



Com

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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September 18, 2008

Michael J. Mansfield

Chair

Business Integrity Commission

100 Church Street, 20th Floor

New York, NY 10007

Re: Resolution #08/26-831/Preliminary Determination Pursuant to the Audit of the Business Integrity Commission (BIC) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 to December 31, 2007

Dear Chair Mansfield:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members, women and other protected classes. (New York City Charter, Chapter 36, sections 36(d)(2) and (5).)

Pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment by city agencies.

The Charter defines city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

This letter contains the preliminary determinations of the EEPC pursuant to its audit of compliance by the Business Integrity Commission (BIC) during the twenty-four month period commencing January 1, 2006 and ending December 31, 2007. Requests for corrective actions and/or recommendations are included where the EEPC has determined that the BIC has failed to comply in whole or in part with the City's EEO Policy.

All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the EEO Policy, which, in accordance with section 815 of the City Charter, holds agency heads responsible for the effective implementation of equal employment opportunity. Therefore, the Business Integrity Commission should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City's EEO Policy are cited in parenthesis at the end of each recommendation. In addition, this Commission is empowered by section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women.

The purpose of this audit is to evaluate the agency's compliance with the City's EEO Policy, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included an analysis of the BIC's agency-specific plans, quarterly EEO reports, and responses to a Commission Document and Information Request Form. The EEPC staff also analyzed Citywide Equal Employment Database System (CEEDS) reports, by which the BIC determines underutilizations of targeted groups within the workforce. These designations represent imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Where CEEDS reports revealed underutilizations within the BIC workforce, the auditors determined whether the agency had undertaken reasonable measures to correct those deficiencies. (Appendix 5) The EEPC auditors also conducted in-depth, on-site interviews with the BIC's EEO officer/director of human resources and the career counselor.

A survey of 60 people employed by the BIC during the audit period was distributed. (This number excludes 4 surveys that were returned as undeliverable.) Nine people (15%) responded. The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 1) The survey methodology was established by the EEPC with the assistance of an academic expert from the City University of New York.

Description of the Agency

The BIC is charged with licensing and regulating the private carting industry throughout the five boroughs, the businesses in the city's seven public wholesale markets, and the shipboard gaming industry. It is empowered to investigate applicants, issue licenses and registrations, enforce applicable laws, and promulgate rules and regulations that govern the conduct of the businesses it oversees. The Commission is composed of a Chair appointed by the Mayor and the

Commissioners of Small Business Services, Consumer Affairs, Investigation, Police and Sanitation.

Personnel Activity During the Audit Period

During the audit period, 15 people were hired: 6 Caucasians, 4 African-Americans, 3 Hispanics, and 2 Asians. Seven of those individuals were females. Between January 1, 2006 and December 31, 2007, 4 employees were promoted: 1 Caucasian male, 2 African-American males, and 1 Hispanic male. (Appendix 2) The BIC reports that 5 employees were involuntarily separated (terminated for cause or due to the issuance of a civil service list) during the audit period: 4 African-American males and 1 Hispanic male.

Between January 1, 2006 and December 31, 2007, the total number of BIC employees decreased by 1.6%, going from 62 to 61. There were percent increases for Hispanics (19.3% to 21.3%) and Asians (12.9% to 13.1%), and percent decreases for African-Americans (37.1% to 34.4%) and females (45.2% to 44.3%). (Appendices 3 and 4)

Discrimination Activity During the Audit Period

The BIC reports that no internal or external employment discrimination complaints were filed during the period in review.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination – Internally

The BIC is in compliance with the following requirements:

1. The Citywide EEO Policy, the BIC EEO Policy Statement, and the EEO Policy Handbook (*About EEO: What You Need to Know*, published in 2003) were last distributed in hardcopy to all employees during (September 2007) and after (May 2008) the audit period, and included in the new hire package. In addition, 66.7% of survey respondents indicated they were given a copy of the EEO Policy Handbook, and 100% of respondents indicated they know what the City's EEO Policy is.
2. The EEO policies cited above were posted on agency bulletin boards. The EEO officer or career counselor periodically checks the boards to ensure continued posting of the documents. In addition, 77.8% of survey respondents indicated that the agency's EEO Policy Statement is posted on BIC bulletin boards.

The BIC is not in compliance with the following requirement:

The EEO officer told the EEPC auditors that the BIC EEO Policy Statement (last issued and updated on September 18, 2007) is not available in alternate formats for persons with disabilities. Corrective action is required.

Recommendation: The BIC should ensure that its EEO Policy Statement is available in appropriate alternate formats to employees with disabilities (e.g., audio cassette or Braille). (Sect. VB, EEOP)

Plan Dissemination – Externally

The BIC is in compliance with the following requirements:

1. The BIC submitted copies of five job vacancy notices (agency attorney, executive agency counsel, agency attorney intern, associate investigator, and associate investigator level I). All the notices indicate that the BIC is an equal opportunity employer.
2. The BIC submitted copies of five job advertisements (placed in the *New York Times* and *craigslist.com.*) All of the ads indicate that the BIC is an equal opportunity employer.

EEO and Reasonable Accommodation for Persons with Disabilities

The BIC is in compliance with the following requirements:

1. Three employees requested and received reasonable accommodations during the audit period: Two individuals received back pads on their chairs to accommodate back conditions, and one person with a hearing impairment received a telephone head set.
2. The agency distributed the Section 55-A brochures to new and current employees, along with the other EEO documents. No employees, though, participate in that program.
3. According to the completed EEPC “Accessibility for Persons with Disabilities Checklist,” the BIC offices (located at 100 Church Street) are accessible to and usable by persons with disabilities. For example, there is ramp access to the building, wheelchair accessible elevators, Braille in the elevators, wide restroom stalls, and low sink or bathroom fixtures. In addition, 66.7% of survey respondents indicated that BIC’s facilities are accessible for persons with disabilities.
4. The EEO officer is aware that the Department of Citywide Administrative Services (DCAS) has made the City’s EEO policies available in alternate formats for persons with disabilities. There have been no requests by BIC applicants or employees for such alternate documents.

The BIC is not in compliance with the following requirement:

According to the EEO officer, the BIC has not appointed a disabilities rights coordinator. Corrective action is required.

Recommendation: The BIC should appoint a disabilities rights coordinator (usually the EEO officer), and employees should be notified in writing of that appointment. (Sect. VB, EEOP)

EEO Complaint and Investigation System

The BIC is in compliance with the following requirements:

1. Both the EEO officer and the former EEO counselor completed the DCAS training for EEO professionals.
2. The EEO officer met periodically with the former EEO counselor to review his work and keep him abreast of internal and external EEO developments.

The BIC is in partial compliance with the following requirement:

The BIC did not have EEO representatives of different genders available to receive and investigate discrimination complaints for the entire audit period. There was (and still is) a female EEO officer and a male EEO counselor from January 1, 2006 to October 7, 2007. The latter official left the agency on October 7. In February 2008 (two months after the audit period), however, the BIC appointed three EEO counselors: two females and one male.

The BIC is not in compliance with the following requirement:

The three EEO counselors appointed in February 2008 are waiting to receive the DCAS training for EEO professionals. Corrective action is required.

Recommendation: The three new EEO counselors should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. (Sect. VB, EEOP)

EEO Training

The BIC is in compliance with the following requirement:

Approximately five months prior to the audit period (August 2006), almost all BIC employees received EEO training from an experienced private trainer (the director of the EEO Studies Program at Cornell University's School of Industrial and Labor Relations) recommended by the DCAS. The curriculum included a segment on preventing sexual

harassment. All employees also received follow-up EEO training from the same trainer in May and June 2008—approximately six months after the audit period. In addition, 88.9% of survey respondents indicated they had received EEO training.

Underutilization

The BIC's CEEDs reports indicated persistent underutilization of African-Americans in the managers job group (002) and females in the management specialists job group (003). (See Appendix 5 for underutilizations at the beginning and end of the audit period.) Following is an analysis of personnel activity in those job groups.

EEO Job Group/Hires and Promotions:

Managers (002): One individual (a Caucasian female administrative staff analyst) was hired into this job group. No employees were promoted to or within this job group.

Management Specialists (003): One individual (an Asian female management auditor) was hired into this job group. No employees were promoted to or within this job group.

Addressing Underutilization

The EEO officer informed the EEPC auditors that she did not recall if there were any underutilizations, and no targeted recruitment efforts were undertaken. Besides advertising job advertisements in the *New York Times* and *craigslist.com*, the BIC sends job notices to John Jay and Baruch Colleges—because both CUNY institutions have criminal justice programs. Corrective action is required.

Recommendation: Since the BIC's workforce shows persistent underutilization of African-Americans and females in two job groups, the agency should expand its recruitment efforts by acquiring and using *Making the Most of New York City's Recruitment Resources* (2004), compiled by the DCAS and posted on its webpage (http://extranet.dcas.nycnet/eo/pdf/apomasterclass_recruitment.pdf). This publication provides agencies with additional recruitment resources to address the underutilization of "protected" groups.

Selection

The BIC is in partial compliance with the following requirement:

According to the EEO officer and the BIC's September 18, 2007 EEO Policy Statement, supervisors and managers involved in conducting employment interviews received structured interview materials prepared by the DCAS. They did not, however, attend structured interview training. Corrective action is required.

Recommendation: The BIC should ensure that all employees involved in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IV, EEOP)

The BIC is not in compliance with the following requirement:

The EEO auditor told the EEPC auditors that her agency has not assessed the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. Corrective action is required.

Recommendation: Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group, the BIC should conduct adverse impact studies. (Sect. IV, EEOP)

Promotional Opportunities

The BIC is in compliance with the following requirement:

The assistant director of human resources was appointed the career counselor in 2005. Employees were notified of her appointment in the BIC's EEO Policy Statement.

The BIC is in partial compliance with the following requirement:

Although non-managerial employees have received annual performance evaluations, the agency has never conducted performance evaluations on managerial employees. The EEO officer informed the EEPC auditors, though, that the agency is planning to conduct such evaluations this year. Corrective action is required.

Recommendation: The BIC should follow-up on its pledge and develop a plan to conduct performance evaluations for all managerial employees this year. (DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)

EEO Officer Reporting Arrangement

The BIC is in compliance with the following requirements:

1. According to the EEO officer and the BIC's August 17, 2005 EEO Policy Statement, she (EEO officer) reports to, and has regularly scheduled meetings with, the agency head (the chair) on EEO matters.
2. The EEO officer keeps notes of her meetings with the agency head. She also provided the EEPC with sample notes of those sessions.

The BIC is not in compliance with the following requirement:

Although the BIC organization chart identifies the EEO officer, it indicates that she reports to the deputy commissioner for administration and operations. The chart does not indicate that she reports to the chair on EEO matters. Corrective action is required.

Recommendation: The BIC organization chart should be revised to indicate that the EEO officer reports to the agency head on EEO matters. (Sect. VB, EEOP)

EEO Officer Responsibilities

The BIC is in compliance with the following requirement:

The EEO officer informed the EEPC auditors that she is not involved in developing recruitment strategies or selecting recruitment media; those are the responsibilities of the deputy commissioner for administration and operations. The EEO officer further stated that the deputy commissioner does have the EEO officer review her (deputy commissioner's) strategies and recruitment media. At the audit exit meeting, however, the EEPC was informed that the EEO officer was indeed involved in developing recruitment strategies and selecting recruitment media.

The BIC is in partial compliance with the following requirement:

Although the EEO officer (who is also the HR director) devotes approximately 20-30% of her work time to EEO matters, she told EEPC auditors that she had adequate professional support during the tenure of the former EEO counselor. As noted above, that employee left the agency in October 2007, and has been replaced by three as-yet untrained EEO counselors. After those individuals receive the DCAS—or similar--EEO training (recommended above), they will provide the EEO officer with the necessary professional support.

Supervisory Responsibility in EEO Plan Implementation

The BIC is not in compliance with the following requirement:

The EEO officer informed the EEPC auditors that supervisors and managers were not directed to discuss the agency's EEO policies with their subordinates. Corrective action is required.

Recommendation: It is the position of the DCAS ("Model Agency EEO Commitment Memo," http://extranet.dcas/nycnet/eep/pdf/model_memo.pdf) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.

Special Problems

1. Eighty-nine percent of survey respondents indicated they do not know the name of the person who is responsible for providing career counseling. Corrective action is required.

Recommendation: The BIC should redistribute written notification of the identity, location, and telephone number/email address of the agency's career counselor. (Sect. VB, EEOP)

2. The EEO officer is the agency's director of human resources. To discharge her responsibilities under the Citywide EEO Policy, the EEO officer must review all personnel policies and practices—including selection and termination policies—to ensure they are non-discriminatory. The EEPC believes that it is an inherent conflict of interest for individuals involved in the development of such policies to review them for bias. The EEO officer is also required to investigate and supervise the investigation of discrimination complaints. The potential for conflict of interest is equally obvious in this situation. In typical discrimination cases involving failure to hire or termination, for example, the human resources director provides guidance to the line manager prior to the selection or termination decision. The human resources official, wearing the hat of the EEO officer, must then determine if the decision by the line manager was non-discriminatory. Corrective action is required.

Recommendation: The BIC should appoint an EEO officer who is not involved in setting human resources policies.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The BIC should ensure that its EEO Policy Statement is available in appropriate formats to employees with disabilities (e.g., audio cassette or Braille). (Sect. VB, EEOP)
2. The BIC should appoint a disabilities rights coordinator (usually the EEO officer), and employees should be notified in writing of that appointment. (Sect. VB, EEOP)
3. The three new EEO counselors should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. (Sect. VB, EEOP)
4. Since the BIC's workforce shows persistent underutilization of African-Americans and females in two job categories, the agency should expand its recruitment efforts by acquiring and using *Making the Most of New York City's Recruitment Resources* (2004), compiled by the DCAS and posted on its webpage (http://extranet.dcas.nycet/eo/pdf/apomasterclass_recruitment.pdf). This publication provides agencies with additional recruitment resources to address the underutilization of "protected" groups.

5. The BIC should ensure that all employees involved in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IV, EEOP)
6. Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group, the BIC should conduct adverse impact studies. (Sect. IV, EEOP)
7. The BIC should follow-up on its pledge and conduct performance evaluations for all managerial employees. (DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)
8. The BIC organization chart should be revised to indicate that the EEO officer reports to the agency head on EEO matters. (Sect. VB, EEOP)
9. It is the position of the DCAS (“Model Agency EEO Commitment Memo,” http://extranet.dcas/nycet/eep/pdf/model_memo.pdf) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency’s EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.
10. The BIC should redistribute written notification of the identity, location, and telephone number/email address of the agency’s career counselor. (Sect. VB, EEOP)
11. The BIC should appoint an EEO officer who is not involved in setting human resources policies.

In addition to the above recommendations, during the compliance period, the Commission requires that the agency head distribute a memo to all staff informing them of the changes that are being implemented in the agency’s EEO program pursuant to the audit. This memorandum should re-emphasize the agency head’s commitment to the agency’s Equal Employment Opportunity Program.

Conclusion

Pursuant to Chapter 36 of the New York City Charter, and the previously cited preliminary determinations relating to the EEPC audit of the BIC’s compliance with the City’s Equal Employment Opportunity Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your agency will take, and which recommendations it intends to incorporate into its Equal Employment Opportunity Plan, where appropriate, to comply with the City’s Equal Employment Opportunity Policy. As you informed us during the exit meeting of August 20, 2008, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response.

Because agency heads are responsible for the implementation of their agencies' EEO Programs, your response should be a formal letter signed by you. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of the recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's Equal Employment Opportunity Plan.

In closing, we wish to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Ernest F. Hart, Esq.
Chair

APPENDIX - 1

Business Integrity Commission
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (9) No (0)
2. Is your agency's EEO Policy Statement posted on your agency's bulletin boards?
Yes (7) No (2)
3. Were you given the EEO Policy Statement?
Yes (5) No (1) Do not remember (3)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?
Yes (6) No (3)
5. Do you agree with the principles of equal employment opportunity?
Yes (9) No (0)
6. Do you believe your agency practices equal employment opportunity?
Yes (3) No (6)
7. Do you know what the City's Equal Employment Opportunity Policy (EEOP) is?
Yes (9) No (0)
8. Has your supervisor emphasized his/her commitment to the agency's EEO policies at any staff meeting during the past 8 months?
Yes (2) No (5) Do not remember (2)
9. When you started working at your agency, did you attend an orientation session?
If No, please skip to question #11.
Yes (1) No (8) Do not remember (0)
10. If hired within the past 12 months, did your orientation session include information on your rights and responsibilities under the EEO Policy?
Yes (1) No (0) Do not remember (0)

B. EEO COMPLAINTS

11. Do you know how to file an EEO complaint?
Yes (7) No (2)
12. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (5) No (4) Undecided (0)

BIC SURVEY RESULTS CONTINUED

13. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (6) No (0) Undecided (3)

14. Did you ever file an EEO complaint with your agency's EEO Office?
If No, please skip to question #18.
Yes (0) No (9)

15. What was the basis of the complaint?
Age (0) Partnership Status (0)
Alienage or Citizen Status (0) Predisposing genetic characteristic (0)
Arrest or Conviction Record (0) Race (0)
Color (0) Sexual Harassment (0)
Creed (0) Sexual Orientation (0)
Disability (0) Veteran's Status (0)
Gender (incl. gender identity) (0) Victim of Domestic Violence,
Marital Status (0) Stalking, and Sex Offenses (0)
Military Status (0) Other (0)
National Origin (0)

16. Were you satisfied with the manner in which your complaint was managed?
Yes (0) No (0)

17. Was your manager or supervisor supportive of your right to file a complaint?
Yes (0) No (0) Not Applicable (0)

C. EEO TRAINING

18. Did you receive EEO training? If No, please skip to question #20.
Yes (8) No (1)

19. Did you find this training helpful?
Very (2) Somewhat (6)
Not really (1) Waste of time (0)

D. JOB PERFORMANCE/ADVANCEMENT

20. Did you see your agency's job postings on agency bulletin boards for vacant positions prior to the application deadline?
Yes (3) No (2) Do not remember (4)

21. If you were employed at your agency for over one year, did you receive annual evaluations?
If No, skip to question #24.
Yes (0) No (8) Not employed for >1 year (1)

22. Did your evaluation contain recommendations for improving your job performance?
Yes (0) No (0)

BIC SURVEY RESULTS CONTINUED

23. Did your evaluation contain recommendations for career advancement with your agency?

Yes (0) No (0)

24. Do you know the name of the person in your agency who is responsible for providing career counseling?

Yes (1) No (8)

E. AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

25. Are your agency's facilities accessible for persons with disabilities?

Yes (6) No (1) Don't Know (2)

26. Did you ever ask for an accommodation for a physical or mental disability?

If No, skip to question #28.

Yes (0) No (0)

27. Did the agency accommodate you?

Yes (0) No (0)

OPTIONAL

28. What is your race/ethnicity?

Asian (1)	Native American (0)
Black (2)	White (3)
Hispanic (1)	Other (0)

29. What is your gender?

Male (2) Female (6)

APPENDIX – 2

The following table indicates personnel activity during the audit period, January 1, 2006 through December 31, 2007.

Business Integrity Commission

Hires by Sex and Ethnicity

Total Hires: 15

Male	Female	Total	Caucasian	African-American	Hispanic	Asian	Total
8	7	15	6	4	3	2	15

Promotions by Sex and Ethnicity

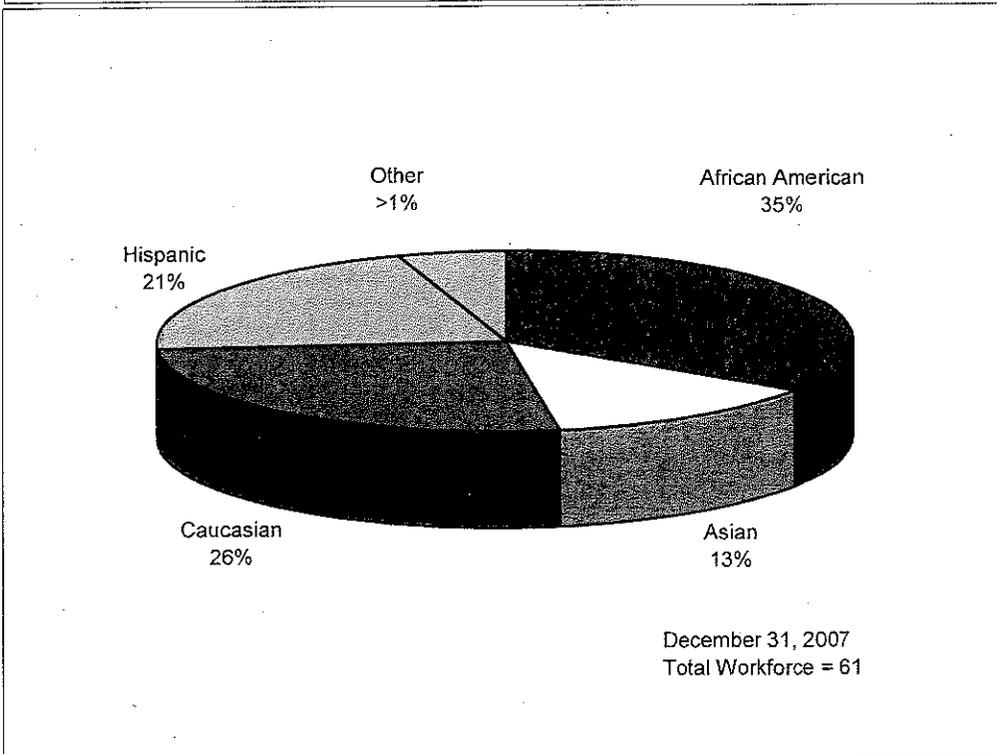
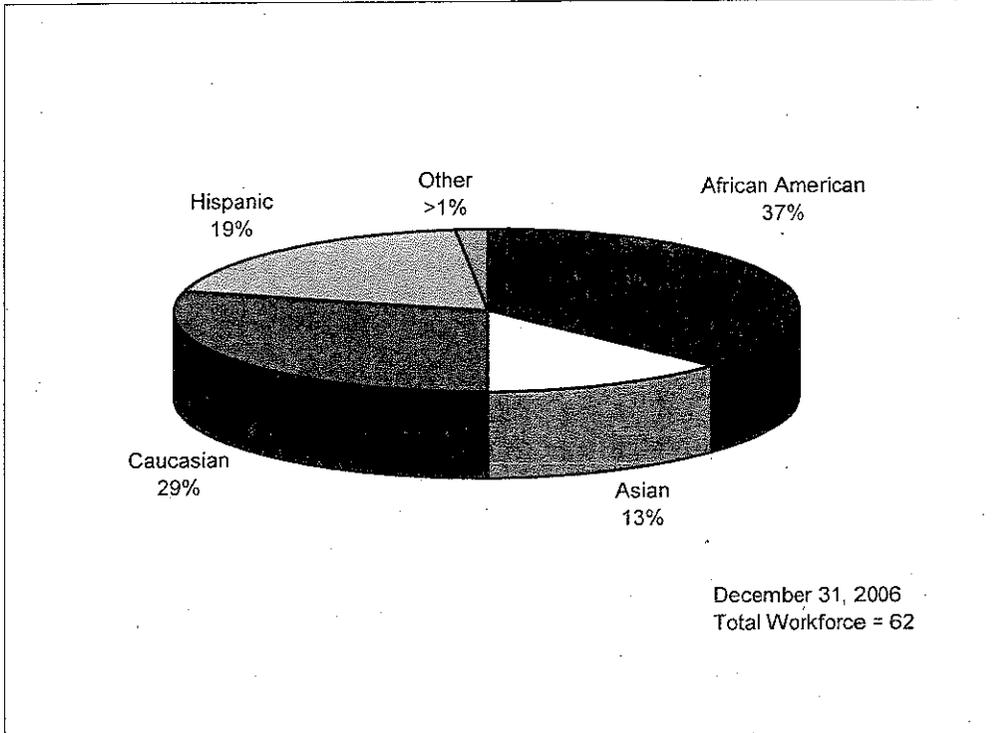
Total Promotions: 4

Male	Female	Total	Caucasian	African-American	Hispanic	Asian	Total
4	0	4	1	2	1	0	4

Source: Audit data supplied by the Business Integrity Commission

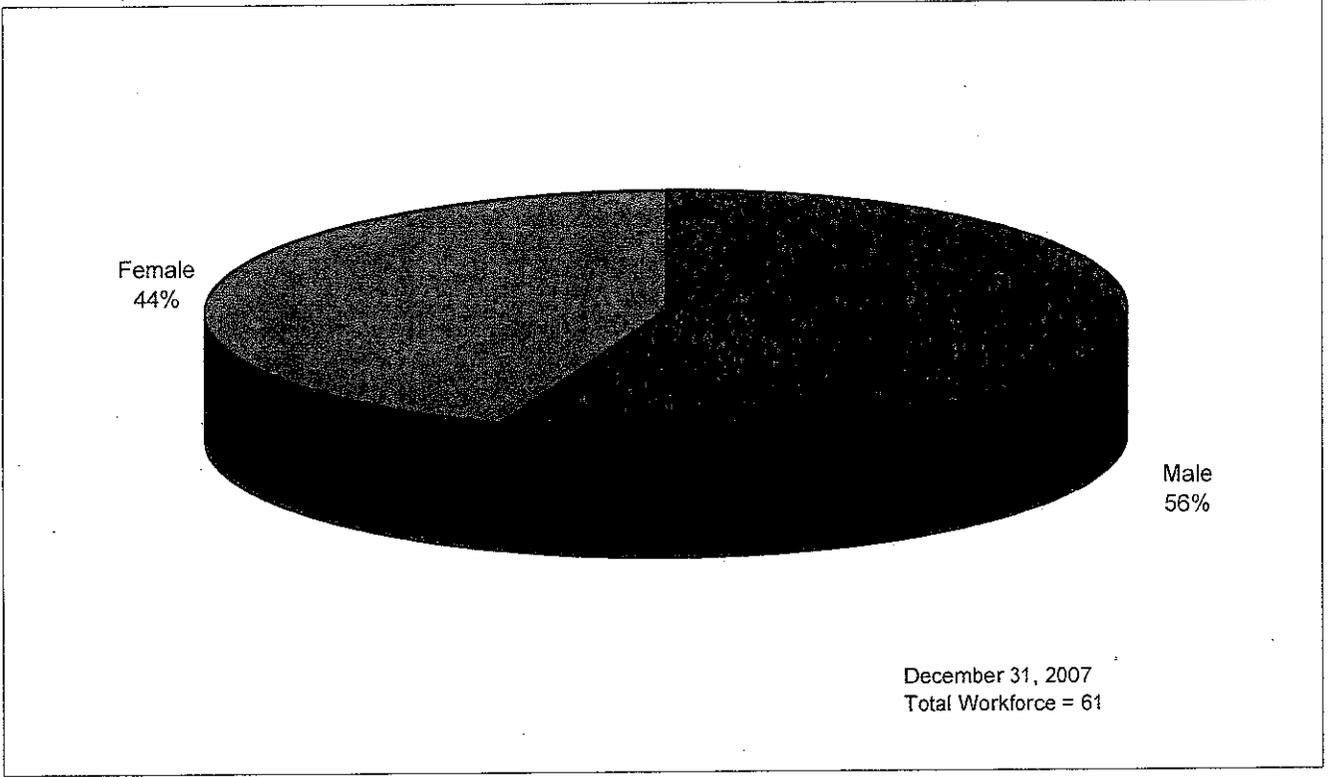
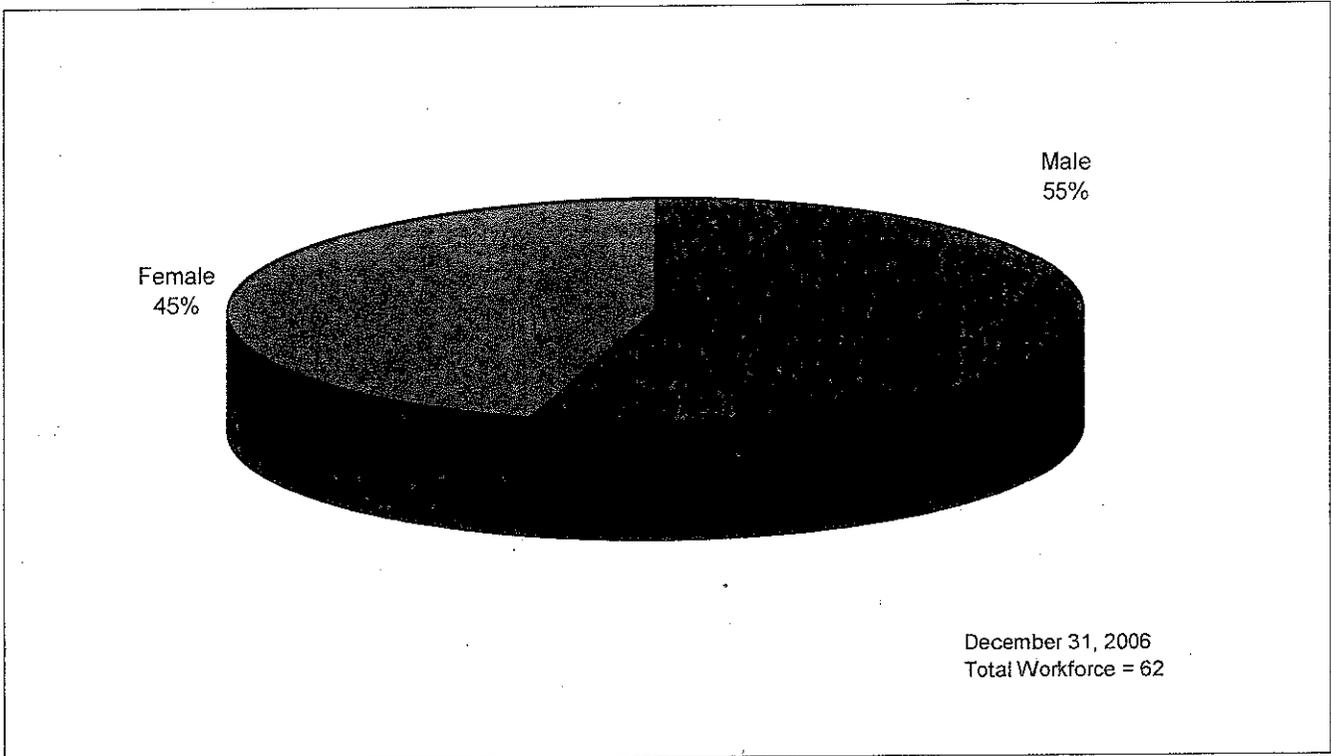
Appendix - 3

Business Integrity Commission
Workforce by Ethnicity



Appendix - 4

Business Integrity Commission Workforce by Sex



Appendix - 5
Business Integrity Commission
CEEDS UNDERUTILIZATION CHART
January 1, 2006 - December 31, 2007

Quarter:		3Q/2006	4Q/2006	1Q/2007	2Q/2007	3Q/2007	4Q/2007	1Q/2008	2Q/2008
		(Jan-Mar)	(Apr-Jun)	(Jul-Sep)	(Oct-Dec)	(Jan-Mar)	(Apr-Jun)	(Jul-Sep)	(Oct-Dec)
Job Group	Protected Class								
002 Managers	Afr. Am.		X	X	X	X	X	X	X
	Asian								
	Hisp.								
	Nat. Am.								
	Female	X							
003 Mgmt Specs.	Afr. Am.								
	Asian								
	Hisp.								
	Nat. Am.								
	Female		X	X	X	X	X	X	X
012 Clerical Superv.	Afr. Am.								
	Asian								
	Hisp.	X							
	Nat. Am.								
	Female								
031 Para Pros	Afr. Am.	X							
	Asian								
	Hisp.								
	Nat. Am.								
	Female								

X= Underutilization

Last saved 1/12/07



OCT 15 2008 AM 10:50

The City of New York
BUSINESS INTEGRITY COMMISSION
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New York • New York 10007
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Michael J. Mansfield
Commissioner/Chair

October 14, 2008

Ernest F. Hart, Esq.
Chair
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, New York 10006

RE: Resolution #08/26-831/Preliminary Determination Pursuant to the Audit of the Business Integrity Commission (BIC) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 to December 31, 2007

Dear Chair Hart:

I am writing in response to your September 18, 2008 Preliminary Determination Pursuant to the Audit of the Business Integrity Commission (BIC). I commend the EEPC's thorough and comprehensive assessment of the BIC's compliance with the City's EEOP and I appreciated our open and frank dialogue at the exit meeting on August 20, 2008. Below are the Agency's specific responses to the recommended corrective actions.

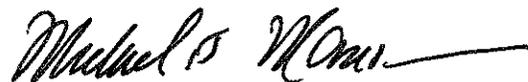
1. The Agency has obtained an audiocassette copy of its EEO Policy Statement and it is available for all employees.
2. The Agency appointed a disabilities rights coordinator and all employees were notified via email on October 9, 2008.
3. The Agency has appointed a new EEO officer, Darlene Whinfield, and a new EEO counselor, Matthew Gonzalez (female and male respectively). Both the officer and the counselor participated in the DCAS EEO training session held during the second and third week of September 2008.
4. The Agency has obtained a copy of *Making the Most of New York City's Recruitment Resources* from DCAS. The new EEO officer has reviewed this

resource and consulted with the Director of Human Resources about how to apply it at the Agency.

5. The Agency has obtained a training program about job interviewing and will ensure that all employees involved with the job interviewing process have attended a training session.
6. The Agency has obtained information about conducting an adverse impact study from DCAS. According to DCAS, a training on adverse impact studies will be held in the near future for all city agency EEO officers. The Agency EEO will attend this training and follow the procedures outlined in the training.
7. The Agency has conducted or will conduct performance evaluations or, where previously not done, issued the required tasks and standards that are the precursor to performance evaluations for all managerial employees.
8. The Agency has revised its organizational chart to indicate that the EEO officer reports directly to the agency head. See Exhibit 1.
9. The Agency has always emphasized its commitment to the agency's EEO policies and affirmed the right of each employee to file a discrimination complaint twice yearly at staff meetings. The Agency will continue to do so and will keep written documentation of such meetings.
10. On October 8, 2008, the Agency distributed written notification of the Agency's career counselor's identity, location and telephone number.
11. The Agency's new EEO officer, Darlene Whinfield, is not involved with setting human resources policies.

I hope these responses address the recommendations raised in your September 18, 2008 letter. Please feel free to contact me directly if you have any questions or I can provide additional information. I look forward to working with you in the future.

Sincerely,



Michael J. Mansfield
Chair/Commissioner

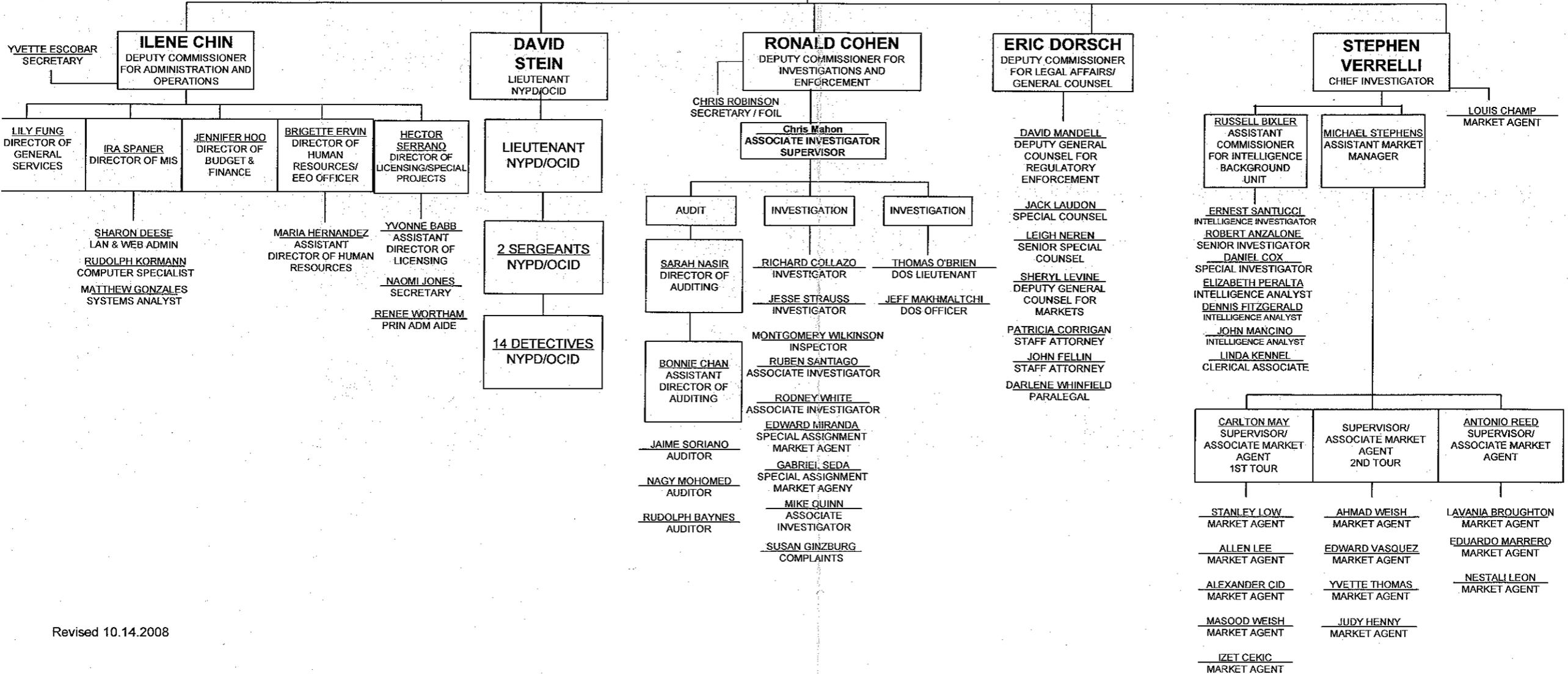
BUSINESS INTEGRITY COMMISSION

MICHAEL MANSFIELD
COMMISSIONER/CHAIR

JEWEL ALLISON
SECRETARY TO THE
CHAIR

EEO Officer
Bridgette Ervin

HOPE KENNEDY
CHIEF OF STAFF





EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Commissioners

Abraham May, Jr.

Executive Director

Charise Hendricks, PHR

Deputy Director

Judith Garcia Quiñonez, Esq.

Counsel

January 12, 2009

Michael J. Mansfield, Chair
Business Integrity Commission
100 Church Street, 20th Floor
New York NY 10007

Re: Initiation of Audit Compliance Procedure

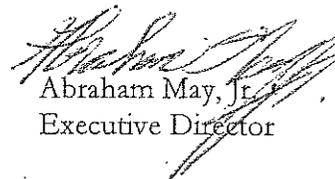
Dear Chair Mansfield:

Thank you for your October 14, 2008 Response to our Preliminary Determination pursuant to the audit of the Business Integrity Commission's Equal Employment Opportunity Program. I apologize for not responding sooner.

We are pleased to know that you agree with all of the audit recommendations. In lieu of a Final Determination Letter we will initiate the City Charter-mandated audit compliance procedure. EEPCC's Counsel/Compliance Director Judith Garcia Quiñonez will contact your EEO Officer Ms. Darlene Winfield to schedule a meeting to begin the compliance procedure.

We look forward to a mutually satisfactory audit compliance procedure.

Sincerely,



Abraham May, Jr.
Executive Director

c: Judith Garcia Quiñonez, Esq.
Darlene Whinfield, EEO Officer