

BUSINESS INTEGRITY COMMISSION

- Letter of Implementation December 10, 2009
- Summary Compliance Report December 10, 2009



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 10, 2009

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

Re: Resolution #09/13-831C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Business Integrity Commission (BIC) Equal Employment Opportunity Program (EEO) from July 1, 2006 to December 31, 2007.

Dear Commissioner Mansfield:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the Business Integrity Commission (BIC) for a period not to exceed six months. The compliance period was February 2009 through July 2009.

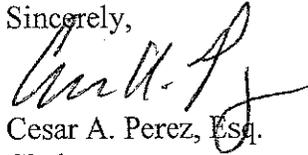
You requested an extension of the compliance monitoring period in order to complete EEO training for the agency's EEO personnel. The BIC's Final Compliance Report was submitted on November 23, 2009.

The goal of monitoring was to determine if the BIC implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from July 1, 2006 to December 31, 2007.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Compliance Summary Report for Commission review. This Commission has determined that the BIC has implemented the recommended corrective actions as required by Chapters 35 and 36 of the New York City Charter to the Commission's satisfaction. The Business Integrity Commission is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you, EEO Officer Matthew Gonzalez, and Human Resources Director Darlene Whinfield for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,



Cesar A. Perez, Esq.
Chair

C: Matthew Gonzalez, EEO Officer, BIC
Darlene Whinfield, HR Director, BIC



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Business Integrity Commission

Agency Head: Michael J. Mansfield, Commissioner/Chair

EEO Officer: Matthew Gonzalez

Audit period: July 1, 2006 – December 31, 2007

Agency Census as of December 31, 2007: 61

Preliminary Determination Letter:	<i>September 18, 2008</i>
Agency Response Letter:	<i>October 14, 2008</i>
Compliance Initiation Letter (FDL not necessary):	<i>January 12, 2009</i>

Compliance Initiated:	<i>January 2009</i>
Compliance Completed:	<i>November 2009</i>
Covering Months:	<i>February 2009 – July 2009</i>

Date: December 10, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Business Integrity Commission (BIC) with the City's Equal Employment Opportunity Policy from July 1, 2006 through December 31, 2007, the EEPC initiated Audit Compliance with the BIC in January 2009. The BIC's final Monthly Compliance Report was submitted on November 23, 2009.

All twelve required actions were completed and accepted. The following is a summary of the compliance reports:

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

The BIC made its EEO Policy statement available in compact disc format for persons with disabilities.

The required action was accepted in March 2009.

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)**

Darlene Whitfield was appointed the disability rights coordinator. A memo dated October 1, 2008 was sent to all the BIC employees notifying them of the appointment. A copy of the memo was provided with the BIC's Monthly Compliance Report (MCR) # 1.

The required action was accepted in March 2009.

- 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)**

During the compliance period, the BIC replaced its EEO staff with two new EEO Professionals, a male EEO officer and a female EEO counselor. Both individuals completed the DCAS EEO training. The BIC's newly appointed EEO counselor received EEO training in November 2009. A copy of the training certificate was provided with the BIC's final MCR report dated November 23, 2009.

The required action was completed in November 2009.

- 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. This publication provides agencies with additional recruitment resources to address the underutilization of "protected" groups.**

The BIC has utilized the *Making the Most of New York City's Recruitment Resources (2004)* and sent a job vacancy notice for an Associate Investigator position to 12 minority- and women- based organizations. A copy of the job vacancy notice and a list of organizations the posting was sent to was provided with the BIC's MCR # 1.

The required action was accepted in March 2009.

- 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)**

All managers and employees involved in the job interviewing process received structured interview training on February 19, 2009. A copy of the sign-in sheet and training handouts were provided with the BIC's MCR # 2.

The required action was completed in February 2009.

- 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)**

The BIC conducted a disparate impact analysis study using program software from Society for Human Resources management's website. A copy of the study was provided with the BIC's MCR #2.

The required action was completed in March 2009.

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.)**

The BIC distributed Tasks and Standards to begin the evaluation process with members of their staff on August 10, 2009. A copy of an email dated July 29, 2009 from the BIC's Director of HR, indicating the dissemination of the task and standards as well as the due date for signed evaluations was provided with the BIC's MCR # 6.

The required action was accepted in August 2009.

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

The BIC's organizational chart was revised to indicate that the EEO Officer reports to the agency head on EEO matters. A copy of the organizational chart was provided with the BIC's MCR #1.

The required action was completed in February 2009.

9. **It is the position of the DCAS ("Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eep/pdf/model_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.**

The BIC managers conducted staff meetings where they emphasized their commitment to the BIC's EEO policies and affirmed their right of each employee to file a discrimination complaint with the EEO office. Documentation of these meetings was provided with the BIC's MCR #2.

The required action was accepted un March 2009.

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)**

A memo from the agency head dated February 12, 2009 was distributed to all employees informing them of the identity, location, and telephone number of the agency's career counselor. A copy of the memo was provided with the BIC's MCR #1.

The required action was completed in February 2009.

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

On September 9, 2008, the BIC appointed Darlene Whinfield, who is not involved in setting human resources policies, as the EEO Officer. On June 3, 2009, Darlene Whinfield was promoted to Director of HR and Matthew Gonzalez was appointed EEO officer. Mr. Gonzalez received the DCAS EEO training. He is not involved in setting human resources policies.

The required action was accepted in June 2009.

12. **The agency head should disseminate an agency-wide memorandum informing staff about the changes that are being implemented in the BIC's EEO program pursuant to the audit and reemphasizing the agency head's commitment to the agency's EEO program.**

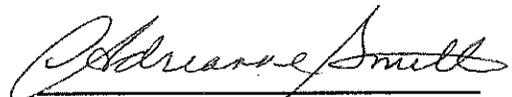
A memo dated August 3, 2009 was distributed to staff detailing the EEPC audit and the changes being implemented in accordance with the audit as well as the agency's commitment to EEO. A copy of the memo was provided to the EEPC with the BIC's MCR #6 (Copy Attached).

The required action was completed in August 2009.

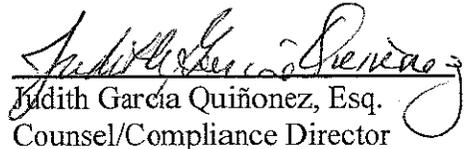
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner/Chair Matthew J. Mansfield informing him that the Business Integrity Commission has implemented all of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,



Adrienne Smith
EEO Auditor/Compliance Officer



Judith Garcia Quiñonez, Esq.
Counsel/Compliance Director



Abraham May, Jr.
Executive Director

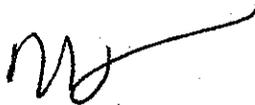
Attachment



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

To: All Staff

From: Michael J. Mansfield
Commissioner/Chair 

Date: December 1, 2009

Re: Equal Employment Practices Commission (EEPC) Audit

The Equal Employment Practices Commission (EEPC) recently completed an audit of the Business Integrity Commissions compliance with the City's Equal Employment Opportunity (EEO) Program. The most recent audit covered a two year period from January 1, 2006 through December 31, 2007.

The EEPC made a number of recommendations to enhance the EEO practices of BIC. Some of these recommendations include:

- Ensuring BIC's EEO policy is available to employees with disabilities.
- Expand recruitment efforts by utilizing DCAS' *Making the Most of New York City's Recruitment Resources (2004)* to enhance recruitment resources available to the agency for vacant positions.
- Conduct EEO training once a year on structured interviewing and EEO polices as appropriate.
- Having managers and supervisors hold meetings with their staff to emphasize their commitment to BIC's EEO policy.

I want to reaffirm BIC's strong commitment to maintaining fair employment practices for all employees and job applicants. It is essential that BIC prevents discrimination and ensures that all employees are aware of their rights and obligations under this policy. We should encourage a work environment that tolerates and appreciates differences in employees and work together to maintain an atmosphere of appreciation for the diversity that is reflected in our staff.

I encourage all employees to utilize the resources available within BIC and to address any concerns to BIC's EEO Officer, Matthew Gonzalez, at (212) 676-6209.