

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #09/27-810:** Preliminary Determination Pursuant to the Audit of the Department of Building's (DOB) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2007.

**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 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 does not provide equal employment opportunity. Now, Therefore,

**Be It Resolved,**

that pursuant to the audit of the Department of Building's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The restrooms at 210 Joralemon Street, 1932 Arthur Avenue, and 280 Broadway are not currently compliant with ADA regulations; they do not have low sinks or bathroom fixtures. (Sect. VC Citywide EEOP)
2. The internal discrimination complaint file submitted to the EEPC contained handwritten notes. (Sect. VB Citywide EEOP)
3. Although the DOB provided the EEPC a list of newspapers, journals, publications, and websites it used for recruitment purposes, it did not utilize any organizations geared towards individuals with disabilities. (Sect. IV, EEOP)

4. The DOB did not conduct adverse impact studies during the audit period. (Section IV, EEOP).
5. Since 2008, there has been no structured interview training provided to the relevant personnel except training provided to the HR director by the DCAS in August 2009. (Sect. IV, Citywide EEOP)
6. The DOB did not maintain documentation of meetings where its managers/ supervisors reaffirmed their commitment to the Citywide EEOP and discussed the right of employees to file discrimination complaints with the EEO office at least twice a year during normal staff meetings. (DCAS Model Agency EEO Commitment Memo, [http://extranet.dcas.nycnet/eep/pdf/model\\_memo.pdf](http://extranet.dcas.nycnet/eep/pdf/model_memo.pdf), 2005)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Robert LiMandri, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, him response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Building's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.


Approved unanimously on December 10, 2009.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #11/02-810C:** 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, 2006 to December 31, 2007.

**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 Buildings (DOB), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter on December 10, 2009 setting forth its findings and recommended corrective actions; and

**Whereas**, the DOB submitted its response to EEPC's preliminary determination letter on February 22, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on March 3, 2010 identifying those recommendations accepted and rejected by DOB; and

**Whereas**, in response to EEPC's final determination letter, DOB submitted its response on April 9, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOB for a period not to exceed six months, from May 2010 through October 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Department of Buildings submitted its Final Compliance Report on December 20, 2010; and

**Whereas**, the Department of Buildings submitted additional information on February 28, 2011; 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 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 Chapters 35 and 36 of the City Charter.

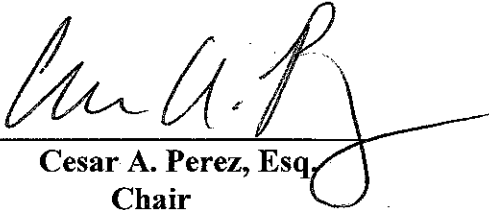
**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Robert D. LiMandri, formally informing him that the Department of Buildings has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 3, 2011.

**Angela Cabrera**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair



Robert D. LiMandri  
Commissioner

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TO: All Staff  
FROM: Robert LiMandri  
DATE: June 22, 2010  
RE: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEOC) recently completed an audit of the Department of Buildings' (DOB) compliance with the City's Equal Employment Opportunity Program. The audit specifically addressed the period from January 1, 2006 through December 31, 2007. The auditors also looked at our current practices and conducted an e-mail survey of our staff to ascertain how effectively the Agency is addressing Equal Employment Opportunity (EEO) issues.

I am pleased to report that the EEOC listed only a few recommendations which the Agency is currently in the process of implementing:

Department of Citywide Administrative Services (DCAS) assessments of facilities occupied by DOB to ensure compliance with City, State, and Federal laws in regards to accessibility for employees and applicants for employment with disabilities.

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

Structured interview training to Agency personnel involved in the recruitment and hiring process.

Managerial and supervisory accountability to emphasize their commitment to the Agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the Agency's EEO Office.

I affirm DOB's commitment to maintaining fair employment practices for all employees and applicants. I encourage everyone to access all available EEO resources within DOB and any concerns you may have should be directed to the EEO Officer, Bernadette Nespole, at (212) 566-3309.