

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/09-008: Preliminary Determination Pursuant to the Audit of the Office of the Actuary's Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, the Equal Employment Practices Commission audited the Office of the Actuary's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Office of the Actuary's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy does not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
2. The OTA did not distribute the Section 55-A program brochures to employees.
3. The EEO officer was not formally appointed the disabilities rights coordinator.
4. The EEO officer is uncertain if the sinks in the agency's bathrooms are low enough to accommodate a person in a wheelchair.
5. The EEO counselor did not complete the DCAS training program for EEO professionals.
6. The EEO officer did not have regularly scheduled meetings with the EEO counselor.
7. The OTA did not conduct EEO training for its employees.

8. Two managers who were involved in conducting job interviews did not receive structured interview training.
9. Sixty-four percent of survey respondents (all of whom were employed for at least one year) indicated they had not received annual performance evaluations.

Be It Finally Resolved,

that the Commission authorized the Chair, Ernest F. Hart, Esq., to forward a letter to the Chief Actuary, Robert C. North, Jr., formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Office of the Actuary will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 12, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #09/01-008PC: Determination of implementation by the Office of the Actuary of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Office of the Actuary's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

Whereas, pursuant to Chapter 36, Sections 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized 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 and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, 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; and

Whereas, pursuant to its audit of the Office of the Actuary (OA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 12, 2007, setting forth its findings and recommended corrective actions; and

Whereas, the OA submitted its responses to EEPC's preliminary determination letter, on September 10, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on September 17, 2007, identifying those recommendations accepted and rejected by OA; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the OA for a period not to exceed six months, from December 1, 2007 through May 31, 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Office of the Actuary submitted its final compliance report on August 14, 2008; and

Whereas, the Office of the Actuary implemented eight of the ten recommended corrective actions; and

Whereas, the Office of the Actuary did not implement corrective action number eight which states:

"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,"; and

Whereas, the Office of the Actuary committed to implement corrective action number nine, which states:

“All staff, managerial and non-managerial, should receive an annual performance evaluation. (DCAS, Rule 7.5.4(e) of the Personnel Rules and Regulation of the City of New York, and DCAS, Managerial Performance Evaluation, Guidelines for Evaluating managerial Performance in NYC Agencies, p.1),” by completing performance reviews for their personnel for the prior year and to assess staff performance for each year thereafter; and

Whereas, the EEPC forwarded a letter to the agency head of the Office of the Actuary on December 29, 2008 informing him that his agency did not implement all of the recommended actions and that the EEPC would issue a letter of partial compliance; and

Whereas, as of January 14, 2009, the EEO Officer stated that the 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; and,

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City’s Equal Employment Opportunity Policy; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the Commission, after monitoring the OA for a period not to exceed six months, and determining that the agency has not effectively implemented the recommended corrective actions, is required to notify the agency in writing its determination. Now Therefore,

Be It Resolved,

that the Office of the Actuary did not implement and/or submit documentation reflecting the implementation of corrective action numbers eight and nine to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Chair Ernest F. Hart, Esq., to forward a letter to Chief Actuary Robert C. North, Jr. of the Office of the Actuary, formally informing him that the OA has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because his office has not implemented all of the recommended corrective actions pursuant to the Commission’s audit of compliance by the OA with the City’s Equal Employment Opportunity Policy; and

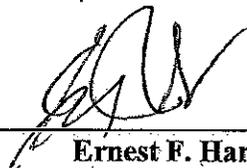
Be It Finally Resolved,

that pursuant to Section 831 (d) (5) of the NYC Charter, this Commission may initiate another audit of the Office of the Actuary EEO program prior to the city charter-mandated maximum term.

Approved unanimously on January 15, 2009.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart
Chair

MEMORANDUM

TO: All Staff
FROM: R.C. North *RN*
SUBJ: Audit by Equal Employment
Practices Commission
DATE: August 8, 2008

During Calendar Year 2007 the Office of the Actuary's ("OA") employment practices, programs, policies and procedures were audited by the New York City Equal Employment Practices Commission ("EEPC").

The auditors found that, in general, the OA complied with the City's Equal Employment Opportunity ("EEO") Policy.

However, there were a few administrative areas recommended for improvement, such as completing and releasing an update to the agency's Equal Employment Opportunity Policy ("EEO"), arranging for EEO training for employees, providing performance reviews for personnel and disseminating a summary of the EEPC's audit findings.

All Staff
August 8, 2008
Page 2

Since the release of the audit the OA has been working toward addressing the issues raised by the EEPC and expects to continue to improve its administration of the agency's EEO process in the future.

If you have any questions concerning the OA's EEO Policy or the EEPC audit, please contact Ms. Susan M. Flaschenberg.

cc: S.M. Flaschenberg
J.R. Gibney
S.H. Rumley