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BY MAIL AND EMAIL

June 12, 2017

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

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Independent Budget Office's Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

Dear Executive Director Lowenstein:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), 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 July 1, 2013 to December 31, 2016.

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The Independent Budget Office, 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*¹ 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

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



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

Description of the Agency

The Independent Budget Office [IBO] is a publicly funded agency 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. The IBO director is appointed for a four-year term, upon the recommendation of the Independent Budget Office Advisory Board, by a special committee comprised of a representative of the Borough Presidents, the Public Advocate, the City Comptroller and the City Council.

(Green Book Online <http://a856-gbol.nyc.gov/GBOLWebsite/GreenBook/Details?orgId=2881>)

At the end of the period in review, the agency's total workforce was 36. A summary of the agency's workforce is included as **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.
- ✓ The agency head issued an EEO policy statement which asserted *“New York City agencies, including IBO, are equal employment opportunity employers, dedicated to compliance with federal, state, and local laws prohibiting employment discrimination. I am personally committed to ensuring that IBO adheres to these laws and to the City's EEO policy. In addition, IBO is committed to creating a diverse workforce and ensuring that current and future staff members, regardless of race, ethnicity, gender, sexual orientation, physical challenge, or other protected class status, find IBO a welcoming and productive environment.”* The EEO Policy statement advised employees of the names and contact information for the agency's EEO professionals, and provided a link to the New York City EEO Policy *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*.
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.

- ✓ On October 24, 2014, the agency distributed to employees via email a copy of the EEO Policy, *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*. New employees received (as part of the agency's new hire package, for which they signed to confirm receipt) a copy of aforementioned EEO Policy, the *Addendum to the EEO Policy*, the EEO policy handbook: *About EEO: What You May Not Know*, and the agency's *Staff Manual*. The EEO Policy included sections on sexual harassment, requests for reasonable accommodations, and discrimination compliant investigations; as well as links to the City's *Reasonable Accommodation Procedural Guidelines* and *EEO Complaint Procedural Guidelines*. The *Addendum to the EEO Policy*, included an up-to-date list of protected classes under NYC and NYS Human Rights Laws "The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status, and consumer credit history." A copy of the agency head's EEO policy statement was distributed to employees in hard copy during new hire orientation. The names and contact information for the agency's EEO professionals were included in the EEO policy statement (see § I.1.).

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.
- ✓ In October 2014, all employees participated in in-house EEO training conducted by the principal EEO Professional on EEO policies and discrimination procedures. The agency required new employees to attend new hire orientation training which included EEO training, within the first three months of employment. *Sign In* sheets confirm eleven (11) new hires attended new hire orientation between July 2013 and December 2016.

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.
- ✓ The agency created a *Workforce Profile Analysis (Employment by CEEDS Titles Disaggregated by Gender and Ethnicity)* report, which included an excel spreadsheet of the agency's profile (hires, separations, employment by titles, disaggregated by gender and ethnicity). The agency reviewed its *Workforce Profile Analysis* report, and reported underrepresentation of Asians, Blacks, and Hispanics in the Management Specialists job group. During the audit period, the agency posted job vacancies on its website, various colleges and universities, as well newspapers such as *Public Service Careers* (Spotlight and Diversity Upgrade), *Chalkbeat*, *El Diario*, and *Amsterdam News*, to reach specific underutilized groups.
 - The agency did not demonstrate that it evaluated the effectiveness of its recruitment efforts. In addition, the agency's most recent *Workforce Profile Analysis* report, indicated underutilization of Asians, Blacks, and Hispanics in the *Management Specialists* job group. (**Appendix 3**) 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.
 - ✓ During the period in review, the agency's principal EEO Professional, HR Professional, General Counsel, and agency head held quarterly meetings. The meeting agendas indicated the following topics of discussions: quarterly reports, EEO related and upcoming training activities, EEO procedures for recruitment and hiring, the number of EEO complaints and reasonable accommodations, interview questionnaires, and changes to policies. The principal EEO Professional prepared the agency's profile (hires, separations, employment by titles disaggregated by gender and ethnicity) in an excel spreadsheet. The workforce profile was

discussed during quarterly meetings and at the end of the year and presented to the agency head.

- The agency did not identify whether there were 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, HR Professional and General Counsel, review the annual number of EEO complaints 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.

- The agency did not assess the manner in which candidates were selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. In addition, the agency most recent workforce profile analysis, entitled *Workforce Profile Analysis* report indicated underutilization of Asians, Blacks, and Hispanics in the *Management Specialist* job group. **(Appendix 3) 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.

- ✓ During the audit period, the agency posted job vacancies on its website, various colleges and universities, as well as newspapers such as *Public Service Careers* (Spotlight and Diversity Upgrade), *El Diario*, and *Amsterdam News*, to reach specific underutilized groups.

- The agency's most recent *Workforce Profile Analysis* report, indicated underutilization of Asians, Blacks, and Hispanics in the *Management Specialist* job group, which included discretionary titles. **(Appendix 3) 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 agency's most recent *Workforce Profile Analysis* report indicated no underutilization in job groups that included civil service titles. Therefore, no further analysis was conducted.

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 did not demonstrate human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were 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). Corrective Action Required.

Corrective Action #5: 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).

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.
- ✓ To ensure that employees had access to job opportunities, the agency posted job openings and promotional opportunities on its website. New employees received information on *Promotional Opportunities* and *Civil Service Exams* on the agency's *Staff Manual* which stated that: "when positions become available at IBO, staff will be notified and be given an opportunity to apply," and that when "IBO posts the notices it receives of job and/or promotional opportunities for city staff on agency bulletin boards. [IBO] also posts promotional examination information from the Department of Citywide Administrative

Services.” The agency ensured employees were promoted internally, and reported five (5) promotions during the audit period. Promotional job opportunities were posted on the agency’s website.

11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: providing and encouraging training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

✓ The agency reported employees were informally, encouraged to consider professional development opportunities to enhance skills, and to work on cross divisional assignments. Various training and development programs were provided to employees to improve their performance and skills. Fourteen (14) employees attended training programs such as: *SAS (R) Programming 1 Essentials*, *SAS (R) Programming 2: Data Manipulation Techniques*, *Statistics 1: Introduction to ANOVA, Regression and Logistic Regression*, *Creating Reports and Graphs with SAS (R)*. Other employees also attended training for *Designing Brochures, Newsletters, Reports and More*; *Law School non-credit courses*; and training *InDesign Essentials*. The agency reported five promotions during the audit period.

NOTE: The agency should also consider establishing internal talent pools, job rotation, and identifying internal successors with applicable knowledge/skills/abilities.

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

✓ During the period in review, the agency advertised several vacant positions including: *Budget Analyst- IBO* (4 positions), and *Budget Analyst- IBO Managerial* (1 position). Each job vacancy notice included the EEO tagline: “*IBO is an Equal Opportunity Employer.*”

13. 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.

✓ The agency used an applicant log and two candidate forms to track information. The agency logged resumes from applicants into a Microsoft Access database, which captured *Name, Position Applied For, Source, Date Received, Invite for Interview, Resume, Candidate Review Form, and Post Interview Letter*. Information about candidates who were invited for an interview was captured in a separate log: *Last Name, First Name, Address, Contact, Email, Interview Scheduled for, Position, and Send Memo*. The voluntary *Self-Identification Form* for candidates captured: *Applicant Name, Sex, Race/Ethnic Group, Veteran Identification, Signature and Date*.

- The agency's voluntary *Self-Identification Form* did not capture *disability* status; and the agency did not establish an alternative method of tracking this information. Corrective Action Required.

Corrective Action # 6: Use and maintain an applicant/candidate log or tracking system which, includes in addition to the above *disability* status. 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.

IV. CAREER COUNSELING:

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

14. 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.

- The agency did not 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 upon request. Corrective Action Required.

Corrective Action # 7: 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.

15. 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.

- ✓ The Human Resources professional ensured employees were provided with access to their job responsibilities and performance evaluation standards, and informed employees of examination and training opportunities. Employees' job responsibilities were listed in the agency's *Staff Manual, (Responsibilities of IBO Staff Members)*, which provided descriptions of the breakdown of job responsibilities of *Administrative Assistants, MIS, Budget Analysts, Senior Analysts, Economists, Senior Economists, Assistant Deputy Directors* and *Senior Staff*. The Human Resources professional also provided new employees with access to the EEO policies via the new hire package. The principal EEO Professional (also the agency's Disabilities Right Coordinator) was responsible for ensuring the agency made efforts to



accommodate qualified individuals with disabilities. The Human Resources Professional communicated via email with the principal EEO professional regarding EEO matters.

NOTE: The agency reported no 55-a program participants during the period in review.

**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.

16. 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 and/or Braille) upon request to employees and applicants for employment with disabilities.

✓ The agency's EEO policies were available in large print electronically and in hard copy format during the period in review. Additionally, the agency's *Staff Manual* section on *Effective Communication and Other Assistance* stated that "[e]ffective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. The EEO Officers are also responsible for providing such other reasonable assistance as is requested by applicants, employees and supervisors throughout the reasonable accommodation and appeals processes." The agency reported no requests for its policies in alternative format, during the period in review.

17. Document reasonable accommodation requests and their outcomes.

✓ The agency documented reasonable accommodation requests and their outcomes via the *Request for Reasonable Accommodation, Record of Steps and Outcome*, and the *Granting/Denial of Reasonable Accommodation Request* forms, as indicated by the forms provided. The agency's principal EEO Professional was responsible for hearing requests and guiding the interactive process until an outcome was reached. The agency reported five (5) requests during the period in review.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

✓ In 2013, the agency appointed the *Senior Education Budget Analyst* as the principal EEO Professional to implement EEO policies and standards within the agency. Employees were notified of the principal EEO Professional designation via email in 2013, and during new hire orientations. The principal EEO professional completed the following training conducted by the Department of Citywide Administrative Services (DCAS): *Diversity and EEO Basic Training* in

November 2013; *Everybody Matters*, Diversity & Inclusion Computer Based Training in October 2014; and *Straight Talk: LGBTQ Community at Work* in November 2015.

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

✓ In addition to the principal EEO Professional, the agency also appointed an EEO Counselor to conduct complaint intake and initial investigation. The EEO Counselor completed *Basic Training for EEO Representatives* (conducted by DCAS) in November 2009.

20. 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.

✓ The agency head stated in the policy statement that EEO related matters are handled by the principal EEO Professional.

➤ The agency's organization chart indicated that the principal EEO Professional reported to the Director of Education Research, which was not an approved direct report to the agency head. Corrective Action Required.

Corrective Action #8: Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

21. 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.

✓ During the period in review, the agency's principal EEO Professional and agency head held quarterly meetings (April 2015; August 2015; November 2015; January 2016; April 2016; August 2016; November 2016). The agency maintained agenda of the meetings, and the topics of discussions on the status of quarterly reports, EEO policies, the status of EEO complaints and the number of reasonable accommodations, and EEO training activities to be held.

➤ The agency did not document decisions made during the aforementioned meetings that impacted the administration, operation and continuity of the EEO program. Corrective Action Required.

Corrective Action #9: 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 partial compliance with the standards for this subject area.

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

✓ The agency conducted annual performance evaluations, entitled *Staff Update*, for managerial and non-managerial employees in 2013, 2014, 2015, and 2016. A summary *Staff Update Schedule* log was maintained for each completed performance evaluation meeting. The agency's *Staff Manual*, section on *Performance Evaluation/Staff Updates*, stated "[t]wice a year, all IBO staff participates in the staff update process. The staff updates are designed to be candid and allow for interchange, and take the form of a meeting of the employee, the supervisor and the Deputy Director. A consistent range of issues is considered, but the specific content varies depending on individual circumstances and the nature of the employee's work and immediate concerns." Employees were informed via email of the performance evaluation meeting. The agency provided documentation of the log and outlook meeting calendars which demonstrated annual evaluations were conducted.

23. 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).

✓ The agency conducted annual performance evaluations, entitled *Staff Update*, for managerial employees.

➤ The agency did not demonstrate that managers were evaluated on their EEO 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. Corrective Action Required.

Corrective Action #10: Ensure that 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).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

24. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

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



- ✓ During the period in review, the agency submitted to the EEPC the following quarterly reports (Q) for fiscal years (FY): 1ST Q FY2015; 1ST Q FY2016; 2ND Q FY2016; 4THQ FY2016; 1ST Q FY2017.
- The agency did not submit to the EEPC Annual Plans for FY2015, FY2016, and FY2017. The agency also did not submit the following quarterly reports: 2ND -4TH Q FY2015, 3RD Q FY2016, 2ND - 4TH Q FY2017. Corrective Action Required.

NOTE: Subsequent to the audit period the agency submitted to the EEPC Annual Plans for FY2015 and FY2016.

Corrective Action # 11: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

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 **11** 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*.

(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,

A handwritten signature in blue ink, appearing to read "Elona Shehu".
Elona Shehu, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".
for Charise L. Terry, PHR
Executive Director

c: Yolanda Smith, Principal EEO Professional

Appendix - 1

NYC Independent Budget Office

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, dietitians, 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

NYC Independent Budget Office

Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

RUN DATE: 01/04/17
 RUN TIME: 13:22:22.4

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2017 AGENCY 132 INDEPENDENT BUDGET OFFICE

PAGE: 131
 REPORT: EBEP210

AGENCY CODE : 132 INDEPENDENT BUDGET OFFICE
 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			
0671A	BUDGET ANALYST (IBO) (MANA	6	0	0	0	0	0	1	0	0	0	0	0	0	0	7
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		66.67	0.00	0.00	0.00	0.00	0.00	22.22	0.00	0.00	11.11	0.00	0.00	0.00	0.00	9

AGENCY CODE : 132 INDEPENDENT BUDGET OFFICE
 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			
06712	ASSISTANT BUDGET ANALYST (0	0	0	0	0	0	2	0	0	1	0	0	0	0	3
06713	BUDGET ANALYST (IBO)	6	1	1	1	0	1	5	1	2	2	0	0	0	0	20
1002C	ADMINISTRATIVE MANAGER NON	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
94519	DIRECTOR OF INDEPENDENT BU	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		24.00	4.00	4.00	4.00	0.00	4.00	32.00	4.00	12.00	12.00	0.00	0.00	0.00	0.00	25

AGENCY CODE : 132 INDEPENDENT BUDGET OFFICE
 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	0	1
EEO JOB GROUP TOTAL.....:		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	0.00	1

AGENCY TOTAL.....:

34.28	2.86	2.86	2.86	0.00	2.86	28.57	5.71	8.57	11.43	0.00	0.00	0.00	0.00	0.00	35
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Appendix - 3

NYC Independent Budget Office

Employment By CEEDS Titles Disaggregated by Gender and
Ethnicity*

Employment By CEEDS Titles Disaggregated by Gender and Ethnicity

<i>Numbers by CEEDS Titles</i>			American Indian or	Asian	Black or African-	Hispanic, Latino, or	Native Hawaiian	White	Multiracial	
	Male	Female	Alaska Native		American	Spanish origin	or Pacific Islander			
Administrators	1	2	0	0	0	0	0	0	3	0
Clerical	0	2	0	0	0	1	1	0	0	0
Clerical Supervisors	0	1	0	1	0	0	0	0	0	0
Management Specialists	7	12	0	4	1	1	1	0	13	0
Managers	6	2	0	0	0	0	2	0	6	0
Technicians	2	1	0	1	1	1	0	0	1	0
<i>TOTALS</i>	16	20	0	6	3	4	4	0	23	0

<i>Percentage Shares by CEEDS Titles</i>			American Indian or	Asian	Black or African-	Hispanic, Latino, or	Native Hawaiian	White	Multiracial	
	Male	Female	Alaska Native		American	Spanish origin	or Pacific Islander			
Administrators	33%	67%	0%	0%	0%	0%	0%	0%	100%	0%
Clerical	0%	100%	0%	0%	50%	50%	0%	0%	0%	0%
Clerical Supervisors	0%	100%	0%	100%	0%	0%	0%	0%	0%	0%
Management Specialists	37%	63%	0%	21%	5%	5%	0%	0%	68%	0%
Managers	75%	25%	0%	0%	0%	25%	0%	0%	75%	0%
Technicians	67%	33%	0%	33%	33%	0%	0%	0%	33%	0%



Ronnie Lowenstein
DIRECTOR

THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE
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NEW YORK, NEW YORK 10038
(212) 442-0225 Fax (212) 442-0350
Email: ronniel@ibo.nyc.ny.us

June 22, 2017

Charise L. Terry, Executive Director
Elona Shehu, EEO Program Analyst
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Dear Ms. Terry and Ms. Shehu:

Thank you for the opportunity to respond to the Preliminary Determination Audit. The goal of ensuring and enhancing equal opportunities for prospective and current employees is an objective that IBO shares with the EEPC. We are committed to fostering equal opportunities for all of our current and prospective employees.

A number of the corrective actions suggested in the preliminary audit reflect things we already do but may not be documenting sufficiently. That is something we can readily fix. For example, we routinely assess our recruitment efforts and how and where we do outreach for job vacancies to determine whether such efforts are effective in recruiting underrepresented minorities. In the future we will document these discussions and any actions that result from these assessments.

In our efforts to hire staff from a racially and ethnically diverse pool, we have found our ability to do so hampered by factors far outside of our control. To provide some context: one of IBO's primary City Charter-mandated roles is to present economic forecasts for the city several times a year. We are the only agency, other than the Mayor's office, with this explicit role. To do it we need to hire experienced and well-trained economists. To state the case frankly, diversity within the economics profession is quite limited. Despite advertising for these positions in a cross-section of publications and online job sites to maximize our outreach to a diverse applicant pool, our efforts yield a small number of candidates with the requisite skills to provide the economic analysis the Charter requires of IBO.

A July 2016 article in the *Journal of Economic Perspectives* underscores this point. "The economics profession includes disproportionately few women and members of historically underrepresented racial and ethnic minority groups, relative both to the overall population and to other academic disciplines. In the United States, among 500 doctorate degrees awarded in economics to US citizens and permanent residents in 2014, only 42 were to African Americans, Hispanics, and Native Americans and 157 to women..."

Even if IBO determined that not all economists hired need to have doctorates, the same July 2016 journal article documents a similar racial and ethnic disparity on the undergraduate level: "Again, there is little progress in increasing the percentage of female students graduating with bachelor's degrees in economics over the past two decades, with 28.4 percent...of degrees awarded to women in 2014....While there has been some improvement in the percentage of minority students graduating with a major in economics, from 12 percent in 1995 to 14.7 percent in 2014, this rate is still far below the prevalence of this population among college students..."

IBO faces a similar predicament in hiring budget and policy analysts. These analysts must have the technical and analytic expertise to fulfill our other Charter-mandated responsibilities. As a result, many of our staff have graduate degrees in public administration. Yet here, too, current statistics point to limitations in racial and ethnic diversity among undergraduates with the needed skills. In 2015, there were 8,021 public administration degrees awarded to white students, well more than the total for blacks (3,072), Hispanics (2,091) and Native Americans (107) combined, according to the datausa.io website based on federal Department of Education data. There were, however, more women than men who earned this degree, which corresponds to the gender profile of IBO's analytic staff.

As the demographic statistics for economics and public administration graduates underscore, the hurdles to fostering greater racial and ethnic diversity among IBO's staff reflect deep-seated societal issues. IBO cannot single-handedly change those external dynamics, nor can we change our Charter-mandated mission to produce sophisticated budget and economic analysis. But internally we can ensure that our recruitment efforts do not stymie opportunity and diversity. Last year we began distributing a voluntary demographic questionnaire to applicants who came for an interview. We intend to use the information from the responses to evaluate and make any necessary changes in our recruitment and interview processes.

Along these same lines, the recommendations in corrective actions #1-#6 and #8 and #9 can be readily met by IBO. In many instances we are already doing what is recommended, but have not documented it. In terms of corrective action #4, we have for some time been using ethnic publications to advertise openings, attending job fairs at CUNY and other institutions when we have openings, and sending postings to city agencies (as recommended in a prior EEOC audit) and to a wide range of colleges and universities and professional organizations. IBO has also already met the recommendation of corrective action #5. As we indicated in information IBO sent to you on June 12, staff involved in hiring have received special training, most recently by the Federal Equal Employment Opportunity Commission. For corrective action #8, we will draw a line on IBO's organizational chart that indicates our EEO officer reports to the agency director on EEO-related matters (the officer also serves as a senior budget analyst and has a different reporting relationship for that function).

In regard to corrective action #11, IBO resubmitted copies of our annual plans for fiscal years 2015 and 2016 attached to an email sent on May 19 and again on June 12. Because the 2016 plan was developed late in the year and was more comprehensive than prior plans, we viewed it a multiyear plan.

We consider the recommendations of corrective actions #7 and #10 more problematic. IBO is an agency with just 36 employees, which makes the designation of a staff career counselor seem like overreaching. There is no one currently on staff with the training or expertise to fill this role, nor do we see it as a role that fits with the knowledge and experience of individuals who typically apply for jobs here. If we were to seek among our next hires someone to fill this role along with a typical set of IBO responsibilities we would—given the very different skill sets for the two roles—greatly narrow the potential pool of applicants. This seems antithetical to the intent of EEO. IBO provides career counseling in a manner that is more efficient and appropriate for an agency of our size. Career options are discussed on an ad hoc, informal manner. In addition, we encourage staff to take appropriate civil service exams when we become aware of them. We also routinely encourage staff to take courses from DCAS or other organizations to enhance their skills and many have done so, particularly in using advanced statistical software. But IBO does not have the head count or resources to allow for a position dedicated to career counseling alone.

We also demur on corrective action #10. IBO does not use a rating system to review performance for staff, including managers. Our process, called staff updates, is based on a more holistic approach to performance review that does not include a form of grading. A dedication to inclusiveness and commitment to fair and equitable treatment of staff is expected of all managers and is considered as part of the overall performance review. But to implement a rating system to express this would fundamentally change our approach to performance review from a system that has worked well for us for two decades.

Once again thank you for the opportunity to respond to your preliminary determination. We appreciate your careful and conscientious approach to auditing agency compliance with equal employment procedures and welcome the opportunity to further discuss your findings in regard to IBO.

Sincerely



Ronnie Lowenstein



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

Charise L. Terry, PHR
Executive Director

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BY MAIL AND EMAIL

July 10, 2017

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

RE: Audit Resolution #2017/212-132: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Independent Budget Office's Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

Dear Director Lowenstein:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your June 22, 2017 response to our June 12, 2017 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 standards¹ 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.

¹ 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: August 2017 to January 2018.

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 EEPC'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 EEPC 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 contact Janet P. Ford, Esq., Agency Counsel/ Director of Compliance Monitoring at janford@eepc.nyc.gov.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

C: Yolanda Smith, Principal EEO Professional

Enclosed: TeamCentral Agency Manual



Agency: Independent Budget Office
Compliance Period: August 2017 to January 2018.

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 responses² (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: "[...] [W]e routinely assess our recruitment efforts and how and where we do outreach for job vacancies to determine whether such efforts are effective in recruiting underrepresented minorities. In the future we will document these discussions and any actions that result from these assessments. (Response, Pgs. 1) [...] We intend to use the information from the responses to evaluate and make any necessary changes in our recruitment and interview processes." (Response, Pg. 2.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #1. Documentation of an agency assessment of the recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.

Corrective Action #2

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints on an annual basis to identify whether there are barriers to

² Excerpts are italicized.



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: “[...] [T]he recommendations in corrective actions #1 - #6 [...] can be readily met by IBO. In many instances we are already doing what is recommended, but have not documented it.” (Response, Pg. 2.)

EEPC Response: Documentation that demonstrates the agency conducts reviews of the annual number of EEO complaints on an annual basis to identify whether there are barriers to equal opportunity within the agency will be required during 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: “[...] [T]he recommendations in corrective actions #1 - #6 [...] can be readily met by IBO. In many instances we are already doing what is recommended, but have not documented it.” (Response, Pg. 2.)

EEPC Response: Documentation of an agency assessment of 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 will be required during the compliance-monitoring period. The EEPC will provide further guidance during 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: “In terms of corrective action #4, we have for some time been using ethnic publications to advertise openings, attending job fairs at CUNY and other institutions when we have openings, and sending postings to city agencies [...] and to a wide range of colleges and universities and professional organizations.” (Response, Pg. 2)

EEPC Response: Documentation of the agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.



Corrective Action #5

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).

Agency Response: “As we indicated in information IBO sent to you on June 12, staff involved in hiring have received special training, most recently by the Federal Equal Employment Opportunity Commission.” (Response, Pg. 2.)

EEPC Response:

Documentation of training provided is not sufficient for compliance with this standard. Documentation that verifies that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained in structured interview training or provided a guide will be required during the compliance-monitoring period.

Corrective Action #6

Use and maintain an applicant/candidate log or tracking system which includes [...] disability status. 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.

Agency Response: “Last year we began distributing a voluntary demographic questionnaire to applicants who came for an interview.” (Response, Pg. 2.)

EEPC Response: A copy of an applicant/candidate log or tracking system which includes disability status and substantiation how the agency will utilize this tool will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.

Corrective Action #7

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.

Agency Response: “Career options are discussed on an ad hoc, informal manner. In addition, we encourage staff to take appropriate civil service exams when we become aware of them. We also routinely encourage staff to take courses from DCAS or other organizations to enhance their skills and many have done so, particularly in using advanced statistical software.” (Response, Pg. 3.)

EEPC Response: Considering the agency’s response, documentation formalizing this practice, and designating a particular staff member(s) with appropriate training, knowledge and familiarity with career opportunities in City government will be required during the compliance-monitoring period. In addition, documentation demonstrating notification to employees of the guidance available from staff performing the functions of the Career Counselor will be required during the compliance-



monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #8

Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

Agency Response: *"For corrective action #8, we will draw a line on IBO's organizational chart that indicates our EEO officer reports to the agency director on EEO-related matters."* (Response, Pg. 2.)

EEPC Response: Documentation which substantiates the reporting relationship between the principal EEO Professional and agency head will be required during the compliance-monitoring period.

Corrective Action #9

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: *"[...] [T]he recommendations in corrective actions [...] #9 can be readily met by IBO. In many instances we are already doing what is recommended, but have not documented it."* (Response, Pg. 2.)

EEPC Response: Documentation regarding decisions that impact the administration and operation of the EEO program will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.

Corrective Action #10

Ensure that 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).

Agency Response: *"A dedication to inclusiveness and commitment to fair and equitable treatment of staff is expected of all managers and is considered as part of the overall performance review."* (Response, Pg. 3.)

EEPC Response: Documentation which institutes as a policy and practice that the managerial performance evaluation evaluates managers on EEO will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.



Corrective Action #11

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: *"In regard to corrective action #11, IBO resubmitted copies of our annual plans for fiscal years 2015 and 2016 attached to an email sent on May 19 and again on June 12."* (Response, Pg. 2.)

EEPC Response: The agency's next Annual Plan/Report, 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 #2017/212-132: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Independent Budget Office's Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

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 Independent Budget Office's (IBO) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 12, 2017, 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, HR Professional and General Counsel, review the annual number of EEO complaints 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. 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).
6. Use and maintain an applicant/candidate log or tracking system which, includes in addition to the above disability status. 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.
7. 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.
8. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
9. 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.
10. Ensure that 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).
11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 22, 2017; 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 July 10, 2017, and indicated that corrective actions nos. 1 through 11 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 August 2017 through January 2018, to determine whether it implemented the required corrective actions;

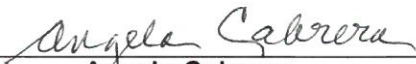
and

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

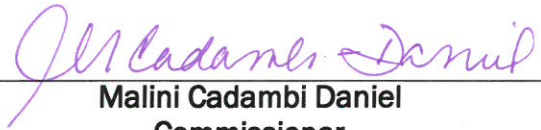
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission approves issuance of this Final Determination to Ronnie Lowenstein, Director of the Independent Budget Office.

Approved unanimously on August 17, 2017.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Ronnie Lowenstein
DIRECTOR

THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE
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Email: ronniel@ibo.nyc.ny.us

July 19, 2017

Charise L. Terry, Executive Director
Elona Shehu, EEO Program Analyst
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Dear Executive Director Terry and Program Analyst Shehu:

This letter responds to the Final Determination of your review, evaluation and monitoring of IBO's employment practices and procedures. As we indicated in our response to the Preliminary Determination, many of the corrective actions sought by EEPC are things we already do but have not routinely documented.

In this regard corrective actions #1-#4, #6, #8 and #9 can be readily met during the monitoring period. For example, we will clarify on our organizational chart that our EEO officer reports to the agency head on EEO-related matters (the officer also serves as a senior budget analyst and has a different reporting relationship in that function). Likewise, we will ensure that minutes of our quarterly EEO meetings are produced and submitted and that the questionnaire given to job candidates includes disability status.

The recommended steps for corrective action #7 may no longer be relevant because of a program DCAS is considering. It is our understanding that in the coming months DCAS may start to provide career counseling for staff members of small nonmayoral agencies like IBO. If DCAS implements this, IBO will ensure that its staff knows the service is available.

While we will submit a new annual plan during the compliance period as indicated in corrective action #11, we do not think corrective action #5 is feasible given the nature of our Charter-mandated responsibilities (as noted in our June 22 response we have had training in hiring and interview procedures most recently from the Federal Equal Employment Opportunity Commission as well as Cornell and others in the past). In regard to corrective action #10, we are not prepared to impose a rating system on our method of evaluating staff performance.

While we may have some differences on these last two actions, IBO is dedicated to fostering equal opportunities for all our current and prospective employees and we remain committed to working with EEPC to towards this goal.

Sincerely,

A handwritten signature in blue ink that reads 'Ronnie Lowenstein'.

Ronnie Lowenstein

MEMORANDUM

To: Staff

From: Ronnie Lowenstein

Date: February 15, 2018

Re: Equal Employment Practices Commission Audit Findings

The Equal Employment Practices Commission (EEPC) recently concluded an audit of IBO's compliance with IBO and citywide Equal Employment Opportunity (EEO) requirements, and EEPC policies. At the conclusion of the audit, EEPC requires the agency head to distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program as a result of the audit findings. The EEPC found that IBO was generally in compliance with the law, and had several recommendations for additional steps and improvements that IBO should take. Many of these additional steps involve documenting what is already IBO's practice. Their recommendations and IBO's response to them is summarized below.

1. *IBO should 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.*

IBO will continue to routinely assess recruitment efforts to determine whether such efforts are effective in recruiting minorities for positions we have identified as experiencing underrepresentation. We will review recruitment sources to ensure that our efforts are appropriately targeted.

2. *Ensure that the principal EEO Professional, HR Professional and General Counsel, review the number of EEO complaints 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.*

IBO currently reviews EEO complaints on a quarterly basis, during EEO meetings attended by the IBO Director, the General Counsel, the Chief of Staff and IBO's EEO Officer and EEO Counselor. IBO will begin to more fully document this review in minutes from these meetings.

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.*

In addition to the routine review of recruitment efforts (see response to item 1 above), IBO assessed the agency's selection procedures (criteria, practices, and patterns) to determine whether there was an adverse impact on any particular racial, ethnic, disability, or gender

group. In addition, IBO's EEO Officer analyzed a recent job vacancy notice to determine whether there was any inherent bias in the notice, and found no such bias. A copy of this assessment was provided to the EEPC.

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.*

IBO has for some time been using publications targeted to minority groups to advertise openings, attending job fairs at CUNY and other institutions when we have openings, and sending postings to city agencies and to a wide range of colleges and universities and professional organizations. In addition, going forward, IBO will attend job fairs targeted at underrepresented groups when the timing of a vacancy works with the timing of such job fairs.

5. *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).*

IBO provided an interviewing and hiring guide to all personnel involved in recruiting, hiring, and interviewing.

6. *Use and maintain an applicant/candidate log or tracking system which includes disability status in addition to other protected groups. 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.*

Last year, IBO began distributing a voluntary demographic questionnaire to applicants who came for an interview. We added disability status to the survey and ensured that only the EEO professional, and NOT the hiring manager, collects the data.

7. *Designate a 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.*

IBO assigned this role to Indera Segobind, our Director of Administration; she has the appropriate experience and knowledge to provide career counseling information. IBO notified all staff of this designation via email.

8. *Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.*

IBO has amended the agency's organizational chart to indicate that the EEO Officer reports directly to the IBO Director on EEO matters.

9. *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.*

IBO's EEO Officer will continue to maintain documentation of meetings with the agency head regarding operational decisions impacting EEO procedures. IBO provided EEPC with minutes from IBO quarterly meetings regarding EEO.

10. *Ensure that 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).*

IBO added a provision to the agency's staff manual to make it clear that managers are responsible for making employment decisions based on merit and equal consideration, and are required to treat employees in an equitable and impartial manner.

11. *Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.*

IBO resubmitted copies of our annual plans for fiscal years 2015 and 2016, and submitted the final version of the plan for fiscal 2017. In addition, IBO provided agendas and minutes for the quarterly meetings.

I want to reaffirm IBO's commitment to maintaining fair employment practices for all employees and job applicants. We are committed to EEO policy and principles, will continue to seek opportunities to diversify the agency's workforce, and will ensure that current and future staff members are aware of their rights and obligations under this policy. We will work to make certain that all IBO employees, regardless of race, ethnicity, gender, sexual orientation, age, physical challenge, or other protected class status, find IBO a welcoming and productive work environment. If you have any suggestions for improving IBO's efforts in this area, please reach out to me, Yolanda Smith, Paul Lopatto, or Doug Turetsky.

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

RESOLUTION #2017AP/219-132-(2018)C8: Determination of **Compliance** (Monitoring Period Required) by the Independent Budget Office with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2013 through December 31, 2016.

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 Independent Budget Office (IBO) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 12, 2017, 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, HR Professional and General Counsel, review the annual number of EEO complaints 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. 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).
6. Use and maintain an applicant/candidate log or tracking system which, includes in addition to the above disability status. 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.
7. 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.
8. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.
9. 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.
10. Ensure that 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).
11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the IBO submitted its response to the EEPC's Preliminary Determination letter, on June 22, 2017; 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 July 10, 2017, which indicated that corrective action nos. 1 - 11 required compliance monitoring; and

Whereas, the IBO submitted its response to the EEPC's final determination letter, on July 19, 2017, 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 August 1, 2017 to January 31, 2018 with a two week extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the IBO submitted a copy of the agency head's memorandum to staff dated February 15, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated

commitment to the agency's EEO Program; and

Whereas, all of the EEPCC'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 Independent Budget Office 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 Determination of Compliance to Director Ronnie Lowenstein of the Independent Budget Office.

Approved unanimously on April 10, 2018.

ABSENT

Angela Cabrera
Commissioner

Arva Rice
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



**Equal Employment
Practices Commission**

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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

April 10, 2018

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

Re: Resolution #2017AP/219-132-(2018)C8: Determination of
Agency Compliance

Dear Director Lowenstein:

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 Independent Budget Office. This Commission has determined that the Independent Budget Office 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 Yolanda Smith for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

Malini Cadambi Daniel
Commissioner

c: Yolanda Smith, Principal EEO Professional, Independent Budget
Office

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

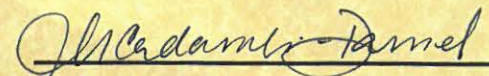
This
Determination of Compliance

is issued to the

Independent Budget Office

*for successfully implementing 11 of 11 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practice and Procedures Audit From July 1, 2013 to this date.*

On this 10th day of April in the year 2018,


Malini Cadambi Daniel, Commissioner


Charise L. Terry, PHR, Executive Director

*In care of Director Ronnie Lowenstein and
Principal EEO Professional Yolanda Smith*