

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/24-030: Preliminary Determination Pursuant to the Audit of the Department of City Planning's (DCP) Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of City Planning's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Department of City Planning's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The DCP has not sufficiently expanded its recruitment efforts to address underutilization of certain "protected groups" in seven job groups. (Sect. IV, EEOP)
2. The agency did not 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. (Sect. IV, EEOP)
3. The DCP does not use the citywide managerial employee performance evaluation form. (Sect. IV, EEOP)
4. The DCP's co-EEO officers were not involved in the recruitment process. (Sect. IV, EEOP)

5. Seventy-five percent of the respondents to the EEPC's employee survey indicated they had not received performance evaluations on an annual basis. (Sect. VI(B)(7), EEOP)
6. Sixty-three percent of survey respondents indicated they did not know who is responsible for provide career counseling. (Sect. IV, EEOP)
7. Forty-one percent of survey respondents indicate they had not received EEO training. (Sect. IV, EEOP)

Be It Finally Resolved,

that the Commission authorized the Chair, Ernest F. Hart, Esq., to forward a letter to the Department of City Planning's Director, Amanda M. Burden, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of City Planning will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on July 31, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #09/11-030C: Determination of implementation by the Department of City Planning of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of City Planning's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Department of City Planning (DCP), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter July 31, 2008, setting forth its findings and recommended corrective actions; and

Whereas, the DCP submitted its response to EEPC's preliminary determination letter on August 27, 2008; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on September 10, 2008, identifying those recommendations accepted and rejected by the DCP; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DCP for a period not to exceed six months, from December 2008 through May 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of City Planning submitted its Final Compliance Report on June 12, 2009; and

Whereas, the Department of City Planning submitted additional information on June 30 and July 7, 2009; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

Whereas, the members of this Commission have reviewed a Summary Compliance Report prepared by the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Department of City Planning has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

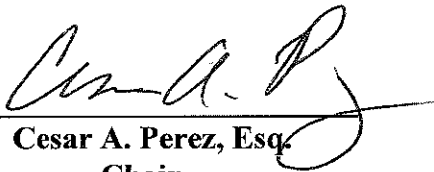
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Director Amanda M. Burden, formally informing her that the Department of City Planning has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 16, 2009.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair



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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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>