# OFFICE OF AUDIT AND CONTROL
City of Albany

# Equity Audit of the City of Albany

**December 2023**

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# EXECUTIVE SUMMARY

**Background**

Equity, often confused with equality, can be operationalized at the municipal level as the distribution of municipal resources based on need instead of uniformity. Furthermore, equity can also be operationalized by creating access to resources, opportunities and privileges for all constituencies while taking into consideration current and historical barriers to access due to racist and discriminatory policies and practices. To underscore the importance of equity at the municipal level, the City of Albany (City) has prioritized equity through the creation of an Equity Agenda.

The City's Equity Agenda, initiated by the current administration, is referred to as, "…the philosophy guiding the City of Albany's decisions and is built on the principles of accessibility and inclusion, with a focus on initiatives addressing economic, racial, and social inequality, especially in neighborhoods that have been historically marginalized (City of Albany, 2018)." In addition to the City's overarching Equity Agenda philosophy and related initiatives, The Albany Common Council passed the Equity Agenda legislation in 2019. This legislation implements aspects of the Equity Agenda's philosophy. Despite both Agendas being developed by separate branches of government, they share a common goal and are intended to work in tandem to inform the creation and implementation of City policies and practices.

Since 2017, the administration's proposed and adopted budgets have referenced its Equity Agenda and its related funding priorities. For example, in the 2020 budget, the Mayor's letter referenced "Revitalizing Our City's Infrastructure with a Focus on Equity" and in the 2021 budget there is a reference to "Doubling Down on Equity." In the 2022 budget, there is reference to "An Albany for All-Powered by Pride and Potential." The 2022 budget further details the awarding of $25 million from President Biden's American Rescue Plan Act directed at neighborhoods with the highest needs.

While the administration has prioritized equity and made progress, there are still concerns and complaints that have been expressed by residents, elected officials and employees about inequitable access to City resources and opportunities. As a result, the Office of Audit and Control (OAC) conducted an equity audit of the City to identify potential institutional policies and practices that may produce disparate trends that affect the following constituencies: employees, residents, and current and prospective contractors and vendors. For each of these stakeholders, this audit examined equitable access and inclusion, treatment, opportunities and resources.

**Objectives and Methodology**

The audit was designed to achieve the following:
- Assess compliance with existing equity related policies
- Collect and analyze data related to hiring and promotion rates, Minority and Women-Owned Business Enterprise (MWBE) and Americans with Disabilities Act (ADA) compliance, allocations of city resources and services, and granting of permits

- Examine internal operations, culture, policies and practices to detect the presence of systemic inequities
- Provide recommendations for reforms that eliminate systemic inequities in priority areas

Our audit included data collection and analysis using interviews with City department leadership, a survey disseminated among City employees and document review of legislation, contracts, permits applications, Equity Agenda and MWBE Reports and ADA compliant forms.
Based on OAC's review of policy, procedures and practices, as well as data provided by City Departments, our key findings included:

**Findings**

- There were inequities in street and sidewalk reconstructions/enhancements in 2019 and 2020. Wards with higher rated (better quality) streets were proposed to receive reconstruction/enhancement over wards with lower rated streets.
- The establishment of the Violence Prevention Task Force, as required by Section 183-2(B)(1) of the Equity Agenda Ordinance, was delayed by one year.
- The administration did not include a separate budget line titled "Prevention Task Force Funding" in the City's 2020, 2021 or 2022 annual budget per Section 183-2(B)(2) of the Equity Agenda Ordinance. As a result, there were no funds allocated to the Task Force for those years.
- At the ward level, there are racial disparities in approvals of residential, commercial, and other permit applications.
- Permit applications are only available in English creating language access barriers for non-English speaking applicants.
- There is no formal policy or process for discontinuing and disqualifying contractors who violate MWBE policies and performance agreements.
- The City does not have a robust and proactive MWBE recruitment plan. Many of the events the City currently frequents to recruit MWBEs may not always have significant MWBE representation. As a result the City may be missing opportunities to connect with prospective vendors.
- The majority of employees expressed some level of agreement that everyone in their office/department receives fair treatment, regardless of gender, race, ethnicity, or any other differentiator.
- The majority of employees expressed some level of agreement that leadership in their department creates a culture in which there is transparency to how decisions are made.
- There were age disparities in hiring. Individuals in the 25 to 34 age group were hired at the highest rate annually.
- Overall when looking at the City's hiring, there were minimal racial disparities detected. However, racial disparities in hiring do exist at the department level.
- There were racial disparities among those in leadership positions. On average, 74% of the leadership positions were held by white employees.
- There were gender disparities among those in leadership positions. On average, 73% of leadership positions were held by male employees.

- During the audit period, the City did not have a database that recorded and tracked complaints, investigations and disciplinary actions. As a result, the administration and OAC had limited data to assess.
- There were gender disparities in complaints filed. Among 25 cases, 23 of the complaints were filed by males
- There were racial disparities in complaints filed. Among 25 cases, 16 of the complaints were filed by African Americans.
- There were racial disparities in attrition. The majority of employees (71%) that departed City service were White.
- There were socioeconomic disparities in attrition. The majority of employees (41%) that departed City service were within the $25,000-$45,000 salary range.
- The City's ADA transition plan for all city-owned properties (e.g. building, recreational spaces, etc.) is outdated. The plan was last updated in the 1990s.
- Seventy percent of city-owned properties are partially compliant with the ADA, and the remaining 30% are non-compliant.
- Only 26% of pedestrian signals accommodate both visual and audible impairments. Among the other pedestrian signals either the visually impaired or hearing impaired would have restricted accessibility.

# BACKGROUND

On February 1, 2022, The Office of Audit and Control (OAC) submitted a Letter of Engagement to notify the administration of its intent to conduct an equity audit of the City of Albany for the period of January 1, 2011 to December 31, 2021. Equity related concerns and inquiries shared with OAC by residents, employees, and elected officials serve as the impetus for this audit. There has not been an independent and comprehensive audit evaluating the success or lack thereof of the City's equity goals to date.

The murder of George Floyd in May of 2020 served as the catalyst that sparked an unprecedented focus on equity, diversity and inclusion nationally in policies and practices in the private and public sectors. Examples of these changes have included the investment of millions of dollars into campaigns and other initiatives that seek to prioritize and address inequities experienced by black and brown communities in areas ranging from criminal justice reform to homeownership. In the City of Albany (City), this prioritization predates the murder of George Floyd. Equity has been a focus of the current administration and members of the Common Council. Specifically, in 2014, The City's mayor established an Equity Agenda Committee to help advise the Administration on executing an equity agenda. In 2019, the Common Council passed the Equity Agenda legislation. A component of the legislation requires the Administration to track equity specific goals over time and publish a report on the City's progress towards achieving equity with regards to specific quality of life issues. The annual report seeks to measure the collective actions and policies in the following areas: 1) built environment enhancements; 2) violence prevention; 3) workforce training and employment; and 4) education.

This audit seeks to assess the City's progress in achieving equity in the aforementioned quality of life areas, allocation of city resources and in the workplace. This audit will accomplish this by identifying potential institutional policies and practices that may produce disparate trends that affect residents, employees and current and prospective contractors and vendors.

**Objective**

The audit intends to achieve the following:

- Assess compliance with existing equity related policies
- Collect and analyze data related to hiring and promotion rates, Minority and Women-Owned Business Enterprise (MWBE) and Americans with Disabilities Act (ADA) compliance, allocation of City resources and services, and granting of permits
- Examine internal operations, culture, policies and practices to detect the presence of systemic inequities
- Provide recommendations for reforms that eliminate systemic inequities in the following priority areas
    - Hiring rates
    - Promotion rates

- o   Organizational leadership
- o   Allocation of City resources and services
- o   Permits
- o   MWBE compliance
- o   ADA compliance

**Scope**

This audit encompassed the time period of January 1, 2011 through December 31, 2021.

**Methodology**

OAC completed the equity audit using a multi-method assessment design, including policy and document review, interviews, and data analysis. These methods are further clarified in the sections below.

*Document Review*

OAC reviewed documents related to the priority areas identified in the audit's objectives.  Equity agenda legislation that was passed by the Common Council and the annual equity agenda reports were analyzed to help OAC gauge where the City stands in comparison to its equity goals. To supplement quantitative data collected, OAC also reviewed documents such as the annual MWBE reports, City's General Code Chapter 48, Article III Omnibus Human Rights Law, the City's Policy and Procedure manual, and the Municipal Civil Service Rules manual.

*Interviews*

To develop a baseline understanding of typical daily operations within the departments, interviews were scheduled with respective department heads. To identify which departments were interviewed, OAC reviewed the priority areas of the audit and in collaboration with the administration, determined which departments were predominately responsible for those areas. For example, since the Department of  Buildings and Regulatory Compliance (BRC) is responsible for reviewing permit applications and issuing City permits, they were interviewed regarding their role in that priority area. Additionally, we met with the Department of Administrative Services (DAS), Corporation Council, City Clerk's Office, and the Compliance Coordinator.

*Quantitative and Qualitative Data*

After meeting with staff from the departments identified in the interviews' section, OAC formally requested data related to hiring and promotion rates, Minority and Women-Owned Business Enterprise (MWBE) and Americans with Disabilities Act (ADA) compliance, allocation of city resources and services, granting of permits and awarding of contracts. Within each priority area, OAC also requested data be broken up by demographics, i.e., race, sex, age, education, and other socioeconomic factors. For example, we asked DAS, "How many individuals were hired for full-time employment with the City during the audit period? Additionally, please provide data broken down by year, sex, race/ethnicity, age, disability status, education, position title, and salary."

To examine the City's culture and informal practices, OAC developed and disseminated a confidential eight question survey. The survey was disseminated to City employees. To eliminate barriers to completion, the survey was made available on a variety of platforms, including: 1) kiosks at several department locations, 2) computer stations located in the HR department, 3) smartphone using link or QR code on flyers, and 4) work or personal computer. Furthermore, the deadline for completing the survey was extended an additional month to allow as many employees to share their input.

# EQUITY AGENDA

**Overview**

In 2014, the Mayor's office established an Equity Agenda Advisory Committee to help advise the City's administration on executing an Equity Agenda. Several years later, the Common Council passed Ordinance #35.101.19 with the goal of focusing on achieving equity across all communities and ending the injustices caused by institutional and systemic racism and discrimination. This legislation also serves to operationalize components of the administration's Equity Agenda. A component of the legislation requires the administration to track equity specific goals over time and publish a report on the City's progress towards achieving equity with regard to specific quality of life issues. The annual report seeks to measure the collective actions and policies in the following areas:

- Equitable Budgeting (Built Environment Enhancements and Violence Prevention)
- Measuring and Monitoring the Campaign for Equity
- Employee Racial Equity Training

In this section, we assessed the City's compliance with the Equity Agenda Ordinance for the years 2019, 2020, and 2021.

**Equitable Budgeting**

> *Section 183-2(A)(1) of the Equity Agenda requires the City's Department of General Services (DGS) and Division of Engineering (Engineering) to provide a ward map identifying the rating of each street at the same time the annual proposed list of street and sidewalk reconstructions or enhancements is submitted to the Common Council. Streets are rated on a scale of one to ten. To achieve parity, wards with a disproportionate percentage of streets rated three or lower must be prioritized. DGS is also required to keep an electronic record of requests made for the enhancement of existing streets and sidewalks and the installment of new sidewalks and walking paths.*

According to the 2019, 2020 and 2021 Equity Audit Reports (EARs), the administration was partially compliant with Section 183-2(A) (1). While DGS and Engineering provided ward maps identifying the ratings of each street, and kept electronic records of requests made on the City's

SeeClickFix platform, the EARs were missing the departments' annual proposed list of streets and sidewalk reconstructions or enhancements. However, according to DGS, their proposed list of street and sidewalk reconstructions or enhancements for 2019, 2020 and 2021 were submitted to the common council and a copy of the documents can be found on Appendix D.

Regarding equity-based enhancements, the data showed inequity in streets and sidewalk reconstructions/enhancements in 2019 and 2020. Wards with higher rated (better quality) streets were proposed to receive reconstruction/enhancement over wards with lower rated streets. In 2019, 47% of the total mileage proposed for enhancements and installations were in wards with majority of their street mileage rated above eight and 20% were in wards that had the majority of their street mileage rated below five. In 2020, 58% of the total mileage proposed for enhancements and installations were in wards with majority of their street mileage rated above eight and 5% were in wards with majority of their street mileage rated below five. Parity was achieved in 2021 - approximately 72% of the total mileage proposed for enhancements and installations were in wards that had the majority of their street mileage rated below five. Table 1 displays the percent of streets that were proposed for enhancements based on their street ratings.

**Table 1: Selection of City of Albany Street Enhancements based on Street Ratings (1-10)**

| Audit Year | Wards Selected with Majority Streets Rating 5 and Below (Poor) | Wards Selected with Majority Streets Rating 6 (Fair) | Wards Selected with Majority Streets Rating Above 7 (Good to Excellent) |
|---|---|---|---|
| **2019** | 20% | 33% | 47% |
| **2020** | 5% | 37% | 58% |
| **2021** | 72% | 16% | 12% |

*Section 183-2(A)(2) of the Equity Agenda requires investment in parks be based on equity measured based on data retrieved from a city-wide parks assets map to be developed by the City's Department of Recreation (Recreation), Department of General Services (DGS), and the Albany Water Department (AWD) and submitted annually to the Common Council before September 1st. The City-wide asset map should include, at a minimum: the location and name of each City-owned Park; the size of each park; the recreation equipment (including splash pads) in each park including the age of the equipment, the designed age range for children using the equipment, and the ADA access to such equipment; the number and condition of any court services; the existence and condition of any restroom facilities and water fountains; the existence and condition of benches, picnic tables, chess tables and other such surfaces; the overall condition of the grounds (including hardscape) of the park.*

According to the 2019, 2020 and 2021 EARs, the administration was partially compliant with Section 183-2(A) (2). Recreation, DGS and AWD successfully submitted city-wide parks' assets maps with all of the mandated information, however there were investments made that weren't equity based. In 2020 and 2021, all of the parks chosen for capital projects had assets that were reported as in "fair" or "good" condition with the exception of one park which had an asset reported as "replace." There were seven parks with one or more assets in "replace" condition that did not receive capital investment in either of the years. According to Recreation, multiple

factors are taken into consideration when making decisions about park enhancements, such as, user-ship, community need and community participation.

> *Section 183-2(A)(3) of the Equity Agenda requires the City's Planning Department to conduct an annual assessment of lighting to ensure streets, alleyways and parks are adequately illuminated.*

According to the 2019, 2020 and 2021 EARs, the administration was compliant with Section 183-2(A) (3). The Planning Department conducted an annual assessment of lighting to ensure streets, alleyways and parks were adequately illuminated. Furthermore, they have a streetlight asset management system which monitors the City's streetlight network remotely on an ongoing basis.

> *Section 183-2(A)(4) of the Equity Agenda requires the Department of General Services (DGS) to assess if trash receptacles are evenly distributed throughout wards in commercial zones and placed in areas of high activity.*

According to the 2019, 2020 and 2021 EARs, the administration was partially compliant with Section 183-2(A) (4). Although DGS submitted annual maps and charts showing the location of trash receptacles within the City, DGS did not assess whether trash receptacles were evenly distributed throughout wards in commercial zones and placed in areas of high activity.

> *Section 183-2(A) (5) of the Equity Agenda requires capital improvements in wards that have received zero or a limited number of capital project funds be prioritized. Proposed qualified capital improvements (other than capital projects required at the City of Albany Landfill) should be accompanied with the name of previous capital projects completed by ward in a four year period and submitted annually to the Common Council. The selection of wards for capital projects must take into account the time period of the last capital project proposed or completed in the ward and the need for built environment enhancements.*

According to the 2019, 2020 and 2021 EARs, the administration was compliant with Section 183-2(A) (5). The City submitted their proposed qualified capital improvements in the requested format to the Common Council.

> *Section 183-2(B)(1) of the Equity Agenda requires the Albany Common Council's Public Safety Committee to establish a Violence Prevention Task Force tasked with the responsibility to convene stakeholders every fall to develop action items in preparation for the upcoming summer in anticipation of an uptick in violence. The members of the Task Force should include the Albany Common Council's Public Safety Committee, community members from wards disproportionately impacted by violence, at least one youth representative, representatives from the Albany Police Department, the Mayor's office, the Albany City School District, clergy and members from violence prevention-related organizations.*

According to the 2019, 2020 and 2021 EARs, the Common Council was not compliant with Section 183-2(B) (1) in 2019. In 2020 and 2021 the requirements in the section were partially met. While the Common Council's Public Safety Committee put out a call for a Violence Prevention Task Force in September 2020, the Task Force was not established until January

2021. The delay was as a result of a lack of applications from youth and clergy representatives. Furthermore, action items were not developed until Spring of 2022.

> *Section 183-2(B)(2) of the Equity Agenda requires annual funding to violence prevention programming and initiatives in wards with the highest incidence and prevalence of violence within the City's annual budget under a separate budget line titled prevention task force funding. Allocations will be prioritized based on a community participatory budgeting process with involvement from the Violence Prevention Task Force.*

According to the 2019, 2020 and 2021 EARs, the administration was not compliant with Section 183-2(B)(2). The administration did not include a separate budget line titled "Prevention Task Force Funding" in the 2020 and 2021 annual budget. While a budget line was not created, the Task Force did receive funding in 2022 for 2023 through the Common Council. A Task Force representative explained "The Common Council, on behalf of the Violence Prevention Task Force, called for funding via its 2021 Budget Intent Memo (Resolution 81.102.21R) with the following statement: The Council notes that for a second year in a row, the proposed budget fails to include a budget line as required by §182-2(B) (1) or to outline a community participatory budgeting process for these funds. While it is understood that the Violence Prevention Task Force is meeting, we note that the requirements of sec. 183-2(B) (1) are separate from the work of the Task Force. We strongly recommend the Mayor note this in her introductory letter and provide a discrete allocation of funding that will be directed or re-directed to this initiative as required by the Equity Agenda ordinance. Additionally, it's important that a community participatory process for the allocation of these funds be developed which is inclusive and transparent." Although outside of the audit scope, we want to note funding was granted for the first time in the 2022 City budget for the 2023 calendar year. It is important to note, while the Task Force received $50,000, a community participatory budget process was not implemented.

> *Section 183-3 of the Equity Agenda requires the Albany Community Development Agency take special care to ensure that the Community Development Block Grant funding (CDBG) funds be prioritized for organizations that serve historically disadvantaged communities due to racism and discrimination including African Americans, Latinos and Native Americans. The CDBG funds are received annually form the U.S. Department of Housing and Urban Development (HUD).*

According to the 2019, 2020 and 2021 EARs, the administration was compliant with Section 183-3. Based on the review of a list of organizations and their respective funding allocation, provided by The Albany Community Development Agency, priority was given to organizations that serve historically disadvantaged communities.

**Measuring and Monitoring the Campaign for Equity**

> *Section 183-3 (A) of the Equity Agenda requires the City's Commission on Human Rights (CHR) to review and enhance the City's Equity Agenda and provide recommendations that include city wide initiatives and policies to ensure equitable growth among the following key indicators of success: education, economic development, health, housing, jobs, criminal justice, the built environment, service equity, and arts and culture.*

We were unable to determine if the administration was compliant with Section 183-3(A) for years 2019, 2020 and 2021. There was no mention of CHR's review or enhancement of the Equity Agenda in the EARs, nor on the CHR or City's website and/or platforms. When we contacted the CHR's Chief Diversity Officer (CDO) to inquire, the CDO explained they were recently appointed in 2023 and unable to provide any insight on the matter. Therefore, the inquiry was forwarded to remaining members of the CHR.

> *Section 183-3 (B) of the Equity Agenda requires the Mayor's Office and the Department of Administrative Services (DAS) to develop and implement a communications strategy city-wide to promote summer jobs, job fairs, workforce development training centers and information about Civil Service testing to residents. The communications strategy should be implemented with an emphasis on minority majority wards, low-income communities, and communities with disproportionate crime rates and vacant buildings. The communications strategy must be submitted to the Commission on Human Rights (CHR) for enhancements and recommendations.*

According to DAS, the administration was fully compliant with Section 183-3 (B). In 2019, 2020 and 2021 DAS stated the communication strategy they developed and implemented entailed "meeting multiple times per month to discuss communications on job opportunities, civil service exams, summer youth employment, etc." and promoting job opportunities via job fairs. DAS submitted a list of job fairs as part of their annual report to CHR in 2019, 2020 and 2021. Although, a formal written communication strategy was not provided to CHR, DAS stated they verbally conveyed their communication strategy with CHR during meetings. DAS also stated they have since developed strategy documents for upcoming years.

> *Section 183-3 (C) of the Equity Agenda requires the CHR to conduct an annual forum to encourage dialogue on race, equity and inclusion for the City's communities. Funds for this forum should be part of the Mayor's Rotunda Evening Series made available through an administrative contractual expenditure line in the City's annual budget.*

We were unable to determine if the administration was compliant with Section 183-3(C) for years 2019, 2020 and 2021. We reached out to CHR's Chief Diversity Officer (CDO) to inquire if the CHR conducted an annual forum to encourage dialogue on race, equity and inclusion for the City's communities and if funds were made available. The CDO explained they were recently appointed in 2023 and unable to provide any insight on the matter. Therefore, the inquiry was forwarded to remaining members of the CHR.

> *Section 183-3 (D) of the Equity Agenda requires the Commission on Human Rights (CHR), in partnership with the Department of Administrative Services (DAS), to track outcomes of the agenda's goals and publish an annual report, no later than September 21st, on the City's progress towards achieving equity.*

According to the 2019, 2020 and 2021 EARs, the administration was partially compliant with Section 183-3(D). While the administration published annual EARs, the reports did not clearly track if the goals outlined in the equity agenda were being met. For example, the EARs did not

clarify if the City complied with section 183-2 (A) (1) and prioritized wards with a disproportionate percentage of streets rated three or lower.

**Employee Racial Training**

> *Section 183-4 of the Equity Agenda tasks, DAS with ensuring all City employees receive annual training on racial equity, diversity and inclusion.*

The administration was fully compliant with Section 183-4. DAS facilitated and administered an Equity, Diversity and Inclusion training through the LinkedIn Learning platform. Employees were given approximately three months to complete the self-paced training at their convenience. Employees who were unable to access a computer during work hours were required to complete the training in-person. According to DAS, 100% of the City workforce completed the training.

# CITY PERMITS

**Overview**

A city permit is a written authorization that allows a resident or business to make upgrades and/or changes to their property. The City's permit process is essential to improving quality of life for residence and business owners. An inequitable permit process can stunt the City's growth and perpetuate the impacts of systemic racism and discrimination, such as, redlining and disinvestments in neighborhoods. On an annual basis, the City reviews approximately 2,000 permit applications. In this section we assess whether permits were issued equitably across the City's 15 wards.

The audit team met with the Department of Buildings and Regulatory Compliance (BRC) to discuss the purpose of the audit and to formally request data for all permit applications received during the audit period. The data shared by BRC did not include demographic identifiers, such as race or gender. Therefore, to assess the equitability of the City's permit process, the demographic data for each ward in which each property was located was used. We identified each wards' race/ethnicity population make-up using the City of Albany's 2022 Reapportionment Commission report which references 2020 census data. To determine which ward a property was located in, an applicant's property address was entered into the City's "Find Your Ward" tool. Please reference Table 2 for demographic data by ward. Wards with a majority people of color (POC) population are coded blue. Wards with a majority white population are coded grey.

Permit applications are submitted to and reviewed by BRC. BRC's purpose is to enforce compliance with local, state and federal laws that safeguard public health and quality of life. They are also responsible for setting standards for construction, sustainable design and efficient (re)development within the community.

Applications received by BRC are reviewed by the department's construction inspectors. Construction inspectors include Senior Building Inspectors, Building Inspectors, Plumbing Inspectors, and the Director and Deputy Director of BRC. Building Inspectors perform reviews of all applications except for roofing and siding permits. If the property is located in a Historic

District, then roofing and siding permits are assigned to a Building Inspector and sent to the Planning Department for the Historic Resources Commission to review. Specialty permits such as plumbing or HVAC are reviewed by the Plumbing Inspector and elevators and electrical are reviewed by the Deputy Director of BRC. Applications are reviewed for conformance with the City of Albany Code (Zoning) and other applicable NYS Codes (Residential Building Code, Building Code, Fire Code, Mechanical Code, National Electric Code, etc.). After an application review is complete, it is either approved or denied. If an application is approved, a permit is issued. If an application is denied, a denial letter is sent to the applicant which includes the code section for the denial and an avenue for appeal (Zoning – Board of Zoning Appeals; State Code – NYS Codes Committee).

**Table 2: City of Albany 2020 Race/Ethnicity Population Percentages by Wards**

|  | Total | White | Black | Hispanic | Asian | American Indian | Pacific Islander | Other | Other Multiple-Race |
|---|---|---|---|---|---|---|---|---|---|
| Ward 1 | 6521 | 28.7% | 42.6% | 18.3% | 6.2% | 0.9% | 0.1% | 0.9% | 2.4% |
| Ward 2 | 7109 | 20.0% | 57.0% | 14.9% | 4.9% | 0.7% | 0.1% | 0.9% | 1.5% |
| Ward 3 | 7199 | 23.0% | 53.5% | 11.3% | 8.0% | 0.8% | 0.1% | 1.4% | 2.0% |
| Ward 4 | 6008 | 22.5% | 58.0% | 12.6% | 3.6% | 0.6% | 0.0% | 0.9% | 1.8% |
| Ward 5 | 7013 | 13.4% | 65.0% | 14.0% | 2.8% | 0.7% | 0.2% | 1.1% | 2.8% |
| Ward 6 | 7008 | 57.2% | 18.4% | 9.4% | 10.8% | 1.1% | 0.1% | 1.6% | 1.5% |
| Ward 7 | 6509 | 42.0% | 29.4% | 14.1% | 10.9% | 0.7% | 0.0% | 1.2% | 1.6% |
| Ward 8 | 6577 | 71.4% | 11.7% | 5.0% | 9.4% | 0.7% | 0.0% | 0.9% | 0.8% |
| Ward 9 | 6570 | 61.8% | 16.7% | 8.8% | 9.6% | 1.0% | 0.0% | 1.3% | 0.9% |
| Ward 10 | 6373 | 50.6% | 23.9% | 12.2% | 9.4% | 0.7% | 0.0% | 2.1% | 1.2% |
| Ward 11 | 6559 | 24.3% | 43.6% | 15.6% | 11.5% | 1.0% | 0.4% | 1.5% | 2.0% |
| Ward 12 | 8000 | 60.4% | 12.9% | 10.7% | 13.6% | 0.6% | 0.1% | 1.2% | 0.7% |
| Ward 13 | 5806 | 58.6% | 18.8% | 8.6% | 8.6% | 0.8% | 0.1% | 4.2% | 0.5% |
| Ward 14 | 6764 | 71.0% | 12.9% | 5.8% | 7.8% | 0.6% | 0.0% | 1.1% | 0.7% |
| Ward 15 | 6126 | 63.4% | 7.8% | 13.3% | 13.6% | 0.6% | 0.0% | 1.0% | 0.3% |
| Total | 100142 | 44.4% | 31.6% | 11.6% | 8.7% | 0.8% | 0.1% | 1.4% | 1.4% |

Source: City of Albany 2022 Reapportionment Commission

Commercial Permits

Commercial properties are real estate used for business activities and include both building and land. Some examples of commercial properties include chain hotels and barbershops. During the audit period, the City received a total of 7,680 commercial permit applications. Among the permit applications received, 6,502 were approved. Please see Table 3 for the total permit applications received and permits approved and the permit approval rate by ward.

**Table 3: City of Albany Commercial Permit Application Submissions and Approvals (2011-2021)**

| Ward | Total Permit Applications | No. Permits Approved | Permit Approval Rate |
|------|---------------------------|----------------------|----------------------|
| Unk.* | 30 | 20 | 66.67% |
| 1 | 199 | 167 | 83.92% |
| 2 | 637 | 472 | 74.10% |
| 3 | 1733 | 1473 | 85.00% |
| 4 | 668 | 575 | 86.08% |
| 5 | 257 | 195 | 75.88% |
| 6 | 1042 | 885 | 84.93% |
| 7 | 362 | 308 | 85.08% |
| 8 | 88 | 74 | 84.09% |
| 9 | 355 | 295 | 83.10% |
| 10 | 383 | 325 | 84.86% |
| 11 | 634 | 532 | 83.91% |
| 12 | 955 | 888 | 92.98% |
| 13 | 157 | 140 | 89.17% |
| 14 | 103 | 85 | 82.52% |
| 15 | 77 | 68 | 88.31% |
| **Total** | **7680** | **6502** | **84.66%** |

Data Source: Albany Department of Buildings and Regulatory Compliance
* Ward is unknown because applicants' property address was incomplete

The average approval rate of commercial permits among the 15 wards is 84.26%. Commercial permit applications that were not approved were either rejected, under review, on hold, or voided at the time data was collected. Most of the wards above the average approval rate have a majority white population and most of the wards below the average approval rate have a majority POC population. Ward 12, the ward with the highest approval rate, has a majority white population while Ward 2, with the lowest approval rate, has a majority POC population. Figure 1 displays the approval rate of each ward against the average approval rate (84.26%) for commercial permits. The highest approval rate at 92.98% was Ward 12 and the lowest approval rate at 74.10% was in Ward 1. Eight wards were above the average approval rate. Of these eight wards, six (75%) have a majority white population while two (25%) have a majority POC population. The approval rate of the remaining seven wards were below the average. Of these seven wards, four (57%) had a majority POC population while three (43%) had a majority white population.

**Figure 1: City of Albany's Commercial Permit Approval Rates by Ward**
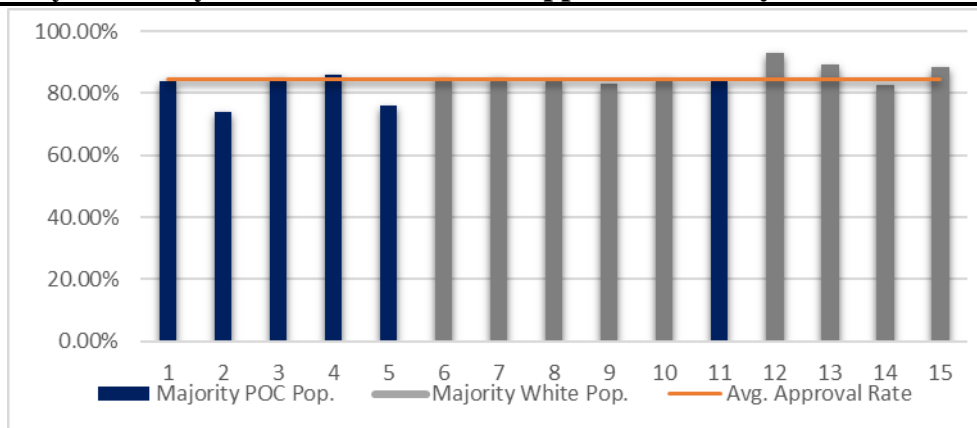


Data source: Albany Department of Building and Regulatory Compliance

Figure 1 illustrates the percentage deviations of each ward's approval rate from the average approval rate. Wards 2 and 5, both with a majority POC population, approval rates (74.10% and 75.88% respectively) were noticeably below the average approval rate (84.26%). While, wards 12, 13 and 15, all with a majority white population, approval rates (92.98%, 89.17% and 88.31% respectively) were noticeably above the average approval rate (84.26%).

Below, Figure 2 demonstrates the highest to lowest approval rates among the 15 wards.

**Figure 2: City of Albany Commercial Permit's Highest to Lowest Approval Rates by Ward**
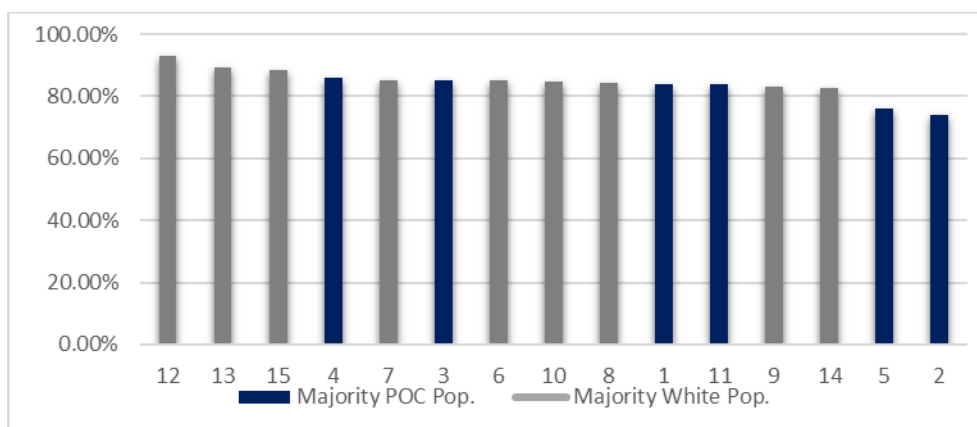


Data source: Albany Department of Building and Regulatory Compliance

Residential Permits

Residential permits are issued for residential properties. Residential properties are any building or unit zoned and purposed as living space. Residential properties are considered single-family or multi-family homes such as a townhome.

During the audit period, the City received a total of 16,711 residential permit applications. Table 3 breaks down the total residential permit applications BRC received during the audit period by ward. Table 4 also includes the number of permits approved by ward and each ward's permit approval rate during the audit period.
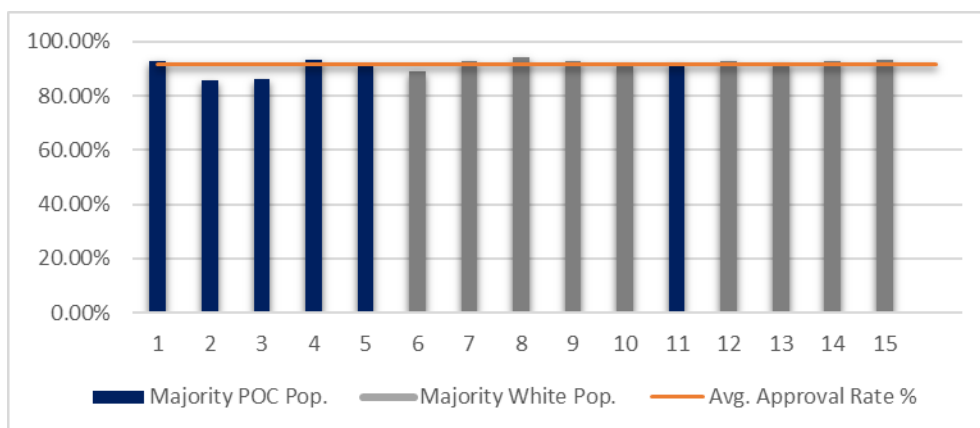
**Table 4: City of Albany Residential Permit Applications and Approvals (2011-2021)**

| Ward | Total Permit Applications | No. Permits Approved | Permit Approval Rate |
|------|--------------------------|---------------------|---------------------|
| Unk. | 69 | 44 | 63.77% |
| 1 | 1168 | 1083 | 92.72% |
| 2 | 966 | 827 | 85.61% |
| 3 | 1264 | 1089 | 86.16% |
| 4 | 706 | 658 | 93.20% |
| 5 | 1093 | 996 | 91.13% |
| 6 | 1251 | 1113 | 88.97% |
| 7 | 948 | 880 | 92.83% |
| 8 | 1928 | 1815 | 94.14% |
| 9 | 1338 | 1244 | 92.97% |
| 10 | 800 | 731 | 91.38% |
| 11 | 782 | 719 | 91.94% |
| 12 | 760 | 707 | 93.03% |
| 13 | 1091 | 1002 | 91.84% |
| 14 | 1860 | 1730 | 93.01% |
| 15 | 687 | 640 | 93.16% |
| **Total** | **16711** | **15278** | **91.42%** |

Data Source: Albany Department of Buildings and Regulatory Compliance

The average approval rate for residential permits among the 15 wards is 91.47%. Permits not approved were either rejected, under review, on hold, or voided at the time data was collected. Most of the wards above the average approval rate have a majority white population and most of the wards below the average approval rate have a majority POC population. Ward 8 (majority white population), had the highest residential approval rate at 94.14 while Ward 2 (majority POC population), had the lowest approval rate at 85.61%. Figure 3 displays the approval rate of each ward against the average approval rate (91.47%) for residential permits. The approval rate of ten wards were above the average approval rate. Among these ten wards, seven (70%) have a majority white population while three (30%) have a majority POC population. The approval rate of the remaining five wards were below the average. Of these five wards, three (60%) had a majority POC population while two (40%) had a majority white population.
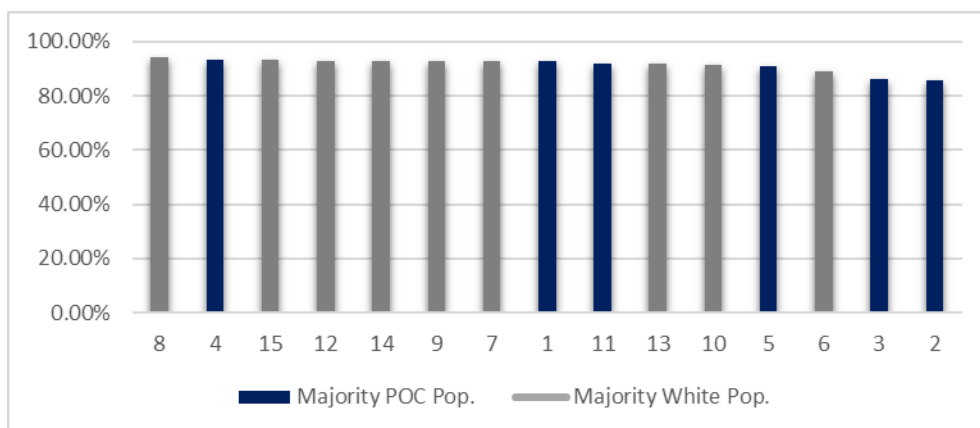
**Figure 3: City of Albany's Residential Permit Approval Rates by Ward**



Data source: Albany Department of Building and Regulatory Compliance

Below, Figure 4 demonstrates the highest to lowest approval rates among the 15 wards.

**Figure 4: City of Albany Residential Permit's Highest to Lowest Approval Rates by Ward**



Data source: Albany Department of Building and Regulatory Compliance

Apartment Permits

Apartment permits are issued for apartment properties. Apartment properties are defined as homes that are purchased by an investor and inhabited by tenants on a lease or other type of rental agreement. Apartments include standalone single-family dwellings to large, multi-unit apartment buildings.

During the audit period, the City received a total 423 apartment permit applications. Table 5 breaks down the total apartment permit applications BRC received during the audit period by ward. Table 5 also includes the number of permits approved by ward and each ward's permit approval rate for the audit period.
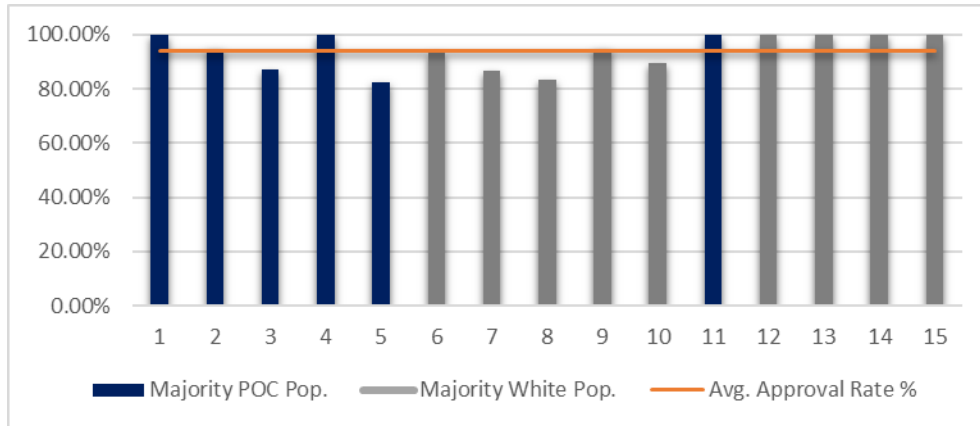
**Table 5: City of Albany Apartment Permit Applications and Approvals (2011-2021)**

| | Total Permit Applications | No. Permits Approved | Permit Approval Rate |
|---|---|---|---|
| Unk. | 1 | 0 | 0.00% |
| 1 | 8 | 8 | 100.00% |
| 2 | 55 | 52 | 94.55% |
| 3 | 179 | 156 | 87.15% |
| 4 | 12 | 12 | 100.00% |
| 5 | 17 | 14 | 82.35% |
| 6 | 46 | 43 | 93.48% |
| 7 | 15 | 13 | 86.67% |
| 8 | 6 | 5 | 83.33% |
| 9 | 19 | 18 | 94.74% |
| 10 | 19 | 17 | 89.47% |
| 11 | 15 | 15 | 100.00% |
| 12 | 10 | 10 | 100.00% |
| 13 | 13 | 13 | 100.00% |
| 14 | 6 | 6 | 100.00% |
| 15 | 2 | 2 | 100.00% |
| **Total** | **423** | **384** | **90.78%** |

Data Source: Albany Department of Buildings and Regulatory Compliance

The average approval rate of apartment permits among the 15 wards is 94.12%. Apartment permit applications that were not approved were either rejected, under review, on hold, or voided at the time data was collected. Most of the wards above and below the average approval rate have a majority white population. There were seven wards (1, 4, 11, 12, 13, 14 and 15), with a 100% apartment approval rate while ward 5 (majority POC) had the lowest approval rate. Figure 5 displays the approval rate of each ward against the average approval rate (94.12%) for apartment permits. The approval rate of nine wards were above the average approval rate. Of those wards, five (56%) have a majority white population while four (44%) have a majority POC population. The approval rate of the remaining six wards were below the average. Of those six wards, four (67%) had a majority white population while two (33%) had a majority POC population.
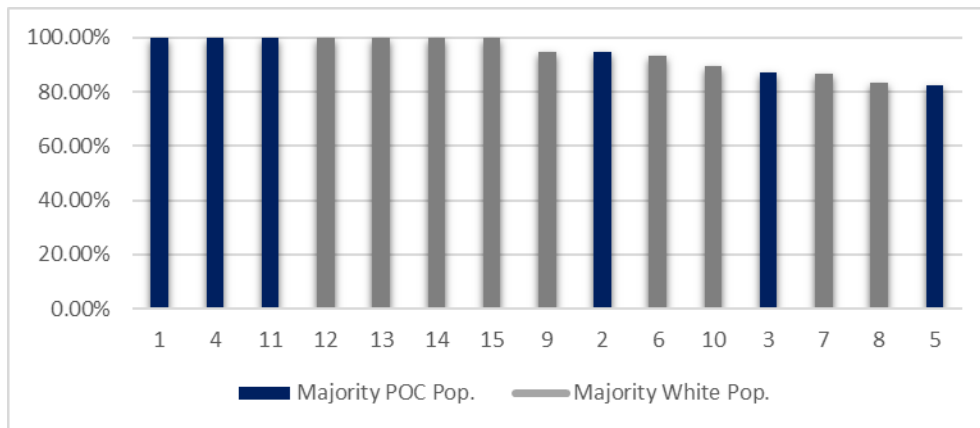
**Figure 5: City of Albany's Apartment Permit Approval Rates by Ward**

Data Source: Albany Department of Buildings and Regulatory Compliance

Below, Figure 6 demonstrates the highest to lowest approval rates among the 15 wards.

**Figure 6: City of Albany Apartment Permit's Highest to Lowest Approval Rates by Ward**



Data Source: Albany Department of Buildings and Regulatory Compliance

Other Permits

Permits categorized as other are issued for properties that do not fall into any of the other three aforementioned property categories. Examples of properties that fall into the "other permit" category are hospitals, colleges, government buildings, nursing homes, churches, and other similar organizations.

During the audit period, the City received a total of 165 other permit applications. Table 6 breaks down the total of permit applications categorizes as other that BRC received during the audit period by ward. Table 6 also includes the number of permits approved by ward and each ward's permit approval rate for the audit period.
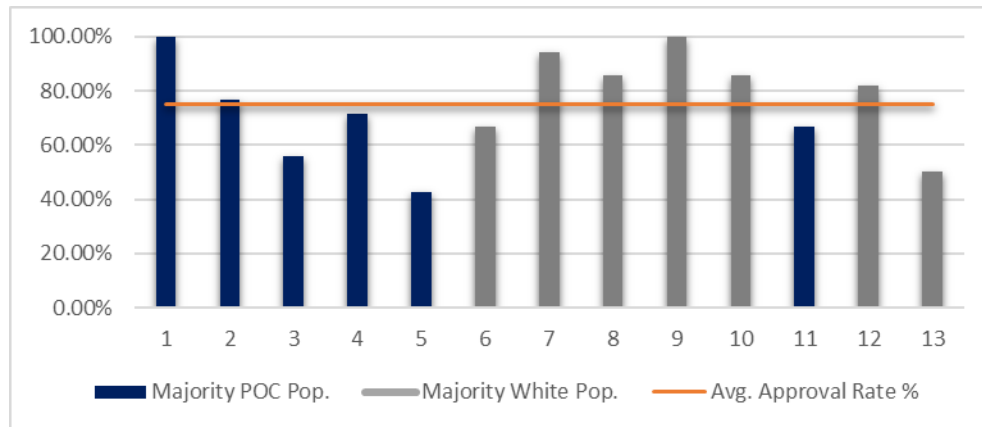
**Table 6: City of Albany's Other Permit Approval Rates by Ward**

| Ward | Total Permit Applications | No. Permits Approved | Permit Approval Rate |
|------|---------------------------|----------------------|----------------------|
| Unk. | 12 | 1 | 8.33% |
| 1 | 1 | 1 | 100.00% |
| 2 | 13 | 10 | 76.92% |
| 3 | 25 | 14 | 56.00% |
| 4 | 14 | 10 | 71.43% |
| 5 | 14 | 6 | 42.86% |
| 6 | 9 | 6 | 66.67% |
| 7 | 18 | 17 | 94.44% |
| 8 | 7 | 6 | 85.71% |
| 9 | 17 | 17 | 100.00% |
| 10 | 7 | 6 | 85.71% |
| 11 | 9 | 6 | 66.67% |
| 12 | 11 | 9 | 81.82% |
| 13 | 8 | 4 | 50.00% |
| 14 | 0 | 0 | N/A |
| 15 | 0 | 0 | N/A |
| **Total** | **165** | **113** | **68.48%** |

Data Source: Albany Department of Buildings and Regulatory Compliance

The average approval rate of permits categorized as other among the 13 wards in which applications were submitted is 75.25%. Permit applications, categorized as other, that were not approved were either rejected, under review, on hold, or voided at the time data was collected. Most of the wards above the average approval rate have a majority white population and most of the wards below the average approval rate have a majority POC population. Wards 1 and 9 had the highest approval rate at 100% while ward 5 had the lowest rate at 42.6%. Figure 7 displays the approval rate of each ward against the average approval rate (75.25%) for permits categorized as other. The approval rate of seven wards were above the average approval rate. Of these seven wards, five (71%) have a majority white population while two (29%) have a majority POC population. The approval rate of the remaining six wards were below the average. Of those six wards, four (67%) had a majority POC population while two (33%) had a majority white population.
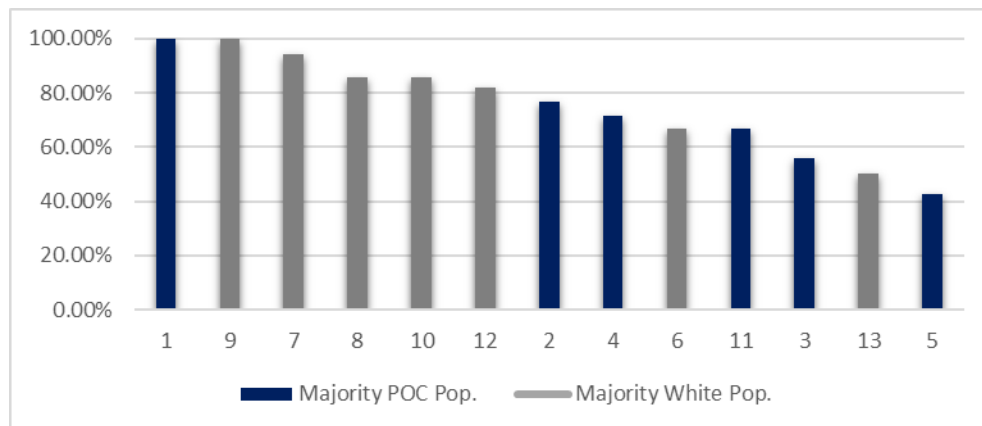
**Figure 7: City of Albany's Other Permit Approval Rates by Ward**



Data Source: Albany Department of Buildings and Regulatory Compliance

Below, Figure 8 demonstrates the highest to lowest approval rates among the 15 wards.

**Figure 8: City of Albany Other Permit's Highest to Lowest Approval Rates by Ward**



Data Source: Albany Department of Buildings and Regulatory Compliance

# MWBE COMPLIANCE

**Minority and Women Business Enterprise (MWBE) Program**

The City of Albany's Minority and Women Business Enterprise (MWBE) Program seeks to promote business opportunities on City contracts to minority and women owned businesses. The program requires 15% (up from 7%) of a City contract to be paid to a MWBE. In addition to the MWBE program, the City has a Minority and Women Labor Utilization Plan ordinance. The Labor Utilization Plan requires a prime contractor to subcontract at least 30% (up from 17.8%) of the labor performed on a City contract to a MWBE. Both the MWBE program and Labor Utilization Plan are applicable to city funded construction contracts only. As part of the MWBE program, the City's Senior Compliance Coordinator provides the Albany Common Council a report on a bi-annual basis detailing MWBE compliance and monitoring outcomes and activities. MWBE program compliance reports from 2015-2022 can be found on the City's website.

Since the MWBE program's inception, changes have been made to the MWBE compliance goal and labor utilization rate. While changes have been made, these changes have been perceived as conservative and has led to community questions about the City's true commitment to supporting MWBEs. Currently, there is no information on the City's MWBE webpage or archived reports that detail how the City arrived at the MWBE goal percentage or Labor Utilization rate. As a result, the public views the percentages in isolation of context which could influence public perception.

**MWBE Goal Compliance Results**

In 2018, the Senior Compliance Coordinator started completing MWBE compliance summary reports for work performed and completed to be included as part of the larger compliance report submitted to the Albany Common Council. Up until then, the MWBE data was not presented in a way that allowed OAC and others to access contractor compliance with ease. As a result, the tables below are reflective of the compliance summary reports from 2018 to 2021 which include the total annual payments to contractors, MWBE portion of those payments, the total project hours, MWBE portion of those hours and the percentage compliance status for each. For more in-depth data, please reference the full reports available on the City's MWBE webpage.

**Table 7: Summary of Compliance Reports (2018-2020)**

| Year | Total Project Payments | MWBE Payments | % MWBE Payments (7.5% Goal) | Total Project Hours | MWBE Hours | % Utilization Hours (17.8% Goal) |
|------|------------------------|---------------|------------------------------|---------------------|------------|-----------------------------------|
| **2018\*** | $20,300,880.53 | $3,280,864.36 | 16.16% | 74,581.10 | 12,926.00 | 17.33% |
| **2019\*\*** | $13,290,817.19 | $2,635,435.75 | 19.83% | 59,703.00 | 15,423.25 | 25.83% |
| **2020\*\*\*** | $35,624,795.50 | $5,843,440.77 | 16.40% | 132,615.00 | 19,578.85 | 14.76% |

*\*Of the 52 documented contracts, four contracts did not meet the MWBE goal and 11 contracts did not meet the Labor Utilization goal.*

*\*\*Of the 41 completed contracts, one contract did not meet the MWBE goal and five contracts did not meet the Labor Utilization goal.*

*\*\*\*Of the 36 completed contracts, seven contracts did not meet the MWBE goal and 16 contracts did not meet the Labor Utilization goal.*

As previously mentioned, effective January 2021 the MWBE Subcontractor Goal was increased from 7.5% to 15% and the Minority and Women Labor Utilization Goal from 17.8% to 25%. All new projects were governed by the new goals while projects prior to the effective date were governed by prior goals. Table 8 provides the total annual payments to contractors, MWBE portion of those payments, the total project hours, MWBE portion of those hours and the percentage compliance status for each separated by new goals vs. prior goals.

**Table 8: Summary of Compliance Report (2021)**

| Year 2021 | Total Project Payments | MWBE Payments | % MWBE Payments | Total Project Hours | MWBE Hours | % Utilization Hours |
|---|---|---|---|---|---|---|
| **Prior Goals\*** | $14,902,582.23 | $1,823,521.15 | 12.24% | 66,121.05 | 10,319.00 | 15.61% |
| **New Goals\*\*** | $4,082,070.10 | $923,121.42 | 22.61% | 19,948.43 | 10,042.75 | 50.34% |

*\* Of the 19 completed contracts, five contracts did not meet the 7.5% MWBE goal and nine contracts did not meet the 17.8% Labor Utilization goal.*

*\*\* Of the 31 completed contracts, three contracts did not meet the 15% MWBE goal and five contracts did not meet the 25% Labor Utilization goal.*

**MWBE Directory**

In the 2019 MWBE Compliance Report, the Coordinator states that more outreach is an area in need of improvement in order to increase the new MWBE certifications. When asked what current outreach is made to MWBEs, the current Coordinator specified that several key events are attended each year. Current activities include tabling at the NYS Black and Puerto Rican Caucus and attending events hosted by the Community Loan Fund, Mission Accomplished and the City. The Coordinator acknowledged that event attendance has changed post the COVID-19 pandemic. Some of the events referenced by the Coordinator may not always be well attended by MWBEs in the City and as a result the City is missing opportunities to connect with prospective vendors. According to a report by the National League of Cities, when targeting MWBEs, small, targeted outreach is better than efforts that are broad and generic. Large convenings or general messaging campaigns on the benefits of vendor certification are often less effective than targeted outreach to specific types of firms for specific types of projects. For example, the City of San Antonio initiated a Vendor Round-Up with procurement personnel from city departments, local chambers of commerce, and other stakeholder groups. More than 200 MWBE firms participated and received assistance in registering as a vendor with the city.

# CITY WORKFORCE EQUITY SURVEY

**Overview**

On November 28, 2022, OAC distributed a survey that sought to examine the City's culture and practices to determine if there are any differences in treatment and outcomes among City employees based on demographic characteristics such as age, gender and race. Employees were given approximately two months to complete the eight question survey. The survey was later redistributed April 1, 2023 and employees were given an additional month to complete the survey. To encourage honest feedback from employees and prevent potential retaliation from employers, employees were not required to include their names nor positions. Despite our attempts, at least one respondent reported they did not complete the survey out of fear of retaliation. Several staff members expressed being very uncomfortable completing the survey as they were in the minority and felt that somehow their feedback would be linked to them. These individuals preferred to have a one-on-one meetings in which their responses were documented. The survey results are inclusive of employees who were employed during and outside the audit period. Although the survey was only available electronically, employees were able to access the survey using the following modes:

- Kiosk in certain department buildings
- Computer station located at HR (City Hall)
- Cell phones using link or QR code on flyer
- Work or personal computer/laptop

In this section, we analyzed the results of the survey and assessed employees' experiences and perception of equity in the workforce. The survey was completed by 198 employees (respondents) and a total of 20 departments were represented in the survey results. Due to the low response rate, especially among our larger departments, it's important to note we were unable to conclusively say if the results are representative of the greater workforce.

**Table 9: Gender of Respondents**

| Gender | Number of Respondents | Percentage |
|---|---|---|
| Female | 74 | 37% |
| Male | 107 | 54% |
| Trans Man | 1 | 1% |
| Prefer Not to Answer | 16 | 8% |

**Table 10: Race and Ethnicity of Respondents**

| Race (Ethnicity) | Number of Respondents | Percentage |
|---|---|---|
| Asian (Non-Hispanic or Latino) | 4 | 2% |
| Black or African American (Non-Hispanic or Latino) | 32 | 16% |
| Hispanic or Latino | 12 | 6% |
| White (Non-Hispanic or Latino) | 113 | 57% |
| Two or More Races (Non-Hispanic Latino) | 7 | 4% |
| Prefer Not to Answer | 30 | 15% |

**Table 11: Age Groups of Respondents**

| Age Group | Number of Respondents | Percentage |
|---|---|---|
| 17 - 24 Yrs. | 5 | 2% |
| 25 - 34 Yrs. | 42 | 21% |
| 35 - 44 Yrs. | 53 | 27% |
| 45 - 54 Yrs. | 43 | 22% |
| 55 - 64 Yrs. | 22 | 11% |
| 65 Yrs. and Over | 10 | 5% |
| Prefer Not to Answer | 23 | 12% |

When presented with the statement: "In my office/department, everyone receives fair treatment, regardless of gender race, ethnicity, or any other differentiator," 70% of respondents expressed some level of agreement, 26% expressed some level of disagreement, and 4% neither agreed nor disagreed. Figure 9 shows the respondents' responses to the aforementioned statement. Of the respondents who agreed with the statement, 43% strongly agreed, 20% agreed and 7% somewhat agreed. Of the respondents who disagreed on some level, 12% strongly disagreed, 8% disagreed and 6% somewhat disagreed.

**Figure 9: Respondents Response to Statement: In my office/department, everyone receives fair treatment, regardless of gender race, ethnicity, or any other differentiator.**
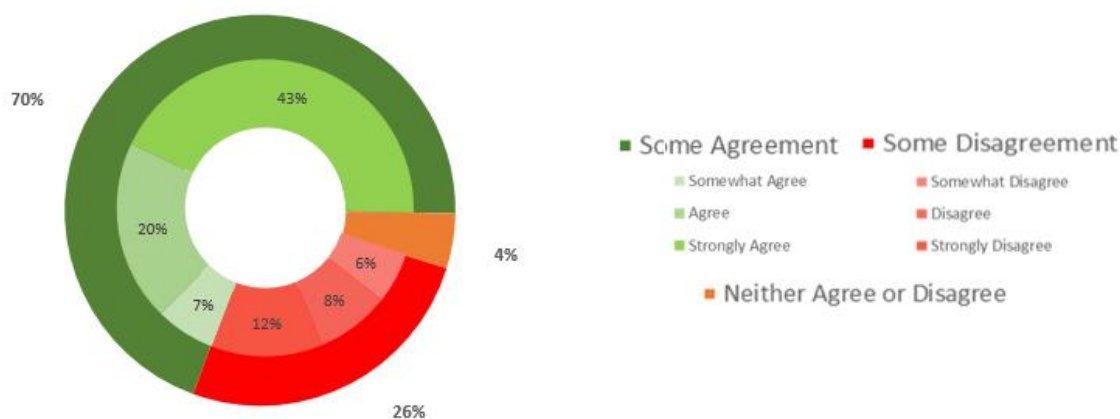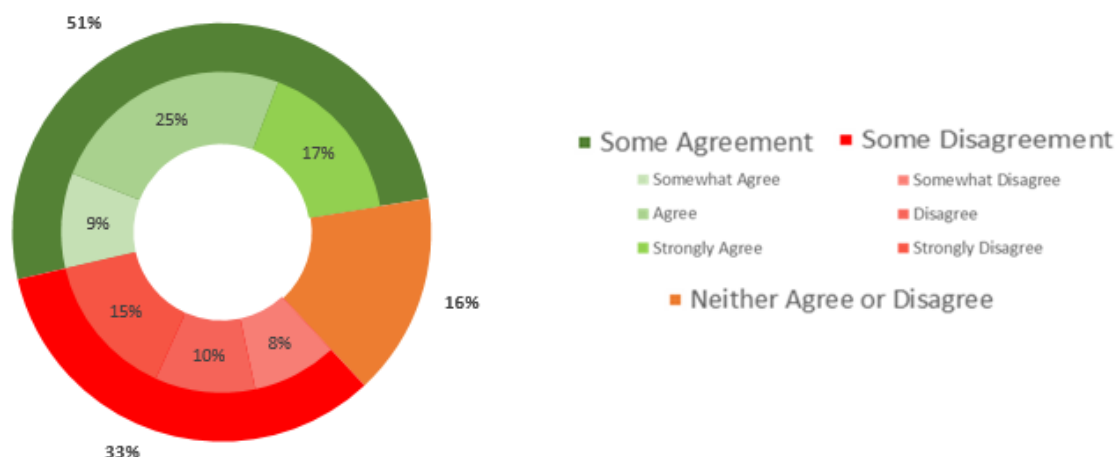


Data source: OAC's City of Albany Workforce Equity Survey

Respondents were given the opportunity to elaborate on their responses. This opportunity was taken by 37 respondents from 10 departments. Among those 37 respondents, 27% were in some agreement, 3% neither agreed nor disagree, and 70% were in some disagreement. The common themes expressed by those in disagreement were favoritism, racial inequity, and gender inequity. Some respondents mentioned more than one theme. Among the respondents who believed treatment in their department was unfair, 46% respondents associated it with favoritism, 46% respondents associated it with race, 38% respondents associated it with gender, and 4% associated it with age.

When presented with the statement: "The leadership in my department creates a culture in which there is transparency to decisions that are made," 58% of respondents expressed some level of agreement, 30% expressed some level of disagreement, and 12% neither agreed nor disagreed. Figure 10 shows the respondents' responses to the aforementioned statement. Of the respondents who agreed with the statement, 28% strongly agreed, 20% agreed and 10% somewhat agreed. Of the respondents who disagreed, 15% strongly disagreed, 9% disagreed and 6% somewhat disagreed.

**Figure 10: Respondents Response to Statement: The leadership in my department creates a culture in which there is transparency to decisions that are made.**
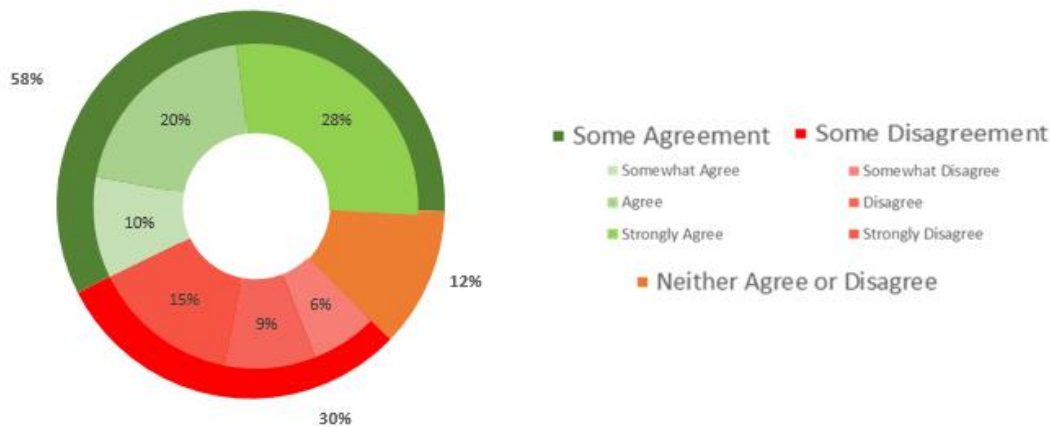
Data source: OAC's City of Albany Workforce Equity Survey

Respondents were given the opportunity to elaborate on their responses. This opportunity was taken by 34 respondents from 11 departments. Among those 34 respondents, 21% were in some agreement, 9% neither agreed nor disagree and 70% were in some disagreement. The common themes expressed among those in disagreement and a few in agreement were inconsistent/mixed messaging from leadership and bad or no communication. Among those who believe there is not a culture of transparency about decisions that are made in their department, 38% associated it with inconsistent/mixed messaging, 33% associated it with bad or no communication, 13% associated it with limited access to leadership due to their absence or lack of interactions with employees and 8% associated it with leadership intentionally withholding information, and 8% reiterated there is no transparency in their department. Among those who believed there is a culture of transparency about decisions that are made in their department, 40% believed there is room for improvement in some aspects and areas.

When presented with the statement: "In my office/department, there are clear expectations communicated and/or visible for which actions warrant receiving rewards such as promotions," 51% of respondents expressed some level of agreement, 33% expressed some level of disagreement, and 16% neither agreed nor disagreed . Figure 11 shows the respondents' responses to the aforementioned statement. Of the respondents who agreed with the statement, 17% strongly agreed, 25% agreed and 9% somewhat agreed. Of the respondents who disagreed with the statement, 15% strongly disagreed, 10% disagreed, and 8% somewhat disagreed.

**Figure 11: Respondents Response to Statement: In my office/department, there are clear expectations communicated and/or visible for which actions warrant receiving rewards such as promotions.**
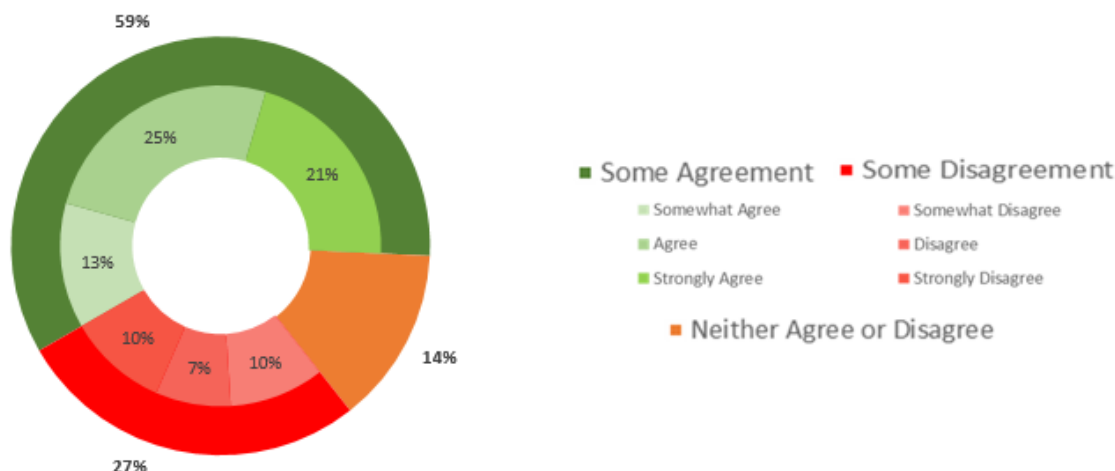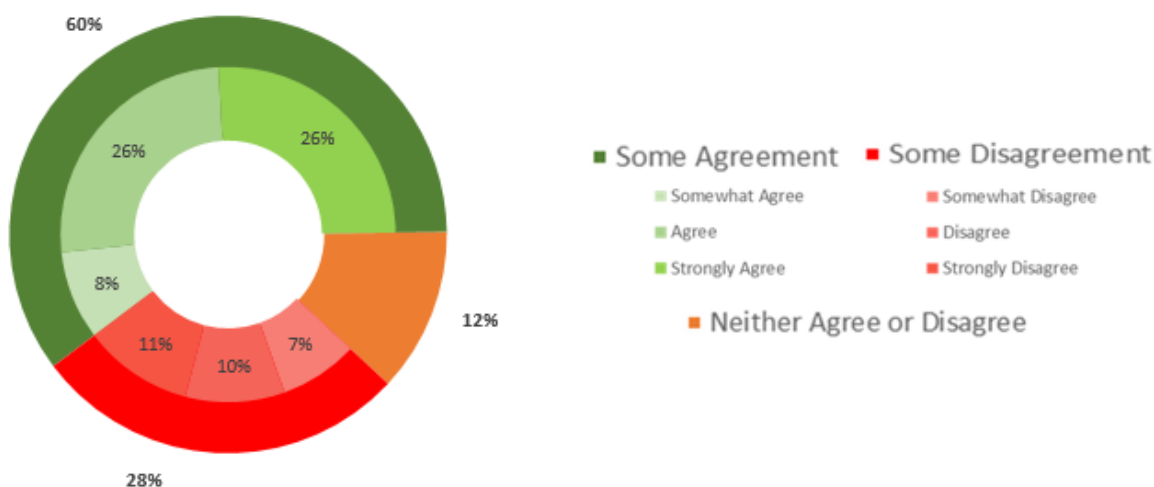
Data source: OAC's City of Albany Workforce Equity Survey

Respondents were given the opportunity to elaborate on their responses. This opportunity was taken by 39 respondents from 12 departments. Among those 39 respondents, 18% were in some agreement, 21% neither agreed nor disagree and 61% were in some disagreement. The common themes expressed among those in disagreement and a few in agreement were the standards for receiving rewards/promotions are unknown, the standards for rewards/promotions are not favorable, and there are no opportunities for rewards promotions. Among those who believe clear expectations are not communicated and/or visible for rewards such as promotions, 41% stated they were unaware of standards for receiving rewards/promotions, 38% stated there were no opportunities for rewards/promotions, and 21% stated that although expectations are clear to receive rewards/promotions those expectations are not feasible for everyone. Among those who neither agreed nor disagreed, 38% stated they were unaware of standards for receiving rewards/promotions, 37% stated there are no opportunities for rewards/promotions, and 25% stated that although expectations are clear to receive rewards/promotions they are not followed. Among those were in some agreement, 57% stated the standards for rewards/promotions were not clear.

When presented with the statement: "In my office/department, there are clear expectations communicated and/or visible for which actions warrant consequences, i.e. a write-up or probation," 59% of respondents expressed some level of agreement, 25% expressed some level of disagreement, and 16% neither agreed nor disagreed. Figure 12 shows the respondents' response to the aforementioned statement. Of the respondents who agreed with the statement, 20% strongly agreed, 24% agreed and 14% somewhat agreed. Of the respondents who disagreed with the statement, 10% strongly disagreed, 5% disagreed, and 11% somewhat disagreed.

**Figure 12: Respondents Response to Statement: In my office/department, there are clear expectations communicated and/or visible for which actions warrant consequences, i.e. a write-up or probation.**

Respondents were given the opportunity to elaborate on their responses. This opportunity was not taken by any of the respondents.

When presented with the statement: "In my office/department, there are clear and established standards of performance that are the same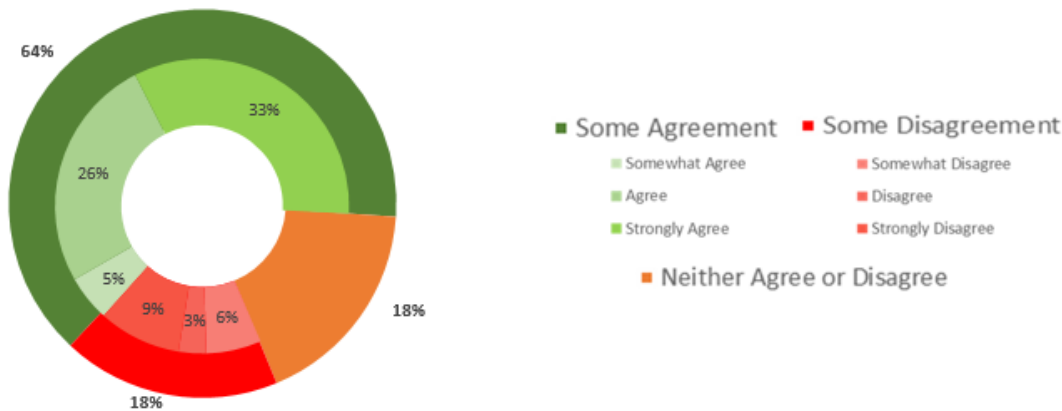 for all as appropriate for their roles and responsibilities," 60% of respondents expressed some level of agreement, 28% expressed some level of disagreement, and 12% neither agreed nor disagreed. Figure 13 shows the respondents' response to the aforementioned statement. Of the respondents who agreed with the statement, 26% strongly agreed, 26% agreed and 8% somewhat agreed. Of the respondents who disagreed with the statement, 11% strongly disagreed, 10% disagreed, and 7% somewhat disagreed.

**Figure 13: Respondents Response to Statement: In my office/department, there are clear and established standards of performance that are the same for all as appropriate for their roles and responsibilities.**

Respondents were given the opportunity to elaborate on their responses. This opportunity was not taken by any of the respondents.

When presented with the statement: "In my office/department, I receive the same amount of time with leadership for one-on-one meetings as my co-workers," 64% of respondents expressed some level of agreement, 18% expressed some level of disagreement, and 18% neither agreed nor disagreed. Figure 14 shows the respondents' response to the aforementioned statement. Of the respondents who agreed with the statement, 33% strongly agreed, 26% agreed, and 5% somewhat agreed. Of the respondents who disagreed with the statement, 9% strongly disagreed, 3% disagreed, and 6% somewhat disagreed.

**Figure 14: Respondents Response to Statement: In my office/department, I receive the same amount of time with leadership for one-on-one meetings as my co-workers.**
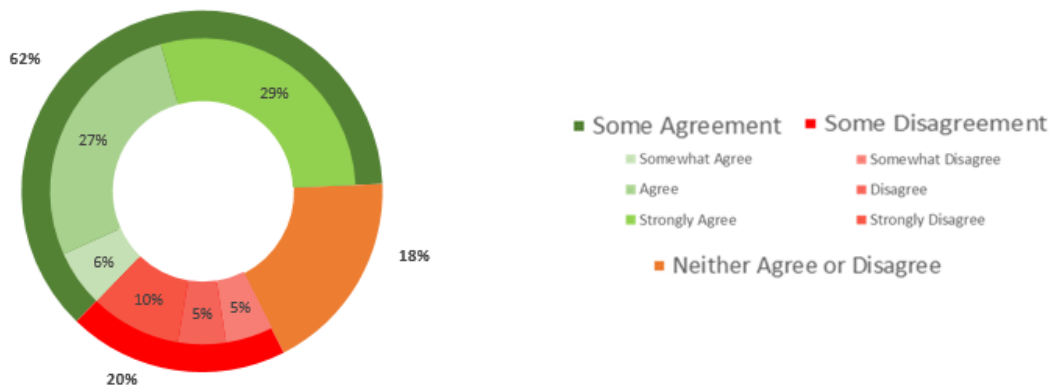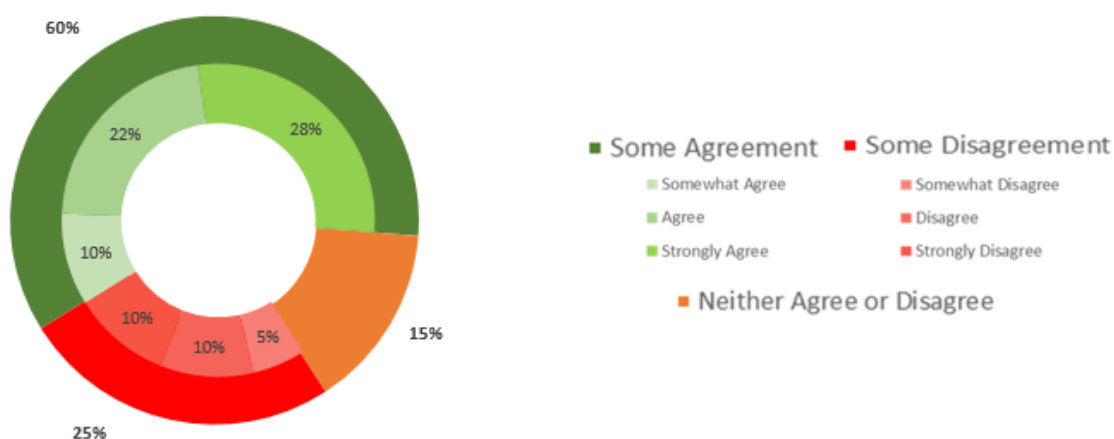


Data source: OAC's City of Albany Workforce Equity Survey

Respondents were given the opportunity to elaborate on their responses. This opportunity was not taken by any of the respondents.

When presented with the statement: "In my office/department, I receive the same amount of investment in my professional development opportunities such as trainings and conferences as my co-workers," 62% of respondents expressed some level of agreement, 20% expressed some level of disagreement, and 18% neither agreed nor disagreed. Figure 15 shows the respondents' response to the aforementioned statement. Of the respondents who agreed with the statement, 29% strongly agreed, 27% agreed and 6% somewhat agreed. Of the respondents who disagreed with the statement, 10% strongly disagreed, 5% disagreed, and 5% somewhat disagreed.

**Figure 15: Respondents Response to Statement: In my office/department, I receive the same amount of investment in my professional development opportunities such as trainings and conferences as my co-workers.**

Respondents were given the opportunity to elaborate on their responses. This opportunity was not taken by any of the respondents.

When presented with the statement: "When receiving feedback regarding my work performance, leadership provides facts and data instead of value judgments and personal perspectives," 60% expressed some level of agreement, 25% expressed some level of disagreement, and 15% neither agreed nor disagreed. Figure 16 shows the respondents' response to the aforementioned statement. Of the respondents who agreed with the statement, 28% strongly agreed, 22% agreed, and 10% somewhat agreed. Of the respondents who disagreed with the statement, 10% strongly disagreed, 10% disagreed, and 5% somewhat disagreed.

**Figure 16: Respondents Response to Statement: When receiving feedback regarding my work performance, leadership provides facts and data instead of value judgments and personal perspectives.**

Respondents were given the opportunity to elaborate on their responses. This opportunity was not taken by any of the respondents.

# CITY WORKFORCE

**Overview**

OAC staff met with the Department of Administrative Services (DAS) to discuss the purpose of the audit and formally request data on hiring, the demographic make-up of City leadership, promotions, disciplinary outcomes, and attrition during the audit period.

# Hiring

DAS provided hiring data for 1,267 employees. As displayed in Table 12, this data does not include any employees hired in 2011, 2012, 2014 and 2015. While data was provided for 2013 and 2016, we suspect a software issue may have impacted these results due to the relatively low numbers. In 2014, the City purchased and implemented New World ERP, a financial and administrative management software. Before 2014 the City was using an AS400-based system. Most of the data stored in the AS400-based system was incompatible with or very difficult to transfer to New World ERP. Data that was not successfully transferred was eventually lost in 2020 when the AS400-based system had a hardware failure.

**Table 12: City of Albany's Number of Hires (2011-2021\*)**

| Year | Number of Employees Hired |
|---|---|
| **2013** | 1 |
| **2016** | 14 |
| **2017** | 132 |
| **2018** | 214 |
| **2019** | 188 |
| **2020** | 277 |
| **2021** | 441 |
| **Grand Total** | **1,267** |

*\*Please note although the audit period covers January 1, 2011 through December 31, 2021, data is missing from 2011, 2012, 2014, and 2015.*

Hiring data was analyzed to look at differences among employees using the following demographic categories, gender, race, ethnicity, and age.

1. Gender

   During the audit period, 72% of hires identified as male and 28% as female. It's important to note, applicants were only given the options "male" or "female" to select as their gender. Please see Figure 17.

**Figure 17: City of Albany New Hire Rate by Gender (2011-2021)**
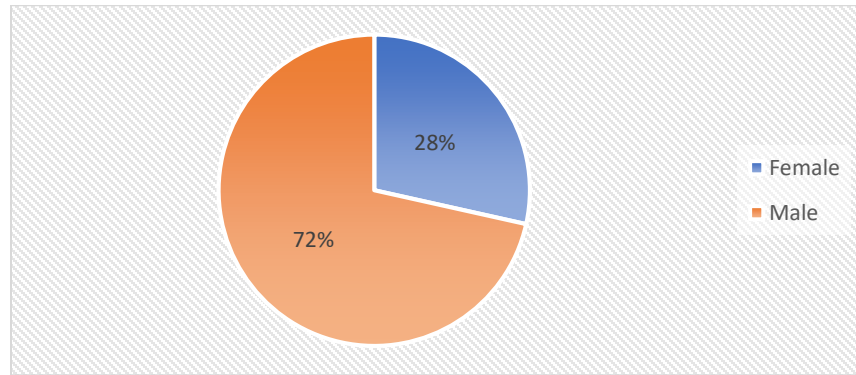


On an annual basis, individuals who identified as males were hired at a higher percentage than females. In 2016, 42.9% more males were hired than females. However, as seen in Table 13, in 2017, there was an 11.6% increase in female hires (total number) and an 11.6% decrease in male hires (total number). From 2017 to 2021 there was an increase in male hires while female hires decreased, further widening the gap between male and female hires.

**Table 13: City of Albany New Hires by Gender and Year (2011-2021)**

| Gender | 2013 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|--------|------|------|------|------|------|------|------|
| Female | 0% | 28.57% | 40.15% | 34.58% | 26.60% | 25.27% | 24.94% |
| Male | 100% | 71.43% | 59.85% | 65.42% | 73.40% | 74.73% | 75.06% |

**Figure 18: Gap Illustration of New Hires by Gender (2011-2021)**
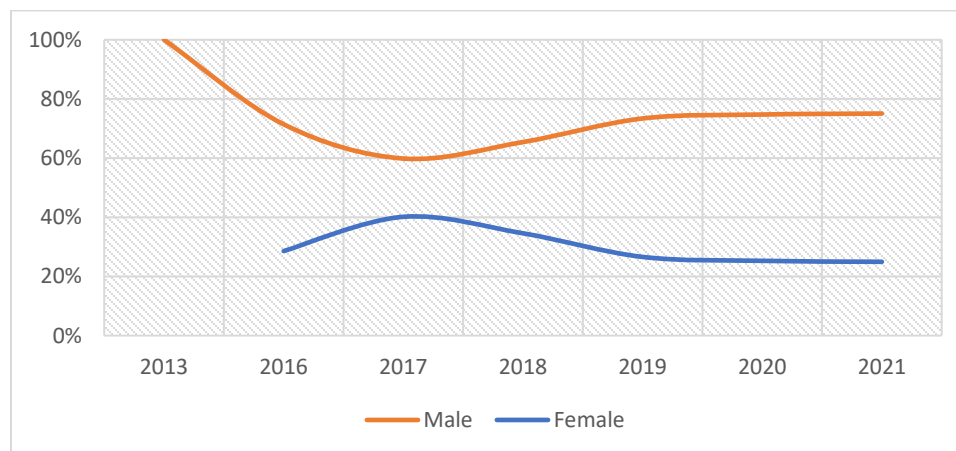


2. Race and Ethnicity

During the audit period, approximately 53% of the individuals hired identified as White. Followed by Black or African American (Non-Hispanic or Latino) at 30%, Hispanic or Latino at 11% and Asian (Non-Hispanic Latino) at 2.3%. For a complete racial/ethnic breakdown, please see Figure 19 below. The hiring rates among all racial and ethnic groups were overall consistent,

with no group seeing any significant increases or decreases during the audit period, as seen in Table 14 and the corresponding Figure.

**Figure 19: City of Albany New Hire Rate by Race and Ethnicity (2011-2021)**
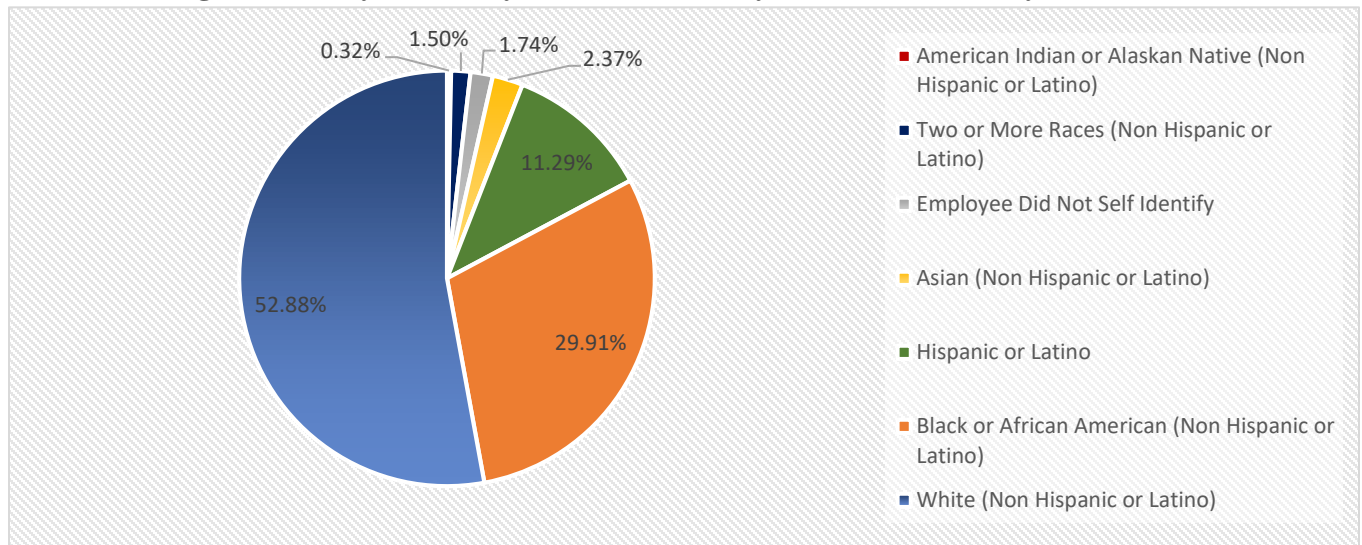


**Table 14: City of Albany New Hires by Race and Ethnicity and Year (2011-2021)**

| Race and Ethnicity | 2013 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|---|---|---|---|---|---|---|
| **American Indian or Alaskan Native (Non-Hispanic or Latino)** | | | 0.00% | 0.00% | 0.00% | 0.36% | 0.68% |
| **Asian (Non-Hispanic or Latino)** | | | 2.27% | 2.80% | 1.06% | 2.89% | 2.49% |
| **Black or African American (Non-Hispanic or Latino)** | | 21.43% | 30.30% | 31.78% | 30.32% | 30.32% | 28.80% |
| **Employee Did Not Self Identify** | | 7.14% | 0.76% | 0.00% | 0.53% | 2.17% | 2.95% |
| **Hispanic or Latino** | | 7.14% | 8.33% | 12.15% | 13.30% | 11.19% | 11.11% |
| **Two or More Races (Non-Hispanic or Latino)** | | 0.00% | 0.00% | 1.40% | 1.60% | 2.17% | 1.59% |
| **White (Non-Hispanic or Latino)** | 100% | 64.29% | 58.33% | 51.87% | 53.19% | 50.90% | 52.38% |

**Figure 20: Illustration of New Hires by Race and Ethnicity (2011-2021)**
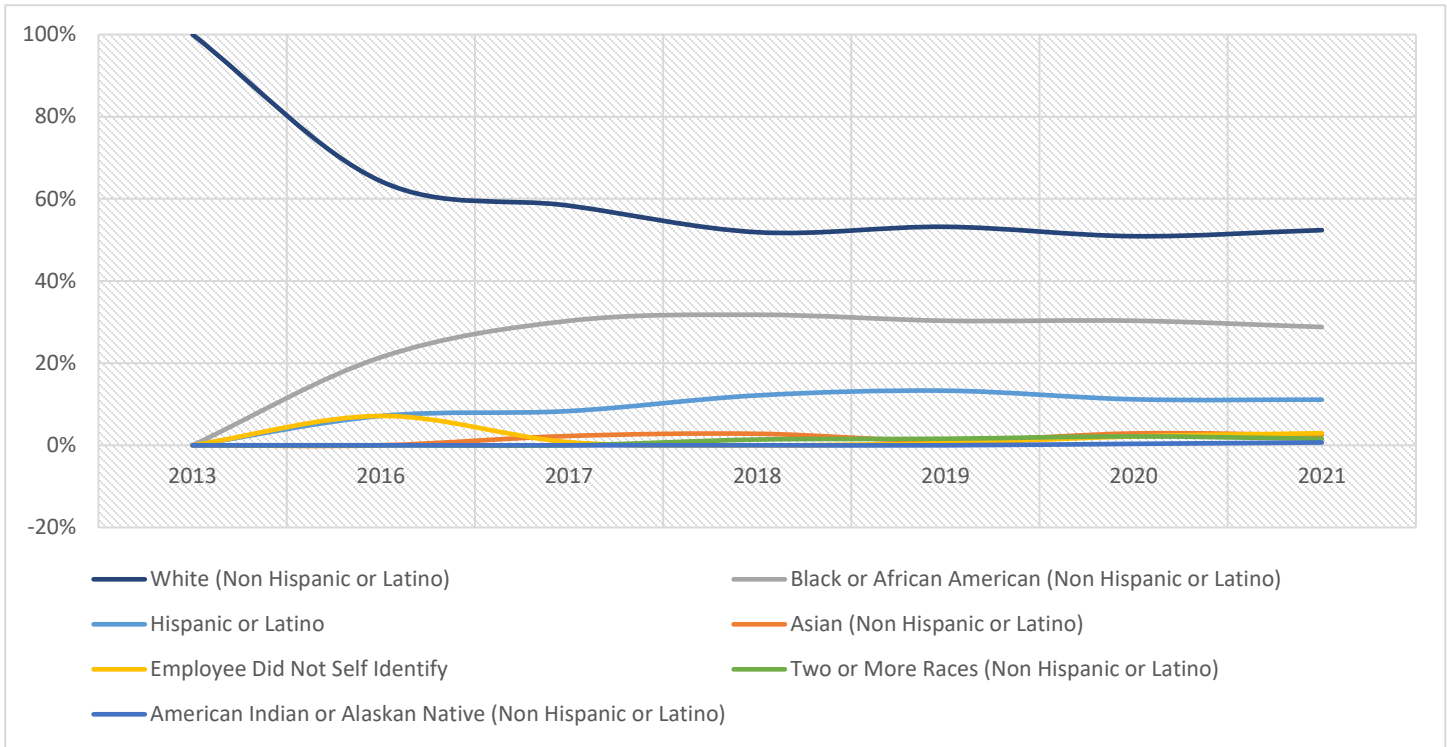


3. Age

During the audit period, individuals within the 25 to 34 age group were hired at a higher rate than all other age groups. Followed by, individuals in the age groups, 35 to 44 (17.7%), 17 to 24 (15.9%) and 45 to 54 (11.4%) respectively. Individuals 55 to 64 (6%), and 65 and Over (1%) had the lowest hiring rates. Please see Figure 18 below.

**Figure 21: City of Albany New Hire Rate by Age Group (2011-2021)**
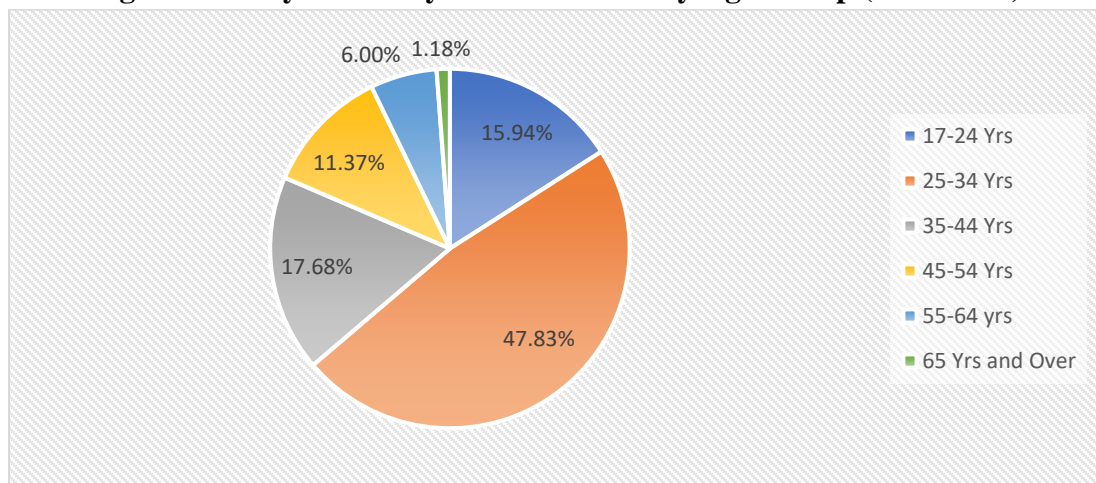


In 2017, the percentage of hires in the 35 to 44 age group increased by 12.9%. In the following year, the percent of hires in this age group decreased and remained consistent for the remainder

of the audit period. The percentage of hires in the 17 to 24 age group were among the lowest in 2016, but there was a 2.7% increase in 2017. In 2018, the percentage nearly doubled and stayed consistent for the duration of the audit period. In 2016, the percentage of hires in the 55 to 64 age group was the second highest at 21.43%. However, as shown on Table 15, that percentage dropped by almost half (11.36%) the following year and remained below the majority of age groups through 2021.

**Table 15: City of Albany New Hires by Age and Year (2011-2021)**

| Age Range | 2013 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|---|---|---|---|---|---|---|
| **17-24 Yrs.** | | 7.14% | 9.85% | 17.29% | 17.55% | 16.25% | 16.55% |
| **25-34 Yrs.** | | 50.00% | 41.67% | 46.73% | 50.53% | 49.10% | 48.30% |
| **35-44 Yrs.** | | 14.29% | 27.27% | 16.82% | 14.36% | 17.33% | 17.01% |
| **45-54 Yrs.** | | 7.14% | 9.85% | 14.95% | 8.51% | 10.83% | 11.79% |
| **55-64 yrs.** | 100.00% | 21.43% | 11.36% | 3.27% | 6.38% | 5.42% | 5.22% |
| **65 Yrs. and Over** | | 0.00% | 0.00% | 0.93% | 2.66% | 1.08% | 1.13% |

**Hiring Process**

According to DAS, job openings were advertised in a variety of ways, including, postings on the City's Civil Service Employment Portal with the option to apply electronically. The portal is managed by the City's Human Resource department (HR). The list of job openings were made available in physical locations, such as City Hall, for individuals who don't have access to the internet. The City promoted job openings through job fairs at accessible venues (public housing, government buildings) and they were advertised in local newspaper and radio ads.

Once individuals apply for positions through the Civil Service Employment Portal, applications are forwarded to HR. HR reviews the application to confirm applicants meet the minimum qualifications outlined in the job description. If HR determines an applicant qualifies for an open position, their application and supporting documents (resume, cover letter, etc.) are forwarded to the respective City department. If the position is provisional or a civil service item, the process can differ. For provisional positions, departments review the applications forwarded by HR, conduct interviews, make a formal job offer, and if the applicant accepts it, the department completes new hire forms and submits them to HR for final review. HR completes their final review of the new hire and schedules an onboarding appointment. If the position was a civil service item, HR would send a canvas letter to all active candidates on a civil service list and inquire about their interest for the open position. If at least three individuals return the canvas letter and express interest, departments are required to interview those three, and select from those applicants. If less than three people apply or during the interview process one or more of the three applicants shares disinterest in the positon, the department can now hire from outside the civil service list or re-canvas and seek more applicants from the civil service list.

# Demographics of Organizational Leadership

During the audit period, there were 18 departments under the Department of Administrative Services (DAS). DAS is responsible for the centralized functions for the City of Albany, ensuring that all City departments have the resources and support they need to provide high quality, valued services to the public. In this section, we assessed the demographic make-up of department leadership (inclusive of

DAS) during the audit period focusing on two demographic characteristics, gender and race. In most cases, department leadership positions are appointed by the Mayor and confirmed by the Common Council.

OAC compiled data on the demographics of leadership using the City's central database, New World ERP. The data was then shared with DAS for review, verification and corrections. During the audit period, there were approximately 30 leadership positions across 19 departments. For the purposes of this audit, leadership is being characterized as employees at the Commissioner and Deputy Commissioner levels.

Overall, men held more leadership positions than women. The lowest percentage of positions held by women was in 2014 at 17.86% compared to men at 78.57%. The highest percentage of women leaders occurred in 2019 at 33.33% compared to men at 66.67%. The trend in women's leadership increasing began in 2015.

Table 16 displays the annual percentage of males and females in leadership positions. Positions that could not be verified were categorized as unknown (unk.)
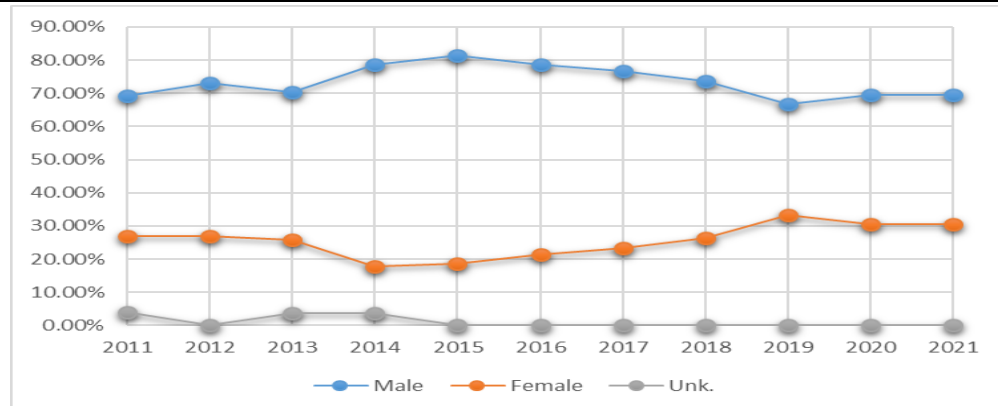
**Table 16: City of Albany Administration Leadership by Sex and Year (2011-2021)**

| Gender | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|--------|------|------|------|------|------|------|------|------|------|------|------|
| Unk. | 3.85% | 0.00% | 3.70% | 3.57% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Female | 26.92% | 26.92% | 25.93% | 17.86% | 18.52% | 21.43% | 23.33% | 26.47% | 33.33% | 30.56% | 30.56% |
| Male | 69.23% | 73.08% | 70.37% | 78.57% | 81.48% | 78.57% | 76.67% | 73.53% | 66.67% | 69.44% | 69.44% |

Data Source: Albany New World ERP, Albany Employees and Albany Department of Administrative Services

Figure 22 is a visual representation of the percentage gap of leadership positions held by men and women annually. At the beginning of the audit period, there was a gap in leadership of 42.31% between men and women. The gap widened with the biggest gap (62.96%) in 2015 and later narrowed to the smallest gap (33.34%) in 2019. By the end of the audit period the gap between men and women in leadership was 38.88%.

**Figure 22: Gap Illustration of City of Albany Leadership by Sex and Year (2011-2021)**



Data Source: Albany New World ERP, Albany Employees and Albany Department of Administrative Services

Table 17 shows the annual percent of leadership positions broken-down by race/ethnicity. Positions that could not be verified were categorized as unknown (unk.)

**Table 17: City of Albany Leadership by Race by Year (2011-2021)**

| Race | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|------|------|------|------|------|------|------|------|------|------|------|------|
| Unk. | 3.8% | 0.0% | 3.7% | 3.5% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Asian | 0.0% | 0.0% | 0.0% | 3.5% | 3.7% | 3.5% | 0.0% | 0.0% | 3.0% | 2.7% | 2.7% |
| Hispanic | 3.8% | 3.8% | 3.7% | 3.5% | 3.7% | 3.5% | 6.6% | 5.8% | 6.0% | 5.5% | 2.7% |
| Black | 11.5% | 11.5% | 11.1% | 21.4% | 22.2% | 21.4% | 20.0% | 20.5% | 18.1% | 22.2% | 22.2% |
| White | 80.7% | 84.6% | 81.4% | 67.8% | 70.3% | 71.4% | 73.3% | 73.5% | 72.7% | 69.4% | 72.2% |

Data Source: Albany New World ERP, Albany Employees and Albany Department of Administrative Services

Figure 23 is a visual representation of the percentage gap of leadership positions held by Asian, Black, Hispanic, and White employees. On an annual basis, white employees held more leadership positions than any other race. At the beginning of the audit period there was a gap of 69.23% between white and black employees in leadership positions, a gap of 76.92% between white and Hispanic employees in leadership positions, and a gap of 80.77% between white and Asian employees in leadership positions. Throughout the audit period, most racial gaps in leadership decreased.

**Figure 23: City of Albany's Administration Leadership Race/Ethnicity Gap Illustration (2011-2021)**
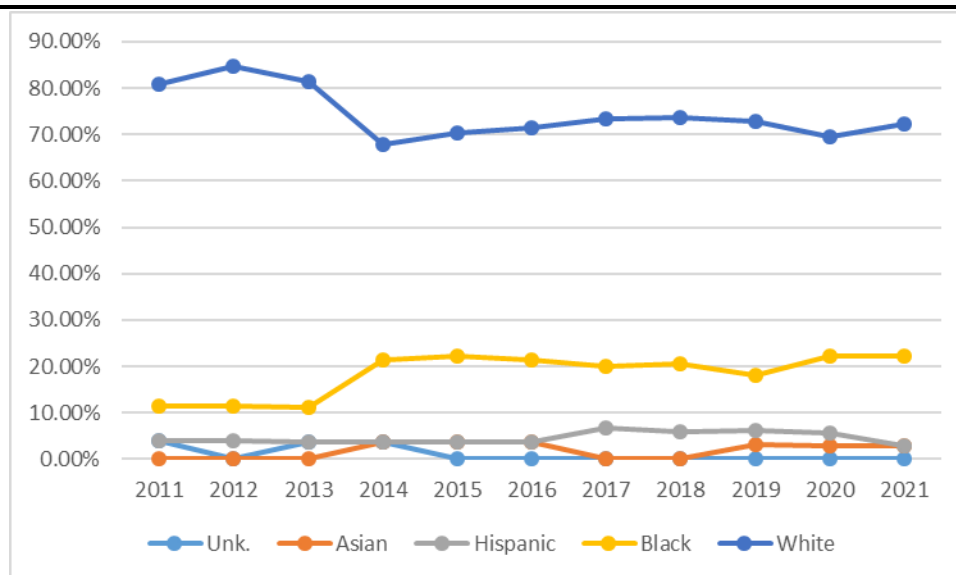


Data Source: Albany New World ERP, Albany Employees and Albany Department of Administrative Services

# Promotions

The Office of Audit & Control (OAC) contacted the Department of Administrative Services (DAS) for data on the number of promotions requested and promotions granted during the audit period. The City currently has three employee promotional tracks. These tracks were also in place during the audit period and are based on an employee's status which includes civil service/white collar, white collar/non-competitive and blue collar. A detailed description of each track can be found below.

- Civil Service/ White Collar Promotions

  o Employees can be promoted provisionally, pending the outcome of an exam as long as they meet the promotional qualifications or min. qualifications for a higher level title.

  o Employees can be promoted by being appointed off an active promotional list.

  o Employees are also able to transfer to other Departments for high level titles that they meet the qualifications for. Although this is not deemed a "promotion" it is an internal opportunity for advancement.

- White Collar/ Exempt/ Non-Competitive Employees

  o Employees can be promoted as long as they meet the qualifications for the higher level title.

  o Employees can be appointed to titles for the unclassified service (e.g. The Mayor, Treasurer, Auditor, Department Heads etc.)

- Blue Collar

  o Employees are promoted based on meeting qualifications for a higher level title and according to the respective bargaining contract (e.g. seniority preference).

OAC requested that promotion data be categorized by sex, race/ethnicity, age, disability status, education, position tittle, salary, and department/office. DAS informed OAC that the City has not tracked employee promotions. As a result, DAS consulted with the City's HR software vendor to produce a report containing promotion related data for analysis. However, OAC was unable to complete an analysis on the data provided.

The report included data on promotions, pay increases, lateral title changes, and/or department re-organization which was not labeled or sorted. Due to this, it was difficult to determine if an employee received a promotion, a pay increase, or a new position. After several attempts, OAC was not confident the analysis would yield accurate findings. Consequently, OAC determined it was unable to assess whether promotions were granted in an equitable manner.

# Disciplinary Action

An employee whose work performance, attendance, or conduct is not satisfactory may be subjected to disciplinary action. Depending on whether an employee is in a union or not, the disciplinary action taken by the City of Albany (City) is either determined by a collective bargaining agreement (containing a negotiated disciplinary procedure) or Section 75 of the New York State Civil Service Law. According to Article 28 of the City's Policy and Procedure Manual, the City endorses a policy of progressive discipline which includes but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment. However, the Policy and Procedure Manual outlines the City retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants.

The Department of Administrative Services (DAS) was unable to provide data regarding disciplinary action for the specified audit period. According to DAS, the City did not have a system in place to record and track complaints, investigations and disciplinary actions until September 2021. DAS was able to provide summarized disciplinary actions via a PowerPoint presentation. The data presented in the presentation covered the period of September 2021 through May 2022, however no raw data was provided for OAC to complete a thorough analysis. Figure 24 displays the gender of the 25 recorded disciplinary cases.

**Figure 24: Complaints' and Respondents' Gender**
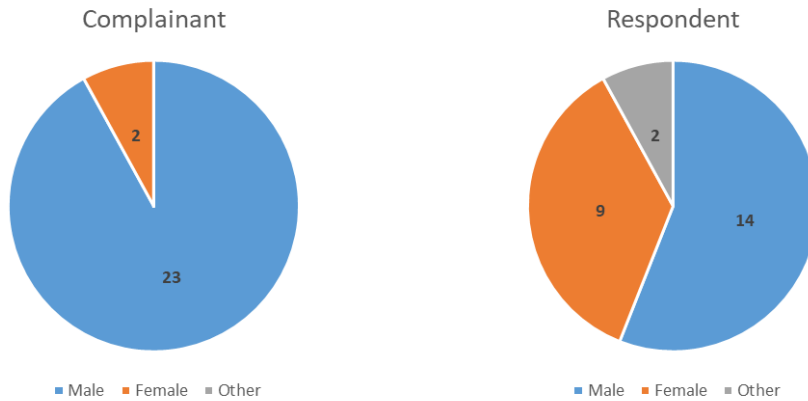


Data Source: Albany Department of Administrative Services

According to DAS, when accounting for gender, 23 of the complainants were male and 2 female. Complainants are individuals who have filed a complaint. Among respondents, those who the complaint were filed against, 14 were male, 9 females and 2 other.

When accounting for race, 16 of the complainants were black, 8 white, and 1 Hispanic. In relation to respondents, 17 were white, 6 black, and 2 unknown. Figures 25 displays the race of the 25 recorded disciplinary cases.

**Figure 25: Complainants' and Respondents' Race**
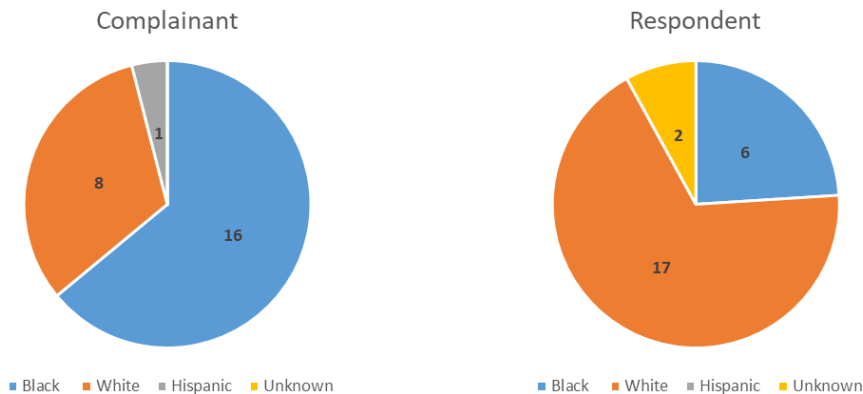


Data Source: Albany Department of Administrative Services. Unkown refers to complaints received about entities not affiliated with the City of Albany.

Out of the 25 recorded disciplinary cases, 17 of the complaints were categorized as harassment, 4 categorized as other, 2 categorized as sexual harassment, and the remaining 2 were categorized as discrimination. Out of the 25 recorded disciplinary cases, approximately 13 resulted with no action, 9

were substantiated, 2 were referred, and 1 were withdrawn. Figure 26 displays the type of complaint and outcome of the 25 recorded disciplinary cases.

**Figure 26: Complaint Type and Determination**
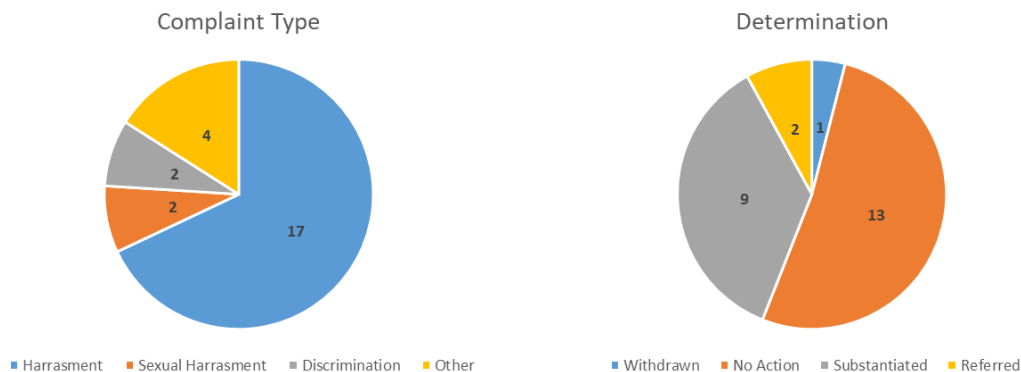


Data Source: Albany Department of Administrative Services

According to DAS, complaints determined to be substantiated means the complaint was found to be true/valid based on the investigation. Once a case is substantiated, the HR/Legal offices usually recommend disciplinary action at the department level. Due to a lack of data, OAC was unable to identify the disciplinary actions taken for substantiated complaints and examine equitability. Additionally, due to the limited data provided, we could not conduct an analysis to determine if there is an interaction between race and type of complaints.

According to DAS, referred complaints were complaints referred to other offices. For example, complaints from persons who do not work for the City or reside in the City of Albany are referred to the New York State EEO Office or offices who deal directly with the issue at hand.

# Attrition

Attrition is defined as the departure of employees from an organization for any reason (voluntary or involuntary), including resignation, termination, death, or retirement. In this section OAC assessed both voluntary and involuntary departures during the audit period to determine if any particular demographic group left City service at disproportionate levels.

During the audit period, a total of 891 employees departed from City service. As displayed in Table 18, employee departures increased annually from 2011 to 2018. In 2019 and 2020 the City experienced a subtle decrease in departures, 136 and 134, respectfully. The decrease in 2020 could potentially be associated with the COVID-19 pandemic and the turbulent job market. However, in 2021, the City experienced its largest number of departures (195).

**Table 18: City of Albany Employee Departures (2011-2021)**

| Year | No. of Employee Departures |
|------|----------------------------|
| 2011 | 6 |
| 2012 | 11 |
| 2013 | 17 |

| | |
|---|---|
| **2014** | 28 |
| **2015** | 32 |
| **2016** | 71 |
| **2017** | 118 |
| **2018** | 143 |
| **2019** | 136 |
| **2020** | 134 |
| **2021** | 195 |
| Grand Total | **891** |

*Data Source: Albany Department of Administrative Services*

Gender

Out of the 891 employees that departed from City service, 77% of them identified as male and 23% as female. On an annual basis, more male employees departed than female employees. As demonstrated in Figure 27, both male and female employees departed at an upward trend throughout the audit period. However, the slope of the line associated with male employee departures is mostly steeper than the line associated with female employee departures, indicating male departures increased at a faster pace than female departures.

**Figure 27: City of Albany Employee Departures by Gender by Year (2011-2021)**
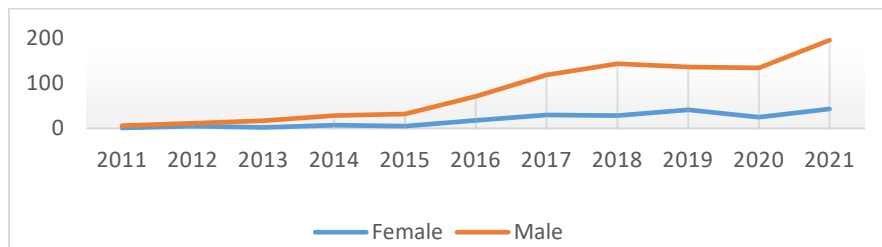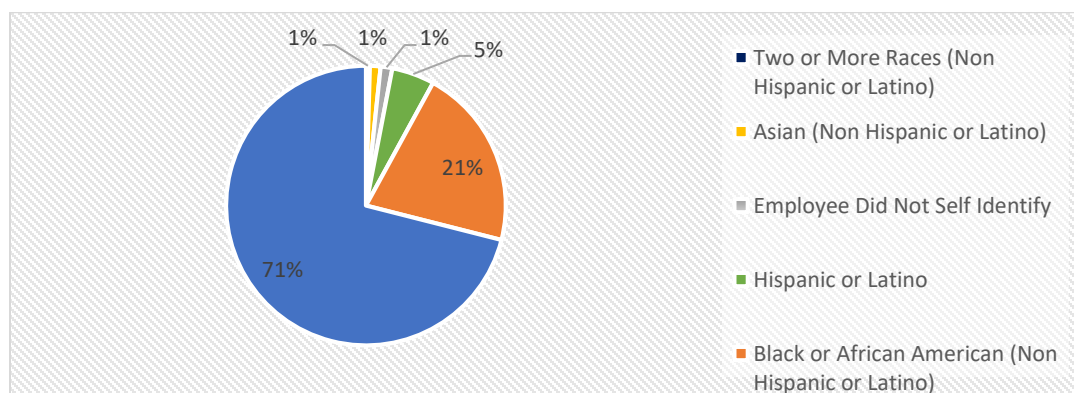


Data Source: Albany Department of Administrative Services

Race and Ethnicity

Out of the 891 employees that departed from City service, 71% of them identified as White (Non-Hispanic or Latino), 21% as Black or African American (Non-Hispanic or Latino), and 5% as Hispanic or Latino. The full breakdown of departures categorized by race and ethnicity is displayed in Figure 28.
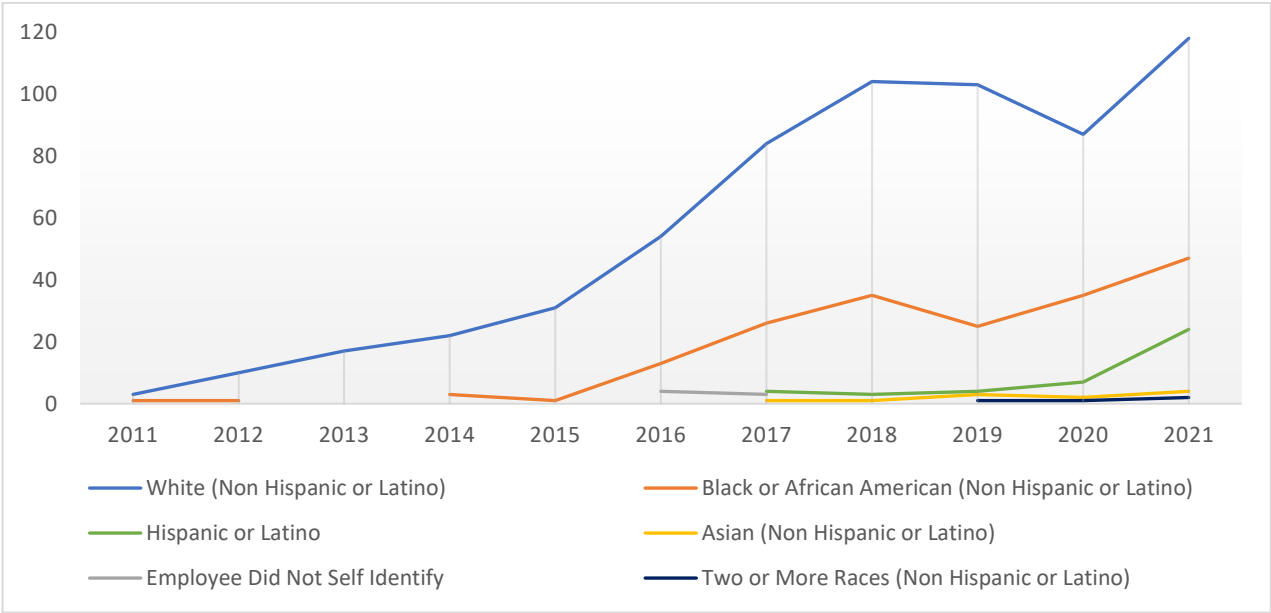
**Figure 28: City of Albany Employee Departures by Race and Ethnicity (2011-2021)**



Data Source: Albany Department of Administrative Service

On an annual basis, White employees departed at a higher rate than employees of any other race and ethnicity. Although White employees were the only group that departed each year of the audit period, all races and ethnicities had an overall upward trend during the ten year period. As displayed in Figure 29, the slope of the line associated with White employee departures is steeper than the lines associated with employees of other races and ethnicities, indicating white employee departures increased at a faster pace than any other race and ethnicity. Unlike the departure seen among White and Black employees, Asians, Hispanics, and individuals with two or more races experienced a more gradual increase in departures throughout the ten year period.

**Figure 29: City of Albany Employee Departures by Race and Ethnicity by Year (2011-2021)**



Data Source: Albany Department of Administrative Services

Age

Out of the 891 employees that departed from City service, 50% of the individuals either belonged to the 25-34 or 45-54 age group. The full breakdown of departures categorized by the different age groups is displayed in Figure 30.
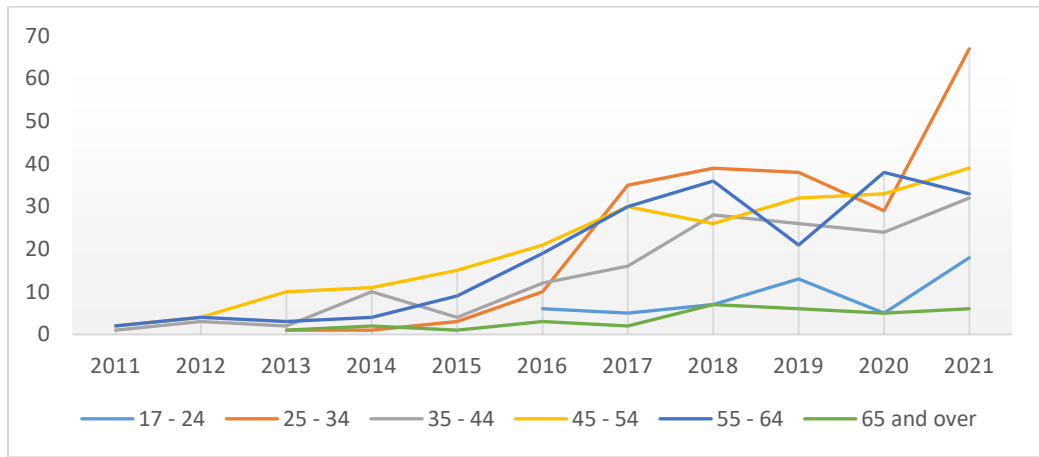
**Figure 30: City of Albany Employee Departures by Age Group (2011-2021)**
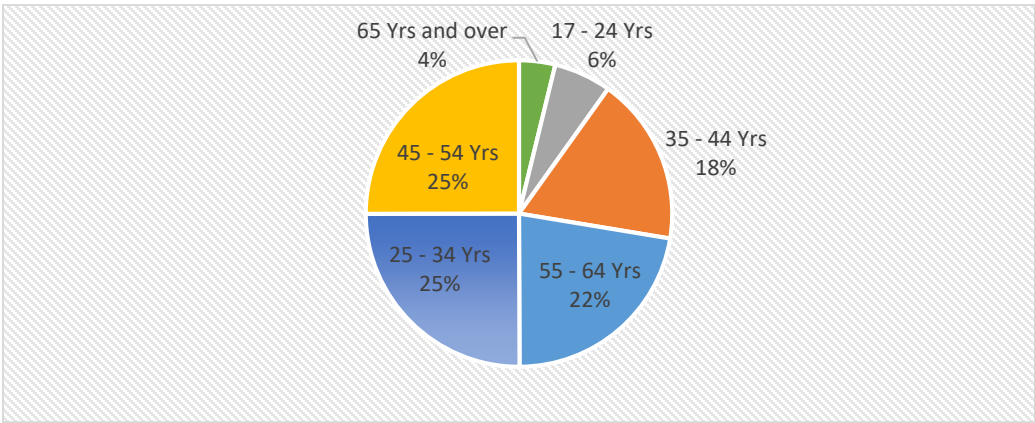


Data Source: Albany Department of Administrative Services

From 2011 to 2016, most employee departures were within the 45-54 age group, followed by age groups 55-64 and 35-44. After 2016, most employee departures were within the 25-34 age group. Although age groups 35-44, 45-54 and 55-64 were the only groups that had departures every single year of the audit period, all age groups had an overall upward trend during the ten year period. However, in 2020, majority of the age groups had a decrease in departures. As noted in the introduction, the decrease in 2020 could potentially be associated with the COVID-19 pandemic and the turbulent job market. As displayed in Figure 31, the slope of the line associated with the 25-34 age group is steeper than the lines associated with the other age groups during the 2016-2017 and 2020-2021 period, indicating departures among the 25-34 age group increased at a faster pace than any other age group.

**Figure 31: City of Albany Employee Departures by Age Group by Year (2011-2021)**



Data Source: Albany Department of Administrative Services

When reviewing the salary of employees that departed City service, majority (41%) of them were in the $25,000 - $45,000 salary group. As shown on figure 32, the second (27%) and third (26%) largest group of employees to depart city service belonged to the $45,001-$65,000 and $65,001-$85,000 salary group, respectively.

**Figure 32: City of Albany Employee Departures by Salary Range (2011-2021)**
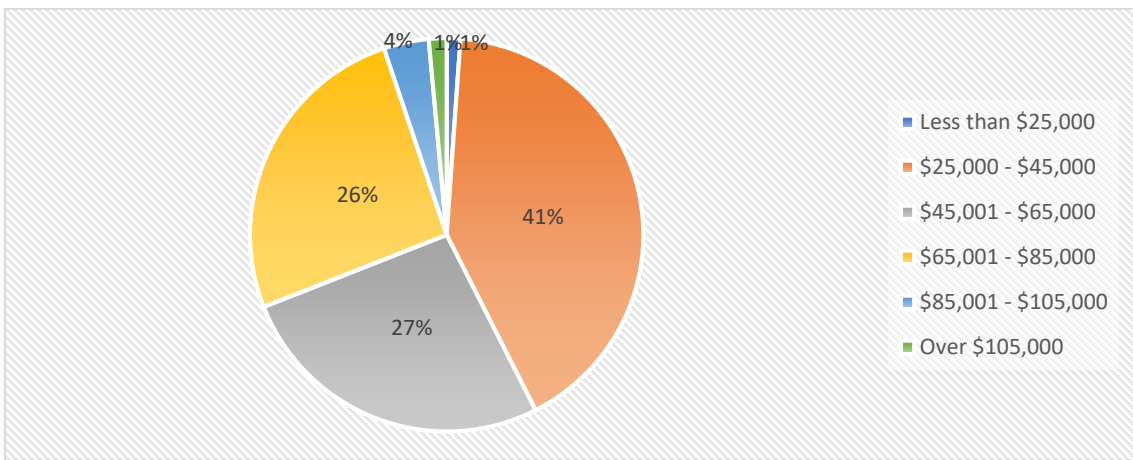


Data Source: Albany Department of Administrative Services

# COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities in areas such as, employment, transportation, public accommodations, and access to state and local government programs and services. For the purpose of this audit, OAC focused on ADA compliance regarding access to City owned properties and public right-of-way.

**City Properties**

The City owns a range of properties that include office buildings, fire stations, recreational spaces, barns, and visiting centers. The City owns a total of 54 properties, with 70% (38) of them being partially compliant and 30 % (16) being noncompliant with the ADA (Figure 33). A property can fail to be fully compliant with the ADA for several different reasons, such as a door opening failing to provide a clear width of 32 inches or steps on a flight of stairs failing to have uniform riser heights and tread depths.

Figure 33: ADA Compliance among City of Albany Owned Buildings
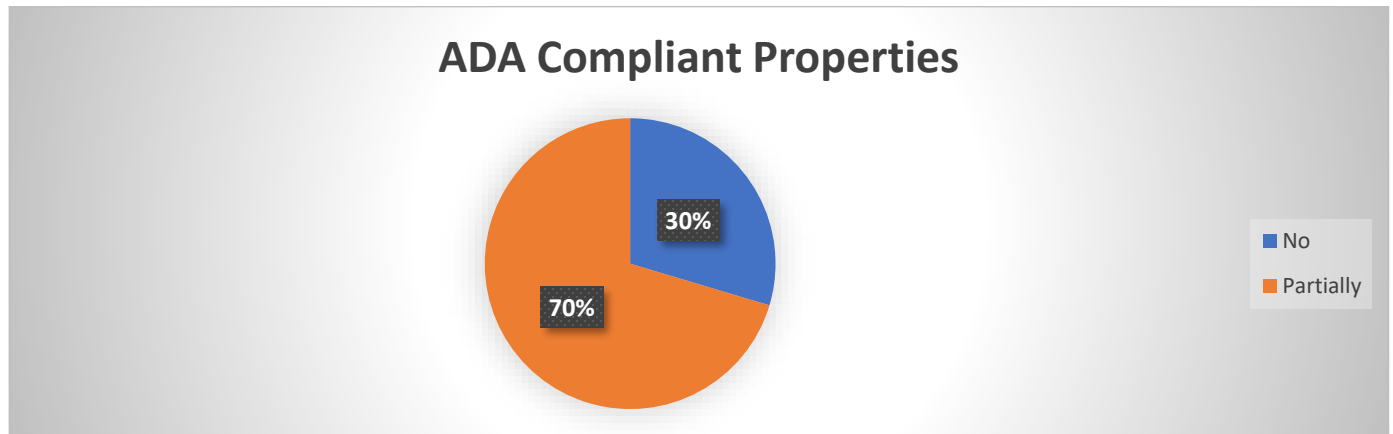


Out of the 16 noncompliant properties, 43% are associated with the Normanskill Farm. The remaining noncompliant properties are a mix of storage/maintenance buildings, recreational spaces, and a repurposed firehouse.

**Public right-of-way**

Title II, Article 8 of the ADA requires that every public entity must develop a transition plan that ensures accessible facilities are provided in the public right of way. An ADA transition plan must include the following:

- A list of physical barriers and their locations in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking the necessary steps to achieve compliance with Title II;
- Public complaint/grievance procedure; and

- The name/position of the ADA coordinator and/or official responsible for the plan's implementation.

The City has had a transition plan for City owned facilities, but it has not been updated since the 1990s. However, in September of 2022 the City published an ADA transition plan for public right-of-ways. The transition plan outlines the ADA compliance status of City sidewalks, multi-purpose trails, transit stops, and key intersection features including curb ramps, pedestrian signals, and crosswalks.

**Sidewalks, Multi-purpose trials, and Intersections**

The accessibility of sidewalks and multi-purpose trails was evaluated based on criteria outlined in table 19.

**Table 19: Characteristics of Accessibility Condition for Sidewalk and Multi-Use Trails**

| Accessibility Rating | Characteristics | Example |
|---|---|---|
| 1. **Fully Accessible** | • Designed to meet current standards | • Newly installed facility |
| 2. **Mostly Accessible** | • Provides access <br> • Not fully compliant | • Curb ramps without detectable warnings <br> • Limited minor defects |
| 3. **Partially Accessible** | • Limited accessibility | • Several minor defects |
| 4. **Not Accessible** | • Significant discontinuity <br> • Inaccessible | • No curb ramps <br> • Steps <br> • Significant heaving |

Out of the 282.1 miles of sidewalks and trails assessed, 38.2% were either rated partially accessible or not accessible. The complete breakdown can be found in Table 20.

**Table 20: Block Level Sidewalk and Trail Score Results**

| Accessibility Rating | Percentage of Total Miles | Length in Miles | Number of Blocks | Percentage of Segments |
|---|---|---|---|---|
| **Fully Accessible** | 31.8% | 89.8 | 1273 | 36.4% |
| **Mostly Accessible** | 30% | 84.5 | 1046 | 29.9% |
| **Partially Accessible** | 15.9% | 45 | 504 | 14.4% |
| **Not Accessible** | 22.3% | 62.8 | 676 | 19.3% |
| **Grand Total** | **100%** | **282.1** | **3499** | **100%** |

According to the ADA, a curb ramp must be placed to enable a person with a mobility disability to travel from a sidewalk on one side of the street over or through any curbs or traffic islands, to the sidewalk on the other side of the street. The plan assessed 4,574 intersection access points for the presence of a curb ramp and whether the ramp was in good condition and accessible. Out of the 4,574 intersections that were observed, 170 interactions were missing curb ramps. Furthermore, 51.6% of the intersections that had curb ramps had some sort of barrier that negatively impacted their accessibility. The most frequently found barrier on the curb ramps are issues related to detectable warning surfaces (DWS). DWS are used to indicate to the visually impaired that they have reached an intersection with a roadway. The absence

or inadequate condition of DWS was a contributing factor to accessibility barriers in over half of all curb ramps.

**Pedestrian Signals, Crossings, and Access to Transit Services**

Pedestrian Signals were evaluated for three factors: the presence of a push button to request the crossing phase and/or crossing information, the crossing signal method (audio, visual, or both), and wheelchair accessibility (height and distance of the push button from the access route). The assessment found that the most common barrier around pedestrian signals was approximately 74% of pedestrian signals are visual or audible only. Depending on which type of signal method is present, either the visually impaired or hearing impaired would have restricted accessibility. Additionally, 5.2% of intersections with a push button were not wheelchair accessible.

Out of the 2,864 crossings reviewed, 99.4% were found to have a complete access route. Out of all the complete access routes reviewed, 32.5% were found to be in fair or poor route condition. The bulk (91.2%) of poor route conditions were associated with significant cracking in the roadway or potholes.

Access to the Capital District Transportation Authority's transit services was assessed. The plan assessed 494 transit stops for connectivity to existing sidewalks. Additionally, the plan evaluated whether riders have a level and stable surface for boarding or getting off (alighting) a bus. Approximately 22.1% of boarding and alighting areas had some sort of barrier that interfered with accessibility. Most commonly, the barriers are insufficient depth or width of the boarding and alighting areas.

**Cost Estimate and Timeline**

To rectify the noncompliance concerns outlined in the right-of-way transition plan, the City would have to replace or repair all segments, intersections, and crosswalks that were deemed partially accessible or not accessible. The estimated cost of that undertaking would be approximately $19,549,781.12. The City has committed to investing roughly one million dollars a year to bring a 5.5 mile stretch into compliance at a time. Assuming the work progresses accordingly, the City will be in compliance in 20 years. The cost breakdown can be found in Figure 34.

Figure 34: Cost Estimate to bring Right-of-Way into Compliance with ADA

| Sidewalks/Trails Estimated Cost for Compliance (Obstructions Excluded): | | |
|---|---|---|
| Partially Accessible (57,657.6 ft)* | $ | 4,238,334.96 |
| Not Accessible (22,279.8 ft)** | $ | 5,446,136.16 |
| **Total Non-ADA Compliant Segments (245,552 ft)** | **$** | **9,684,471.12** |

*Assumed 15% of panels in need of replacement
**Assumed 30% of panels in need of replacement

| Curb Ramps and Signals Estimated Costs for Compliance: | | |
|---|---|---|
| Curb Ramps* | $ | 1,224,210.00 |
| Pedestrian Signals** | $ | 7,198,100.00 |
| **Total Intersections:** | **$** | **8,422,310.00** |

*Excludes "Not Flush with Asphalt"
**Does not include "No push button" signals

| Crosswalks Estimated Costs for Compliance: | | |
|---|---|---|
| **Total Crosswalks*** | | **$1,443,000** |

*Assumed incomplete access route is addressed in curb cut replacements

| **Total Capital Investment** | **$** | **19,549,781.12** |
|---|---|---|

# FINDINGS AND RECOMMENDATIONS

## Equity Agenda Findings and Recommendations

1. While the administration was in compliance with multiple sections of the Equity Agenda Ordinance, compliance was not met for the following sections:
   - Regarding Section 183-2(A)(1), the administration did not prioritize wards with a disproportionate percentage of streets rated three or lower in years 2019 and 2020
   - Regarding Section 183-2(A)(2), the administration did not prioritize parks that had one or more assets that were in need of replacement
   - Regarding Section 183-2(A)(4), the administration did not assess if trash receptacles were evenly distributed throughout wards in commercial zones and placed in areas of high activity
   - Regarding Section 183-2(B) (2), the administration did not include a separate budget line titled "Prevention Task Force Funding" in the City's 2020, 2021 or 2022 annual budget. As a result, there were no funds allocated to the Task Force
   - Regarding Section 183-3(D), the administration did not clearly track if the goals outlined in the equity agenda were being met

2. The Common Council was not in compliance with the following sections of the Equity Agenda Ordinance:

- Regarding Section 183-2(B)(1), the Violence Prevention Task Force did not develop action items in preparation for upcoming summers
- Regarding Section 183-2(B) (1), the Common Council did not staff the Violence Prevention Task Force with at least one youth representative, and a representative from the clergy.

3. Due to lack of information we were unable to determine if the administration was in compliance with the following sections of the Equity Agenda ordinance
- Regarding Section 183-3(A), there was no mention of the Commission on Human Rights' (CHR) review or enhancement of the Equity Agenda in the Equity Agenda Reports (EAR), nor on the CHR or City's website and/or platforms.
- Regarding Section 183-3(C), there was no mention of CHR conducting an annual forum to encourage dialogue on race, equity and inclusion for the City's communities and if funds were made available in the EARs, nor on the CHR or City's website and/or platforms.

**Recommendations addressing Equity Agenda findings:**

1) Going forward, Equity Agenda Reports (EAR) need to clearly state if the City is in compliance with the various sections of the equity agenda ordinance. Additionally, the Commission on Human Rights (CHR) should work with respective departments to implement a work plan to achieve compliance.
2) To foster transparency, we strongly advise the CHR to start publishing the EARs on their webpage
3) In partnership with the Department of Administrative Services, the CHR needs to actively track the City's progress in achieving equity. We recommend posting a tracker (see the Health Equity Tracker from the Satcher Health Leadership Institute) on their webpage, so residents and other stakeholders can easily monitor progress.
4) To prevent the loss of institutional knowledge via attrition, it's vital the City documents processes and avoids relying on verbal conversations. We encourage the City to update the format of the EARs to include space where the CHR can update the public on matters such as, sections 183-3(A) and Section 1833(C)

# City Permits Findings and Recommendations

4. At the ward level, there are racial disparities in approvals of residential, commercial, and other permit applications.

5. BRC does not have a standard checklist with criteria for approving and denying permit applications. The absence of a checklist may result in inconsistences when making decisions regarding permit applications.

6. Permit applications are only available in English creating language access barriers for non-English speaking applicants.

7. BRC's database did not always provide a rationale for why a particular permit application was denied.

**Recommendations addressing City permit findings:**

5) BRC should host quarterly town hall style meetings in wards that have historically low permit application approvals. The purpose of these town hall meetings would be to meet with residents and businesses and determine why permit applications approvals are low. BRC should proactively outline most frequent issues that they have observed on permit applications and provide guidance and resources on how to resolve said issues.

6) BRC can benefit from having a more user-friendly webpage. City of Raleigh, NC does a great job of having an informative webpage without overwhelming the reader with technical or legislative language.

7) BRC should implement a flowchart that standardizes the decision making process a staff member follows when reviewing a permit application. Having a standardized flowchart decreases the potential for implicit bias to impact the decision making process. All employees that review permit applications should be trained on how to utilize the flowchart.

8) Permit applications should be made available in multiple languages and in braille to accommodate our diverse City residents.

9) BRC should work with their software vendor to upgrade their system so employees can easily input and access reasons why a particular permit was denied, held up, etc. BRC should explore using a City of Albany Summer Youth Employment Program intern to manually enter the missing data.

# MWBE Findings and Recommendations

8. There is no formal policy or process for discontinuing and disqualifying contractors who violate the policies and performance agreements. While overall the MWBE and Labor Utilization goals were met there were instances in which individual contractors did not meet these goals, in some cases repeatedly.

9. The City's MWBE webpage does not clearly articulate the rational for the MWBE program's scope and its 15% goal. Clearly articulating this information could potentially assist with changing community perceptions.  Albany residents and business owners have expressed confusion and in some cases disappointment with the City's MWBE program. In particular, there have been concerns expressed that the scope of the program being too narrowly focused (construction only) and the goal and utilization rate are too low.

10. The City does not have a robust and proactive MWBE recruitment plan. Many of the events the City frequents to recruit MWBEs may not always have MWBE representation.  As a result the City may be missing opportunities to connect with prospective vendors.

11. As part of the City's MWBE program, the Senior Compliance Coordinator monitors and maintains a MWBE Directory. To date, the directory includes MWBE contractors organized by service-type and has grown from 70 certified firms to over 200.  The current directory includes non-construction related businesses.

12. As mentioned in the 2014-2015 Compliance Report, MWBE firms have expressed concerns about not knowing when bids are going to be advertised.

**Recommendations addressing MWBE findings:**
10) Develop a formal policy and process for discontinuing and disqualifying contractors who violate the policies and performance agreement. Policy and process should be formally conveyed to all existing and new contractors. This policy and process should also be made visible in solicitations and on the City's MWBE webpage.

11) We recommend explicitly stating the rational and the data driving the MWBE goals and rates on the MWBE webpage and through communication with the public

12) The City should develop a formal process for residents and business owners to provide input regarding the City's MWBE initiatives, including the scope, goals and rates set

13) We recommend the City create a MWBE recruitment plan based on feedback from community members and business owners. As part of the plan, the City should proactively host events such as San Antonio's Vendor Round-Up previously referenced to ensure the City is connecting with MWBEs.

14) We recommend the City to continue expanding the MWBE directory.

15) While the directory is listed on the City's MWBE webpage, we recommend more broadly promoting this directory to the public

16) We recommend updating the MWBE webpage to include a new tab on the left-hand side dedicated strictly to displaying open bids and request for proposals (RFPs). This would allow MWBEs to easily navigate the webpage and find pertinent information.

17) We recommend the City explore establishing an ordinance that would require prime contractors to hire a percentage of its employees from the neighborhoods where the work is being conducted.

# City Workforce Equity Survey Findings and Recommendations

13. The majority (70%) of employees expressed some level of agreement that everyone in their office/department receives fair treatment, regardless of gender race, ethnicity, or any other differentiator.

14. The majority (58%) of employees expressed some level of agreement that leadership in their department creates a culture in which there is transparency to how decisions are made.

15. The majority (51%) of employees expressed some level of agreement that their office/department had clear expectations communicated and/or visible for which actions warrant receiving rewards such as promotions.

16. The majority (59%) of employees expressed some level of agreement that their office/department had clear expectations communicated and/or visible for which actions warrant consequences, i.e. a write-up or probation.

17. The majority (60%) of employees expressed some level of agreement that their office/department had clear and established standards of performance that are the same for all as appropriate for their roles and responsibilities.

18. The majority (64%) of employees expressed some level of agreement that they received the same amount of time with leadership for one-on-one meetings as their co-workers.

19. The majority (62%) of employees expressed some level of agreement that they received the same amount of investment in their professional development opportunities such as trainings and conferences as their co-workers.

20. The majority (60%) of employees expressed some level of agreement that leadership provided facts and data instead of value judgments and personal perspectives when giving feedback regarding their work performance.

**Recommendations addressing survey findings:**

18) Due to the limited number of employee responses, we recommend the administration conduct a deeper analysis of employees' perceptions regarding workplace culture focusing on factors, such as, fairness, and clear communication and expectations. When soliciting employee information, we recommend:

- A third party with a track record of effectively addressing sensitive issues of gender and race dynamics conduct the analysis.
- Creating a safe space that encourages employee participation which addresses expressed concerns regarding retaliation.
- In the interim of a deeper analysis, creating a mechanism for employee feedback and recommendations on how to improve workplace morale and culture.
- Creating a mechanism for collecting data during an employee's tenure as opposed to only during an exit survey and/or interview.
- Recognizing, embracing and nourishing healthy subcultures in departments that are productive for employees.

## Hiring Findings and Recommendations

21. There were gender disparities in hiring. Males were hired at a higher rate than females
- On average, 74% of new hires were male
- From 2016 to 2017 the gap between male and female hires decreased (from 42.8% to 19.7%), but for the remainder of the audit period the gap widened
  - For the remainder of the audit period, the gap between male and female new hires was 44.3% on average,

22. There were age disparities in hiring. Individuals in the 25 to 34 age group were hired at the highest rate annually throughout the audit period
- On average, 47.8% of new hires were in the 25-34 age group
- Individuals in the 35-44 age group were hired at the second highest hiring rate

       ○    On average, 17.7% of new hires were in the 35-44 age group

23. There were racial disparities in hiring among Asians.
- While Asians make-up 7.5% of the City's population, the City's workforce is comprised of 2.4% Asian. Throughout the audit period, this trend stayed consistent.

| Race | Average Hiring Rate | 2020 COA Census Data |
|------|---------------------|----------------------|
| **White** | 52.3% | 54% |
| **Black** | 29.9% | 27.7% |
| **Hispanic** | 11.3% | 9.9% |
| **Asian** | 2.4% | 7.5% |

24. Overall when looking at the City's hiring, there were no racial disparities detected. However, racial disparities in hiring do exist at the department level.

**Recommendations addressing hiring findings:**

19) The City should conduct an assessment to determine why racial and gender disparities in hiring exist, and how hiring culture and practices may perpetuate these disparities.

20) We encourage the administration to develop a robust racial and gender recruiting strategy. Research has shown the following methods increase recruitment of diverse applicants:

- Removing gender specific position titles (e.g. firemen vs firefighter).
- Avoid exclusionary language in job descriptions. (e.g. aggressive/competitive working environment vs flexible/progressive working environment)
- Holding career fairs targeting and/or collaborating with specific affinity groups (e.g. Women in Business Club, National Society of Black Engineers, APAPA Asian Pacific Islander American Public Affairs Association)

21) Create a Diversity Equity and Inclusion (DEI) Steering Committee, made up of city employees, to inform, encourage, and monitor progress of the City's DEI strategy and workplace culture.

22) Establish an Employee Resource Group (ERG), comprised of one employee from each department in a non-leadership role, with the purpose of helping the administration understand DEI challenges at the department level.

## Organizational Leadership Findings and Recommendations

25. There were gender disparities among those in leadership positions
- On average, 73% of leadership positions were held by male employees
- The gap between male and female employees in leadership positions decreased significantly from a peak of 62.9% (2015) to 38.8% (2021).
- The gap was the smallest in 2019 (33.3%)

26. There were racial disparities among those in leadership positions
- On average, 74% of the leadership positions were held by white employees
- The gap between white and minority employees in leadership positions decreased over time

- The gap between white and black employees in leadership positions decreased by 19.23%
- The gap between white and Hispanic employees in leadership positons decreased by 7.48%,
- The gap between white and Asian employees in leadership positions decreased by 11.33%

**Recommendations addressing organizational leadership findings:**

23) OAC encourages the City to establish a two-fold talent management strategy with the focus of reaching gender parity and equitable racial representation in City leadership

- Launch a leadership diversification program to identify, mentor, and engage promising employees from underrepresented groups. The program would incorporate trainings and personalized coaching to help accelerate an employee's career within the City of Albany

- Launch a recruiting strategy to bring in members from underrepresented groups for leadership positions

# Promotions Findings and Recommendations

27. The City did not record and track the number of promotions requested and promotions granted during the audit period.

**Recommendation addressing promotion finding:**

24) The City should implement a database that records and tracks the number of promotions requested and promotions granted. The system should be capable of easily reporting out data in a clear and manageable format for future audits and administrative reviews.

# Disciplinary Action Findings and Recommendations

28. During the audit period, the City did not have a database that recorded and tracked complaints, investigations and disciplinary actions
- The City implemented a system in September 2021 to track complaints and disciplinary actions. This resulted in OAC receiving limited data (25 cases).
- The HR Director was the sole employee who had the ability to record, track and access complaints, investigations and disciplinary action data. As a result, the data could not be accessed after the employee left.

29. There were gender disparities in complaints filed
- Among the 25 cases, 23 of the complaints filed were by males
  - Due to the limited data sample this might not be representative of the full 10 year audit period.
- The majority of the cases were males filing complaints against other males.

30. There were racial disparities in complaints filed
- Among the 25 cases, 16 of the complaints were filed by African Americans.

- Among the 25 cases, 17 of the respondents were White.

31. Among the four complaint types (Harassment, Sexual Harassment, Discrimination, and Other), the majority were harassment cases (17)

32. Among the 25 filed complaints, 13 resulted in no action, 9 were substantiated, 2 were referred to other offices (e.g., NYS Labor Department), and 1 was withdrawn

33. Once a complaint has been investigated and substantiated, the respondent's Department head determines disciplinary action. This may result in biased outcomes.
    - Administrative Services stated they are currently working on re-vamping this system and possibly forming a committee who will review all investigative findings and issue binding recommendations for employee discipline.

**Recommendations addressing disciplinary findings:**

25) We recommend the City review the current system used to record and track complaints, investigations and disciplinary actions and confirm it meets standards set by New York State and/or the US Equal Employment Opportunity Commission
    - Furthermore the system should be capable of easily reporting out data in a clear, confidential, and manageable format for future audits and administrative reviews.

26) We recommend multiple people are trained and have the ability to access and navigate the system used to record and track complaints, investigations and disciplinary action.

27) We recommend that the City ensures that the employees responsible for receiving, investigating, and resolving complaints or otherwise implementing the harassment complaint system, among other things:
    - Are well-trained, objective, and neutral;
    - Have the authority, independence, and resources required to receive, investigate, and resolve complaints appropriately;
    - Appropriately document every complaint, from initial intake to investigation to resolution, use guidelines to weigh the credibility of all relevant parties, and prepare a written report documenting the investigation, findings, recommendations, and disciplinary action imposed (if any), and corrective and preventative action taken (if any).

# Attrition Findings and Recommendations

34. There were a gender disparity in attrition. The majority of employees (77%) that departed City service during the audit period were males.

35. There were racial disparities in attrition. The majority of employees (71%) that departed City service during the audit period were white.

36. Fifty percent of employees that departed City service during the audit period were either in the 25-34 or 45-54 age groups.

37. There were socioeconomic disparities in attrition. The majority of employees (42%) that departed City service during the audit period were within the $25,000-$45,000 salary range.

**Recommendations addressing attrition findings:**

28) We encourage the City to conduct a comprehensive analysis to assess trends in disparity outcomes for gender, race, age and socioeconomic status. The analysis should seek to explore why these disparities exist and develop corresponding retention strategies.
   - One data source for this analysis should be the comprehensive exit survey (see Appendix D) that employees complete on their last day with the City.

# ADA Compliance Findings and Recommendations

38. The City's ADA transition plan for all city-owned properties (i.e. building, recreational spaces, etc.) is outdated. The plan was last updated in the 1990s.

39. Seventy percent of city-owned properties are partially compliant with the ADA, and the remaining 30% are non-compliant

40. Roughly 32% of the City's 282.1 miles of sidewalks and trails assessed were rated fully accessible. The other rating are as follows: 30% mostly accessible, 15.9% partially accessibly, and 22.3% not accessible.*

41. Roughly half (51.6%) of the 4,574 intersections observed with curb ramps have some sort of barrier that negatively impacted their accessibility.*

42. Only 26% of pedestrian signals accommodate both visual and audible impairments. Among the other pedestrian signals (74%) either the visually impaired or hearing impaired would have restricted accessibility.*

43. Approximately 22.1% of boarding and alighting areas had some sort of barrier that interfered with accessibility of getting on and off of a bus.*
*Findings retrieved from the City of Albany ADA Transition Plan.*

**Recommendations addressing ADA compliance findings:**

29) We encourage the City to update the ADA transition plan for all city-owned properties (i.e. buildings, recreational spaces, etc.)

30) We acknowledge the City's commitment to invest roughly one million dollars a year to bring a 5.5 mile stretch into compliance at a time resulting in the full compliance in 20 years. OAC encourages the City to follow through with this commitment and provide annual updates to the public.

# CONTACT

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