



The City of New York
Office of Management and Budget
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Mark Page
Director

10363

May 13, 2011

Mr. Cesar A. Perez, Esq.
Chair
Equal Employment Practices Commission
40 Rector St.
14th Floor
New York, NY 10006

Re: Resolution #11/02-019: Preliminary Determination Pursuant to the Audit of the Office of Management & Budget (OMB) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2007 through December 31, 2009.

Dear Mr. Perez:

In response to the above referenced audit, the following is OMB's response and corrective actions regarding the EEPC's recommendations:

✓ **RECOMMENDATION # 1**

To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should redistribute to all employees in writing, the name, location and telephone number of this person. (Sect. VB and VC, EEOP).

RESPONSE:

As indicated in your audit, OMB staff had been informed of the identity of the Disability Rights Coordinator (DRC). Due to the recent departure of OMB's DRC, Patricia Herrick, OMB's Personnel Director, will now serve as the DRC. Patricia will work closely with OMB's EEO Officer on any issues that arise. Staff has been informed of the name, location and telephone number of Patricia.

✓ **RECOMMENDATION # 2**

The agency should maintain complete applicant logs (which include the Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Select/Not Selected and Recruitment Source) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued Applicant Log).

RESPONSE:

OMB currently collects this information on two separate reports. We will make use of the DCAS issued Applicant Log for future applicants.

✓ **RECOMMENDATION # 3**

The agency should conduct an adverse impact study. To the extent that adverse impact is discovered, the agency should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)

RESPONSE:

OMB is in receipt of FY2011 third quarter Citywide Equal Employment Database System (CEEDS) data and will use this to conduct an adverse impact study. To the extent that adverse impact is evident, OMB will review its current recruitment and/or selection strategies and make necessary adjustments.

✓ **RECOMMENDATION # 4**

To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should redistribute to all employees the identity of, and the type of guidance which is available from the Career Counselor. (12/14/2006 Addendum to EEOP Standards and Procedures to Be Utilized by City Agencies (2005)) and Section VF, EEOP)

RESPONSE:

As indicated in your preliminary report, employees had been notified of the identity of the agency's Career Counselor. This information has been redistributed.

* **RECOMMENDATION # 5**

The agency head should direct managers and supervisors to emphasize at least twice a year 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 must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)

RESPONSE:

Managers and supervisors will be reminded at least twice a year of OMB's and the City's commitment to EEO. These meetings will be documented.

✓ **RECOMMENDATION # 6**

Since the EEO Officer has supervisory responsibility of the EEO Counselors, the EEO Officer should meet with the EEO Counselor at least at quarterly intervals to ensure that the Counselor(s) implement EEO functions satisfactorily and is kept abreast of internal and external EEO developments. These meetings should be documented. (Section VB and VC, EEOP)

RESPONSE:

Upon selection and successful training of OMB's candidate for EEO Officer, the Officer will meet at least quarterly with EEO Counselors to ensure that EEO staff is aware of all EEO developments. These meetings will be documented.

✓ **RECOMMENDATION # 7**

Because the EEOP requires the EEO Officer to report directly to the agency head, appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program must be maintained. (Section VB, EEOP and EEPC Positions)


RESPONSE:

Appropriate documentation of meetings and other communication between the EEO Officer and agency head regarding decisions that impact the administration of the agency's EEO Program will be maintained.

An email reminding staff of the Agency's commitment to the City's Equal Employment Opportunity Policy and the identification of our DRC and Career Counselor has been sent to all employees.

I hope this letter addresses your recommendations satisfactorily. Please feel free to contact Patricia Herrick directly regarding any further matters on this issue. Patricia may be reached at (212) 788-6101.

Yours truly,


Mark Page

c: Abraham May, Jr., EEPC
Adrianne Munroe, EEPC ✓
Patricia Herrick, OMB