

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/850:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Department of Design and Construction's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

**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 ensure 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 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
2. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use

uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

**Whereas**, the agency submitted its response to the EEPD's Preliminary Determination letter, on May 11, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD considered the agency's response and issued a Final Determination on June 1, 2016 which agreed and indicated that corrective action(s) nos. 1, 2, 3 and 4 require compliance monitoring; and


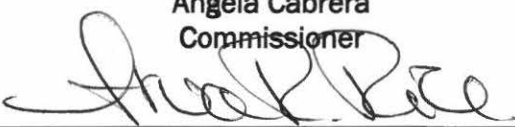
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPD is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and


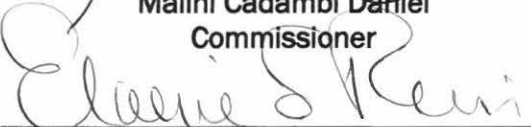
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

**Whereas**, all of the EEPD's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**, that the Commission will forward this Final Determination to Commissioner Feniosky Peña-Mora, of the Department of Design and Construction.

Approved unanimously on June 16, 2016.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner  
  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner  
  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2016/850C-17:** Determination of **Compliance** (Monitoring Period Required) by the Department of Design and Construction with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from July 1, 2012 through December 31, 2015.

**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 ensure 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 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Department of Design and Construction's (DDC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 28, 2016, setting forth findings and the following required corrective actions:

1. 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
2. Advertise in minority- or female-oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates. Submit a continuation plan which includes additional recruitment sources geared toward addressing underutilization in the remaining job groups.
3. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female- oriented publications or contact organizations serving women, minorities, and other protected groups to attract interested persons and to develop and hire interested and qualified candidates.
4. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

**Whereas**, DDC submitted its response to the EEPC's Preliminary Determination letter, on May 11, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on June 1, 2016 which indicated that corrective actions Nos. 1 – 4 require compliance monitoring; and

**Whereas**, DDC submitted its response to the EEPC's Final Determination letter, on July 8, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from June 2016 – October 2016, with no extension of the monitoring period; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, DDC submitted a copy of the agency head's memorandum to staff dated November 7, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

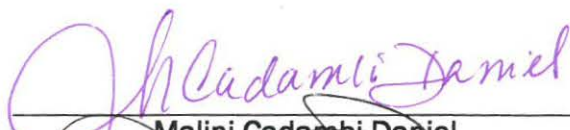
**Be It Resolved**, that the Department of Design and Construction has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

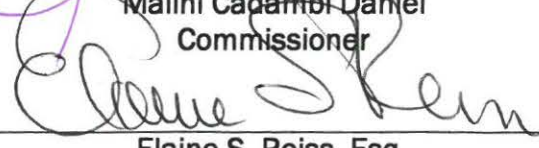
**Be It Resolved**, that the Commission will forward this Final Determination to Commissioner Feniosky Peña-Mora of the Department of Design and Construction.

Approved unanimously on December 15, 2016.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner


  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner





## MEMORANDUM

**TO:** All Employees

**FROM:** Feniosky Peña-Mora 

**DATE:** November 7, 2016

**SUBJECT:** Equal Employment Practices Commission Audit

---

As many of you know, the Equal Employment Practices Commission (EEPC) audits all New York City agencies to determine compliance with the City's Equal Employment Opportunity Policy. The EEPC's most recent audit of the Department of Design and Construction (DDC) covered the period from January 1, 2012 to December 31, 2015. Upon completion of the audit, the EEPC made four recommendations to enhance DDC's Equal Employment Opportunity (EEO) practices.

The EEPC's recommendations include:

- Reviewing the competencies, skills and abilities presented in job vacancy notices to ensure that standards and requirements are job related and required by business necessity.
- Ensuring that personnel involved in recruiting and hiring are trained to consider uniform, structured interviewing techniques to identify, interview and select the most qualified candidates.
- Advertising in diverse publications to attract interested and qualified candidates in underutilized job groups.
- Ensuring assessment of the manner in which candidates are selected for employment to determine if there is adverse impact upon any particular group.

As Commissioner, I want to re-affirm DDC's commitment to maintaining a workplace that fosters equity and opportunity. Employees are encouraged to utilize the agency's resolution resources and to address equal employment opportunity related concerns with DDC's Office of EEO.

As a reminder, Dalela Harrison is our Agency EEO Officer. She also serves as the agency's Disability Rights Coordinator. She is located here, at 30-30 Thomson Ave, on the 4<sup>th</sup> floor and can be reached by telephone at (718) 391-1776 and by email at [Harrisoda@ddc.nyc.gov](mailto:Harrisoda@ddc.nyc.gov) or [DDCEEEO@ddc.nyc.gov](mailto:DDCEEEO@ddc.nyc.gov).