

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/26-831: Preliminary Determination Pursuant to the Audit of the Business Integrity Commission's (BIC) Equal Employment Opportunity Program from January 1, 2006 to December 31, 2007.

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, 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; and

Whereas, the Equal Employment Practices Commission audited the Business Integrity Commission'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 Business Integrity Commission's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The BIC EEO Policy Statement was not available in alternate formats for persons with disabilities. (Sect. VB, EEOP)
2. The agency did not appoint a disabilities rights coordinator. (Sect. VB, EEOP)
3. The BIC did not have EEO representatives of different genders available to receive and investigate discrimination complaints for the entire audit period. (Sect. VB, EEOP)
4. The three EEO counselors appointed in February 2008 had not received the DCAS training for EEO professionals. (Sect. VB, EEOP)

5. Although the agency had persistent underutilization of African-Americans and females in two EEO job categories, it did not acquire and use *Making the Most of New York City's Recruitment Sources* (DCAS, 2004).
6. Although supervisors and managers involved in conducting employment interviews received structured interview material prepared by the DCAS, they did not attend structured interview training. (Sect. IV, EEOP)
7. The BIC did not 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. (Sect. IV, EEOP)
8. The agency did not conduct annual performance evaluations for managerial employees. (DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)
9. The agency's organization chart did not identify the reporting arrangement of the EEO officer. (Sect. VB, EEOP)
10. The EEO officer did not have adequate professional support staff during the entire audit period. (Sect. VC, EEOP)
11. Supervisors and managers were not directed to discuss the agency's EEO policies with their subordinates. (DCAS, "Model Agency EEO Commitment Memo," http://extranet.dcas/nycnet/eep/pdf/model_memo.pdf)
12. Eighty-nine percent of employees surveyed by the EEPC indicated they did not know the name of the person responsible for providing career counseling. (Sect. VB, EEOP)
13. The agency EEO officer is also the director of human resources.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Business Integrity Commission's chair, Michael J. Mansfield, 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 Business Integrity Commission will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on September 18, 2008.

**Angela Cabrera
Commissioner**

**Manuel A. Méndez
Vice-Chair**

A handwritten signature in black ink, appearing to read 'E. Hart', written over a horizontal line.

**Ernest F. Hart, Esq.
Chair**

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

RESOLUTION #09/13-831C: Determination of implementation by the Business Integrity Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Business Integrity Commission's Charter-mandated Equal Employment Opportunity Program from July 1, 2006 to December 31, 2007.

Whereas, pursuant to Chapter 36, Section 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 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 Business Integrity Commission (BIC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 18, 2008, setting forth its findings and recommended corrective actions; and

Whereas, the BIC submitted its responses to EEPC's preliminary determination letter, on October 14, 2008; and

Whereas, the EEPC submitted its initiation of compliance letter on January 12, 2009; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BIC for a period not to exceed six months, from February 1, 2009 through July 31, 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Business Integrity Commission submitted a request for an extension of the audit compliance monitoring period on August 20, 2009 in order to secure EEO training for its EEO counselor; and

Whereas, the Business Integrity Commission submitted its Final Compliance Report on November 23, 2009; 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, the members of this Commission have reviewed a Compliance Summary Report prepared by the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Business Integrity Commission has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Commissioner/Chair of the Business Integrity Commission, Matthew J. Mansfield, formally informing him that the BIC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on December 10, 2009.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Arva A. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007
Tel. (212) 676-6219 · Fax (212) 676-6279

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 my 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.