



Robert W. Walsh
Commissioner

110 William Street
New York, NY 10038

212-513-6300 tel
212-618-8865 fax

10364

November 15, 2010

Mr. Abraham May, Jr.
Executive Director
Equal Employment Practice Commission
40 Rector Street, 14th Floor
New York, New York 10006

Dear Mr. May:

I am writing in response to the Equal Employment Practices Commission's (EEPC) Final Determination Pursuant to the Audit of the Department of Small Business Services (SBS) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008. SBS previously responded to your Preliminary Determination and you have indicated that our response to Recommendations #6 and #8 require further clarification. We are pleased to provide the revisions below:

EEPC Recommendation #6

Since the *Personnel Rules and Regulations of the City of New York* and DCAS and the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial and non-managerial employees receive annual performance evaluations the agency should develop a plan, which includes a timetable, to evaluate all employees. (DCAS, Rule 7.5.4(e) of the *Personnel Rules and Regulations of the City of New York*, and the DCAS Division of Citywide Personnel Services, Managerial Performance Evaluation, *Guidelines for Evaluating Managerial Performance in NYC Agencies*, p.1)

EEPC Rationale:

The EEPC is particularly concerned with performance evaluations for supervisors and managers since this group did not received annual performance evaluations consistently. During the audit, the SBS indicated that it had implemented a new evaluation program for the period from January 1, 2009 to December 31, 2009. Was this new evaluation program implemented? The EEPC would like information on how your agency has implemented this new program and how the program ensures annual evaluations for managers/supervisors.

SBS revised response:

SBS would like to clarify that in 2009, we reinforced the existing evaluation program in accordance with the *Personnel Rules and Regulations of the City of New York* and *DCAS* and the *Guidelines for Evaluating Managerial Performance in NYC Agencies*. SBS will continue to ensure that managerial and non-managerial employees receive performance evaluations on an annual basis, commencing January, 2011. On November 25, 2008, the SBS Human Resources (HR) Unit provided Performance Evaluation training to managers and supervisors. Consistent with *Personnel and Rules and Regulations of the City of New York* and *DCAS* and the *Guidelines for Evaluating Managerial Performance in NYC Agencies*, the SBS program requires that Managers and Supervisors:

- Meet with their employees to discuss 2010 Evaluations and 2011 Expectations during January 2011.
- Submit signed forms to HR by February, 2011
- Conduct mid-year reviews with employees during July, 2011
- Conduct year-end reviews with employees during December, 2011

In addition, a 5-Step Guide to conducting a successful mid-year review was developed to help managers navigate through the mid-year review process. Additional resources that are available via the Work Organization Management Tool (WOMT) include Professional Development Courses/Resources and a Job Skills Assessment tool that aids managers in determining the most critical skills for a task.

EEPC Recommendation #8:

At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file discrimination complaint with the EEO office. SBS will require that attendance sheets of these meetings be forwarded to the EEO office. These meetings must be documented. (DCAS Model Agency EEO Commitment Memo and EEPC Position)

EEPC Rationale:

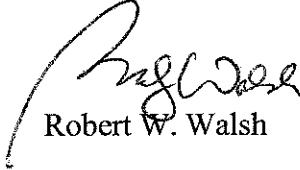
Your response indicates that the SBS will inform senior managers on a *bi-annual basis*, to meet with staff and re-emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Our recommendation states that supervisors and managers should implement this practice twice a year; *a semi-annual basis*. Please clarify.

SBS revised response:

At least twice a year during normal staff meeting, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file discrimination complaint with the EEO office. SBS will require that attendance sheets of these meetings be forwarded to the EEO office.

Thank you for your courtesy during the audit process. Should you require additional information, please do not hesitate to contact me or SBS' EEO Officer, Ms. Nancy Gannie at 212-618-8727 or ngannie@sbs.nyc.gov

Sincerely,

A handwritten signature in black ink, appearing to read "R. Walsh", is written over the printed name.

Robert W. Walsh

c. A. Schwartz
N. Gannie
