



**Angela Cabrera**  
**Malini Cadambi Daniel**  
**Elaine S. Reiss, Esq.**  
**Arva R. Rice**  
Commissioners

**Charise L. Terry, PHR**  
Executive Director

**Judith Garcia Quiñonez, Esq.**  
Executive Agency Counsel/  
Deputy Director

**Marie Giraud, Esq.**  
Agency Attorney/  
Director of Compliance Monitoring

**253 Broadway**  
**Suite 602**  
**New York, NY 10007**

212. 615. 8939 tel.  
212. 615. 8931 fax

May 5, 2016

**BY MAIL AND E-MAIL**

Daniel D. Brownell  
Commissioner/Chair  
Business Integrity Commission  
100 Church Street, 20<sup>th</sup> Floor  
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Commissioner Brownell:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEP), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2013 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Business Integrity Commission, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other 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 purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act; and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

### **Scope and Methodology**

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct

---

<sup>1</sup> Corresponding audit/analysis standards are numbered throughout the document.



additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

To encourage response, the EEPC requests that the head or deputy of each agency send emails to employees and to supervisors/managers that provide links to our questionnaires.

### **Description of the Agency**

The Business Integrity Commission is both a law enforcement and regulatory agency charged with oversight of the private carting industry throughout the five boroughs, the businesses in the city's public wholesale markets and the shipboard gaming industry. It is empowered to investigate applicants, issue licenses and registrations, conduct criminal investigations, enforce applicable laws and promulgate rules and regulations that govern the conduct of the businesses it oversees. The Commission is composed of a Chair appointed by the Mayor and the Commissioners of the Department of Small Business Services, Department of Consumer Affairs, Department of Investigation, Police Department, and Department of Sanitation. At the end of the period in review, the agency's headcount was 76 (see Appendix 2).

### **PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS**

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

#### **I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:**

**Determination:** The agency is in compliance with the standards for this subject area.

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ In May 2013 and November 2014, the Commissioner issued an EEO Policy memo to all employees. The memo stated that the agency "*is committed to preventing discrimination against our employees . . .*" and that "*[a]ll personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.*" Additionally, the names, phone numbers, and email addresses of the agency's principal EEO professional and EEO counselor were provided in the Commissioner's EEO Policy memos.

**NOTE:** Subsequent to the period in review, in April 2016, the Commissioner issued an EEO Policy memo that provided a file path to the agency's "EEO" folder on the electronic shared drive accessible to all employees which contained the City's EEO Policy.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual

harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ During the period in review, the agency utilized the City's EEO Policy, *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, which was posted to the "EEO" folder on the agency's electronic shared drive accessible to all employees and distributed to new employees in the agency's new hire packet. The City's EEO Policy included sections on sexual harassment, request for reasonable accommodations, and discrimination complaint investigations; and linked to *The Guidelines for the Implementation of the City's Discrimination Complaint Procedures* and the City's *Reasonable Accommodation Policy and Procedure*.

The new hire packet included the EEO handbook, *About EEO: What You Need to Know*, which included sections on sexual harassment, reasonable accommodations, and the EEO complaint process (which included a procedural chart for employees who believe they have been discriminated against); an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination. The Commissioner's May 2013 and November 2014 EEO Policy memos included the names and contact information for the agency's principal EEO professional and EEO counselor. All employees were notified via email that EEO policies, forms and resources were maintained in the "EEO" folder on the agency's electronic shared drive accessible to all employees.

## II. EEO TRAINING FOR AGENCY:

**Determination:** The agency is in compliance with the standards for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ At the end of the audit period, in fiscal year (FY) 2015, the agency reported 73 employees received "*Diversity and Inclusion*" training (approximately 96% of the workforce (see Appendix 2)).

**NOTE:** Subsequent to the audit period, in January 2016, the agency provided EEO training to 67 employees (approximately 88% of the workforce (see Appendix 2)).

**III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):**

**Determination: The agency is in partial compliance with the standards for this subject area.**

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ During the period in review, the agency eliminated underutilization of Blacks in the *Para Professionals* job group.
  - The agency did not provide documentation that it assessed recruitment efforts to determine whether such efforts adversely impacted women, minorities, or any other protected group. The 3<sup>rd</sup> quarter FY 2013, *CEEDs Report – Work Force Compared with Internal and External Pools* (the beginning of the audit period) indicated underutilization of Blacks in two job groups (*Managers* and *Para Professionals*) and Hispanics in one job group (*Managers*) (see Appendix 3). The 2<sup>nd</sup> quarter FY 2016 (the last quarter of the audit period) CEEDs Report indicated underutilization of Blacks in one job group (*Managers*) and Hispanics in one job group (*Para Professionals*) (see Appendix 4). During the last three quarters of the period in review, underutilization of Hispanics persisted in the *Para Professionals* job group. Corrective Action Required.

**Corrective Action #1:** Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ In September and October 2015, the principal EEO professional, the principal HR professional, and the Chief of Staff discussed revisions to the agency's 2016 EEO Plan via email. The agency reported that during the period in review, it received no EEO complaints and the principal EEO professional reviewed CEEDs reports for underutilization at least biannually. The agency also reported that the principal EEO professional and principal Human Resources professional informally discussed EEO matters regularly.

- During the period in review, the principal EEO professional, principal HR Professional, and General Counsel, did not review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies. Corrective Action Required.

**Corrective Action #2:** Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
- ✓ During the period in review, the agency eliminated underutilization of Blacks in the *Para Professionals* job group.
    - The agency did not provide documentation that it assessed the manner in which candidates were selected for employment to determine whether such efforts adversely impacted women, minorities, or any other protected group. The 3<sup>rd</sup> quarter FY 2013, *CEEDs Report – Work Force Compared with Internal and External Pools* (the beginning of the audit period) indicated underutilization of Blacks in two job groups (*Managers* and *Para Professionals*) and Hispanics in one job group (*Managers*) (see Appendix 3). The 2<sup>nd</sup> quarter FY 2016 (the last quarter of the audit period) *CEEDs Report* indicated underutilization of Blacks in one job group (*Managers*) and Hispanics in one job group (*Para Professionals*) (see Appendix 4). During the last three quarters of the period in review, underutilization of Hispanics persisted in the *Para Professionals* job group. Corrective Action Required.

**Corrective Action #3:** 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career

fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

- The 2<sup>nd</sup> quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools (the last quarter of the audit period) indicated underutilization of Blacks in one job group (*Managers*) and Hispanics in one job group (*Para Professionals*), which may have included discretionary titles (see Appendix 4). Corrective Action Required.

**Corrective Action #4:** If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

- The 2<sup>nd</sup> quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools (the last quarter of the audit period) indicated underutilization of Blacks in one job group (*Managers*) and Hispanics in one job group (*Para Professionals*), which may have included *civil service* (list) titles (see Appendix 4). Corrective Action Required.

**Corrective Action #5:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ The agency reported that during the period in review, all interviewers received a hiring packet before each interview. The hiring packet contained the resume of the applicant being

interviewed; structured interview questions; an interview factor form; and an *Employee/Interviewee Self-Identification Form* (which allowed the interviewee to voluntarily disclose their Sex and Race/Ethnic Group).

**NOTE:** Subsequent to the audit period, in January 2016, the principal Human Resources professional notified all managers via email of a mayoral mandate which requires completion of DCAS's *Structured Interviewing and Unconscious Bias* training.

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

✓ The agency reported it promoted employees' awareness of opportunities for promotion and transfer via the agency's website and that supervisors encouraged employees to apply to job vacancies when they became available. In addition, in November 2015, the Director of Licensing notified employees in the Licensing Unit of a career advancement opportunity and encouraged their application to a Background Investigations Analyst position, stating "[a]nyone interested should apply online. . . . Feel free to discuss with me."

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

✓ During the period in review, the agency advertised several job vacancies, including *Receptionist, Human Resources Generalist, Complaint Intake Coordinator, Licensing Specialist, and Senior Auditor*. Each job posting stated "[t]he City of New York is an Equal Opportunity Employer." The agency also advertised five vacancies in print, including *Assistant Commissioner for Legal Affairs/Director of Background Intelligence Unit* in the *New York Post* on December 9, 2014; *Associate Fraud Investigator* in the *Daily News* on June 29, 2014, and January 22, 2015; and *Associate Fraud Investigator* in the *New York Post* on March 16, 2014 and June 29, 2014. Each print vacancy stated "BIC is an EEO employer."

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

✓ During the period in review, the agency used the *New York City Automated Personnel System (NYCAPS) eHire*, which captured the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability status, veteran status, and recruitment source*; and had the ability to capture candidate information such as *interview date, interviewers' names, result, and reason selected/not selected (or disposition)*.



**IV. CAREER COUNSELING:**

**Determination: The agency is in compliance with the standards for this subject area.**

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

✓ During the period in review, the Director of Personnel Services (the agency's principal Human Resources professional) was designated as the agency Career Counselor.

**NOTE:** Subsequent to the period in review, in January 2016, the Director of Personnel Services completed *Society for Human Resources Management Senior Certified Professional* (SHRM-SCR) training. In April 2016, employees were reminded via email of the Director of Personnel Services' designation as Career Counselor and accessibility as a resource for employment and career advancement.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.

✓ During the period in review, the Director of Personnel Services (the agency's principal Human Resources professional) confirmed that the agency received no 55-a program participants, EEO complaints, or requests for reasonable accommodation. The Human Resources Department provided employees with their tasks and standards to review and sign with their supervisor during on-boarding and their annual performance evaluations; signed copies were returned to Human Resources. Additionally, the Human Resources Department initiated the performance evaluation process when it emailed managerial employees with a list of employees due for performance evaluations on their upcoming work anniversaries, the employees' tasks and standards, and blank performance evaluation forms. Opportunities for promotion and transfer were posted to the agency website and the agency also reported that "[m]anagement meets with staff when a position becomes available and encourages them to apply if interested." Employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedure upon hire via the new hire packet. The new hire packet included the City's EEO Policy and the EEO handbook, which were also posted to the "EEO" folder on the agency's electronic shared drive accessible to all employees. The agency reported that the principal Human Resources professional and the principal EEO professional promptly discussed EEO matters and communicated almost daily.

V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/  
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:

Determination: The agency is in compliance with the standards for this subject area.

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

✓ During the period in review, the agency provided EEO policies in large print and reported its commitment to provide its EEO policies in large print, audio tape, Braille, and “[a]ny other format as requested. . .” by employees and applicants for employment with disabilities.

16. Document reasonable accommodation requests and their outcomes.

✓ The agency utilized the Citywide *Reasonable Accommodation Request Form* to document requests. In October 2015, the principal EEO professional notified all employees via email of revisions to the form and provided; the revised copy of the form and a summary of the changes. Copies of the form were saved to the agency’s “EEO” folder on the electronic shared drive accessible to all employees. The *Reasonable Accommodation Request Form* stated “After completing . . . supervisors must return a copy of this form to the applicant or employee, immediately send a copy to the agency [Disability Rights Coordinator,] DRC, and take such further action as is required by the Reasonable Accommodation Policy and Procedure.”

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

Determination: The agency is in partial compliance with the standards for this subject area.

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

✓ Employees were notified of the Deputy Director of Information Technology’s designation as the principal EEO professional via the Commissioner’s May 2013 and November 2014 EEO memos. The principal EEO professional completed DCAS’s *Basic Training for Equal Employment Opportunity Representatives* in September 2008.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

✓ During the period in review, the agency’s EEO Unit consisted of the principal EEO professional and an EEO counselor. The EEO counselor completed DCAS’s *Diversity and Equal Employment Opportunity Basic Training* in November 2014, and served from October 2014 to July 2015. At the end of the period in review, the EEO counselor position was vacant.

**NOTE:** Subsequent to the period in review, the agency appointed a new EEO counselor that completed DCAS's *Diversity and Equal Employment Opportunity Basic Training* in March 2016 and *LGBT: Are You Ready for the "T"- Creating An Inclusive Culture For Transgender Employees* training in April 2016.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ As reflected in the agency's organizational chart, the principal EEO professional reported directly to the Chief of Staff, who directly reported to the Commissioner.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

✓ The agency reported that the principal EEO professional and the Agency Head met on an ad hoc basis as EEO matters arose.

➤ The agency did not maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO professional regarding decisions that impact the administration and operation of the EEO program to ensure the integrity and continuity of the EEO Program. Corrective Action Required.

**Corrective Action #6:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

#### **VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:**

**Determination: The agency is in compliance with the standards for this subject area.**

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

✓ During the period in review, the agency administered an annual performance evaluation program for all employees. The Human Resources Department emailed managerial employees with a list of employees due for performance evaluations on their upcoming work anniversaries, the employees' tasks and standards, and blank performance evaluation forms. Employees were provided with updated copies of their tasks and standards to review and sign with their supervisor; signed copies were returned to Human Resources.



22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ During the period in review, the managerial performance evaluation form included a section to rate managers on “*EEO PERFORMANCE: Support of Agency’s Equal Employment Opportunity Policies, programs, and procedures.*”

**VIII. REPORTING STANDARD FOR AGENCY HEAD:**

**Determination:** The agency is in compliance with the standards for this subject area.

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>2</sup> (up to 30 days following each quarter) on efforts to implement the plan.
- ✓ The agency provided all annual plans and quarterly reports for the audit period.

**After implementation of the EEPC’s corrective actions, if any:**

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC’s audit/analysis and re-emphasizing the agency head’s commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC’s audit/analysis and re-emphasizing the agency head’s commitment to the EEO program.

**Conclusion**

The agency has 6 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

*Optional Response to preliminary determination:* If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

---

<sup>2</sup>Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

(Optional Conference) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(No Response Option) If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

*Mandatory Response to Final Determination:* Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

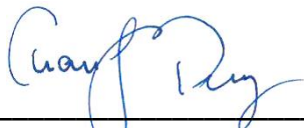
Respectfully Submitted by,



---

William Peterson, EEO Program Analyst

Approved by,



---

Charise L. Terry, PHR  
Executive Director

c: Matthew Gonzalez, Principal EEO Professional

## **Appendix - 1**

Business Integrity Commission  
EEO Job Group Descriptions

**DESCRIPTION OF  
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)  
JOB GROUP CATEGORIES**

**001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.

**002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

**003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

**004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

**005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

**006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

**007 Social Workers:** Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

**008 Lawyers:** Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

**009 Public Relations:** Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

**010 Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: health technicians (clinical laboratory, dental hygienists, health records, radiologic

and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

**011 Sales:** Not applicable.

**012 Clerical Supervisors:** Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

**013 Clerical:** Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

**014 Household Services:** Not applicable.

**015 Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

**016 Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

**017 Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

**018 Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

**019 Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: school crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.

**020 Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

**021 Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.

**022 Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.



**023 Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

**024 Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

**025 Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.

**026 Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: printing press operators, high pressure boiler operators, laundry workers and kindred workers.

**027 Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

**028 Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

**029 Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: sanitation workers, debris removers and kindred workers.

**030 Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

**031 Paraprofessionals:** Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

## **Appendix - 2**

Business Integrity Commission  
Workforce Composition Summary  
2<sup>nd</sup> Quarter of Fiscal Year 2016  
(End of Audit Period)

RUN DATE: 01/05/16  
 RUN TIME: 08:37:43.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 831 BUSINESS INTEGRITY COMMISSION

PAGE: 198  
 REPORT: EBEP210

QUARTER 2 YEAR 2016

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
94525	CHAIR (BIC)	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10026	ADMINISTRATIVE STAFF ANALY	3	0	1	1	0	0	3	0	0	2	0	0	0	10
10050	COMPUTER SYSTEMS MANAGER	0	0	1	0	0	0	0	0	0	0	0	0	1	
95005	EXECUTIVE AGENCY COUNSEL	5	0	0	0	0	0	3	0	1	0	0	1	10	
EEO JOB GROUP TOTAL.....:		38.11	0.00	9.52	4.76	0.00	0.00	28.57	0.00	4.76	9.52	0.00	4.76	21	

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1002C	ADMINISTRATIVE MANAGER NON	0	0	0	0	0	0	0	0	1	0	0	0	1	
12627	ASSOCIATE STAFF ANALYST	0	0	0	0	0	0	0	0	0	1	0	0	1	
33972	MARKET AGENT	0	4	4	1	0	0	0	2	1	0	0	0	12	
40502	MANAGEMENT AUDITOR	0	0	0	0	0	0	0	0	0	1	0	0	1	
EEO JOB GROUP TOTAL.....:		0.00	26.67	26.67	6.67	0.00	0.00	0.00	13.33	13.33	13.33	0.00	0.00	15	

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
13611	COMPUTER ASSOCIATE (TECHNI	0	0	1	0	0	0	0	0	0	0	0	0	1	
13631	COMPUTER ASSOCIATE (SOFTWA	1	0	0	0	0	0	0	0	0	0	0	0	1	
13651	COMPUTER PROGRAMMER ANALYS	0	0	0	0	0	0	0	1	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		33.34	0.00	33.33	0.00	0.00	0.00	0.00	33.33	0.00	0.00	0.00	0.00	3	

RUN DATE: 01/05/16  
 RUN TIME: 08:37:43.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 QUARTER 2 YEAR 2016 AGENCY 831 BUSINESS INTEGRITY COMMISSION

PAGE: 199  
 REPORT: EBEP210

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
31118	ASSOCIATE FRAUD INVESTIGAT	2	0	1	0	0	1	0	0	0	0	0	0	0	4
EEO JOB GROUP TOTAL.....:		2	0	1	0	0	1	0	0	0	0	0	0	0	4
		50.00	0.00	25.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	1	0	0	0	0	0	1
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10251	CLERICAL ASSOCIATE	0	0	0	0	0	0	0	2	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	2	0	0	0	0	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 831 BUSINESS INTEGRITY COMMISSION  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
56056	COMMUNITY ASSISTANT	0	1	0	0	0	0	0	0	0	0	0	0	0	1
56057	COMMUNITY ASSOCIATE	5	1	1	0	0	0	8	5	1	3	0	1	0	25
56058	COMMUNITY COORDINATOR	1	0	1	0	0	0	0	1	0	0	0	0	0	3
EEO JOB GROUP TOTAL.....:		6	2	2	0	0	0	8	6	1	3	0	1	0	29
		20.68	6.90	6.90	0.00	0.00	0.00	27.59	20.69	3.45	10.34	0.00	3.45	0.00	100.00

AGENCY TOTAL.....:		18	6	10	2	0	1	14	12	4	7	0	2	0	76
		23.69	7.89	13.16	2.63	0.00	1.32	18.42	15.79	5.26	9.21	0.00	2.63	0.00	100.00

## **Appendix - 3**

Business Integrity Commission  
Workforce Compared with Internal and External Pools  
3<sup>rd</sup> Quarter of Fiscal Year 2013  
(Beginning of Audit Period)

RUN DATE: 04/01/13  
 RUN TIME: 8:19:42  
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 97  
 PROGRAM: EBPPP961  
 EXTRACT DATE: 03/30/13

AGENCY: 831 BUSINESS INTEGRITY COMMISSION  
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE		BLACK		HISPANIC		ASIAN /		NATIVE A		ETH UNKN	
		OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I	OBSRV	EXPCT I
001 ADMINISTRATORS	2	2	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
002 MANAGERS	22	17	11 O	1	5 U	1	3 U	3	2	0	0 N	0	1 U
003 MNGMNT SPECS	17	1	7 U	8	5	5	2 O	3	2	0	0 N	0	0 N
004 SCIENCE PROFNS	1	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N
010 TECHNICIANS	4	2	1 N	0	1 N	1	1 N	0	0 N	0	0 N	1	0 N
012 CLERICAL SUPS	2	0	1 N	1	1 N	1	0 N	0	0 N	0	0 N	0	0 N
013 CLERICAL	4	0	1 N	4	2 N	0	1 N	0	0 N	0	0 N	0	0 N
031 PARA PROFESSION	18	7	6	0	5 U	7	4	2	1	0	0 N	2	1

RUN DATE: 04/01/13  
 RUN TIME: 8:19:42  
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 98  
 PROGRAM: EBP961  
 EXTRACT DATE: 03/30/13

AGENCY: 831 BUSINESS INTEGRITY COMMISSION  
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	2	1	1	N	1	1	N	0	0	N
002 MANAGERS	22	11	12		11	9		0	1	N
003 MNGMT SPECS	17	11	10		6	7		0	0	N
004 SCIENCE PROFNS	1	0	1	N	1	0	N	0	0	N
010 TECHNICIANS	4	4	2	N	0	2	N	0	0	N
012 CLERICAL SUPS	2	0	0	N	2	2	N	0	0	N
013 CLERICAL	4	1	1	N	3	3	N	0	0	N
031 PARA PROFESSION	18	8	7		10	11		0	0	N

## **Appendix - 4**

Business Integrity Commission  
Workforce Compared with Internal and External Pools  
2<sup>nd</sup> Quarter of Fiscal Year 2016  
(End of Audit Period)



RUN DATE: 01/05/16  
 RUN TIME: 8:35:10  
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 97  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/15

AGENCY: 831 BUSINESS INTEGRITY COMMISSION  
 EEO VARIABLE: ETH ETHNICITY

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE			BLACK			HISPANIC			ASIAN /			NATIVE A			ETH UNKN		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	1	1	N	0	0	N	0	0	N	0	0	N	0	0	N	0	0	N
002 MANAGERS	21	14	11	U	0	4	U	3	3		3	2		0	0	N	1	1	
003 MNGMNT SPECS	15	0	6	U	6	4		6	2	O	3	2		0	0	N	0	0	N
004 SCIENCE PROFNS	3	1	1	N	1	1	N	1	0	N	0	1	N	0	0	N	0	0	N
010 TECHNICIANS	4	2	1	N	0	1	N	1	1	N	0	0	N	0	0	N	1	0	N
012 CLERICAL SUPS	1	0	0	N	1	1	N	0	0	N	0	0	N	0	0	N	0	0	N
013 CLERICAL	2	0	0	N	2	1	N	0	0	N	0	0	N	0	0	N	0	0	N
031 PARA PROFESSION	29	14	9		8	8		3	7	U	3	3		0	0	N	1	1	

RUN DATE: 01/05/16  
 RUN TIME: 8:35:10  
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 98  
 PROGRAM: EBP961  
 EXTRACT DATE: 12/31/15

AGENCY: 831 BUSINESS INTEGRITY COMMISSION  
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
001 ADMINISTRATORS	1	1	1	N	0	0	N	0	0	N
002 MANAGERS	21	11	11		10	9		0	0	N
003 MNGMNT SPECS	15	9	9		6	6		0	0	N
004 SCIENCE PROFNS	3	2	2	N	1	1	N	0	0	N
010 TECHNICIANS	4	4	2	N	0	1	N	0	0	N
012 CLERICAL SUPS	1	0	0	N	1	1	N	0	0	N
013 CLERICAL	2	0	1	N	2	1	N	0	0	N
031 PARA PROFESSION	29	10	11		19	17		0	0	N



The City of New York

**BUSINESS INTEGRITY COMMISSION**

100 Church Street · 20th Floor

New York · New York 10007

Tel. (212) 437-0500

Daniel D. Brownell

*Commissioner and Chair*

May 20, 2016

**BY EMAIL**

Charise L. Terry, PHR  
Executive Director  
Equal Employment Practices Commission (EEPC)  
253 Broadway, Suite 602  
New York, NY 10007

Pursuant to the Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 to December 31, 2015, the Business Integrity Commission is submitting the following responses to the corrective actions cited in the Preliminary Determination.

**Corrective Action #1**

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

**Corrective Action #2**

The EEO Officer, Director of Personnel Services and Agency General Counsel will receive documentation such as Dashboards curated from DCAS EEO. On 4/25/2016, I forwarded such a dashboard to our Director of Personnel Services (See attached Appendix A). In the future, such statistical reports will also be forwarded to the General

Counsel for their review as needed as well. Additionally, when we do have any discussions on the matter, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed.

#### Corrective Action #3

The Director of Personnel Services and several hiring managers have taken DCAS Structured Interviewing and Unconscious Bias training this year. The Director of Personnel Services will ensure hiring managers are using structured interview techniques and provide them with structured interview questions to ensure criteria being use to hire is job-related.

#### Corrective Action #4

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

#### Corrective Action #5

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

#### Corrective Action #6

The EEO Officer and the Agency Head (or their designee) in the future will receive documentation such as Dashboards curated from DCAS EEO (see Appendix A for examples of such communications). On 5/9/2016, I setup a calendared meeting with the Chief of Staff (BIC's Agency Head Designee) and our Director of Personnel Services to discuss the preliminary determination sent by EEPC. A printout of the calendared meeting can be seen in Appendix B. Additionally, when we do have any discussions on any matters relating to EEO/Diversity and Inclusion, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed.

Cc: William B. Peterson, EEO Program Analyst  
Peggy Tierney, Chief of Staff  
Cindy Haskins, Director of Personnel Services



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Deputy Director

Marie Giraud, Esq.  
Agency Attorney/  
Director of Compliance Monitoring

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 615. 8931 fax

BY MAIL AND EMAIL

May 27, 2016

Daniel D. Brownell  
Commissioner/Chair  
Business Integrity Commission  
100 Church Street, 20th Floor  
New York, NY 10007

RE: Final Determination #2016/831: Pursuant to the Audit: Review, Evaluation and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Chair Brownell:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your May 20, 2016 response to our May 5, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards<sup>1</sup> to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

---

<sup>1</sup> Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



The assigned compliance-monitoring period is: June 2016 to November 2016.

**If corrective actions remain:** Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEP's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEP will issue a *Determination of Compliance*.

**If no corrective actions remain:** Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR  
Executive Director

c: Matthew Gonzalez, Principal EEO Professional

### FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans and Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

#### Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

**Corrective Action #1:** Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

**Agency Response:** *"Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the [Citywide Equal Employment Database System (CEEDS)] EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings."* (Response, Pg. 1).

**EEPC Response:** The EEPC recognizes the agency's efforts to implement corrective action #1. An agency assessment of its recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #2:** Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the

agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

Agency Response:

*"The EEO Officer [(principal EEO professional)], Director of Personnel Services [(principal Human Resources professional)] and Agency General Counsel will receive documentation such as [CEEDS] Dashboards curated from DCAS EEO ... I forwarded such a dashboard to our Director of Personnel Services ... In the future, such statistical reports will also be forwarded to the General Counsel for their review as needed as well [sic]. Additionally, when we do have any discussions on the matter, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed."* (Response, Pg. 1 & 2).

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #2. Documentation which demonstrates the agency's review of statistical information, the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determination of required corrective actions to correct deficiencies, will be required. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #3: 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Agency Response: *"The Director of Personnel Services and several hiring managers have taken DCAS Structured Interviewing and Unconscious Bias training this year. The Director of Personnel Services will ensure hiring managers are using structured interview techniques and provide them with structured interview questions to ensure criteria being use to hire is job-related."* (Response, Pg. 2).

EEPC Response: The response does not address the requirements of corrective action #3. An agency assessment of its selection processes will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #4: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.



Agency Response: “Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the [CEEDS] EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor’s Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor’s Appointments Office and Mayor’s Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.” (Response, Pg. 2).

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action #4. Documentation of the agency’s efforts to develop and hire interested and qualified women, minorities, and candidates from other protected groups into discretionary titles with underrepresentation, will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #5:** If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: “Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the [CEEDS] EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor’s Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor’s Appointments Office and Mayor’s Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.” (Response, Pg. 2).

EEPC Response: The response does not address the requirements of corrective action #5. The agency’s efforts to address the underrepresentation of protected groups in *civil service* (list) titles will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

**Corrective Action #6:** Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: “The EEO Officer [(principal EEO professional)] and the Agency Head (or their designee) in the future will receive documentation such as [CEEDS] Dashboards curated from DCAS EEO ... [The principal EEO professional] setup a calendared meeting with the Chief of Staff (BIC’s Agency Head Designee) and our Director of Personnel Services [(principal Human



**Equal Employment  
Practices Commission**

*Resources professional]] to discuss the preliminary determination sent by EEPC ... Additionally, when we do have any discussions on any matters relating to EEO/Diversity and Inclusion, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed." (Response, Pg. 2).*

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #6. Appropriate documentation of meetings between the principal EEO professional and the agency head (or a direct report other than the General Counsel), with regard to decisions impacting the administration and operation of the EEO program, if any, will be required during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

**RESOLUTION #2016/831:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

**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 to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit of the Business Integrity Commission (BIC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 5, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in *civil service* (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 20, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 27, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

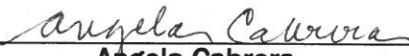
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

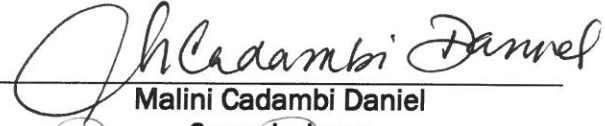
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,


**Be It Resolved**, that the Commission will forward this Final Determination to Daniel D. Brownell Chair of the Business Integrity Commission.

Approved unanimously on June 16, 2016.

  
\_\_\_\_\_  
**Angela Cabrera**  
Commissioner

  
\_\_\_\_\_  
**Arva Rice**  
Commissioner

  
\_\_\_\_\_  
**Malini Cadambi Daniel**  
Commissioner

  
\_\_\_\_\_  
**Elaine S. Reiss, Esq.**  
Commissioner



**The City of New York**  
**BUSINESS INTEGRITY COMMISSION**  
100 Church Street · 20th Floor  
New York · New York 10007  
Tel. (212) 437-0500

Daniel D. Brownell  
*Commissioner and Chair*

**BY EMAIL**

July 8, 2016

Charise L. Terry, PHR  
Executive Director  
Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

RE: Final Determination #2016/831: Pursuant to the Audit: Review, Evaluation and Monitoring of the Business Integrity Commission's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear Executive Director Terry,

I am writing in response to your May 27, 2016 Final Determination Pursuant to the Audit of the Business Integrity Commission (BIC). I commend the EEPC's thorough and comprehensive assessment of the BIC's compliance with the City's employment practices and procedures.

In response to the six (6) corrective actions BIC must take, BIC is prepared to work hand in hand with the EEPC, DCAS Office of Citywide Equal Employment Opportunity (CDEEO) and other partner agencies as needed to obtain compliance throughout the monitoring period. BIC has noted how it will achieve compliance in its preliminary determination, the content of which is below. BIC will utilize TeamCenter, EEPC's central compliance monitoring system to update the EEPC on BIC's process to achieve compliance.

Should you have any questions, feel free to reach out to my EEO Officer, Matthew Gonzalez at 212-437-0549 or via email at [mgonzalez@bic.nyc.gov](mailto:mgonzalez@bic.nyc.gov).

Sincerely,

A handwritten signature in black ink that reads "Daniel D. Brownell".

Daniel D. Brownell  
Commissioner and Chair

Cc: Peggy Tierney, Chief of Staff, BIC  
Cindy Haskins, Director of HR, BIC  
William B. Peterson, EEO Program Analyst

## **Preliminary Determination responses sent May 20, 2016**

### Corrective Action #1

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

### Corrective Action #2

The EEO Officer, Director of Personnel Services and Agency General Counsel will receive documentation such as Dashboards curated from DCAS EEO. On 4/25/2016, I forwarded such a dashboard to our Director of Personnel Services (See attached Appendix A). In the future, such statistical reports will also be forwarded to the General Counsel for their review as needed as well. Additionally, when we do have any discussions on the matter, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed.

### Corrective Action #3

The Director of Personnel Services and several hiring managers have taken DCAS Structured Interviewing and Unconscious Bias training this year. The Director of Personnel Services will ensure hiring managers are using structured interview techniques and provide them with structured interview questions to ensure criteria being use to hire is job-related.

### Corrective Action #4

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

### Corrective Action #5

Currently, the Business Integrity Commission uses NYC Careers and college bulletin boards to post for vacancies. The Director of Personnel Services will review the EEO Workforce Diversity Dashboard for BIC to determine if our recruitment efforts adversely impact any particular groups. As a small agency, we will rely on the Mayor's Office for assistance with hiring. When we have vacancies, we will reach out to the Mayor's Appointments Office and Mayor's Office of Persons with Disabilities for assistance in notifying protected groups about vacancies and provide them with our job postings.

### Corrective Action #6


The EEO Officer and the Agency Head (or their designee) in the future will receive documentation such as Dashboards curated from DCAS EEO (see Appendix A for examples of such communications). On 5/9/2016, I setup a calendared meeting with the Chief of Staff (BIC's Agency Head Designee) and our Director of Personnel Services to discuss the preliminary determination sent by EEPD. A printout of the calendared meeting can be seen in Appendix B. Additionally, when we do have any discussions on any matters relating to EEO/Diversity and Inclusion, either a meeting request will be calendared, or an after-action report/ memo will be issued pursuant to what was discussed.



**The City of New York**  
**BUSINESS INTEGRITY COMMISSION**  
100 Church Street · 20th Floor  
New York · New York 10007  
Tel. (212) 437-0500

Daniel D. Brownell  
*Commissioner and Chair*

To: All Staff

From: Daniel D. Brownell, Commissioner and Chair 

Date: November 2, 2016

Re: Equal Employment Practices Commission (EEOC) Audit

---

The Equal Employment Practices Commission (EEOC) recently completed an audit of the Business Integrity Commission's compliance with the City's Equal Employment Opportunity (EEO) Program. The audit covered the period January 1, 2013 through December 31, 2015.

The EEOC made six recommendations to enhance the EEO practices of BIC. These recommendations have been reviewed and accepted. These recommendations include:

- Assess BIC's recruitment efforts to determine whether these efforts adversely impact particular groups. If so, give steps to remediate adverse impact.
- Review statistical EEO information with Executive staff annually.
- Ensure communication between the Agency Head and EEO Officer.
- Assess BIC's selection procedures to determine whether these procedures adversely impact particular groups. If so, give steps to remediate adverse impact.
- Review Civil Service agency selection procedures to ensure that selection criteria only includes job-related requirements.
- Review Discretionary agency selection procedures to ensure that selection criteria only includes job-related requirements.

I want to reaffirm BIC's strong commitment to maintaining fair employment practices for all employees and job applicants. It is essential that BIC discourage discrimination and ensure that all employees are aware of their rights and obligations under this policy. We should encourage a work environment that tolerates and appreciates differences among 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 through our sister agencies citywide and to address any concerns to BIC's EEO Officer, Matthew Gonzalez, at (212) 437-0549.



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

**RESOLUTION #2016/831C-11:** Determination of **Compliance** (Monitoring Period Required) by the Business Integrity Commission with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2013 through December 31, 2015.

**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 to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Business Integrity Commission's (BIC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 5, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, principal HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. 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. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

**Whereas**, BIC submitted its response to the EEPC's Preliminary Determination letter, on May 20, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 27, 2016 which indicated that corrective actions Nos. 1, 2, 3, 4, 5 and 6 require compliance monitoring; and

**Whereas**, BIC submitted its response to the EEPC's Final Determination letter, on July 8, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from June 2016 - October 2016, with no extension of the monitoring period; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, BIC submitted a copy of the agency head's memorandum to staff dated November 2, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**, that the Business Integrity Commission has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Resolved**, that the Commission will forward this Final Determination to Daniel D. Brownell, Commissioner of the Business Integrity Commission.

Approved unanimously on November 3, 2016.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Deputy Director

Marie E. Giraud, Esq.  
Agency Attorney/  
Director of Compliance Monitoring

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 615. 8931 fax

**BY MAIL AND EMAIL**

November 3, 2016

Daniel D. Brownell  
Commissioner/Chair  
Business Integrity Commission  
100 Church Street, 20th Floor  
New York, NY 10007

Re: Resolution #2016/831C-11: Determination of Agency Compliance

Dear Commissioner Brownell:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Business Integrity Commission. This Commission has determined that the Business Integrity Commission has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Principal EEO Professional Matthew Gonzalez for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

  
Malini Cadambi Daniel  
Commissioner

c: Matthew Gonzalez, Principal EEO Professional  
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

*This*

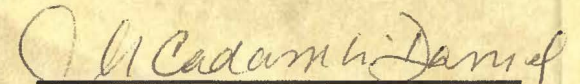
# *Determination of Compliance*

*is issued to the*

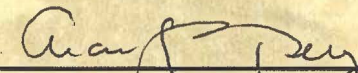
## *Business Integrity Commission*

*for successfully implementing 6 of 6 required corrective actions pursuant to the Equal Employment Practices Commission's  
Employment Practice and Procedures Audit From January 1, 2013 to this date.*

On this 3<sup>rd</sup> day of November in the year 2016,



Malini Cadambi Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Commissioner Daniel D. Brownell  
and Principal EEO Professional Matthew Gonzalez*