

OFFICE OF THE ACTUARY

- Letter of Implementation January 15, 2009
- Summary Compliance Report January 15, 2009



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
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January 15, 2009

Robert C. North, Jr.
Chief Actuary
Office of the Actuary
75 Park Place, 9th Fl.
New York, NY 10007

Re: Resolution #08/12-008PC: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Office of the Actuary (OA) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to December 31, 2006.

Dear Chief Actuary North:

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 Office of the Actuary (OA) for a period not to exceed six months. The compliance period was December 2007 through May 2008. The OA's final Compliance Report was submitted on August 14, 2008.

The goal of monitoring was to determine if the OA implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006.

After completing its review of the Compliance Reports submitted by your agency, the EEPC staff submitted a Compliance Summary Report to this Commission for our review. After reviewing the Report, this Commission has determined that the OA did not implement all the recommended corrective actions deemed necessary by this Commission pursuant to the referenced audit as required by Chapter 35 and 36 of the New York City Charter.

The Office of the Actuary did not implement the following recommendations:

Recommendation # 8

The OA should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IV, Citywide EEO Policy)

Recommendation # 9

All staff, managerial and non-managerial, should receive an annual performance evaluation. (DCAS, Rule 7.5.4 (e) of the Personnel Rules and Regulations of the City of New York, and DCAS, Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1.)

Since your agency has not implemented all the required corrective actions pursuant to this Commission's audit of compliance by your agency with the City's Equal Employment Opportunity Policy, this Commission cannot deem your agency in full compliance with Chapter 36 of the New York City Charter.

Therefore the Office of the Actuary is in **partial compliance** with the EEPC's audit recommendations. Consequently this Commission may initiate another audit of the Office of the Actuary prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Sincerely,



Ernest F. Hart, Esq.
Chair

C: Susan Flaschenberg, EEO Officer



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Office of the Actuary

Agency Head: Robert C. North, Jr., Chief Actuary

EEO Officer: Susan M. Flaschenberg

Audit period: **January 1, 2005 – December 31, 2006**

Date of Preliminary Determination Letter:

July 12, 2007

Date of Response Letter:

September 10, 2007

Date of Final Determination Letter:

September 17, 2007

Compliance Initiated:

November 2007

Compliance Completed:

November 2008

Covering Months:

December 2007 – May 2008

Date: **January 15, 2009**

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Office of the Actuary (OA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006, the EEPC initiated Audit Compliance with the OA in November 2007. The OA submitted its first compliance report on February 29, 2008. After several attempts to secure the subsequent monthly compliance reports, the OA submitted its overdue and final compliance reports on August 14, 2008.

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

- 1. The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Law.**

The OA revised its EEO Policy to include all of the protected classes based on the Citywide EEO Policy issued by the Department of Citywide Administrative Services. A copy of the revised policy was provided with the OA's final Compliance Report in August 2008.

The required action was completed in August 2008.

2. The agency's EEO Policy should be distributed to all current and new employees, and posted on the agency bulletin board and LAN.

The OA's revised EEO Policy was distributed to all OA employees on August 8, 2008. A copy of the policy was posted on the agency bulletin board and posted on the agency's computer network.

The required action was implemented in August 2008.

3. To ensure that employees are made aware of the Program, the Section 55-A Program brochures issued by the DCAS should be distributed to all new and current employees. (Sect. IIB, Citywide EEO Policy)

The Section 55-A program brochure was distributed to all current employees with their paychecks in October 2007, posted on the agency bulletin board, and posted on the agency's computer network. The Program brochure will also be included in the hiring package which is given to all new employees.

The required action was implemented in October 2007.

4. The EEO officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)

The Chief Actuary formally appointed Susan Flaschenberg as the disabilities rights coordinator. Employees were notified in writing in a memorandum distributed with the updated EEO policy on August 8, 2008.

The required action was implemented in August 2008.

5. The agency should consult with the building owner to ensure that the bathroom sinks are low enough to accommodate a person in a wheelchair. (Sect. IIB, Citywide EEO Policy)

The OA consulted with the building manager of 75 Park Place who stated that, when the building was constructed in 1987, the bathrooms were designed to be "handicapped accessible." To verify the claim, the EEO officer and male assistant measured the height of the sink counter above the floor and the knee clearance below the sink counter in both the ladies' and men's restrooms on the 9th floor. The measurements in both restrooms conformed to the requirements of the ADA.

The required action was accepted in February 2008.

6. The EEO officer should follow-up on her pledge and meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

The EEO Officer provided a copy of Calendar 2008 EEO Officer meetings report which documents the meetings that she had with the EEO counselor in February and June 2008.

The required action was accepted in August 2008.

7. The OA should follow-up on its pledge to provide EEO training to all employees. (Sect. IV, Citywide EEO Policy)

The OA provided an EEO training seminar in December 2007, which was conducted by the Director of EEO Studies at Cornell University School of Industrial and Labor Relations, to all employees. The seminar attendance sheet was provided with the OA's final compliance report.

The required action was implemented in December 2007.

8. The OA should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IV, Citywide EEO Policy)

The OA stated in its final compliance report that it is reviewing opportunities available for scheduling appropriate staff for a course on structured interviewing.

The required action was not completed.

9. All staff, managerial and non-managerial, should receive an annual performance evaluation. (DCAS, Rule 7.5.4 (e) of the Personnel Rules and Regulations of the City of New York, and DCAS, Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1.)

The OA stated in its final report that the agency's senior managers are working towards completing performance reviews for their personnel for the prior evaluation year and to assess staff performance for each year thereafter.

The required action was not completed.

10. The Office of the Actuary should disseminate an agency-wide memorandum to discuss audit findings.

The OA distributed an agency-wide memo on the audit findings on August 8, 2008 in conjunction with the release of the updated EEO policy. A copy of the agency-wide memo was provided with the OA's final report (attached).

The required action was completed in August 2008.

Recommendation

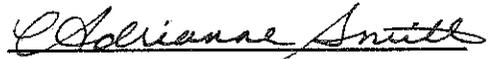
On December 29, 2008, the EEPC forwarded a letter to Robert C. North, Jr., the agency head of the Office of the Actuary, informing him that his agency did not implement all of the recommended actions and that the EEPC would issue a letter of partial compliance unless his agency completed implementation of the recommended actions before the next Commission Meeting.

The EEPC Director of Compliance contacted the OA EEO Officer on January 9, 2009.

As to required action #8, she stated that the OA will follow up with DCEEO to see if there is structured interview training the OA staff can attend and will ask about the computer based training. As to required action #9, the EEO Officer stated that half of the OA staff have been evaluated. In a telephone conversation on January 14, 2009, the EEO Officer stated that the two recommended actions had not been implemented, and that the agency head would address the status of the outstanding recommended actions in a letter to the Commission.

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Partial Compliance to Chief Actuary Robert C. North, Jr., informing him that the Office of the Actuary has only implemented eight of the ten of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,



Adrienne Smith
Sr. Auditor/Compliance Officer



Judith Garcia Quiñonez, Esq.
Counsel/Compliance Director



Abraham May, Jr.
Executive Director

Attachment