

# AGENDA

## **Equal Employment Opportunity Committee**

### **Meeting Date**

April 14, 2015

### **Time**

12:00 P.M.

### **Location**

Board Room (532)

CALL TO ORDER

Anna Kril

ADOPTION OF MINUTES

Anna Kril

JANUARY 13, 2015

SENIOR ASSISTANT VICE PRESIDENT'S REPORT

Manasses C. Williams

2014 EEOC REPORT ON DISCRIMINATION CASES  
M/WBE ENGAGEMENT PLAN OUTLINE

CONDITIONAL CONTRACTORS

Sharon Foxx

SODEXO OPERATIONS, LLC  
US FOODS, INC.

2014 DISCRIMINATION COMPLAINTS REPORT

Gail Proto

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

**EQUAL EMPLOYMENT  
OPPORTUNITY  
COMMITTEE**

**MINUTES**

Meeting Date  
January 13, 2015

**BOARD OF  
DIRECTORS**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMITTEE MEETING**

A meeting of the Equal Employment Opportunity Committee of the HHC Board of Directors was held on January 13, 2015 in the Board Room at 125 Worth Street, New York City with Anna Kril, Committee Chair, presiding.

**COMMITTEE MEMBERS**

Anna Kril, Chairperson  
Ramanathan Raju, MD, President  
Josephine Bolus, RN  
Robert F. Nolan, Committee Member

**HHC STAFF**

Donna Ball, Professional Services and Affiliations  
Deborah Cates, Chairman's Office/Board Affairs  
Martin O. Everette, Affirmative Action/EEO  
Sharon Foxx, Affirmative Action/EEO  
Blanche Greenfield, Legal Affairs  
Norma E. Irizarry, Affirmative Action/EEO  
Julian John, Corporate Comptroller  
Barbara Keller, Legal Affairs  
James Keys, South Brooklyn Health Network  
Marva Langdon Dunn, North Bronx Health Network  
Patricia Lockhart, Chairman's Office  
Jeannith Michelen, Queens Health Network  
Randall Mark, President's Office  
William Marshall, Lincoln Medical & Mental Health Center

Luz Nazario, South Manhattan Healthcare Network  
Lois Penn, South Manhattan Healthcare Network  
Tania Pierre, Affirmative Action/EEO  
Gail Proto, Affirmative Action/EEO  
Liliana Rodriguez, Bellevue Hospital Center  
William Walsh, North Bronx Healthcare Network  
Manasses C. Williams, Affirmative Action/EEO  
Dion Wilson, Legal Affairs  
Julianne Yanez, Queens Health Network

**OTHER ATTENDEES**

**3M COMPANY**

Sloanne Wagstaff, 3M Company

**NEW YORK BLOOD CENTER**

Jillian Gibson, New York Blood Center  
Doriane Gloria, New York Blood Center

**GILBANE BUILDING COMPANY**

Brian Kish, Gilbane Building Company

**AFFILIATE ATTENDEES**

Guy R. Auguste, The Mount Sinai Hospital  
Denise Dudley, New York University School of Medicine at Bellevue Hospital Center  
Neal Glaser, New York University School of Medicine at Woodhull Medical & Mental  
Health Center  
Reginald Odom, Physician Affiliate Group of New York (PAGNY)  
Caryn Pannone, The Mount Sinai Hospital  
Wayne Webb, The Mount Sinai Hospital

**CALL TO ORDER**

The meeting was called to order at 12:05 a.m. by Anna Kril, Committee Chairperson.  
The minutes of the October 7, 2014 EEO Committee were adopted as submitted.

**ASSISTANT VICE PRESIDENT'S REPORT**

Manasses C. Williams, Assistant Vice President, Affirmative Action/EEO, commenced his report by reporting on two informational items. He stated that on October 1-2, 2014, employees from the Office of Affirmative Action/EEO represented HHC at the New York State M/WBE Forum in Albany, New York sponsored by Governor Andrew M.

Cuomo. He then stated that over the two days of the conference, there were approximately 2,000 attendees. He also stated that the Governor has increased the M/WBE utilization goal for State contracts from 20% to 30%. He further stated that when his office presented to the Board on October 7, 2014, Antonio D. Martin, Executive Vice President and Corporate Chief Operating Officer, gave him the responsibility of improving HHC's utilization of M/WBEs in our contracting. He then stated that when the utilization was performed in the first quarter of the State fiscal year, it was 1.10%. He then explained that his office has contacted the Empire State Development Corporation and requested their permission to download their database of certified M/WBEs which was a list of over 8,000 certified M/WBEs. He also stated that when the office of Materials Management obtained the list and went back into their system, they came up with 850 contractors that were currently in our system that were certified by the State. He then stated that in the second quarter when capturing the spend that had not been captured in the first quarter, the numbers actually jumped even though we spent less in the second quarter; therefore, overall the utilization numbers went up to 4.64%. He explained that total dollars spent on M/WBEs in the first quarter was \$3.4 million dollars and in the second quarter it was \$8.6 million dollars. He then stated that when they look at the third quarter utilization they are expecting the utilization to have increased. In the long run, his office intends to restructure the program. He further stated that HHC has 135 Cost Centers and over 1,000 contractors and that we have to find a way of attaching the goals to their contracts which at this point it is 30% as per the Governor's office. He also stated that the difficult part of the restructuring is to come up with a system of tracking the contracts once the goals have been set. He then stated that he intends to meet with the New York City Housing Authority since two years ago they were in a similar position as HHC and their utilization increased from less than 10% to 20%. He further stated that he wants to meet with them to see how they structured their program and perhaps we can adapt a system like theirs within HHC going forward.

## **CONDITIONAL APPROVAL CONTRACTS**

### **3M COMPANY**

Sharon Foxx, Assistant Director, Affirmative Action/EEO reported that initially there were four conditionally approved contractors presenting. She stated that WSP USA Corporation was invited to attend the meeting to be commended on eliminating their underutilizations, but at the last minute, they were unable to attend.

She stated that 3M Company is located in Murray, Utah. She also stated that last year, their total number of employees was 603 and this year they have 668 employees. She then stated that they still have underutilizations. She then stated that they eliminated the three minority underutilizations they had last year, but they have two new underutilizations this year. She explained that the underutilizations are for females in Professionals Job Group 200 and for minorities in Sales Job Group 401. She stated that in order for them to eliminate their underutilization in Professionals Job Group 200, they need one additional female and one additional minority in Sales Job Group 401 to eliminate that underutilization.

3M was represented by Sloanne Wagstaff, Human Resources Manager of Health Information Systems. Mr. Wagstaff stated that 3M Company is satisfied to present their report since they have increased their head count by 10% in the last twelve months. He also stated that in reflecting back to the previous year, they know there were some changes in the way the data was being collected. He further stated that in Managers Job Group 1 they needed 28 employees in order to satisfy their underutilizations which have been satisfied. In Professionals Job Group 2 they saw that 70% of their new hires were females or minorities. He stated that two years ago, 3M introduced their Slate Review Process, a system which outlines that every single position should be posted externally and has to have at least one diverse candidate in order for them to proceed in making an offer. He also stated that on their one current underutilization, which was a very high level position, was filled by a woman, but unfortunately, she resigned a few months ago and they are making strong efforts to replace her. He further stated that they are addressing many of the areas through promotional types of activities. In addition, they are attending more external functions like the National Sales Network where they have had a successful program with their Sales fields. Another group they have created is the 3M Women's Leadership Forum where women can get together and collaborate and share experiences. He stated that although their headcount has gone up by 65 employees, they have actually completed about 250 transactions which allow them to have employees in the right Job Groups. He further stated that they did have some stagnant growth for a period of time, but that now they are experiencing tremendous growth and they have actually tripled their Sales force in the last two years. They certainly hope to show up next year with all of their underutilizations satisfied. Finally, he stated that 3M is taking the following actions to improve their underutilizations.

- Good Faith Efforts in Outreach and Recruitment – (Women's Leadership Forum, Employee Resource Groups, National Sales Network, Diversity Recruiting and 3M Company's Annual Diversity and Inclusion Day).
- Continuation of the Slate Review process whereupon each 3M position has at least one diverse candidate interviewed prior to an offer being made.
- Training and Development programs offered to minorities and women which include mentorship programs offered by their Human Resources office in addition to Supervisory Training for all managers.
- Efforts to ensure staff reductions do not impact minorities and women disproportionately.

**NEW YORK BLOOD CENTER**

Ms. Foxx stated that in 2013 New York Blood Center they had 626 employees and currently they have 331 employees. They are underutilized in one Job Group compared to two Job Groups last year. Their underutilizations last year were in Professionals Job Group 5 and Technicians Job Group 1 for females. They eliminated the underutilization in Technicians Job Group 1, but retained the underutilization in Professionals Job Group 5. She stated that they need six employees to eliminate this underutilization. Doriane Gloria, Vice President, Human Resources and Jillian C. Gibson, Assistant Director Talent/Organizational Development, represented New York Blood Center. Ms. Gloria stated that for the area of their underutilization which is primarily Therapeutic Apheresis Nurses Registered Nurses, they have hired an additional employee in the last year. She also stated that they have continued to make efforts to address their underutilization which include partnering with an advertising agency and have placed an online foil and also have implemented an internal tracking system that helps them identify the underutilized areas. She then stated that they have also partnered with a number of different colleges and diversity sites as well as referral agencies. She further stated that they are very proud to announce that they have a long standing history of having a very diverse workforce and have a majority of females in their management level as well. Ms. Gibson explained that they operate on a regional basis and that they reorganized some employees fell into different regions; therefore, although they had a small reduction in staff it is definitely not as dramatic as it appears. Ms. Kril asked how many offices they have. Ms. Gibson stated that they have five regional offices. Ms. Bolus asked if their salaries were competitive with the hospitals in the area. She stated that they are competitive, but that they are not able to provide some of the benefits for example tuition reimbursement. Lastly, she stated that they will continue to respond to any concerns regarding their underutilizations.

**GILBANE BUILDING COMPANY**

Ms. Foxx began by stated that Gilbane Building Company has the same underutilization as last year, but has had additional hiring. The underutilization is in Managers Job Group 2 for minorities. She stated that if a minority is hired, their underutilization will be eliminated. Brian Kish, Human Resources Manager represented Gilbane Building Company. He stated that in last year's analysis they had gaps in Job Group 1.2 which has been broken down into 1.2A, 1.2B and 1.2C. He stated that this year, they saw significant gains in the Job Group 1.2B and 1.2C. He also stated that they need improvement in the 1.2A which is their highest level of Managers. He then stated that they appreciate the fact that they now have that level of detail to focus on. He further stated that they do not do much hiring; therefore, it can be a little difficult to affect the numbers. He explained that this year they plan to improve their efforts particularly in the underutilized Job Group when an opportunity becomes available. He stated that they have internal and external recruiter teams and are making sure they have a diverse panel of individuals interviewing the candidates. They have also hired a consultant to look at their organization. Also, they are having top executives within the Company flying in

other successful senior women leadership to provide a panel to the women that would like to have coaching and mentoring, all in an effort to promote the culture in New York City. Ms. Kril asked him to describe Mid Managers. He stated that they are Senior Executives, Operations Managers, District Managers, Senior Project Executives and Controllers. Ms. Kril stated that in looking at their graph, all 21 males in the Job Group are white and that she finds it difficult to believe there are not any qualified minority individuals to fill their vacancies. She then asked how many years has the contract been in place. Antonio D. Martin explained that this is a requirements contract and has been around for approximately four years. He then stated that it is important to know that with a requirements contract it is up to HHCs discretion as to whether or not to use the entity. Mr. Kish stated that they have taken steps to rectify their underutilizations and will focus on increasing recruiting activities targeting women and minorities.

### **2014 AFFILIATE AFFIRMATIVE ACTION PLAN UPDATE**

Gail Proto, Senior Director, Affirmative Action/EEO reported on the Equal Employment Opportunity status of the Corporations' four affiliates. The report compared the Job Group representation for Mount Sinai School of Medicine, New York School of Medicine, (NYU) Physician Affiliate Group of New York, P.C. (PAGNY) and State University of New York (SUNY) for 2013 and 2014. She noted that although the Job Groups were not stagnant and their representation had fluctuated due to additional hires, promotions, separations and new employees in existing positions. Once again none of the affiliates had an underutilization. She then stated that for Mount Sinai School of Medicine, the analysis of female representation for 7 out of 11 Job Groups showed an increase in representation, one Job Group was unchanged and 3 Job Groups showed a decrease. For minority representation six job groups showed an increase in representation, one did not change, and 4 showed a decrease.

A summary of the Job Groups for New York School of Medicine, (NYU) showed that for female employees six out of 10 Job Groups showed an increase in representation 1 showed no change and 3 Job Groups showed a decline in representation. While for minority employees 5 out of 10 Job Groups showed an increase in representation, one was unchanged and 4 decreased.

Physician Affiliate Group of New York, P.C. (PAGNY) showed that for female representation 4 of the Job Groups showed an increase and 4 of the Job Groups showed a decrease. For minority employees 3 Job Groups showed a decrease in representation while 4 showed an increase and one Job Group showed no change.

State University of New York (SUNY) showed that three of the four Job Groups showed an increase in minority employee representation while the fourth showed a decrease. For female employees 3 out of 4 Job Groups showed an increase in representation and one Job Group remained the same.

There being no further business, the meeting was adjourned at 1:15 pm.

## EEOC REPORT ON DISCRIMINATION CASES

### FISCAL YEAR 2014 (October 2013 – September 2014)

The EEOC reported that for Fiscal Year 2014, charges of Discrimination on the job decreased by 5.3%. In Fiscal Year 2013, there were 93,727 complaints filed, while in Fiscal Year 2014, there were 88,778 complaints filed a difference of 4,949.

<b>CATEGORY</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>PERCENT CHANGE</b>
Total Charges	93,727	88,778	- 4,949 (5.3%)
Retaliation	31,478	30,771	-707 (2.2%)
Race	33,068	31,073	-1,995 (6.0%)
Sex	27,687	26,027	-1,660 (6.0%)
Age	21,396	20,588	- 808 (3.8%)
Disability	25,957	25,369	- 588 (2.3%)
National Origin	10,642	9,579	-1,063 (10.0%)
Religion	3,721	3,549	- 172 (4.6%)
Equal Pay Act	1,019	938	- 81 (7.9%)

There was a decrease in Total from 2013 to 2014 going from 93,727 in 2013 to 88,778 in 2014 a decrease of 4,949 or 5.3%. The EEOC attributes this decrease, in part, to a government shutdown during a portion of the fiscal year. Consequently each individual category showed a decrease.

Charges of Race showed the largest decrease going from 33,068 in 2013 to 31,073 in 2014 a decrease of 1,995 or 6.0%.

## **M/WBE ENGAGEMENT PLAN OUTLINE**

### **BACKGROUND**

At the October 7, 2014 EEO Committee meeting, the Office of Affirmative Action/EEO and the Office of Materials Management made a power point presentation outlining a strategy for increasing HHC utilization of State certified M/WBEs in our procurement process. Over the past several months, Paul Albertson, Senior Assistant Vice President, Supply Chain Services, Materials Management, I and some of our staff members along with input from Jeremy Berman, Legal Affairs and Keith Tallbe, Assistant Counsel, Office of Legal Affairs, and Director, Supply Chain Services have developed the following plan:

### **DRAFT RFP LANGUAGE**

We have revised the base language and terms and condition language in HHC'S RFP documents to better reflect the requirements of New York State Executive Law Article 15-A and HHC's commitment and its expectations of the contractors to the process.

### **PRE-BID CONFERENCE**

During pre-bid conferences at and or contract negotiations the Office of Affirmative Action/EEO will make 15-A presentations on the questions about the process and provide guidance.

### **GOALS**

Every contract over \$25,000 will be access to see if opportunities exist for M/WBEs subcontracting and if opportunities exist, a minimum goal of 30% will be assigned and a list of State Certified M/WBEs who can participate will be added. If there are no certified M/WBE firms, a waiver can be requested.

### **REVISED STATE FORMS**

The three main forms used in the utilization process are: a) The sub-contractor utilization form and instructions (attached) b) The quarterly M/WBE utilization report and instructions (attached) and c) The waiver request forms and instructions have been modified to reflect HHC's name.

### **DRAFT LETTER**

Paul Albertson has drafted a letter outlining the requirements of Executive Law Article 15-A and HHC's commitment to the requirements as a means of starting a conversation with our current vendors. This letter will be sent to vendors that are currently doing business with HHC with values of \$1 million and above. In addition, the three modified firms and instructions will be sent. (Subcontractor Utilization Form, Quarterly Report and Waiver Form).

**MEDASSETS**

The first letter was sent to MedAssets and their response was quite positive. Following a telephone conference call on March 25, 2015 with Paul Albertson, Keith Tallbe, Martin Everette, I and representatives from MedAssets, a plan was established to have a forum with MedAssets and its 40-50 vendors. (See attached outline of proposed forum).

We have also received commitment from the Empire State Development Corporation (15-A Oversight Authority) that they will attend and speak about their certification process as well as answer questions. In addition, the City's Department of Small Business Services will send a representative to talk about their M/WBE certification process. The forum is tentatively scheduled for April 28, 2015. Venue, time and speakers are to be finalized.

Finally, all the suggested modifications to the RFP language, and forms were sent to Jeremy Berman on March 24, 2015 for his review, comments and guidance.

MCW:nei

**PROPOSED LANGUAGE TO BE ADDED TO RFP**

**Blurb to add to body of RFP:**

In 2006, following a disparity study conducted on behalf of New York State, the State enacted legislation to promote contracting with Minority and Women owned businesses. New York City Health and Hospitals has committed itself to meeting the goals set forth under such legislation. All contracts with New York City Health and Hospitals Corporation require that vendors meet the requirements of such legislation. MWBE goals have been set for this contract as set forth in Appendix Z to this solicitation. Please see Appendix Z for such goals and further information related to the procedures and requirements of meeting such goals.

**M/WBE GOALS AGREEMENT LANGUAGE**

**MWBE Agreement Goals:**

Contractor shall comply with New York State Executive Law Article 15-A and the rules and regulations thereunder in the performance of this Agreement. Corporation hereby establishes the following goals ("MWBE Goals") for this Agreement:

MBE:            %  
WBE:            %

Contractor will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set forth in the Agreement by taking the following steps:

1. Actively and affirmatively solicit bids for contracts and subcontracts from certified New York State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
2. Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
3. Where feasible, divide the work into smaller portions to enhance participation by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors.
4. Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
5. Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

**MWBE Utilization Plan:**

Contractor represents and warrants that Contractor has submitted an MWBE Utilization Plan prior to or at the time of the execution of this Agreement. Failure to submit such MWBE Utilization Plan shall constitute a material breach of the terms of the Agreement. Upon the occurrence of such a material breach Corporation shall be entitled to any remedy provided herein.

Contractor shall attempt to utilize in good faith any MBE or WBE identified within its MWBE Utilization Plan during the performance of this Agreement (for guidance on how Corporation will determine a Contractor's good faith efforts, refer to 5 NYCRR §142.8). In accordance with 5 NYCRR §142.13, Contractor acknowledges that if it is found by Corporation to have willfully and intentionally failed to comply with the MWBE goals set forth in this Agreement, such finding constitutes a material breach of the Agreement and Corporation may withhold payment from Contractor as liquidated damages (see below).

**Quarterly Reporting:**

Contractors shall submit Quarterly MWBE Compliance Reports on the applicable form to Corporation at NAME AND EMAIL ADDRESS by the 10th day following the end of each calendar quarter over the term of the Agreement documenting the progress made toward achieving the MWBE goals. If Corporation, upon review of the MWBE Utilization Plan and updated Quarterly MWBE Compliance Reports determines that Contractor is failing or refusing to comply with the MWBE Goals and if no waiver has been issued in regards to such non-compliance, Corporation may issue a notice of deficiency to Contractor. Contractor must respond within 7 business days of receipt of such notice. Such response may include a request for partial or total waiver of the MWBE goals. Unless a total waiver has been granted, failure to provide such reports shall constitute a material breach of this Agreement.

**Waiver Process:**

If the Contractor, after making good faith efforts, is unable to comply with the MWBE goals Contractor may submit a Request for Waiver form documenting good faith efforts by Contractor to meet such goals. If the documentation included with the waiver request is complete, Corporation shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt. Requests for a partial or total waiver of the MWBE goals may be made at any time during the term of the Agreement.

**Liquidated damages:**

If Contractor willfully and intentionally failed to comply with the MWBE goals set forth in this Agreement Corporation shall be entitled to liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Agreement.

In the event a determination has been made by Corporation which requires the payment of liquidated damages and such identified sums have not been withheld by Corporation, Contractor shall pay such liquidated damages to Corporation within sixty (60) days after they are assessed, unless prior to the expiration of such sixtieth day Contractor has filed a complaint with the Director of the Division of Minority and Woman Business Development pursuant to Subdivision 8 of Section 313 of the Executive Law. In which event the liquidated damages shall be payable only if Director renders a decision in favor of Corporation.

**DRAFT LETTER TO VENDORS**

Dear Vendor:

In October 2014 Governor Cuomo announced that the goals requirements under New York State Executive Law Article 15-A would be increased to a minimum of thirty percent M/WBE, and that further enforcement efforts would be taken to ensure compliance by agencies and contractors.

New York City Health and Hospitals Corporation's President Ramanathan Raju has made it one of his priorities to increase HHC's proportion of certified M/WBE contracting. As a result, HHC is taking several efforts to increase its M/WBE contracting. As part of such effort, HHC is reaching out to its contracted vendors to ensure compliance with the goals set forth in its existing contracts.

HHC contracts with your company to provide \_\_\_\_\_, under contract number \_\_\_\_\_, with a term beginning on \_\_\_\_\_ and ending on \_\_\_\_\_. The average annual spend under such agreement is approximately \$\_\_\_\_. The Article 15-A M/WBE goals set forth in that agreement are \_\_\_\_ Minority Owned Business Enterprise, and \_\_\_\_ Women Owned Business Enterprise. We have not received any periodic reports from your company reflecting your M/WBE engagement.

Attached are two forms. The first form is a Utilization Plan, which should have been submitted. The second is a Quarterly Report and instructions. Please use the Quarterly Report to report on all subcontracting that has been done under the agreement thus far. Please complete the forms and provide them to me by \_\_\_\_\_.

Also attached is a Summary of NYS Executive Law Article 15-A to provide you with some further context of the Article 15-A M/WBE program. A list of NYS Certified businesses, as well as links for further information about the NYS M/WBE program, can be found here: <http://bitly.com/1b7OmNl>.

I will have my assistant reach out to you shortly to schedule a meeting so we may have a meaningful discussion and help us understand to what extent your company has achieved its goals, as well as current and ongoing plans for certified M/WBE engagement.

Please call me if you have any questions.

Sincerely,  
Sender

## WAIVER APPLICATION AND INSTRUCTIONS

# APPLICATION FOR WAIVER OF M/WBE PARTICIPATION GOAL

(must be submitted before requesting final payment on the contract)

## Section 1: Basic Information

Contractor's Name:		Tax Identification Number:	
Street Address:		E-Mail Address:	
City, State, Zip Code:		Telephone: (     ) -     -	
Contract Number:	<b>M/WBE CONTRACT GOALS</b>		
	MBE %	WBE %	

## Section 2: Type of M/WBE Waiver Requested

MBE Waiver <input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised MBE percentage:	
WBE Waiver <input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised WBE percentage:	

Please explain the reason for the waiver request:

## Section 3: Supporting Documentation

Provide the following documentation as evidence of your good faith efforts to meet the M/WBE goals set forth in the contract and in support of your waiver application:

- Attachment A.** List of the general circulation, trade and M/WBE-oriented publications and dates of publications soliciting for certified M/WBE participation as a subcontractor/supplier and copies of such solicitation.
- Attachment B.** List of the certified M/WBEs appearing in the Empire State Development M/WBE directory that were solicited for this contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified M/WBEs. Describe specific reasons that responding certified M/WBEs were not selected.
- Attachment C.** Descriptions of the contract documents/plans/specifications made available to certified M/WBEs by the contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified M/WBEs.
- Attachment D.** Description of the negotiations between the contractor and certified M/WBEs for the purposes of complying with the M/WBE goals of this contract.
- Attachment E.** Identify dates of any pre-bid, pre-award or other meetings attended by contractor, if any, scheduled by HHC with certified M/WBEs whom HHC determined were capable of fulfilling the M/WBE goals set in the contract
- Attachment F.** Other information deemed relevant to the request.

## Section 4: Signature and Contact Information

By signing and submitting this form, the contractor certifies that a good faith effort has been made to promote M/WBE participation pursuant to the M/WBE requirements set forth under the contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.

Prepared By: (Signature)	Date:
Name and Title of Preparer (Print or Type)	

**For HHC Use Only**

Reviewed By:

Date:

Decision:

- Full MBE waiver granted
- Partial MBE waiver granted; revised MBE goal: \_\_\_\_\_ %
- MBE waiver denied
- Full WBE waiver granted
- Partial WBE waiver granted; revised WBE goal: \_\_\_\_\_ %
- WBE waiver denied

Approved By:

Date:

Date Notice of Determination Sent:

Comments

## QUARTERLY REPORT AND INSTRUCTIONS

## Instructions for Completing the Commodity and Service Contracts Quarterly Payment Report (Form MWBE102)

The Contractor's Quarterly Payment Report (Form MWBE 102) is to be completed by the Contractor/Vendor, and submitted by the 10<sup>th</sup> day of each month following the end of a calendar quarter for the duration of the contract. This form should include **all** (e.g. MBE, WBE and non M/WBE) Subcontractors and/or Suppliers assigned by the Contractor/Vendor to perform work during the contract. This reporting should also include payments made by your Subcontractors and/or Suppliers to M/WBE firms.

Complete the form as specified below.

Contract No.	Indicate the HHC Contract No.
Contractor/Vendor Name and Address	Provide your firm's name and address.
Federal ID No.	Enter your firm's Federal ID No.
Goals	Indicate MBE and WBE participation goals from your contract.
Reporting Period	Fill in the quarter and year of reporting the period. One copy must be submitted with final payment application.
Description of Project	Briefly describe the work your company is providing under the terms of this contract.
Firm Name and Address	Provide the name, address and phone number of <b>all</b> Subcontractors/Suppliers assigned by your company on this contract or purchase agreement(s).
Tax ID No.	Enter the Subcontractor's/Supplier's Tax ID No. If no Tax ID No. has been assigned, provide only the owner's last four (4) digits of his or her Social Security No.
Designation	Select MBE or WBE only if the Firm is NYS Certified M/WBE Lookup available here: <a href="http://bit.ly/1b7OmNk">http://bit.ly/1b7OmNk</a>
Payment This Month	Indicate the amount paid <i>this quarter</i> to each Subcontractor/Supplier. If there was no payment activity for a Subcontractor/Supplier, please check the box indicating "No Payment This Quarter."
Contract Amount	Enter the total contract amount or purchase agreement(s) for each Subcontractor/Supplier.
Description of Work/Supplies	Briefly describe the work performed or supplies provided by each Subcontractor/Supplier.

Submit to:

New York City Health and Hospitals Corporation  
Attn: M/WBE Compliance  
160 Water Street, 13<sup>th</sup> Floor  
New York, NY 10013

**CONTRACTORS QUARTERLY PAYMENT REPORT**  
 DUE ON THE 10<sup>TH</sup> DAY OF THE MONTH FOLLOWING THE END OF A CALENDAR QUARTER

HHC Contract No.: \_\_\_\_\_

Contractor/Vendor Name, Address and Phone No.:	Contractor/Vendor Tax ID No.:	Description of Project:	Description of Work or Supplies Provided	Designation		Reporting Period		Contract Amount
				MBE %	WBE %	Quarter	Year	
Firm Name, Address and Phone Number (List All Firms)				<input type="checkbox"/> MBE <input type="checkbox"/> Sub <input type="checkbox"/> Broker <input type="checkbox"/> Joint Venture <input type="checkbox"/> Written Contract	<input type="checkbox"/> WBE <input type="checkbox"/> Supplier <input type="checkbox"/> Team <input type="checkbox"/> Other <input type="checkbox"/> No Written Contract	<input type="checkbox"/> No Payment This Quarter		
Tax ID No.:				<input type="checkbox"/> MBE <input type="checkbox"/> Sub <input type="checkbox"/> Broker <input type="checkbox"/> Joint Venture <input type="checkbox"/> Written Contract	<input type="checkbox"/> WBE <input type="checkbox"/> Supplier <input type="checkbox"/> Team <input type="checkbox"/> Other <input type="checkbox"/> No Written Contract	<input type="checkbox"/> No Payment This Quarter		
Tax ID No.:				<input type="checkbox"/> MBE <input type="checkbox"/> Sub <input type="checkbox"/> Broker <input type="checkbox"/> Joint Venture <input type="checkbox"/> Written Contract	<input type="checkbox"/> WBE <input type="checkbox"/> Supplier <input type="checkbox"/> Team <input type="checkbox"/> Other <input type="checkbox"/> No Written Contract	<input type="checkbox"/> No Payment This Quarter		
Tax ID No.:				<input type="checkbox"/> MBE <input type="checkbox"/> Sub <input type="checkbox"/> Broker <input type="checkbox"/> Joint Venture <input type="checkbox"/> Written Contract	<input type="checkbox"/> WBE <input type="checkbox"/> Supplier <input type="checkbox"/> Team <input type="checkbox"/> Other <input type="checkbox"/> No Written Contract	<input type="checkbox"/> No Payment This Quarter		

Signature \_\_\_\_\_

Print Name and Title \_\_\_\_\_

Date \_\_\_\_\_

Submission of this form constitutes the contractor's acknowledgement as to the accuracy of the information contained herein. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, suspension and/or termination of the contract.

**For HHC Use Only**

Reviewed By:	Date:
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**TERMS AND PROPOSED CONDITIONS**

**LANGUAGE TO BE INCLUDED IN ALL CONTRACTS**

## **New York City Health and Hospital Corporation's M/WBE Contracting Requirements**

### **Background:**

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority and women owned business enterprises in state procurement contracting versus the number of minority and women owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that agencies establish goals for maximum feasible participation of New York State Certified minority and women owned business enterprises ("MWBE").

### **Solicitation Response Requirements:**

Corporation hereby establishes an overall goal of 30% for MWBE participation for this solicitation, broken down as follows:

Minority Owned Business Enterprises ("MBE") participation:	XX%
Women Owned Business Enterprises ("WBE") participation:	XX%

The directory of New York State Certified MWBEs can be viewed at: <http://bitly.com/1b7OmNI>. Contractor is encouraged to contact the Division of Minority and Woman Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss methods of maximizing participation by MWBEs on the Contract.

The awarded vendor must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the contract resulting from this solicitation. By submitting a bid or proposal, vendor shall submit an MWBE Utilization form (attached). Corporation will review the MWBE Utilization Plan and advise the selected vendor of Corporation acceptance or issue a notice of deficiency.

If a notice of deficiency is issued, vendor agrees that it shall respond to the notice of deficiency within 7 business days of receipt by submitting to NAME and EMAIL ADDRESS, a written remedy in response to the notice of deficiency. If the written remedy that is submitted by vendor is not timely or is found by Corporation to be inadequate, Corporation shall notify vendor and direct vendor to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals form (attached).

Contractors shall also submit a Contractor's Quarterly MWBE Contractor Compliance & Payment Report form (attached) to Corporation at NAME and EMAIL ADDRESS, by the 10<sup>th</sup> day following the end of each calendar quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals set forth in the Utilization Plan.

Failure to meet any of these obligations in a timely manner, or to make good faith efforts in meeting the MWBE Goals is grounds for disqualification of award of a contract or breach of contract.

## M/WBE UTILIZATION PLAN

# MWBE UTILIZATION PLAN

Contract No.:

**INSTRUCTIONS:** This form must be submitted with any bid, proposal, response to request for qualifications or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award as required in the IFB, RFP or RFQ. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each NYS certified Minority and Women-owned Business Enterprise (MWBE) under the contract. Attach additional sheets if necessary. Making false representations or including information evidencing a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Firms that do not perform commercially useful functions may not be counted toward MWBE utilization.

Contractor's Name, Address and Telephone No.

Tax Identification No.

Contract Description Location (Region)

MWBE Goals In Contract  
 MBE %  
 WBE %

NYS Certified MWBE Subcontractors/Suppliers Name, Address, Telephone No, E-mail Address	Tax ID. No.	NYS CERTIFIED		Detailed description of Work (Attach additional sheets if necessary)	Dollar Value of Subcontractor/ suppliers/ services and intended performance dates of each component of the contract
		MBE	WBE		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

**IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, CONTRACTOR MUST SUBMIT A REQUEST FOR WAIVER (Form BDC 333)**

Submission of this form constitutes the contractor's acknowledgement and agreement to comply with the MWBE requirements set forth under NYS Executive Law, Article 15-A and 5 NYCRR Part 142. Failure to submit complete and accurate information may result in a finding of noncompliance or rejection of the bid/proposal and/or suspension or termination of the contract.

Prepared By (Signature)

Email Address

Name and Title of Preparer (Print or Type)

Telephone No.

Date

**FOR MWBE USE ONLY**

Reviewed By

Date

Utilization Plan Approved  Yes  No

Contract No.

Project No. (if applicable)

Contract Award Date

Estimated Completion Date

Date

Contract Amount Obligated

Notice of Deficiency Issued  Yes  No

Date

Comments:

Notice of Acceptance Issued  Yes  No

Date

## PROPOSED FORUM OUTLINE

Thank you for the call today. On behalf of our team, I want to share that we are looking forward to working with you on this initiative! Here's a brief recap of the discussed plan - please add anything I missed:

- **HOST A VENDOR FORUM:**
  - Purpose: provide vendors with an in-person overview presentation and support in the certification sign-up process
  - Slate for the week of 4/27/15 - Must confirm date ASAP in order to send out the vendor invitation
  - Targeting the Rose Room as a location familiar to the vendors
  - Invite Walter Maxwell to present as a subject matter expert Can we check his availability for the week of 4/27?
  - My team will send out the vendor invitation and drive their attendance. We are planning to send a 'Save the Date' by Friday, 3/27 if we have the date confirmed. Agenda to follow.
  - We will cover additional topics to ensure robust participation: ex., consolidated billing update
  - Perhaps Dr. Raju can provide opening comments
  - May be a great internal newsletter piece
  - Serve refreshments
  
- **PRE-FORUM EMAIL/PHONE COMMUNICATIONS WITH VENDORS:**
  - Prior to the forum, my team will provide vendors with information and documents related to the initiative and we will begin identifying vendors who meet the criteria to 'jump start' this effort

**CONDITIONALLY APPROVED CONTRACTORS**

Annual Update

Sodexo Operations, LLC  
Gaithersburg, MD

Materials Management  
(Dietary Services)  
\$358,000,000.00

US Foods, Inc.  
Rosemont, IL

Materials Management  
(Dietary Services)  
\$358,000,000.00

**TITLES WITHIN UNDERUTILIZED JOB GROUPS**

**Sodexo Operations, LLC (Dietary)**

**1D** - Senior Director; Executive Directive

**2F** - Professional 2 - Coordinator, Paralegal, Recruiter, EEO Rep, Planner, Payroll

**4A** - Sales VP, Sales Executive, National Client Executive

**5A** - Administration Related - Highly Skilled

**5B** - Administration Related - Entry/Moderate

**US FOODS, INC.**

**1C** - District Sales Mgr; Manager Transportation I & II; Mgr Business Development; Mgr Customer Service

**2A** - Div Sales Support Mgr; Beverage/Chemical Specialist; Buyer I & II; Brands Specialist; Healthcare Coord

**4A** - Territory Manager; Healthcare Account Manager

**7A** – Forklift Operator, Day; Receiver, Day; Selector, Night

**SODEXO OPERATIONS, LLC**

**2015 ANALYSIS USING 2010 CENSUS WORKFORCE DATA PACK**

	<b><u>2015</u></b>
<b>Total # of Employees</b>	1488
<b>Underutilized</b>	<b>YES</b>
<b># of Job Groups</b>	15
<b># of Job Groups Underutilized</b>	5
<b># of Underutilizations</b>	5
<b># of Minority Underutilizations</b>	3
<b># of Female Underutilizations</b>	2

**SODEXO OPERATIONS, LLC**

**UNDERUTILIZATIONS**

**JOB GROUP**

**2015**

1D- Sr. Director; Exec Director	Females
2F - Professional 2	Minorities
4A - Sales, VP	Females
5A - Admin - Highly Skilled	Minorities
5B - Admin - Entry/Moderate	Minorities

**Sodexo Dietary (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 01D - Senior Director, Executive Director

**Test:** Standard Deviation

**Total Employees:** 95

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	66	29	16	79	7	4	4	1	0	0
Employees (%)	69.5	30.5	16.8	83.2	7.4	4.2	4.2	1.1	0.0	0.0
Availability (%) Goal	53.4	46.6	22.7	77.3	7.5	8.3	5.2	0.4	0.1	1.2
Test: Standard Deviation	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
	3.13	-3.13	-1.35	1.35	-0.04	-1.44	-0.43	1.07	-0.30	-1.09
Add'l Needed to Eliminate Problem Area (#)	0	6	0	0	0	0	0	0	0	0
Add'l Needed to Reach Availability (#)	0	16	6	0	1	4	1	0	1	2

**Sodexo Dietary (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 02F - Professional 2-Paralegal, Recruiter, EEO, Payroll

**Test:** Standard Deviation

**Total Employees:** 290

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	80	210	69	221	35	12	20	0	1	1
Employees (%)	27.6	72.4	23.8	76.2	12.1	4.1	6.9	0.0	0.3	0.3
Availability (%) Goal	38.4	61.6	30.9	69.1	17.1	4.9	7.5	0.2	0.0	1.3
Test: Standard Deviation	YES	NO	YES	NO	YES	NO	NO	NO	NO	NO
	-3.77	3.77	-2.62	2.62	-2.26	-0.58	-0.39	-0.69	3.91	-1.42
Add'l Needed to Eliminate Problem Area (#)	15	0	5	0	2	0	0	0	0	0
Add'l Needed to Reach Availability (#)	32	0	21	0	15	3	2	1	0	3

**Sodexo Dietary (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 04A - Sales VP, Sales Executive, National Client Exec.

**Test:** Standard Deviation

**Total Employees:** 11

	Total									
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	10	1	0	11	0	0	0	0	0	0
Employees (%)	90.9	9.1	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0
Availability (%) Goal	55.8	44.2	18.9	81.1	9.7	4.2	4.1	0.3	0.0	0.7
Test: Standard Deviation	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
	2.35	-2.35	-1.60	1.60	-1.09	-0.69	-0.68	-0.17	-0.03	-0.28
Add'l Needed to Eliminate Problem Area (#)	0	1	0	0	0	0	0	0	0	0
Add'l Needed to Reach Availability (#)	0	4	3	0	2	1	1	1	0	1

**Sodexo Dietary (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 05A - Administration Related - Highly Skilled (Graded)

**Test:** Standard Deviation

**Total Employees:** 128

	Total									
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	16	112	30	98	16	6	4	0	0	4
Employees (%)	12.5	87.5	23.4	76.6	12.5	4.7	3.1	0.0	0.0	3.1
Availability (%) Goal	20.9	79.1	32.8	67.2	20.3	6.1	4.0	0.1	0.0	2.3
Test: Standard Deviation	YES	NO	YES	NO	YES	NO	NO	NO	NO	NO
	-2.35	2.35	-2.25	2.25	-2.19	-0.68	-0.48	-0.43	-0.09	0.64
Add'l Needed to Eliminate Problem Area (#)	2	0	2	0	1	0	0	0	0	0
Add'l Needed to Reach Availability (#)	11	0	12	0	10	2	2	1	0	0

**Sodexo Dietary (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 05B - Administration Related - Entry/Moderate (Graded)

**Test:** Standard Deviation

**Total Employees:** 67

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	15	52	13	54	10	1	2	0	0	0
Employees (%)	22.4	77.6	19.4	80.6	14.9	1.5	3.0	0.0	0.0	0.0
Availability (%) Goal	16.7	83.3	32.6	67.4	20.4	5.7	4.8	0.2	0.0	1.6
Test: Standard Deviation	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
	1.25	-1.25	-2.31	2.31	-1.11	-1.48	-0.69	-0.33	-0.11	-1.04
Add'l Needed to Eliminate Problem Area (#)	0	0	1	0	0	0	0	0	0	0
Add'l Needed to Reach Availability (#)	0	4	9	0	4	3	2	1	0	2

**US FOODS, INC.**

**2015 ANALYSIS USING 2010 CENSUS WORKFORCE DATA PACK**

	<b><u>2015</u></b>
<b>Total # of Employees</b>	701
<b>Underutilized</b>	<b>YES</b>
<b># of Job Groups</b>	14
<b># of Job Groups Underutilized</b>	4
<b># of Underutilizations</b>	6
<b># of Minority Underutilizations</b>	2
<b># of Female Underutilizations</b>	4

**US FOODS, INC.**

**UNDERUTILIZATIONS**

**JOB GROUP**

**2015**

1C - Mid Management

Females/Minorities

2A - Admin. Professionals

Females

4A - Commission Only Sales

Females/Minorities

7A - Warehouse

Females

**US Foods, Inc. (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 1C - Mid Management  
**Test:** Standard Deviation  
**Total Employees:** 25

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	21	4	1	24	1	0	0	0	0	0
Employees (%)	84.0	16.0	4.0	96.0	4.0	0.0	0.0	0.0	0.0	0.0
Availability (%) Goal	55.3	44.7	31.5	68.5	8.6	11.7	9.6	0.1	0.1	1.5
Test: Standard Deviation	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO
	2.89	-2.89	-2.96	2.96	-0.82	-1.82	-1.63	-0.17	-0.12	-0.61
Add'l Needed to Eliminate Problem Area (#)	0	2	2	0	0	0	0	0	0	0
Add'l Needed to Reach Availability (#)	0	8	7	0	2	3	3	1	1	1

**US Foods, Inc. (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 2A - Administrative Professionals

**Test:** Standard Deviation

**Total Employees:** 41

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	27	14	13	28	4	3	1	0	0	5
Employees (%)	65.9	34.1	31.7	68.3	9.8	7.3	2.4	0.0	0.0	12.2
Availability (%) Goal	45.1	54.9	34.3	65.7	8.2	10.3	14.3	0.1	0.0	1.5
Test: Standard Deviation	NO	YES	NO	NO	NO	NO	YES	NO	NO	NO
	2.66	-2.66	-0.35	0.35	0.37	-0.62	-2.17	-0.21	-0.03	5.72
Add'l Needed to Eliminate Problem Area (#)	0	2	0	0	0	0	1	0	0	0
Add'l Needed to Reach Availability (#)	0	9	2	0	0	2	5	1	0	0

**US Foods, Inc. (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 4A - Commission Only Sales  
**Test:** Standard Deviation  
**Total Employees:** 117

Total										
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	101	16	13	104	2	3	8	0	0	0
Employees (%)	86.3	13.7	11.1	88.9	1.7	2.6	6.8	0.0	0.0	0.0
Availability (%) Goal	67.3	32.7	26.9	73.1	5.0	11.4	9.5	0.0	0.0	1.0
Test: Standard Deviation	NO	YES	YES	NO	NO	YES	NO	NO	NO	NO
	4.39	-4.39	-3.86	3.86	-1.64	-3.01	-0.98	-0.19	0.00	-1.10
Add'l Needed to Eliminate Problem Area (#)	0	12	9	0	0	4	0	0	0	0
Add'l Needed to Reach Availability (#)	0	23	19	0	4	11	4	0	0	2

**US Foods, Inc. (2)**  
**Comparison of Incumbency to Availability**

**Job Group:** 7A - Warehouse  
**Test:** Standard Deviation  
**Total Employees:** 176

	Total									
	Males	Females	Total Min.	White	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two +
Employees (#)	175	1	160	16	47	109	2	0	0	2
Employees (%)	99.4	0.6	90.9	9.1	26.7	61.9	1.1	0.0	0.0	1.1
Availability (%) Goal	96.7	3.3	77.2	22.8	24.6	48.9	2.2	0.2	0.1	1.3
Test: Standard Deviation	NO	YES	NO	YES	NO	NO	NO	NO	NO	NO
	2.02	-2.02	4.33	-4.33	0.66	3.46	-0.98	-0.54	-0.42	-0.16
Add'l Needed to Eliminate Problem Area (#)	0	1	0	13	0	0	0	0	0	0
Add'l Needed to Reach Availability (#)	0	5	0	25	0	0	2	1	1	1

# **DISCRIMINATION COMPLAINTS REPORT 2014**

# RATIO OF COMPLAINTS TO TOTAL EMPLOYEES 2013 - 2014

	2013	2014
RATIO	1/171	1/184
# EMPLOYEES	39,188	39,897
# NEW COMPLAINTS	229	217

# COUNSELING SESSIONS CORPORATE - WIDE FOR YEARS 2013 - 2014

2013	2014	Change	%
199	896	+697	350% Increase

# ACCOMMODATIONS CORPORATE - WIDE 2014

# REQUESTED	# GRANTED	% GRANTED
427	350	82%

# COMPLAINT PROCESSING CORPORATE-WIDE FOR YEARS 2013-2014

	2013	2014
NEW*	229	217
CLOSED	207	198
OPEN**	175	182

\* THE TERM NEW REPRESENTS COMPLAINTS FILED BETWEEN 1/1/14 and 12/31/14.

\*\* OPEN INCLUDES COMPLAINTS FROM PRIOR YEARS THAT HAVE REMAINED OPEN AND 8 PRIOR YEAR COMPLAINTS NOT INCLUDED ON THE 2013 REPORT.

# COMPLAINT PROCESSING CORPORATE-WIDE FOR YEARS 2014

	2014	Internal	External
NEW*	217	104 48%	113 52%
CLOSED	198	102 52%	96 48%

# TOTAL ALLEGATIONS CORPORATE-WIDE FOR YEARS 2013 - 2014

ALLEGATION	2013 #	% of Total	2014 #	DIF	% of Total
RACE	83	16.67	64	-19	17.83
RETALIATION	91	18.27	69	-22	19.22
NATIONAL ORIGIN	63	12.65	53	-10	14.76
SEXUAL HARASSMENT	50	10.04	30	-20	8.36
DISABILITY	58	11.65	37	-21	10.31
GENDER	51	10.24	30	-21	8.36
AGE	41	8.23	30	-11	8.36
COLOR	29	5.82	23	-6	6.41
RELIGION	14	2.81	4	-10	1.11
SEXUAL ORIENTATION	14	2.81	6	-8	1.67
MARITAL STATUS	1	0.20	1	n/a	0.28
CREED	2	0.40	6	+4	1.67
ARREST	1	0.20	6	+5	1.67
CITIZENSHIP	0	0.00	0	n/a	0
<b>TOTAL</b>	<b>498</b>	<b>100</b>	<b>359</b>	<b>-139</b>	<b>100</b>

# NEW ALLEGATIONS FILED IN 2014 SHOWED INCREASES IN TWO AND NO CHANGE IN TWO OF THE 14 ALLEGATIONS TRACKED

<b>ALLEGATION</b>	<b>2013</b>	<b>2014</b>	<b>CHANGE</b>
Arrest	1	6	+5
Creed	2	6	+4
Marital Status	1	1	n/a
Alienage/ Citizenship	0	0	n/a

## NEW ALLEGATIONS FILED IN 2014 SHOWED DECREASES IN TEN OF THE 14 ALLEGATIONS TRACKED

ALLEGATION	2013	2014	# CHANGE
Gender*	51	30	-21
Disability	58	37	-21
Age	41	30	-11
Race	83	64	-19
National Origin	63	53	-10
Sexual Orientation	14	6	-8
Retaliation	91	69	-22
Sexual Harassment	50	30	-20
Color	29	23	-6
Religion	14	4	-10

\* In 2014 we combined Sex/Gender (24) and Gender Identify (6).

**COMPLAINT CLOSURE TOTALS  
CORPORATE-WIDE  
2013-2014**

<b>CLOSURES</b>	<b>2013</b>	<b>2014</b>	<b>CHANGE</b>
-----------------	-------------	-------------	---------------

No Probable Cause	120	127	+7
Probable Cause	7	13	+6
Dismissed/ Administrative Closure	53	42	-11
Settled	9	6	-3
Withdrawn	12	10	-2
Total	201	198	-3

## COMPLAINT CLOSURE TOTALS CORPORATE-WIDE 2014

CLOSURES	2014	INTERNAL	EXTERNAL
No Probable Cause	127 64%	61	66
Probable Cause	13 7%	10	3
Dismissed/ Administrative Closure	42 21%	24	18
Settled	6 3%	0	6
Withdrawn	10 5%	7	3
Total	198	102 52%	96 48%

# CONCLUSION

1. New allegations filed in 2013, showed decreases in ten of the 14 allegations tracked: Disability, Age, Gender, Race, Religion, National Origin, Color, Sexual Orientation, Retaliation, and Sexual Harassment.
2. Two allegations showed an increase: Arrest and Creed.
3. Two allegations did not change: Marital Status and Alienage/Citizenship.

# ACTION PLAN

1. A database to track complaints has been developed and implemented and is currently being tested and modified to allow for additional and improved tracking, reporting and archiving of pertinent documents.
2. Continue to standardize procedures and training.
3. Pinpoint specific pockets of discrimination patterns and strategize proactive measures.
4. Acquire summer interns to help archival process of historical paperwork pertaining to EEO complaints.