OFFICE OF AUDIT AND CONTROL

City of Albany

Equity Audit of the City of Albany
Findings and Recommendations

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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 E) 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.

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