

TAX COMMISSION

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



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor New York, NY 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.

Chair

Manuel A. Méndez

Vice-Chair

Angela Cabrera

Veronica Villanueva, Esq.

Commissioners

Abraham May, Jr.

Executive Director

Charise Hendricks, PHR

Deputy Director

Judith Garcia Quiñonez, Esq.

Counsel

January 15, 2009

Glenn Newman

President

Tax Commission

Municipal Building

One Centre Street

New York, NY 10007

Re: Resolution #08/11-021PC: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Tax Commission's (TC) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to June 30, 2006.

Dear President Newman:

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 Tax Commission (TC) for a period not to exceed six months. The compliance period was March 2008 through August 2008. The TC's first and only Compliance Report was submitted on April 9, 2008. The TC did not submit its final Compliance Report nor request an extension for compliance.

The goal of monitoring was to determine if the TC 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 June 30, 2006.

After a series of unsuccessful attempts to secure additional compliance reports from 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 TC did not implement all of 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 Tax Commission did not implement the following recommendations:

Recommendation # 6

The TC should secure the necessary training, either from the DCAS or another appropriate source, to assess the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group.

Recommendation # 8

It is the position of the DCAS ("Model Agency EEO Commitment Memo," available on the DCAS website) 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 and document these meetings.

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

Sincerely,


Ernest F. Hart, Esq.
Chair

C: Myrna Hall, EEO Officer



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Tax Commission

Agency Head: Glenn Newman, President

EEO Officer: Myrna Hall

Audit period: January 1, 2005 – June 30, 2006

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| Date of Preliminary Determination Letter: | <i>April 26, 2007</i> |
| Date of Response Letter: | <i>July 6, 2007</i> |
| Date of Final Determination Letter: | <i>July 24, 2007</i> |
| Date of Response to Final Determination Letter: | <i>January 17, 2008</i> |

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|-----------------------|---------------------------------|
| Compliance Initiated: | <i>February 2008</i> |
| Compliance Completed: | <i>November 2008</i> |
| Covering Months: | <i>March 2008 – August 2008</i> |

Date: January 15, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the Tax Commission (TC) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 to June 30, 2006, the EEOC initiated Audit Compliance with the TC in March 2008. The TC submitted its first monthly compliance report on April 9, 2008. It did not submit another compliance report during the six-month period. The EEOC compliance staff made several unsuccessful attempts, on May 16th, June 2nd, June 30th, August 21st, September 29th, October 30th, and November 21st, to secure the additional compliance reports. The agency head did not submit a final report under his signature.

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

1. The TC should distribute the current Citywide EEO Policy (in hardcopy or electronically) to legal, human resource and EEO representative, as well as supervisors and managers. The Mayor's January 31, 2005 policy statement should accompany this document. (Sect. VB, EEOP and March 2, 2005 memorandum from Jyll Townes, Assistant Commissioner of the Office of Citywide EEO, Department of Citywide Administrative Services, to mayoral agency EEO officers.)

The TC distributed the current Citywide EEO Policy to all employees. A copy of the EEO policy distribution sheet was provided with the TC's January 17, 2008 response letter.

The required action was completed in January 2008.

2. The TC agency head should send a general EEO policy statement or memo to all employees. This document should reiterate his commitment to EEO; advise employees of the names, location, and phone numbers of the EEO professionals; and may provide an electronic link to the EEO Policy Handbook and the Citywide EEO Policy. This document, to be sent as a payroll distribution, should be based on the Mayor's January 31, 2005 policy statement and the model agency head statement that is posted on the DCAS "about EEO" website. (March 2, 2005 memo from Jyll Townes to mayoral agency EEO Officer and Sect. VB, EEOP)

A copy of the agency head memo to staff was provided with the TC's January 17, 2008 response letter.

The required action was completed in January 2008.

3. The TC should post (on its electronic bulletin boards, intranet site, and at each site where it conducts business) the current Citywide EEO Policy, the agency head's general EEO policy statement, the EEO Policy Handbook, and the Handbook addendums. (March 2, 2005 memorandum from Jyll Townes to mayoral agency EEO officers and Sect. VB, EEOP)

Ms. Hall said the TC's current Citywide EEO Policy, the agency head's memo, and the EEO Policy Handbook and addenda are posted throughout the Agency. A copy of an email memo notifying employees that the policies are posted throughout the agency was provided.

Documentation was received at the Compliance Initiation Meeting in April 2008.

4. The agency should submit a written request to DCAS for a specific date to make the 9th and 11th floor bathrooms of the Municipal Building (which are used by the TC employees) completely accessible to persons with disabilities. (Sect. IV, EEOP)

The TC made a written request to DCAS. A copy of the email request was provided with the TC's January 17, 2008 response to the EEPC's Final Determination.

The required action was completed in July 2007.

5. The TC should follow-up on its pledge to develop a plan, which meets minimum standards set by the DCAS, to provide EEO training to all employees. (Sect. IV, EEOP)

The TC provided EEO training to all employees. A copy of the EEO training attendance sheet was provided with the TC's January 17, 2008 response to the EEPC's Final Determination.

The required action was completed in January 2008.

6. The TC should secure the necessary training, either from the DCAS or another appropriate source, to assess the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)

The EEO Officer provided an email confirmation that she did attend a joint APO/EEO training in October 2004 which included a presentation on adverse impact. The EEO officer committed to conduct an adverse impact study; however, on January 14, 2009, the TC informed the EEPC for the first time that no selection decisions had been made during the compliance period. Nevertheless, the TC submitted a print out of computer generated Disparate Impact Analyses applied to a period when the agency made no selection decisions. No analysis can be made based on zero selections. The TC has not conducted an assessment of the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group.

The required action was not completed.

7. The TC human resources director should re-notify all employees in writing of the name, location, and telephone number/email address of the career counselor. (Sect. VF, EEOP)

The TC notified all employees of the name, location, and contact information of the career counselor. A copy of the memo was provided with the TC's response letter.

The required action was completed in June 2007.

8. It is the position of the DCAS ("Model Agency EEO Commitment Memo," available on the DCAS website) 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. These meetings should be documented.

In a memo dated June 14, 2007, the agency head informed managers and supervisors to conduct documented meetings with staff at least twice yearly to reaffirm their commitment to EEO. A copy of the memo was provided with the agency response to the EEPC's Preliminary Determination letter.

The EEPC compliance staff made several requests for a copy of the meeting agenda and/or memo to file to document that this action was implemented. The EEO officer did not submit documentation.

The required action was not completed.

9. As a mayoral agency, the TC should use the managerial performance evaluation form designed by the DCAS, which contains a rating for EEO.

The TC stated that it will use the managerial performance evaluation form designed by DCAS that contains a rating on EEO. A copy of the managerial performance evaluation was provided with the agency response letter.

The required action was completed in January 2008.

10. 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 EEO officer informed all TC employees that they will receive annual performance evaluations. A copy of the email to staff was provided with the first monthly compliance report.

The required action was completed in April 2008.

11. The agency head should distribute an agency-wide memo informing staff of the changes that are being implemented in the agency's EEO program pursuant to the audit and re-emphasize his commitment to the agency's EEO program.

The agency head distributed an agency-wide email memo on April 11, 2008. A copy of the memo was provided as a supplement to the first monthly compliance report.

The required action was completed in April 2008.

Recommendation

On December 29, 2008, the EEPC forwarded a letter to Glenn Newman, the Director of the Tax Commission, 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 TC EEO Officer on January 9 and 14, 2009.

On January 14, 2009, the President of the TC stated in a letter to the EEPC that no selection decisions had been made during the compliance period. Although the EEO Officer informed the EEPC she attended training to assess adverse impact, she was unable to conduct an adverse impact assessment without assistance. In fact, the EEO Officer stated that the agency head performed the adverse impact assessment submitted to the EEPC.

In the January 14, 2009 letter, the TC President stated that the TC emphasizes its commitment to the City's EEO policies and affirms the right of each employee to file a discrimination complaint within the EEO office at staff and managers' meetings at least once a

The EEO officer informed all TC employees that they will receive annual performance evaluations. A copy of the email to staff was provided with the first monthly compliance report.

The required action was completed in April 2008.

11. The agency head should distribute an agency-wide memo informing staff of the changes that are being implemented in the agency's EEO program pursuant to the audit and re-emphasize his commitment to the agency's EEO program.

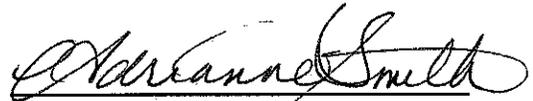
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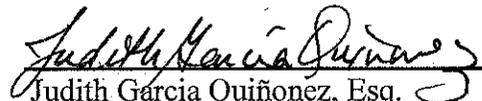
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Partial Compliance to President Glenn Newman, informing him that the Tax Commission has only implemented nine of the eleven recommended corrective actions to the Commission's satisfaction, and detailing which recommended corrective actions were not implemented.

Respectfully Submitted,



Adrienne Smith
Sr. Auditor/Compliance Officer



Judith García Quiñonez, Esq.
Counsel/Compliance Director



Abraham May, Jr.
Executive Director

Attachment