most of New York City's Recruitment Resources (2004)*, compiled by the DCAS. In addition, the LPC sends out job opening information for preservationist positions to every school in the country that has a historic preservation program and a national preservation website, among other outreach efforts. The LPC committed to post future openings on websites for Historically Black Colleges and Universities and the Organization for Hispanic Professionals. A list of preservation institutions and organizations that the LPC utilizes was provided in the second monthly report.

This action was accepted in January 2009.

12. **The LPC should follow-up on its pledge to ensure that all employees involved in the job interviewing process receive structured interview training provided by the DCAS or another appropriate organization. (Sect. IV, EEOP)**

The LPC provided structured interview training to the appropriate employees on May 29, 2009. A copy of the attendance sheet was provided in the final report.

This action was completed in May 2009.

13. **Since the EEOP requires that city agencies 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 LPC should conduct adverse impact studies. (Sect. IV, EEOP)**

The LPC conducted an adverse impact study on the selection of four job titles including director of operations, landmarks preservationist, special assistant to the executive director and office associate. The study determined that adverse impact was not found in the rate of female and disabled applicants selected. A copy of the adverse impact report was submitted with the final report.

This action was completed in May 2009.

14. **Employees should be notified in writing of the name, location, and telephone number/email address of the career counselor. (Sect. VB, EEOP)**

The LPC notified staff of the name and contact information of the career counselor on May 9, 2008 and February 20, 2009 by memo. A copy of the memos was provided.

This action was completed in February 2009.

15. **The LPC should follow-up on its pledge and conduct performance evaluations for all managerial employees. (DCAS, Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p.1.)**

The LPC pledged to distribute Tasks and Standards to all staff by July 1, 2009. Starting January 2010, evaluations will be performed.

This action was accepted in May 2009.

16. **LPC should revise its organizational chart to show the reporting arrangement of the EEO officer. (Sect. VB, EEOP)**

The LPC revised its organizational chart. A copy of the chart was provided with the second monthly report.

This action was completed in January 2009.

17. **The agency head should direct the director of administration to include the EEO officer in the development of recruitment strategies and the selection of recruitment media for all vacancies – not just enforcement vacancies. (Sect. IV, EEOP)**

In a February 20, 2009 memo to the Human Resources department, the agency head directed the HR department to include the EEO officer in the development of recruitment strategies, hiring, and the selection of recruitment media for all vacancies. A copy of the memo was provided.

This action was completed in February 2009.

18. **It is the position of the DCAS ("Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eep/pdf/model_pdf) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.**

In a March 9, 2008 memo from the Chair, managers and supervisors were directed to conduct documented meetings to emphasize their commitment to the agency's EEO policies and to affirm the right of each employee to file a discrimination complaint with the EEO office. A copy of the memo was provided in the LPC's first monthly report.

This action was accepted in March 2008.

19. **The LPC should continue to consult with the union representing preservationists regarding the development of tasks and standards and, after resolution of this issue, develop non-managerial performance evaluations as soon as possible. These evaluations are required by the Personnel Rules and Regulations of the City of New York, Rule 7.5.4 (e).**

    The LPC pledged to distribute Tasks and Standards to all staff by July 1, 2009. Starting January 2010, evaluations will be performed.

    This action was accepted in May 2009.

20. **The agency head should disseminate an agency-wide memorandum informing staff about the changes that are being implemented in the LPC's EEO program pursuant to the audit and reemphasizing the agency head's commitment to the agency's EEO program.**

    The Chair distributed an agency-wide memo dated April 30, 2009 informing staff about the changes that are being implemented in the LPC's EEO program and reemphasizing his commitment to the agency's EEO program. A copy of the memo was provided in the final report, and is attached to this Summary.

    This action was completed in April 2009.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner Robert B. Tierney, informing him that the Landmarks Preservation Commission has implemented all of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,

Adrianne Smith
EEO Auditor/Compliance Officer

Judith García Quiñonez, Esq.
Counsel/Compliance Director

Abraham May, Jr.
Executive Director

Attachment

The New York City Landmarks Preservation Commission

1 Centre Street, 9th Floor North New York NY 10007 TEL: 212-669-7888 FAX: 212-669-7955
www.nyc.gov/landmarks

Robert B. Tierney
Chair

TO: Equal Employment Practices Commission

FROM: Robert B. Tierney, Chair

DATE: June 1, 2009

RE: Final Monthly Report

As the Chair of the Landmarks Preservation Commission, I reaffirm this agency's strong and continuing commitment to maintaining fair employment practices for all its employees and job applicants. In cooperation with the EEPC we have implemented some enhancements and updates recommended by the commission pursuant to the current audit.

I am happy to conclude that we have met all the recommendations of the audit.

Thanks to both the DCAS EEO and the EEPC, managing staff have completed the EEO computer based training and structured interview training, to ensure that both day to day operations are EEO compliant as well as the interview and hiring process.

Thank you to all your staff for making this auditing process a smooth and productive period