



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

253 Broadway, Suite 301 New York, New York 10007

Telephone: (212) 788-8646 Fax: (212) 788-8652

Frank R. Nicolazzi
Vice-Chairman

Angela Cabrera
Manuel A. Méndez
C. Catherine Rimokh, Esq.
Commissioners

Abraham May, Jr.
Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

April 3, 2003

Ronnie Lowenstein
Director
Independent Budget Office
110 Williams Street, 14th Floor
New York, NY 10038

Re: Preliminary Determination Pursuant to the Audit of the Independent Budget Office's (IBO) Equal Employment Opportunity Program from January 1, 2000 to June 30, 2002.

Dear Ms. Lowenstein:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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 (New York City Charter, Chapter 36, sections 831(d)(2) and (5)).

The Charter defines city agency as any "agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury." The Independent Budget Office (IBO) is funded by the City of New York and is therefore considered a city agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

The audit measures the IBO's compliance with its Agency Specific Equal Employment Opportunity Plans for fiscal years 2000-2002, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy. The relevant sections of these guidelines and documents are cited in parenthesis, where applicable, at the end of each recommendation.

The purpose of this audit is to evaluate the agency's compliance with the standards cited above, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included an analysis of the IBO's Quarterly Reports, Agency Specific EEO Plan and its EEO Policy, and a review of responses to an EEPC Document and Information Request Packet. EEPC auditors also conducted an in-depth, on-site interview with IBO's Co-EEO Officers: an EEO Coordinator and an EEO Counselor. In addition, EEPC auditors interviewed five of the six remaining supervisors to determine awareness of their rights and responsibilities under the agency's EEO Plan. The results of these interviews are attached. (Appendix I)

A survey of 27 people employed by the IBO during the audit period was distributed. Eight people (30%) responded. Significant survey findings are discussed in the proceeding pages.

Description of the Agency

The Independent Budget Office is an independent agency of the City of New York, established pursuant to the New York City Charter. A special committee of elected officials appoints the IBO Director based on a recommendation of the IBO's Advisory Board. The committee includes the comptroller, the public advocate, a borough president (chosen by the borough presidents), and a council member (chosen by the council).

IBO provides non-partisan budgetary, economic, and policy analysis for the residents of New York City and their elected officials. Its principal clients are the New York City Comptroller, the Public Advocate, the members and committees of the City Council, the Borough Presidents and the Community Boards. IBO assists its clients in the discharge of their budget-related responsibilities by providing them with briefings on the budget, responding to budget inquiries from their staffs and analyzing existing and proposed programs. IBO also produces fiscal impact statements from proposed legislation upon request of an elected official.

Personnel Activity During the Audit Period

During the audit period, 10 people were hired: 8 Caucasians, and 2 Hispanics. Eight of the hires were women. Seven individuals were promoted during the audit period. All were Caucasian and four were female. The IBO reports that two employees were on maternity leave at the end of the audit period. It is still unclear if they plan to return to the agency.

Discrimination Complaint Activity During the Audit Period

No discrimination complaints, internal or external, were filed during the period in review.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination – Internally

IBO is in compliance with the following requirements:

1. The agency's EEO Policy Statements (general, sexual harassment, disabilities, anti-retaliation, and discrimination complaint procedure), which are contained in IBO's staff manual, were distributed to all employees in 2001. It is also distributed at training sessions and orientation sessions for new employees. In addition, 87% of employees surveyed by the EEPC indicated they had received these documents.
2. The agency's EEO documents are also included in the new hire package.

IBO is not in compliance with the following requirements:

1. The Co-EEO Officers informed EEPC auditors that the agency's EEO policies are not available in alternate formats for use by persons with disabilities. Corrective action is required.

Recommendation: The agency should follow section VIII of the Citywide EEO Policy, issued by the Department of Citywide Administrative Services in June 1996, and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities, e.g., audio cassette and Braille.

2. Although the Co-EEO Officers told EEPC auditors that the EEO Policy documents are posted on the agency's bulletin board, which they periodically check, 50% of survey respondents indicated that neither the EEO policy statement nor sexual harassment policy is posted. Corrective action is required.

Recommendation: To achieve the widest distribution possible, IBO should ensure that its EEO policies are clearly posted on agency bulletin boards. (Citywide EEO Policy, Section VIII)

Plan Dissemination – Externally

IBO is in compliance with the following requirement:

1. Nine job advertisements submitted by IBO contain the EEO tag line.

Affirmative Action and Reasonable Accommodation for Persons with Disabilities

IBO is in compliance with the following requirements:

1. IBO's EEO Policy includes a "Reasonable Accommodation Procedure."
2. According to the Co-EEO Officers, IBO's building, located at 110 Williams St., is accessible to and useable by persons with disabilities. The front entrance to the building is wheelchair accessible, and there are Braille signs in the elevators and wide stalls in the bathrooms.
3. IBO includes information about the Section 55-A program in its staff manual and will participate in the program upon employee requests.

EEO Complaint and Investigation System

IBO is in compliance with the following requirement:

1. The agency's Co-EEO Officers have attended the Department of Citywide Administrative Services' basic EEO training course for EEO Professionals.
2. IBO has insured that persons of both sexes are available to receive and investigate discrimination complaints.
3. The agency identifies its Co-EEO Officers by posting their names on bulletin boards. Additionally, the Co-EEO Officers informally introduce themselves to all new employees.

EEO Training

IBO is not in compliance with the following requirement:

1. The Co-EEO Officers supplied documentation that IBO provided EEO training to its employees in February 1998 and June 2001. No training was conducted since June 2001. In addition, the Co-EEO Officers told EEPC auditors that training sessions should be conducted more frequently because of the agency's turnover rate. They also indicated that additional agency-wide training would take place in two to three months (after the revised EEO Policy is issued by the Mayor's Office). Corrective action is required.

Recommendation: IBO should follow Section IV of the Citywide EEO Policy ("Training Standards and Plans") and develop a plan, which includes a timeframe, to train all existing and new employees who have not already received training.

EEO Officer Reporting Arrangement

IBO is not in compliance with the following requirement:

1. Although the agency's Co-EEO Officers report directly to the agency head on EEO matters as needed, the meetings are informal. Therefore, they do not prepare an agenda or keep notes of those meetings. Corrective action is required.

Recommendation: Appropriate documentation of meetings between the Co-EEO Officers and the agency head should be maintained. (Sect. VII, Citywide EEO Policy)

Selection and Recruitment

IBO is in partial compliance with the following requirements:

1. During their interview, IBO's Co-EEO Officers told EEPC auditors that although they recommend recruitment strategies and recruitment media, they are not always notified of the implementation of their recommendations. They may suggest job recruitment strategies and recruitment media, but the ultimate decision of where to advertise, or which strategies to utilize, remains with the Chief of Staff or director of the division where the vacancy exists.

At the audit exit meeting, the agency head stated "IBO's Co-EEO Officers, Chief of Staff, and General Counsel have together developed EEO recruitment strategies, including specific media and professional associations to target, and have enlisted all IBO staffers in an effort to attract minority candidates." The agency head acknowledged, "during specific hirings, the EEO Officers were not aware of specific recruitment efforts as they were being made." Corrective action is required.

Recommendation: The Chief of Staff should notify the Co-EEO Officers of which recruitment strategies are implemented. The Co-EEO Officers should then review the strategy to determine its effectiveness and revise the strategy accordingly. (Sect. VII, Citywide, EEO Policy).

Since IBO's Agency Specific EEO Plans for the audit period set a goal to aggressively encourage a greater number of minority applicants, it is particularly important that the agency place a greater focus on coordination between the Chief of Staff and Co-EEO Officers during the recruitment and selection process.

2. IBO has encouraged staff members to identify minority-oriented professional associations, academic groups, and publications for recruitment purposes. The agency also participated in the NAACP's "Diversity & High Tech Career Fair" in 2000 and 2002. However, these recruitment methods have produced minimal results.

At the audit exit meeting, the agency head discussed IBO's recruitment practices, stating that strong efforts were made to recruit minority candidates. IBO had recruited through graduate school programs, on-line advertising, the NAACP job fair,

and employee referrals. Nevertheless, few minority candidates were identified, and those that were offered positions with IBO opted for positions within the private sector. Corrective action is required.

Recommendation: To supplement its current recruitment strategies, IBO should participate in additional minority-oriented career and recruitment events.

Recommendation: IBO should expand its list of women and minority professional associations by securing and utilizing a list of minority-oriented professional associations from other city agencies. (e.g. Office of the Comptroller, Administration for Children's Services, and the Office of Management and Budget).

Recommendation: IBO should expand its recruitment by participating in the citywide job posting process.

Special Contingencies:

EEO Officer Responsibilities:

1. The Co-EEO Officers told EEPAC auditors that they devote approximately 5% of their time each to EEO matters; the remaining time is devoted to their duties as Office Manager and Senior Economist. Corrective action is recommended.

Recommendation: The EEPAC realizes that there were no complaints during the audit period. However, during previous audits, the Commission has found numerous EEO program deficiencies in agencies that did not have full-time EEO Officers. For this reason, the Commission has adopted the position that agency's Co-EEO Officers should each devote 50% of their time to EEO matters.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. IBO should ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities, e.g., audiocassette and Braille. (Citywide EEO Policy, Sect. VIII)
2. IBO should ensure that its EEO policies are clearly posted on agency bulletin boards. (Citywide EEO Policy, Section VIII)
3. IBO should develop a plan, which includes a timeframe, to train all existing and new employees who have not already received training. (Citywide EEO Policy, Section IV)
4. Appropriate documentation of meetings between the Co-EEO Officers and the agency head should be maintained. (Citywide EEO Policy, Sect. VII)

5. The Chief of Staff should notify the Co-EEO Officers of which recruitment strategies are implemented. The Co-EEO Officers should then review the strategy to determine its effectiveness and revise the strategy accordingly. (Citywide EEO Policy, Sect. VII)
6. IBO should supplement its current recruitment strategies by participating in additional minority-oriented career and recruitment events.
7. IBO should expand its list of women and minority professional associations by securing and utilizing a list of minority-oriented professional associations from other city agencies. (e.g. Office of the Comptroller, Administration for Children's Services, and the Office of Management and Budget).
8. IBO should expand its recruitment by participating in the citywide job posting process.
9. IBO's Co-EEO Officers should each devote 50% of their time to EEO matters.

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO Program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

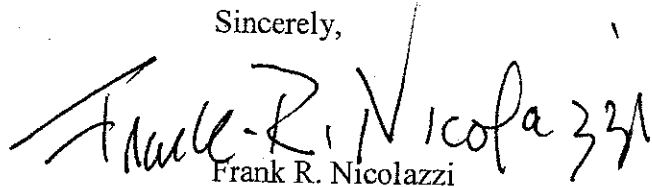
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the IBO's compliance with its Agency Specific Equal Employment Opportunity Plans for 2000 - 2002, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission must publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Frank R. Nicolazzi 331". The signature is written in a cursive style with a large, prominent "N" and "a".

Frank R. Nicolazzi
Vice Chairman

APPENDIX - 1

Independent Budget Office's Supervisor Interview Results

We interviewed 5 supervisors at the Independent Budget Office. All of those individuals were employed during the audit period.

1. Do you supervise at least one employee?
Yes: [5] No: [] NA: []
2. Are you familiar with your agency's EEO policies?
Yes: [5] No: [] NA: []
3. Have you received your agency's EEO and Sexual Harassment Policy Statements?
Yes: [5] No: [] NA: []
4. If you have been employed for less than 5 years, did you receive a new employee orientation session?
Yes: [2] No: [3] NA: []
5. Did the new employee orientation session include information on your agency's EEO policies?
Yes: [3] No: [] NA: [2]
6. Did you hold meetings with your staff to discuss your agency's EEO policies?
Yes: [] No: [4] NA: [1]
7. Do you know who your agency's EEO Officer is? What is his/her name?
Yes: [5] No: [] NA: []
8. Did the EEO Officer meet with you, either as an individual or in a group setting, to discuss your agency's EEO policies?
Yes: [5] No: [] NA: []
9. Did your agency provide you with training and a structured interview guide for interviewing new hires?
Yes: [2] No: [3] NA: []
10. Have you been evaluated on your EEO performance in your annual evaluation/appraisal?
Yes: [] No: [5] NA: []
11. Have you received preventive sexual harassment training from your agency?
Yes: [3] No: [2] NA: []

12. Did all the employees in your unit receive preventive sexual harassment training?

Yes: [3]

No: []

NA: [2]

13. Do you have a copy of your agency's discrimination complaint procedures?

Yes: [5]

No: []

NA: []

14. Have you discussed the agency's discrimination complaint procedures with your staff?

Yes: [1]

No: [4]

NA: []

15. Do you feel you have enough training to respond knowledgeably to an employee who complains about discrimination or harassment?

Yes: [4]

No: [1]

NA: []

16. Do you have any additional comments about EEO in your agency?

Yes: [2]

No: [3]

NA: []

APPENDIX – 2

The following table indicates personnel activity during the audit period, January 1, 2000 through June 30, 2002.

Independent Budget Office

Hires by Sex and Ethnicity

Total Hires: 10

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
2	8	10	8	0	2	0	0	10

Promotions by Sex and Ethnicity

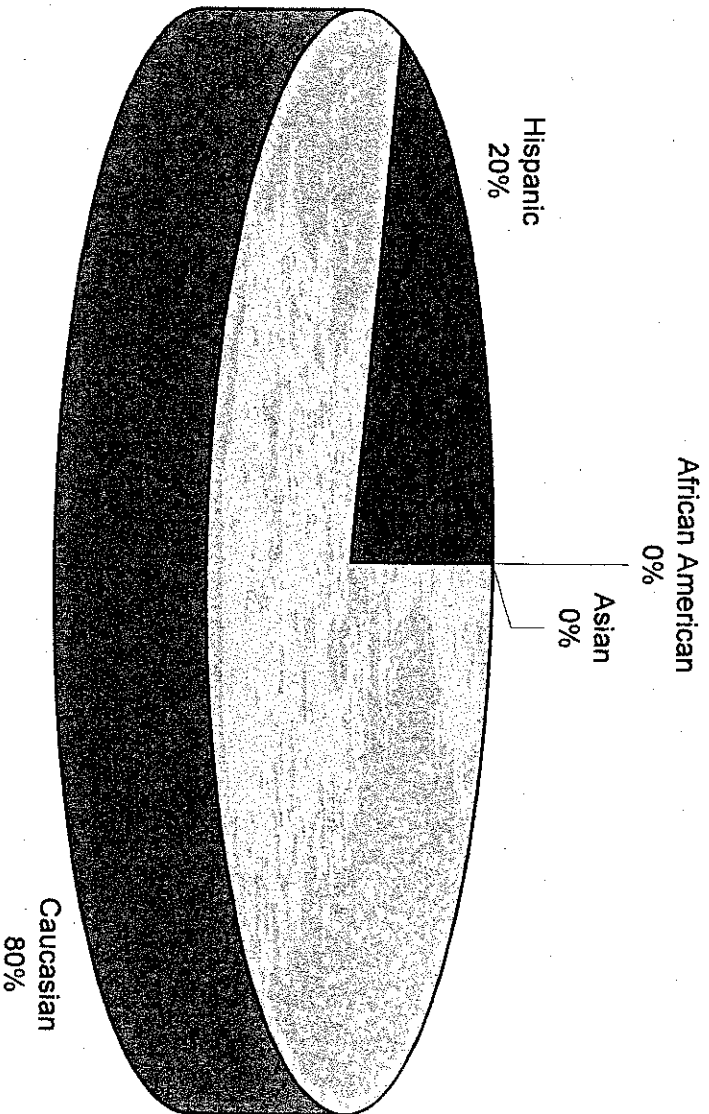
Total Promotions: 7

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
3	4	7	7	0	0	0	0	7

Source: Audit data supplied by Independent Budget Office

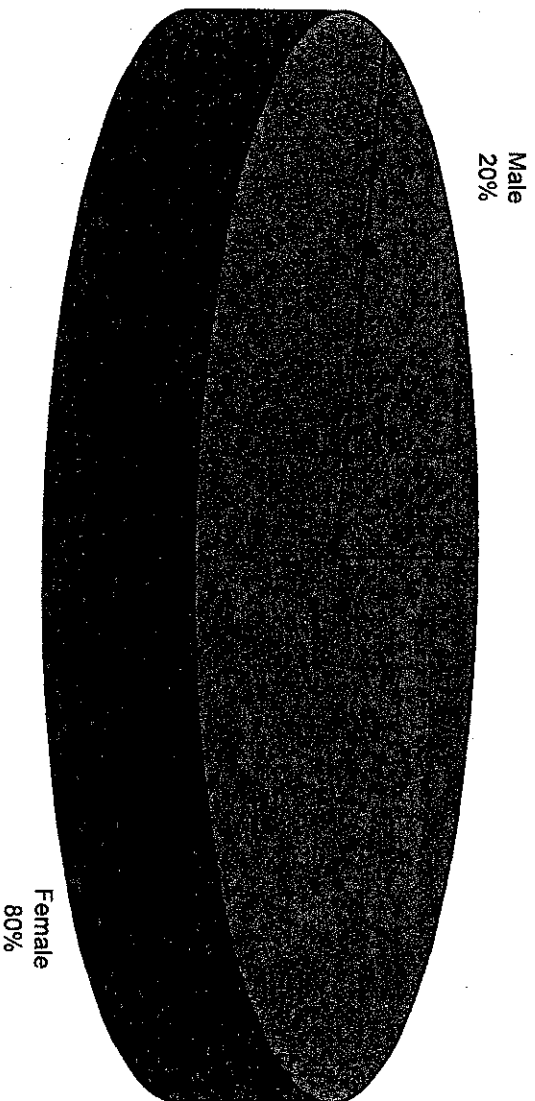
INDEPENDENT BUDGET OFFICE

Hires by Ethnicity



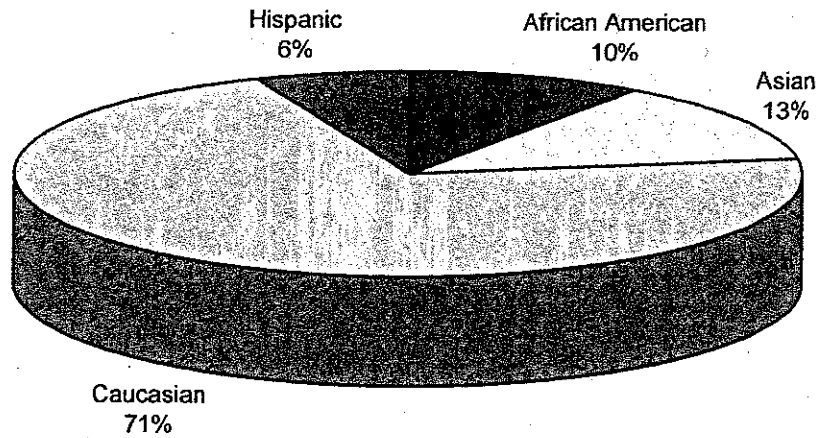
Appendix - 4

INDEPENDENT BUDGET OFFICE
Hires by Sex

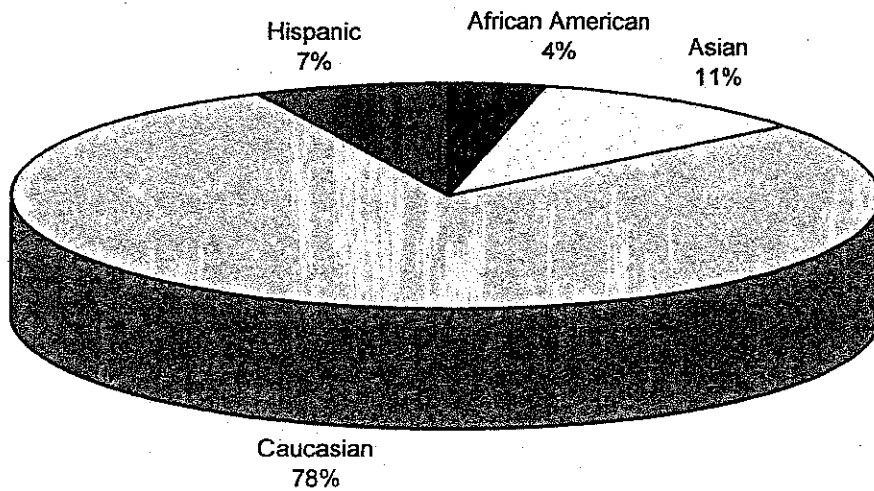


Appendix - 5

INDEPENDENT BUDGET OFFICE
Workforce by Ethnicity



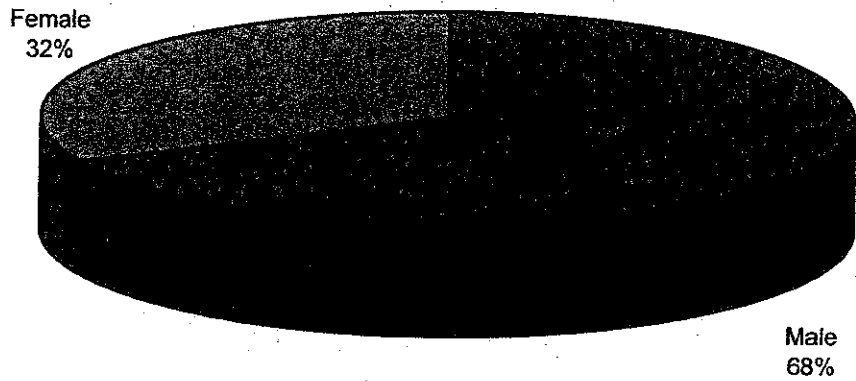
January 2000
Total Workforce = 31



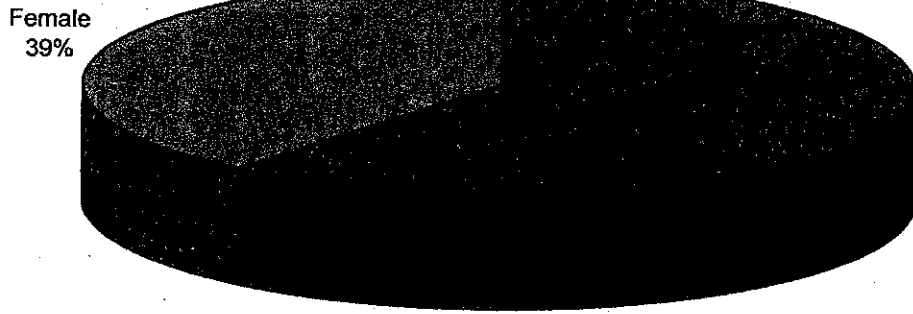
June 2002
Total Workforce = 28

Appendix - 6

INDEPENDENT BUDGET OFFICE
Workforce by Sex



January 2000
Total Workforce = 31



June 2002
Total Workforce = 28