

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

RESOLUTION #04/05-810: Preliminary Determination Pursuant to the Audit of the Department of Building's Equal Employment Opportunity Program from January 1, 2001 through June 30, 2003.

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, the Equal Employment Practices Commission audited the Department of Building'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 did not provide equal employment opportunity. Now, Therefore,

Be It Resolved,
that pursuant to the audit of the Department of Building'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 agency did not check its bulletin boards to ensure that DOB's EEO Policy remained posted.
2. The agency's EEO Policy was not distributed to all employees on an annual basis.
3. The EEO professional's confidential written report in one internal discrimination complaint file is not signed by the agency head.
4. Two internal discrimination complaint files do not contain discrimination complaint intake forms.
5. One internal discrimination complaint file does not contain a letter informing the respondent of the EEO Office's determination.
6. One internal discrimination complaint file does not contain a letter informing the respondent of the withdrawal of the complaint.

7. One internal discrimination complaint file does not contain the EEO professional's confidential written report regarding the no probable cause determination.
8. The EEO professionals' confidential written reports in several complaint files are not prepared in accordance with the Discrimination Complaint Procedures Implementation Guidelines.
9. The notices to complainants and respondents in several internal discrimination complaint files do not contain the reason(s) for the probable cause or no probable cause determinations.
10. The agency did not provide structured interview training to supervisors and managers during the audit period.
11. The agency did not conduct adverse impact studies.
12. The agency did not notify its employees of the identity of the career counselor.
13. The current EEO Officer did not prepare agendas or keep notes of EEO meetings with the former Deputy Commissioner or the Chief of Staff.
14. The EEO Officer was not involved in developing recruitment strategies or selecting recruitment media.
15. The EEO Officer did not direct supervisors and managers to discuss the agency's EEO policies with their subordinates.
16. Fifty-seven percent of survey respondents and fifty percent of supervisors/managers interviewed by EEPC auditors indicated they had not received sexual harassment prevention training.
17. Fifty-three percent of survey respondents indicated they do not know who is the EEO Officer.
18. The current EEO Officer did not hold regularly scheduled meetings with the EEO Counselors.
19. The former and current EEO Officers did not devote 100% of their time to EEO matters.

Be It Finally Resolved,

that the Commission authorizes the Vice Chair/Commissioner to forward a letter to Commissioner Patricia J. Lancaster 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 Buildings will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on May 20, 2004.

Angela Cabrera
Commissioner

Verónica Villanueva, Esq.
Commissioner

A handwritten signature in black ink, appearing to read "Manuel A. Méndez", written over a horizontal line.

Manuel A. Méndez
Vice Chair/Commissioner

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

RESOLUTION #05/05-810C: Determination of implementation by the Department of Buildings of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Buildings' Charter-mandated Equal Employment Opportunity Program from January 1, 2001 to June 30, 2003.

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 Department of Buildings (DOB), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated May 20, 2004 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, DOB submitted its response on July 8, 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 July 30, 2004 identifying those recommendations accepted and rejected by DOB; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor DOB for a period not to exceed six months, from September 2004 through February 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Buildings submitted its fifth and Final Compliance Report on February 24, 2005; 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 Compliance Summary Report, prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,
that the Department of Buildings has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chair to forward a letter to the Commissioner of the Department of Buildings, Patricia J. Lancaster, FAIA, formally informing her that DOB has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 9, 2005.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner

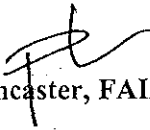

Manuel A. Méndez
Vice-Chair



NYC Department of Buildings
280 Broadway, New York, NY 10007
Patricia Lancaster, FAIA, Commissioner
(212) 566-5000, TTY: (212) 566-4769

MEMORANDUM

TO: All Staff

FROM: Patricia J. Lancaster, FAIA 

DATE: July 24, 2004

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission [EEPC] conducts audits of the Equal Employment Offices [EEO] of all city agencies. The most recent audit of the Department of Buildings Equal Employment Office covered a thirty-month period, ending June 30, 2003.

The EEPC made several recommendations to enhance the EEO practices of DOB. Some of these recommendations include:

- monitoring of agency bulletin boards to ensure the posting of EEO policy statements in DOB sites throughout the city;
- ensuring that structured interview training is provided to all employees involved in interviewing through DCAS;
- having supervisors and managers hold documented meetings with staff emphasizing their commitment to the EEO policies and to reaffirm the right of each employee to file a discrimination complaint with the EEO Office; and
- disseminating written notification of the identity, location, and telephone number of the agency's EEO Officer and EEO Counselors.

I want to reaffirm DOB's strong commitment to maintaining fair employment practices for all employees and job applicants. It is essential that DOB prevents discrimination and ensures that all employees are aware of their rights and obligations under this policy. We should all encourage a work environment that tolerates and appreciates differences among employees and work together to maintain an atmosphere of appreciation for the diversity that is reflected in our staff.

All employees are encouraged to utilize the resources available within DOB and to address any concerns to DOB's EEO Officer, Bernadette Nespole, at (212) 566-3309.

COMMISSIONER'S SIGNATURE

- I HAVE REVIEWED THE EEPF FINDINGS AND AGREE TO THE RECOMMENDATIONS



PATRICIA J. LANCASTER, FAIA
COMMISSIONER

1 July '04
DATE