



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

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

Ernest F. Hart, Esq.

Chair

Manuel A. Méndez

Vice-Chair

Abraham May, Jr.

Executive Director

Judith Garcia Quiñonez, Esq.

Counsel

Angela Cabrera

Veronica Villanueva, Esq.

Commissioners

December 18, 2008

Ronnie Lowenstein

Director

Independent Budget Office

110 William Street, 14th floor

New York, NY 10038

Re: Resolution #08/27-132/Preliminary Determination Pursuant to the Audit of the Independent Budget Office (IBO) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007

Dear Ms. Lowenstein:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members, women and other protected classes. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines 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 Independent Budget Office is funded by the City of New York and is therefore considered a city agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

The audit measures the IBO's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the 2005 Citywide EEO Policy. All recommendations for corrective actions are consistent with both the audit's findings

and the parameters set forth in the Citywide EEO Policy. The relevant sections of these guidelines and documents are cited in parenthesis, where applicable, at the end of each recommendation.

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

Scope and Methodology

Audit methodology included a review of the IBO's Equal Employment Opportunity Policy, and review of responses to a Commission Document and Information Request Form. The EEPC auditors also conducted an in-depth, on site interview with the EEO officer and EEO counselor. A survey of 29 people employed by the IBO during the audit period was distributed. Ten people (34%) responded. The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 1) The survey methodology was established by the EEPC with the assistance of an academic expert from the City University of New York.

Description of the Agency

The Independent Budget Office is a city-funded independent agency of the City of New York, dedicated to enhancing understanding of New York City's budget by providing non-partisan budgetary, economic and policy analysis for elected officials and the residents of the city. IBO publishes reports and responds to requests for information and analysis related to the city budget.

Pursuant to Chapter 11 of the City Charter, the IBO director is appointed for a four year term, upon the recommendation of the IBO Advisory Board, by a special committee comprised of a representative of the Borough Presidents, the Public Advocate, the City Comptroller and the City Council. The Advisory Board members are appointed for five-year terms by the Public Advocate and the City Comptroller. The current Advisory Board includes Donald J. Boyd of the Nelson A. Rockefeller Institute of Government, David R. Jones of the Community Service Society, Stan Altman of the School of Public Affairs at Baruch College, John Cape of the PFM Group, Mary Ann Crotty, former officer of Parsons Brinckerhoff Inc., Darwin Davis of the New York Urban League, Paul Dickstein, former director of the NYC Office of Management and Budget, John Elliot of the Zicklin School of Business at Baruch College, Mike Musaraca of District 37, and Lawrence J. White of the Stern School of Business at New York University.

Personnel Activity During the Audit Period

During the audit period, 16 people were hired: 11 Caucasians, 2 Asians, 2 Hispanics, and 1 African American. Nine of the hires were women. There were 8 promotions during the audit period: 4 Caucasians, 2 Hispanics (this is one person who received two promotions), 1 African American, and 1 Asian. Of the promotions, 6 were female. (Appendix 4)

The IBO reported that no employees were involuntarily separated during the period in review. Between July 1, 2005 and June 30, 2007, the total number of IBO employees increased from 29 to 31. There was a percentage decrease for African-Americans (11%). The number of Hispanics increased from 2 to 4.

As of June 30, 2007, the IBO employed 31 people: 20 Caucasians (64%), 3 African Americans (10%), 4 Hispanics (13%), and 4 Asians (13%). Thirteen of the employees were women (42%). (Appendices 2 and 3)

During the audit period, there were two EEO officers at different times. The previous EEO officer who served from the beginning of the audit period until September 2006, no longer works for the agency. The current EEO officer was appointed in September 2006.

Discrimination Complaint Activity During the Audit Period

The IBO reported that there were no internal or external discrimination complaints filed during the audit period.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

The IBO is in compliance with the following requirements:

1. The IBO has issued an EEO Policy (which includes an Anti-discrimination Policy, Sexual Harassment Prevention Policy, Anti-Retaliation Policy, Reasonable Accommodation Procedure, Discrimination Complaint Procedure, and Affirmative Employment Policy) in 2007.
2. The IBO's EEO Policy and the Citywide EEO Policy Handbook (*About EEO: What You Need to Know*) were distributed to all new employees in 2006 during new employee orientation and included in the staff manual which is distributed to all employees during EEO training. In addition, 80% of survey respondents indicated they were given the EEO Policy and the EEO Policy Handbook.
3. The IBO's EEO policies are posted on the agency's bulletin boards and are periodically checked by the EEO officer. In addition, 90% of survey respondents indicated the policies are posted on the bulletin boards. The policies are also available on the intranet.

The IBO is not in compliance with the following requirements:

The agency's EEO Policy does not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws. Specifically, that document fails to indicate that it is illegal to discriminate on the basis of partnership status, predisposing genetic characteristic, and status as a victim or witness of domestic violence, sex offenses or stalking. Corrective action is required.

Recommendation: The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.

Recommendation: The revised EEO Policy should be distributed to all current and new employees, and posted on the agency bulletin boards.

Plan Dissemination – Externally

The IBO is in compliance with the following requirement:

During the audit period, the IBO issued job vacancy notices for a municipal finance analyst, sanitation and parks analyst, desktop specialist, administrative aide, and budget and policy analyst. All of the notices indicate that the IBO is an equal opportunity employer. The IBO placed job ads for these vacancies on Citynet, and the career offices at Baruch College, NYU Robert F. Wagner Graduate School, New School, Columbia University and Queens College. The analyst job ads were also posted at various alliances such as the Alliance of Latin American Students (ALAS), the Students of African Descent Alliance (SADA), and the Students of Color Alliance (SOCA) at the New York University Robert F. Wagner Graduate School, and the National Association of Latino Elected and Appointed Officials (NALEO) alumni. All of the job ads indicated that the IBO is an equal opportunity employer.

EEO and Reasonable Accommodation for Persons with Disabilities

The IBO is in compliance with the following requirements:

1. The IBO appointed the EEO Officer as the disabilities rights coordinator.
2. The IBO's EEO Policy includes a Reasonable Accommodation Procedure.
3. The IBO has provided reasonable accommodations to employees such as: alternate lighting in the work area, car service to and from work, and excused absence due to transit strike.
4. The IBO participates in the Section 55-A Program. The program brochure is included in its staff manual. Currently, there are no employees enrolled in the program.
5. According to the EEO officer and the completed *Accessibility for Persons with Disabilities Checklist* (issued by the EEPC), IBO's building located at 110 William St., is accessible to, and usable by, persons with disabilities. The front entrance to the building

is wheelchair accessible, there are grab bars in the bathrooms, wide restroom stalls, low sink and bathroom fixtures, and wheelchair accessible elevators.

6. The IBO's EEO policy is available in Braille.

EEO Complaint and Investigation System

The IBO is in compliance with the following requirements:

1. During and after the audit period, there was a female EEO officer and male EEO counselor authorized to receive and investigate complaints.
2. The IBO identifies its EEO officer and EEO counselors by posting their names and contact information on the agency's bulletin boards. In addition, the names of the EEO staff are announced during staff meetings and EEO training.
3. Eighty percent of survey respondents indicated they know how to file an EEO complaint.
4. The EEO officer and counselors investigate complaints based on the IBO's discrimination complaint procedure outlined in its EEO Policy.
5. The EEO officer is responsible for maintaining a log of all EEO complaints. She informed EEPC auditors that no complaints have been filed during the audit period.
6. Both the EEO Officer and EEO counselors have completed the DCAS training program for EEO professionals during the audit period.

The IBO is not in compliance with the following requirement:

The EEO officer said that she does not have formal meetings with the EEO counselors to review their work and keep them abreast of EEO developments. She informed EEPC auditors that she meets with the counselors when needed. Corrective action is required.

Recommendation: The EEO officer should meet with the EEO counselors at least at quarterly intervals to ensure that they are carrying out their EEO functions satisfactorily and are kept abreast of internal and external EEO developments. (Citywide EEO Policy, Sect. VC)

EEO Training

The IBO is in compliance with the following requirement:

The IBO has developed a plan to train all new and current employees on EEO. EEO refresher training is offered bi-annually to all current employees and new employees receive EEO training within the first three months of their hire date. New employees are trained by IBO's EEO Officer

and are provided with a training packet that includes the agency's EEO policies and procedures and the Citywide EEO Handbook. Employees are asked to sign an attendance sheet acknowledging that they have received the IBO's EEO Policies. During the audit period, a total of 41 employees received EEO training. Attendance sheets of the EEO training sessions were provided to EEPC auditors.

Recruitment and Selection

The IBO is not in compliance with the following requirement:

The IBO has not provided structured interview training to personnel involved in the recruitment and hiring process. Corrective action is required.

Recommendation: The IBO should ensure that all employees involved in job interviewing receive structured interview training, either from DCAS or another appropriate organization. (Sect. IV, Citywide EEO Policy)

The IBO is in compliance with the following requirement:

1. The EEO officer informed the EEPC auditors that the Chief of Staff and HR department includes her in all the agency's recruitment efforts. During EEO quarterly meetings with the Chief of Staff, Director of Administration and Communications Assistant, the EEO officer makes suggestions and offers input on recruitment strategies and media. The EEO officer receives copies of job descriptions, citywide job vacancy notices, and copies of ads that are placed in newspapers, on the internet, and at universities/organizations from the HR department. The EEO officer also attends job fairs representing IBO and makes suggestions to the chief of staff regarding job fairs or other venues that she thinks the agency should be recruiting from.
2. According to IBO's EEO Plan for Fiscal Year 2007, the IBO participated in the Fifth Annual Government Career Fair and the NAACP Shomex Diversity Career Fair in 2006, in efforts to increase the IBO's visibility among potential job applicants. As a result of attending the job fairs, the IBO was able to successfully hire two new employees.

EEO Officer Reporting Arrangement

The IBO is in compliance with the following requirement:

The EEO officer reports directly to the agency head on EEO matters and meets with her on a quarterly basis. Documentation of the meetings is maintained.

EEO Officer Responsibilities

The IBO is in compliance with the following requirement:

The EEO officer (who is also the Budget & Policy Analyst) told EEPC auditors that she devotes as much time as necessary to EEO matters. She told the EEPC auditors that she has sufficient support staff and resources to discharge her EEO officer duties.

Special Contingencies

During the audit exit meeting, it was noted that the employee survey results for question #'s 10, 11, and 12 are inconsistent with IBO's EEO operations during the audit period, since there were no complaints filed during the audit period.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.
2. The revised EEO Policy should be distributed to all current and new employees, and posted on the agency bulletin boards.
3. The EEO officer should meet with the EEO counselors at least at quarterly intervals to ensure that they are carrying out their EEO functions satisfactorily and are kept abreast of internal and external EEO developments. (Citywide EEO Policy, sect VC)
4. The IBO should ensure that all employees involved in job interviewing receive structured interview training, either from DCAS or another appropriate organization. (Sect. IV, Citywide EEO Policy)

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

Conclusion

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

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please specify those corrective actions in your response. Because agency heads are responsible for the implementation of their agency's EEO Program, your response must be a formal letter signed by you. Please forward your response within thirty days of receipt of this letter.

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

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

Sincerely,



Ernest F. Hart, Esq.
Chair

APPENDIX - 1

Independent Budget Office
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (10) No (0)
2. Is your agency's EEO Policy Statement or the Citywide EEO Policy Statement posted on your agency's bulletin boards?
Yes (9) No (1)
3. Were you given the EEO Policy Statement or the Citywide EEO Policy Statement?
Yes (8) No (0) Do not remember (2)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?
Yes (8) No (2)
5. Do you agree with the principles of equal employment opportunity?
Yes (10) No (0)
6. Do you believe your agency practices equal employment opportunity?
Yes (8) No (2)

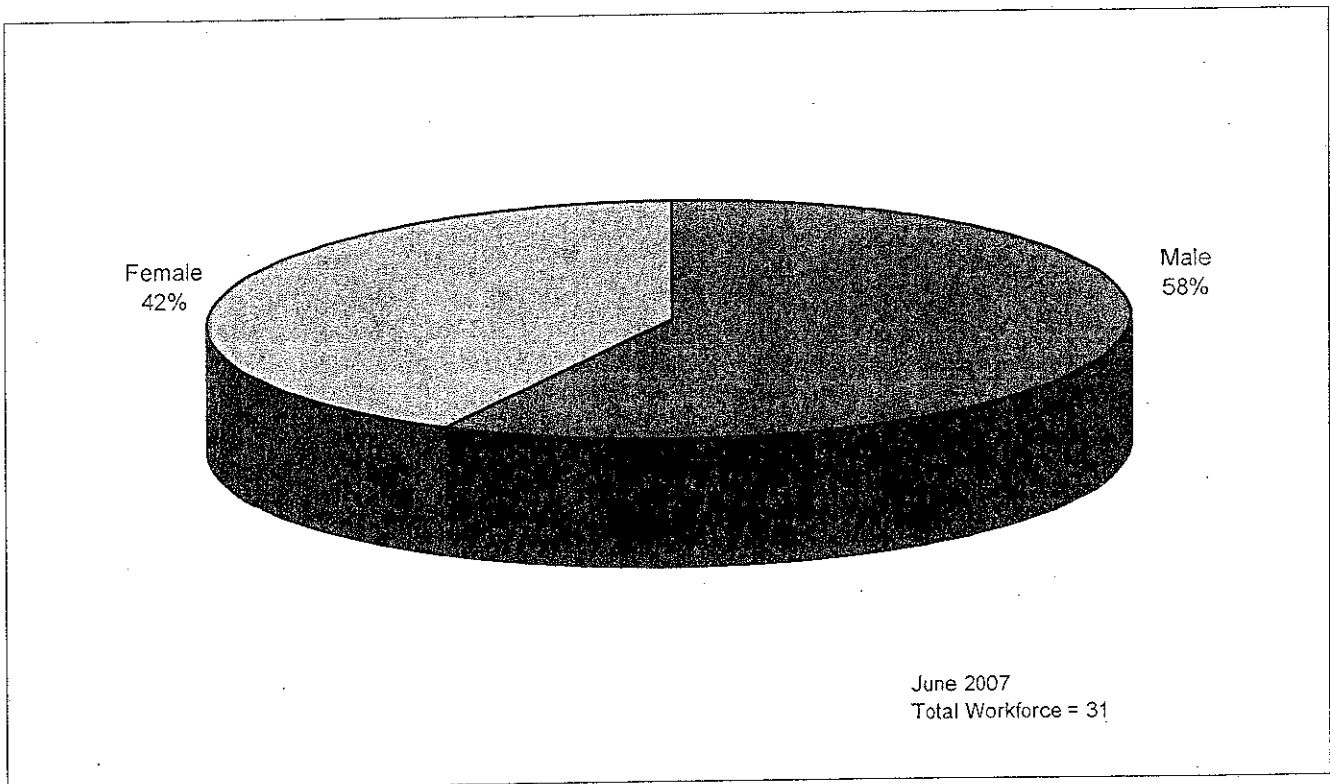
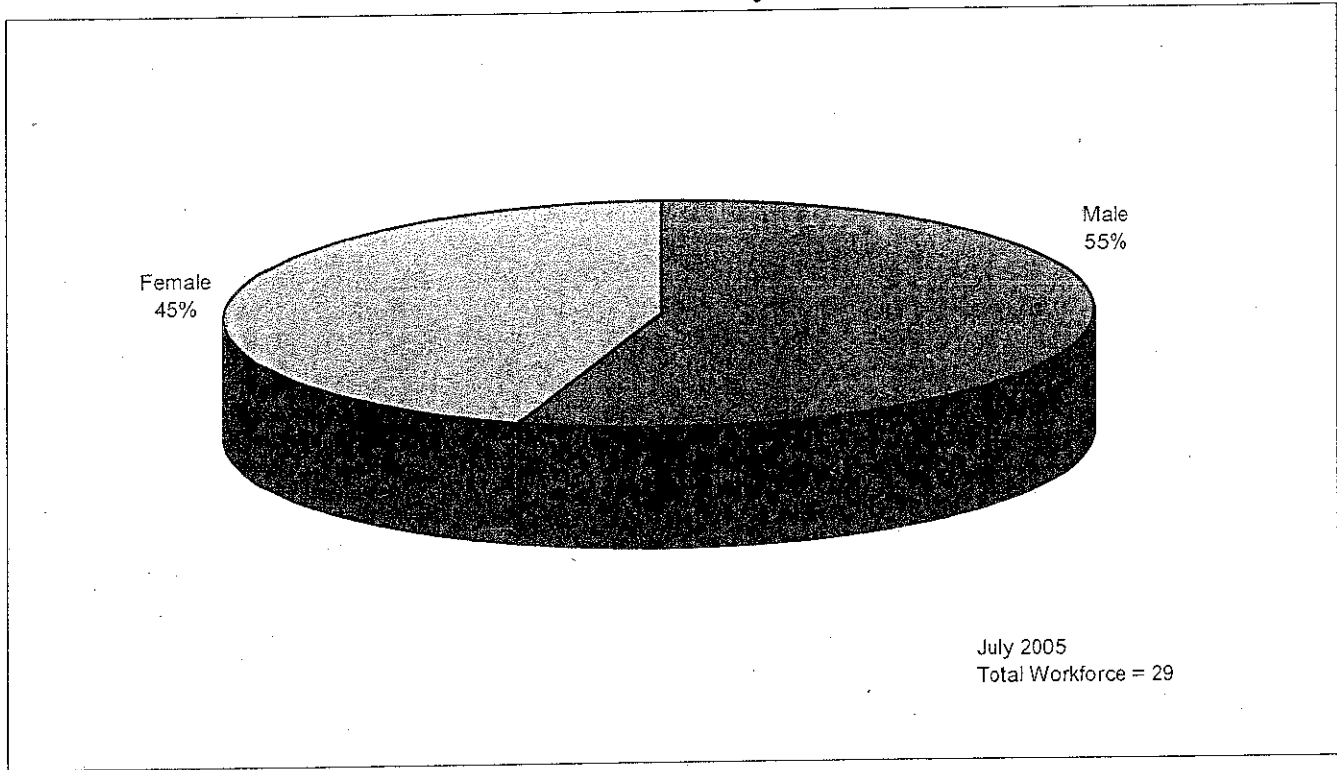
B. EEO COMPLAINTS

7. Do you know how to file an EEO complaint?
Yes (8) No (2)
8. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (7) No (2) Undecided (1)
9. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (3) No (4) Undecided (3)
10. Did you ever file an EEO complaint with your agency's EEO Office? If No, please skip to question #14.
Yes (1) No (8)
11. What was the basis of the complaint?

Age (0)	Partnership Status (0)
Alienage or Citizen Status (0)	Predisposing genetic characteristic (0)
Arrest or Conviction Record (0)	Race (0)
Color (0)	Sexual Harassment (0)
Creed (0)	Sexual Orientation (0)
Disability (0)	Veteran's Status (0)
Gender (incl. gender identity) (0)	Victim of Domestic Violence, Stalking, and Sex Offenses (0)
Marital Status (0)	Other (0)
Military Status (0)	
National Origin (0)	

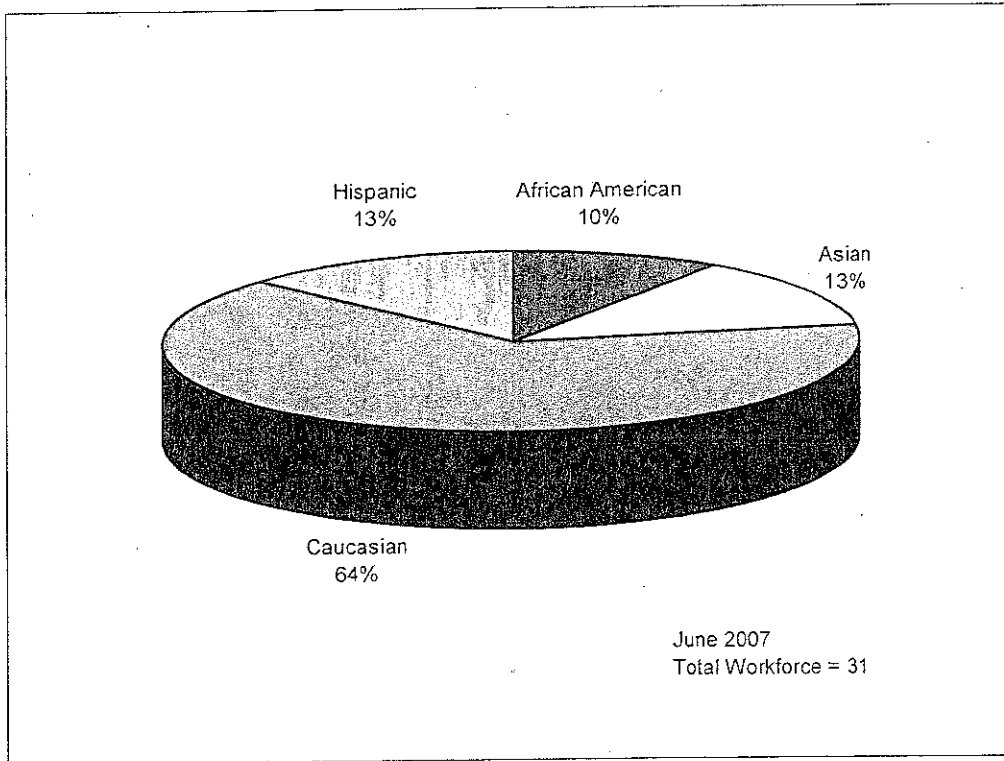
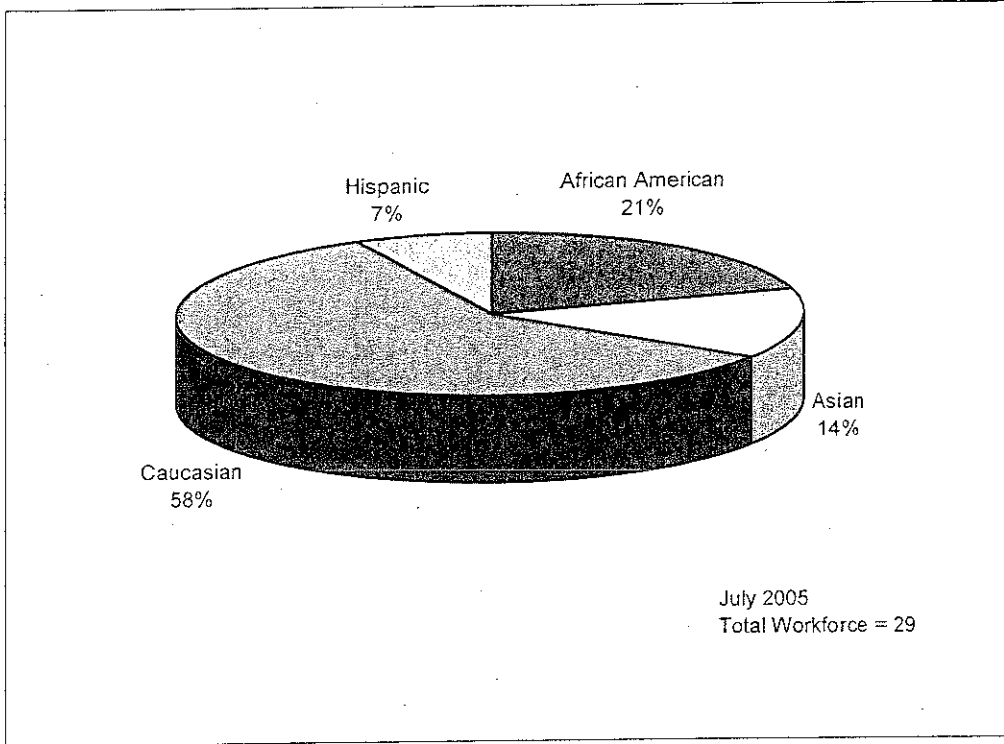
Appendix - 2

Independent Budget Office Workforce by Sex



Appendix - 3

Independent Budget Office
Workforce by Ethnicity



APPENDIX - 4

The following table indicates personnel activity during the audit period,
July 1, 2005 to June 30, 2007

Independent Budget Office

Hires by Sex and Ethnicity

Total Hires: 16

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
7	9	16	11	1	2	2	0	16

Promotions by Sex and Ethnicity

Total Promotions: 8

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
2	6	8	4	1	2	1	0	8

Source: Audit data supplied by IBO