

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

RESOLUTION #03/15-136: Preliminary Determination Pursuant to the Audit of the Landmarks Preservation Commission and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2000 to December 31, 2002.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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, the Equal Employment Practices Commission audited the Landmarks Preservation Commission's compliance with the City's Equal Employment Opportunity Policy; 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 Landmarks Preservation Commission (LPC) and its 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 agency's EEO Policies were last distributed to all current employees in June 2001.
2. LPC's Discrimination Complaint Procedure contains out-of-date addresses and telephone numbers for the U.S. Equal Employment Opportunity Commission and the New York State Division of Human Rights.
3. The EEO Officer is unsure if LPC or the Department of Citywide Administrative Services conducted a survey of LPC's facilities to ensure they are accessible to and usable by persons with disabilities.
4. LPC did not provide EEO training to its employees during the audit period.
5. The agency did not conduct adverse impact studies.
6. Agency employees were not notified of the appointment of the Career Counselor.
7. The current EEO Officer did not maintain appropriate documentation of meetings with the

8. The current EEO Officer did not direct supervisors/managers to discuss LPC's EEO Policies with their subordinates.
9. The agency did not conduct performance evaluation of its employees in recent years.

Be It Finally Resolved,


That the Commission authorizes the Vice-Chairman to forward a letter to the Chair of the Landmarks Preservation Commission, Robert B. Tierney, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department for the Aging will take to bring the agency into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on December 11, 2003.

Angela Cabrera
Commissioner

C. Catherine Rimokh, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chairman

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

RESOLUTION #05/02-136PC: Determination of implementation by the Landmarks Preservation Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Landmarks Preservation Commission's Charter-mandated Equal Employment Opportunity Program from July 1, 2000 to December 31, 2002.

Whereas, pursuant to Chapter 36, Sections 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 its audit of the Landmarks Preservation Commission (LPC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 11, 2003 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, LPC submitted its response on February 4, 2004; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on February 20, 2004 identifying those recommendations accepted and rejected by LPC; and

Whereas, in response to EEPC's final determination letter, LPC submitted its response on March 24, 2004; and

Whereas, EEPC issued a response on April 14, 2004 to LPC's March 24, 2004 response; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor LPC for a period not to exceed six months, from May 2004 through October 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, on November 16, 2004 the Landmarks Preservation Commission requested an extension of the compliance period; and

Whereas, the Landmarks Preservation Commission submitted its Final Compliance Report on January 11, 2005; and

Whereas, the Landmarks Preservation Commission implemented nine of ten recommended corrective actions; and

Whereas, the Landmarks Preservation Commission did not implement corrective action number nine, which states: "All staff, managerial and non-managerial, should receive an annual performance evaluation," due to ongoing union negotiations regarding tasks and standards for said evaluations; and

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

Be It Resolved,

that the Landmarks Preservation Commission did not implement and/or submit documentation reflecting the implementation of required action number nine to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Vice-Chair or his designee to forward a letter to the Landmarks Preservation Commissioner, Robert B. Tierney, formally informing him that LPC has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because his office has not implemented all of the recommended corrective actions pursuant to the Commission's audit of compliance by the LPC's with the City's Equal Employment Opportunity Policy; and

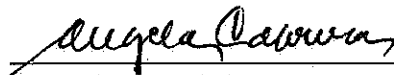
Be It Finally Resolved,

that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of LPC prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on January 19, 2005.

Chereé A. Buggs, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner


Angela Cabrera
Commissioner

John Weiss

From: Robert B. Tierney
Sent: Friday, January 14, 2005 12:44 PM
To: LPC-Staff
Subject: Equal Employment Practices Commission Audit Findings

As most of you know, the Equal Employment Practices Commission, a City Commission whose mandate is to audit City agencies to insure their compliance with equal employment opportunity (EEO) requirements, recently audited the Commission. While most of the Commission's EEO practices were in compliance with our EEO obligations, there were some areas which were not. Since we received the draft audit report, the Commission has corrected all areas, except one, in which we were not in compliance. The following areas of noncompliance have been corrected:

1. the Commission has continued to distribute the LPC EEO policy to all staff with updated information on how to contact the Equal Employment Opportunity Commission and the N.Y.S. Division of Human Rights;
2. DCAS has performed a survey of our offices to confirm that they are accessible to the disabled;
3. EEO training has been provided to the staff;
4. the Commission has petitioned DCAS to conduct an adverse impact study;
5. the staff has been informed that Marion Cleaver is our career counselor;
6. meetings between our EEO officer and me are now better documented, and
7. supervisors have met with staff to reaffirm our agency's commitment to EEO policies.

The only issue raised by the audit which remains open concerns performance evaluations. Because there are continuing negotiations concerning tasks and standards for some of our staff, we have not yet had staff evaluations.

Finally, I would like to take this opportunity to reaffirm my commitment as the Chair of the Commission to the principles and goals of our Equal Employment Opportunity Program.

Please don't hesitate to contact me or John Weiss, our EEO Officer, if you have any questions about the audit or our EEO policies and practices.

cc: Mark Silberman