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August 31, 2015

Dean Fuleihan
Director
Office of Management & Budget
255 Greenwich Street, 6th Floor
New York, NY 10007

Re: Audit: Preliminary Determination: Review, Evaluation and Monitoring of the Office of Management & Budget's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Director Fuleihan:

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 January 1, 2012 to December 31, 2014.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Office of Management & Budget, 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. This Commission has adopted *Uniform Standards for EEPD 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 Equal Employment Opportunity Commission’s Instructions to Federal Agencies for EEO, Management Directive 715; 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. This Commission does not issue findings of discrimination pursuant to the New York City Human Rights Law.

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 data from CEEDS to understand the concentrations of race and gender groups within an agency’s workforce. 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.

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



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 their individual questionnaires and return any items requested. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

Established by Section 225(b) of the New York City Charter, the Office of Management and Budget (OMB) is responsible for developing the Mayor's Preliminary and Executive Budgets, and for advising the Mayor on all policy issues affecting the City's fiscal stability and the efficiency of City services.

(<http://a856-gbol.nyc.gov/GBOLWebsite/61.html> July 2015)

A summary of agency workforce data is included in Appendix 2. The agency's total workforce is 350.

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 partial 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 did not demonstrate that it issued a general EEO Policy statement or memo. **Corrective Action Required.**

Corrective Action #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.

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; 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.

- ✓ The agency posted on its intranet site a link to the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, which included a policy against sexual harassment and reasonable accommodations; and an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the federal, state and local agencies that enforce laws against discrimination. In addition, the agency posted on its intranet a list of the names, addresses, and contact information for the agency's EEO professionals.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in not 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.
 - The agency did not demonstrate that it established and implemented an EEO training plan for new and existing employees during the audit period. **Corrective Action Required.**

NOTE: Subsequent to the audit period, the agency established a mandatory EEO training plan. The Human Resources Professional notified employees via email on August 2015, of the requirement to complete the Computer Based Training (CBT) on *Diversity and Inclusion* by September 2015. **Corrective Action Required.**

Corrective Action # 2: Implement the 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.

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 did not demonstrate that it assessed recruitment efforts to determine whether such efforts adversely impact any particular group. **Corrective Action Required.**

Corrective Action # 3: 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.

- The principal EEO Professional, HR Professional, and General Counsel, did not review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), 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. **Corrective Action Required.**

Corrective Action # 4: Ensure that 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 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 2nd Quarter (last quarter of the audit period) and 4th Quarter (latest quarter available) of the agency's 2015 CEEDS Reports entitled, *Work Force Compared with Internal and External Pools*, indicate the agency has underutilization of protected classes in three and four job groups, respectively. See Appendix 3. **Corrective Action Required.**

Corrective Action # 5: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

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

➤ The 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* indicates underutilization of protected classes in four job groups which may include discretionary titles (see Appendix 3). **Corrective Action Required.**

Corrective Action # 6: 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 4th Quarter, 2015 CEEDS Report *Work Force Compared with Internal and External Pools* indicates underutilization of protected classes in four job groups which may include civil service titles (see Appendix 3). **Corrective Action Required.**

Corrective Action # 7: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).
 - ✓ The agency provided supervisors and other personnel involved in the recruitment and hiring process with a *Guide to Structured Interviewing* from DCAS.
10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
 - ✓ The agency notified employees about civil service exam notices via email in 2014. In addition, the agency's intranet website included a Career Opportunities page with current job opportunities at the agency.
11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.
 - ✓ The agency advertised several job vacancies during the period in review including: *Unit Head, Pension Analysis Unit*, and (3) job vacancies for *Assistant Analyst/ Analyst*. Each job vacancy notice included the EEO tagline: "*The Office of Management and Budget and The City of New York are Equal Opportunity Employers.*"

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
- ✓ The agency used and maintained applicant/candidate *Interviewer's Report* and *Composite Recruitment Data* forms. The *Interviewer's Report* form included *position* (job opening ID), and *applicant's name, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and the *Composite Recruitment Data* form included the *recruitment source*.
- The agency reported that the hiring manager completed the applicant/ candidate's log. **Corrective Action Required.**

Corrective Action # 8: 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 compliance with the standards for this subject area.

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency designated the Director of Personnel Management and Administration, who has appropriate training, knowledge and familiarity with career opportunities in City government, as principal EEO Professional and as Career Counselor in November 2009. The Career Counselor received a certificate of completion from the Society of Human Resources Management as a Professional in Human Resources (PHR).
14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 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.

- ✓ The Human Resources Professional informed employees about job responsibilities, performance evaluation standards, civil service examinations, and training opportunities via email and regarding job opportunities posted on the agency's website. The HR Professional, who was responsible for the agency's participation in the 55-a program and the agency's efforts to employ, promote and accommodate qualified individuals with disabilities, was also appointed as the principal EEO Professional.

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

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

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency adheres to the Citywide EEO Policy which states that *"Agency heads should ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures are made available in appropriate alternative formats to employees and job applicants with disabilities."* The agency reported no requests for the agency's policies or procedures were made during the audit period.
16. Document reasonable accommodation requests and their outcomes.
- ✓ The agency's requests for reasonable accommodations were handled by the principal Human Resources Professional using the standardized form, *Request for Reasonable Accommodations*. The agency maintained a log which included information such as *Date, Employee ID, Type, Request, and Status*, which was provided.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
- ✓ The agency appointed the Human Resources Director as principal EEO Professional. The principal EEO Professional completed the office of Citywide Diversity and EEO, *Basic Training for Equal Employment Opportunity Representatives* in June 2010, and *"Everybody Matters"* training in April 2013, and received a certificate of completion from

the Society of Human Resources Management as a Professional in Human Resources (PHR).

18. 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 appointed three EEO Counselors. EEO Counselors completed *Basic Training for EEO Professionals*, by the Office of Citywide Diversity and EEO.
19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
 - ✓ The principal EEO Professional reported directly to the agency head. This reporting relationship was indicated in the agency's organization chart.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
 - The agency did not maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **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 compliance with the standards for this subject area.

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
 - ✓ The agency established and administered an annual managerial/non-managerial performance evaluation program (with timetable) and *Mayor's Office of Management and Budget Performance Review* evaluation form. The agency notified managers/supervisors of the performance evaluation process via email and attached the form for evaluating employees, with a copy of the performance evaluation roster.

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ The agency's managerial evaluation form entitled, *Mayor's Office of Management and Budget Performance Review*, included a rating for managerial responsibilities which stated, "*Manager possesses a thorough understanding of the City's Equal Employment Opportunity Policy, complies with the policy, and creates an environment where there is equality of job opportunities.*" Managers were rated on a scale that ranged from *Outstanding* to *Needs Improvement*.

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.
- ✓ The agency submitted Annual Plans for Fiscal Years (FY) 2012, 2013, and 2015 and Quarterly Reports for the 1st, 2nd and 3rd Quarters of FY 2012 and FY2013.
- The agency did not submit its 4th Quarter report for FY 2012; its Annual Plan and 4th Quarter report for FY 2013; its Annual Plan and all Quarterly Reports for FY 2014; and all Quarterly Reports for FY 2015. **Corrective Action Required.**

Corrective Action # 10: 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:

24. 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 10 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 black ink, appearing to read "Elona Shehu", written over a horizontal line.

Elona Shehu, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry", written over a horizontal line.

Charise L. Terry, PHR
Executive Director

c: Patricia Herrick, principal EEO Professional

APPENDIX 1

Office of Management & Budget

DESCRIPTION OF EEO JOB CATEGORIES

**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

Office of Management & Budget

Work Force Composition Summary 4th Quarter FY 2015

RUN DATE: 07/02/15
RUN TIME: 14:46:06.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY

PAGE: 33
REPORT: EBEP210

QUARTER 4 YEAR 2015 AGENCY 019 OFFICE OF MANAGEMENT AND BUDGET

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
40141	DEPUTY DIRECTOR OF MANAGEM	0	0	0	1	0	0	0	0	0	0	0	0	0	1
40145	DIRECTOR OF MANAGEMENT AND	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	1	0	0	0	0	0	0	0	0	0	2
		50.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
0608A	BUDGET ANALYST (OMB) (MANA	18	1	2	10	0	1	20	6	3	6	0	0	0	67
10025	ADMINISTRATIVE MANAGER	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10026	ADMINISTRATIVE STAFF ANALY	7	0	0	0	0	0	3	0	0	0	0	0	0	10
10050	COMPUTER SYSTEMS MANAGER	3	0	1	1	0	0	0	0	0	0	0	0	0	5
10074	COMPUTER OPERATIONS MANAGE	0	0	1	0	0	0	0	0	0	0	0	0	0	1
13264	EXECUTIVE ASSISTANT TO THE	0	0	0	0	0	0	1	0	0	0	0	0	0	1
30106	DEPUTY GENERAL COUNSEL (OM	1	0	0	0	0	0	0	0	0	0	0	0	0	1
40143	DIRECTOR OF FINANCING POLI	1	0	0	0	0	0	0	0	0	0	0	0	0	1
60802	DIRECTOR OF PUBLIC AFFAIRS	0	0	0	0	0	0	1	0	0	0	0	0	0	1
83008	ADMINISTRATIVE PROJECT MAN	1	0	0	0	0	0	0	0	0	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	1	0	0	0	0	0	0	0	1	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		33	1	4	11	0	1	25	6	4	6	0	0	0	91
		36.26	1.10	4.40	12.09	0.00	1.10	27.47	6.59	4.40	6.59	0.00	0.00	0.00	100.00

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
06088	BUDGET ANALYST (OMB)	70	8	9	14	0	2	52	11	15	43	0	0	0	224
EEO JOB GROUP TOTAL.....:		70	8	9	14	0	2	52	11	15	43	0	0	0	224
		31.25	3.57	4.02	6.25	0.00	0.89	23.21	4.91	6.70	19.20	0.00	0.00	0.00	100.00

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		

RUN DATE: 07/02/15
RUN TIME: 14:46:06.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY

PAGE: 34
REPORT: EBEP210

QUARTER 4 YEAR 2015 AGENCY 019 OFFICE OF MANAGEMENT AND BUDGET

13622 COMPUTER SPECIALIST (OPERA	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 013 CLERICAL

		MALE						FEMALE							
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	OTHER	TOTAL EMP
05363	STATISTICAL SECRETARY (OMB	0	0	0	0	0	1	2	6	6	1	0	0	0	16
11704	SUPERVISOR OF OFFICE MACHI	0	0	1	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	1	2	6	6	1	0	0	0	17
		0.02	0.00	5.88	0.00	0.00	5.88	11.76	35.29	35.29	5.88	0.00	0.00	0.00	100.00

AGENCY CODE : 019 OFFICE OF MANAGEMENT AND BUDGET
EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

		MALE						FEMALE							
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	OTHER	TOTAL EMP
10209	COLLEGE AIDE	2	0	0	0	0	0	1	0	0	0	0	0	0	3
10232	SUMMER GRADUATE INTERN	2	1	0	2	0	0	0	0	0	2	0	0	0	7
10234	SUMMER COLLEGE INTERNE (AL	2	0	0	0	0	0	1	1	0	0	0	0	0	4
56057	COMMUNITY ASSOCIATE	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		6	2	0	2	0	0	2	1	0	2	0	0	0	15
		40.01	13.33	0.00	13.33	0.00	0.00	13.33	6.67	0.00	13.33	0.00	0.00	0.00	100.00

AGENCY TOTAL.....:

111	11	14	28	0	4	81	24	25	52	0	0	0	350
31.72	3.14	4.00	8.00	0.00	1.14	23.14	6.86	7.14	14.86	0.00	0.00	0.00	100.00

APPENDIX 3

Office of Management & Budget

CEEDS Work Force Compared With Internal & External Pools

2ND Quarter FY 2015

4th Quarter FY 2015

RUN DATE: 01/05/15
 RUN TIME: 8:19:56
 FY2015 Q2

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

PAGE: 21
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/14

AGENCY: 019 OFFICE OF MANAGEMENT AND BUDGET
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV EXPCT I	BLACK OBSRV EXPCT I	HISPANIC OBSRV EXPCT I	ASIAN / OBSRV EXPCT I	NATIVE A OBSRV EXPCT I	ETH UNKN OBSRV EXPCT I
001 ADMINISTRATORS	2	1 1 N	0 0 N	0 0 N	1 0 N	0 0 N	0 0 N
002 MANAGERS	86	56 44 O	7 16 U	8 11 N	15 9 O	0 0 N	0 3 N
003 MNGMNT SPECS	235	123 96 O	20 70 U	27 30	63 31 O	0 1 N	2 5 N
004 SCIENCE PROFNS	1	1 0 N	0 0 N	0 0 N	0 0 N	0 0 N	0 0 N
013 CLERICAL	19	3 4	6 10 U	7 3 O	2 1	0 0 N	1 1
031 PARA PROFESSION	6	4 2 N	2 2 N	0 1 N	0 1 N	0 0 N	0 0 N

RUN DATE: 01/05/15
 RUN TIME: 8:19:56
 FY2015 Q2

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

PAGE: 22
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/14

AGENCY: 019 OFFICE OF MANAGEMENT AND BUDGET
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
001 ADMINISTRATORS	2	2 1 N	0 1 N	0 0 N
002 MANAGERS	86	49 46	37 36	0 2 N
003 MNGMNT SPECS	235	108 134 U	127 95 O	0 3 N
004 SCIENCE PROFNS	1	1 1 N	0 0 N	0 0 N
013 CLERICAL	19	2 5 U	17 13 O	0 1 N
031 PARA PROFESSION	6	4 2 N	2 3 N	0 0 N

RUN DATE: 07/02/15
 RUN TIME: 14:25:28
 FY2015 Q4

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

PAGE: 21
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/15

AGENCY: 019 OFFICE OF MANAGEMENT AND BUDGET
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV EXPCT I	BLACK OBSRV EXPCT I	HISPANIC OBSRV EXPCT I	ASIAN / OBSRV EXPCT I	NATIVE A OBSRV EXPCT I	ETH UNKN OBSRV EXPCT I
001 ADMINISTRATORS	2	1 1 N	0 0 N	0 0 N	1 0 N	0 0 N	0 0 N
002 MANAGERS	91	58 47 O	7 17 U	8 12 N	17 9 O	0 0 N	1 4 N
003 MNGMNT SPECS	224	122 92 O	19 66 U	24 29	57 29 O	0 0 N	2 5 N
004 SCIENCE PROFNS	1	1 0 N	0 0 N	0 0 N	0 0 N	0 0 N	0 0 N
013 CLERICAL	17	2 3 U	6 9 U	7 3 O	1 1	0 0 N	1 1
031 PARA PROFESSION	15	8 5	3 4 U	0 4 U	4 1 O	0 0 N	0 0 N

RUN DATE: 07/02/15
 RUN TIME: 14:25:28
 FY2015 Q4

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

PAGE: 22
 PROGRAM: EBP961
 EXTRACT DATE: 06/30/15

AGENCY: 019 OFFICE OF MANAGEMENT AND BUDGET
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
001 ADMINISTRATORS	2	2 1 N	0 1 N	0 0 N
002 MANAGERS	91	50 49	41 38	0 2 N
003 MNGMNT SPECS	224	103 128 U	121 90 O	0 3 N
004 SCIENCE PROFNS	1	1 1 N	0 0 N	0 0 N
013 CLERICAL	17	2 5 U	15 12	0 1 N
031 PARA PROFESSION	15	10 6 O	5 9 U	0 0 N



The City of New York
Office of Management and Budget
255 Greenwich Street • New York, New York 10007-2146
Telephone: (212) 788-5900 • Email: FuleihanD@omb.nyc.gov

Dean Fuleihan
Director

September 14, 2015

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

Re: Response to EEPC Preliminary Determination

Dear Ms. Terry:

Thank you once again for giving OMB the opportunity to renew its commitment to EEO. Your audit has allowed OMB to take stock of our EEO efforts, which were already strong, and make them even stronger. The following is a list of the corrective actions OMB has taken.

Corrective Action #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.

An email was sent by me to all employees on September 11, 2015 (**Attachment A**) informing them of the agency's ongoing commitment to the City's EEO Policy. This statement also included the contact information for EEO personnel. Copies of this email were posted in a conspicuous location in all dining areas and on OMB's internal website.

Please note that during the audit period, the prior Budget Director also sent an email to all employees, informing them of the agency's ongoing commitment to the City's EEO Policy and providing the contact information for EEO personnel (**Attachment B**). A copy of the former Director's email was posted throughout the audit period in a conspicuous location in all dining areas and on OMB's internal website. OMB has also stated in all hiring notices that the agency is an equal opportunity employer. OMB believes this email, and its continued posting both in OMB's offices and on OMB's website, along with the language in the hiring notices and recent statements made reiterating OMB's commitment to EEO (for example, see email from OMB's

Chief of Staff (**Attachment C**)), satisfy both the requirements and the spirit of Corrective Action #1.

Corrective Action #2 – Implement the 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.

OMB began implementation of DCAS's Diversity and Inclusion (D&I) Computer Based Training on August 12, 2015. To date, approximately 60% of the agency has completed this training module. It is expected that all employees will complete this training by September 30th. As new employees are hired, they will be required to complete the D&I Computer Based Training. In addition, OMB is working with DCAS to schedule in-house training sessions for all OMB employees in October and November 2015. These will cover EEO laws, rights and responsibilities and prevention of sexual harassment. All employees will be required to receive this training. In 2016, the agency will require all employees to take DCAS's EEO Computer Based Training.

Corrective Action #3 – 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.

Within the second quarter of FY2016, OMB will begin using a standard job application provided by DCAS for all applicants being interviewed for positions at OMB. This application will be collected by an HR professional at the time of the interview.

The relevant EEO professionals, General Counsel, and the Chief of Staff will meet quarterly to review our CEEDs data and interview-pool data collected from the job application, along with reviewing OMB's recruitment and outreach process to ensure compliance with EEO obligations and to determine if alternative outreach efforts are needed.

In addition, OMB's HR professionals will work with DCAS to update listings of recruitment outreach sources to include relevant professional and community organizations/publications targeting women, minorities and other protected groups.

Corrective Action #4 – Ensure that the principal EEO Professional, HR Professional and General Counsel review statistical information on an annual basis. Determine corrective actions, if necessary.

OMB's Principal EEO Professional, HR Professional and General Counsel will review statistical information on an annual basis and determine if corrective action is necessary.

Corrective Action #5 – Assess the manner in which candidates are selected to determine whether there is any adverse impact. To the extent there is adverse impact, determine whether the selection criteria being utilized are job-related.

To the extent there is adverse impact, OMB's Principal EEO Professional, HR Professional and General Counsel will review the selection criteria being utilized to ensure that they are job-related.

Corrective Action #6 – If 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.

See Correction Action #3.

Corrective Action #7 - If protected groups are underrepresented in civil service titles review the competencies, skills and abilities required.

The agency will review the CEEDs data to determine if there is underrepresentation in civil service titles. If underrepresentation is found, the agency will take appropriate steps to address it. However, please note that the agency made no civil service hires during the audit period or to date subsequent to the audit period. Therefore, there was no underrepresentation in civil service hires made during the audit period.

Corrective Action #8 – 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.

This information will be collected in the standard job application described above. Please see Corrective Action #3.

Corrective Action #9 – Maintain appropriate documentation of meetings and other communications between the Agency Head and principal EEO Professional.

The EEO Officer/Professional and the Agency Head (or its designee, the Chief of Staff) will maintain appropriate documentation of their meetings and other communications going forward.

Corrective Action #10 – Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the plan.

A copy of the 4th Quarter report for FY2015 has been submitted to DCAS and is attached for your review (**Attachment D**). The Agency is currently implementing our FY15 Annual Plan, and we will submit our draft Annual Plan for FY16 to DCAS prior to the September 30th deadline. OMB's FY16 first quarter report will be submitted to DCAS by October 30th and all future quarterly reporting will be submitted in a timely fashion.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fuleihan", with a stylized flourish at the end.

Dean Fuleihan



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

Charise L. Terry, PHR
Executive Director

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

253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

September 18, 2015

Dean Fuleihan
Director
Office of Management & Budget
255 Greenwich Street, 6th Floor
New York, NY 10007

RE: Resolution #: **2015/019**: Final Determination Pursuant to the Audit and Analysis of the Office of Management & Budget's Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

Dear Director Fuleihan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your September 14, 2015 response to our August 31, 2015 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 audit and analysis 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: October 2015 to March 2016.

If corrective actions remain: Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Thereafter, your agency will be monitored monthly until all corrective actions have been implemented. Compliance-monitoring instructions will be provided. Upon your agency's completion of the final corrective action, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. Once received, a *Determination of Compliance* will be issued.

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/analysis and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

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

Thank you and your staff for your continued cooperation.

Sincerely,

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

Charise L. Terry, PHR
Executive Director

c: Patricia Herrick, Principal EEO Professional

FINAL DETERMINATION

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

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

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #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.

Agency Response: *"An email was sent by [the Budget Director] to all employees on September 11, 2015 ... informing them of the agency's ongoing commitment to the City's EEO Policy. This statement also included the contact information for EEO personnel. Copies of this email were posted in a conspicuous location in all dining areas and on OMB's internal website..."* (Response, pg. 1)

EEPC Response: The EEPC accepts the agency head's email to all employees attached to the agency's response as documentation that corrective action **#1** has been implemented. The email states the agency's commitment to having a *"work place that is free of bias, harassment, discrimination or prejudice of any kind."* It also includes the requisite information.

Monitoring Required

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

Corrective Action #2

Implement the 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

² Excerpts are italicized.

responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

Agency Response: *“OMB began implementation of DCAS’s Diversity and Inclusion (D&I) Computer Based Training on August 12, 2015. To date, approximately 60% of the agency has completed this training module. It is expected that all employees will complete this training by September 30th. As new employees are hired, they will be required to complete the D&I Computer Based Training. In addition, OMB is working with DCAS to schedule in-house training sessions for all OMB employees in October and November 2015. These will cover EEO laws, rights and responsibilities and prevention of sexual harassment. All employees will be required to receive this training. In 2016, the agency will require all employees to take DCAS’s EEO Computer Based Training.”* (Response, pg. 2)

EEPC Response: The EEPC will accept the agency’s response to corrective action **#2**, pending documentation of implementation of the agency’s EEO training plan.

Corrective Action #3

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: *“... The relevant EEO professionals, General Counsel, and the Chief of Staff will meet quarterly to review our CEEDs data and interview-pool data collected from the job application, along with reviewing OMB’s recruitment and outreach process to ensure compliance with EEO obligations and to determine if alternative outreach efforts are needed. In addition, OMB’s HR professionals will work with DCAS to update listings of recruitment outreach sources to include relevant professional and community organizations/publications targeting women, minorities and other protected groups.”* (Response, pg. 2)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#3**. An agency assessment of the recruitment efforts will be required during the compliance-monitoring period.

Corrective Action #4

Ensure that 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 in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or another resource for guidance.

Agency Response: *“OMB’s Principal EEO Professional, HR Professional and General Counsel will review statistical information on an annual basis and determine if corrective action is necessary.”* (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#4**. Implementation of this corrective action will be monitored. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #5

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: *“To the extent there is adverse impact, OMB’s Principal EEO Professional, HR Professional and General Counsel will review the selection criteria being utilized to ensure that they are job-related.”* (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#5**. An agency assessment of the selection process will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #6

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: *“...OMB’s HR professionals will work with DCAS to update listings of recruitment outreach sources to include relevant professional and community organizations/publications targeting women, minorities and other protected groups.”* (Response, pg. 2-3)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#6**. The agency’s efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period.

Corrective Action #7

If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service

Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *“The agency will review the CEEDs data to determine if there is underrepresentation in civil service titles. If underrepresentation is found, the agency will take appropriate steps to address it. However, please note that the agency made no civil service hires during the audit period or to date subsequent to the audit period. Therefore, there was no underrepresentation in civil service hires made during the audit period.”* (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#7**. If the agency has the opportunity to hire in civil service (list) titles during the monitoring period, the agency’s efforts to address underrepresentation will be monitored. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #8

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: *“Within the second quarter of FY2016, OMB will begin using a standard job application provided by DCAS for all applicants being interviewed for positions at OMB. This application will be collected by an HR professional at the time of the interview.”* (Response pg. 2)

EEPC Response: The EEPC recognizes the agency’s efforts to implement corrective action **#8** by assigning responsibilities for collection of the application to the HR professional. Documentation of implementation will be reviewed 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: *“The EEO Officer/Professional and the Agency Head (or its designee, the Chief of Staff) will maintain appropriate documentation of their meetings and other communications going forward.”* (Response, pg. 3)

EEPC Response: The EEPC recognizes the agency’s commitment to implement corrective action **#9**. Documentation of meetings with regard to decisions impacting the administration/ operation of the EEO program, if any, will be required during the compliance-monitoring period.

Corrective Action #10

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: *"A copy of the 4th Quarter report for FY2015 has been submitted to DCAS and is attached for [EEPC] review... The Agency is currently implementing our FY15 Annual Plan, and we will submit our draft Annual Plan for FY16 to DCAS prior to the September 30th deadline. OMB's FY16 first quarter report will be submitted to DCAS by October 30th and all future quarterly reporting will submitted in a timely fashion."* (Response, pg. 4)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action **#10**. The agency's future submittal of its Annual Plan and quarterly reports to the EEPC will be monitored during the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION # 2015/019: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of Management & Budget's Employment Practices and Procedures from January 1, 2012 through December 31, 2014.

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 Office of Management & Budget's Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

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.
2. Implement the 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.
3. 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.

4. Ensure that 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 in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or another resource for guidance.
5. 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.
6. 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.
7. 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.
8. 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.
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. 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 September 14, 2015 with documentation of its actions to rectify required corrective actions Nos. 1 and 10; 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 September 18, 2015, which agreed and accepted documentation for implementation of the corrective action No. 1, and indicated that corrective actions Nos. 2 - 10; 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 October 2015 through March 2016, to determine whether it implemented remaining required corrective actions; and

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


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

Be It Resolved,
that the Commission adopts this Final Determination regarding the Office of Management & Budget.

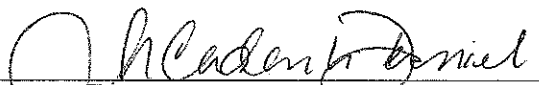
Approved unanimously on September 21, 2015.




Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi-Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



The City of New York
Office of Management and Budget
255 Greenwich Street • New York, New York 10007-2146
Telephone: (212) 788-5900 • Email: FuleihanD@omb.nyc.gov

Dean Fuleihan
Director

October 19, 2015

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

Re: Response to EEPC Final Determination

Dear Ms. Terry:

Below you will find the Mayor's Office of Management and Budget's response to the EEPC's Final Determination. Thank you once again for giving OMB the opportunity to renew its commitment to EEO.

Corrective Action #2

In August, OMB rolled-out DCAS's "Everybody Matters - Diversity and Inclusion" Computer Based Training module. As of October 15, 2015, 333 employees have completed this component of EEO training. Recent hires will have 90 days to complete the training. We will continue implementing our training plan as previously described in our response.

Corrective Action #3

OMB will be implementing our review process as previously described in our response.

Corrective Action #4

OMB will await EEPC guidance on this issue.

Corrective Action #5

OMB will be implementing our review process as previously described in our response and will await further EEPC guidance.

Corrective Action #6

OMB is reviewing DCAS's Guide to Recruiting for City Agencies which includes dozens of new resources, websites and organizations that may improve our outreach efforts to underserved populations and/or titles. We will continue reviewing our outreach sources as described in our

response.

Corrective Action #7

OMB will await EEPCs guidance on this issue.

Corrective Action #8

OMB has learned that the City's E-Hire career website collects demographic data as part of the job application process. Working with DCAS, OMB's HR staff is working to download and analyze the demographic data that is collected by the website and will begin directing all applicants to go through the E-Hire website to apply for open positions. This online application, once fully implemented, will be OMB's job application.

Corrective Action #9

OMB will be implementing our meeting process as previously described in our response and will await further EEPC guidance.

Corrective Action #10

OMB has submitted a draft of the FY16 Annual Plan to DCAS. Attached is a copy for your review. Quarterly reports will be submitted to DCAS, along with a copy to the EEPC, in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fuleihan", written in a cursive style.

Dean Fuleihan

Herrick, Patricia (OMB)

From: Herrick, Patricia (OMB)
Sent: Wednesday, March 23, 2016 10:03 AM
To: Herrick, Patricia (OMB)
Subject: FW: Agency EEO Policy and Audit

From: Fuleihan, Dean (OMB)
Sent: Wednesday, March 23, 2016 9:40 AM
To: AllUsers
Subject: Agency EEO Policy and Audit

Dear Colleagues:

The Equal Employment Practices Commission (EEPC) is required to audit and evaluate the Equal Employment Opportunity (EEO) programs of all New York City agencies. An EEPC audit of OMB was conducted covering the period of January 1, 2012 through December 31, 2014.

The EEPC made several recommendations to enhance EEO in our agency. Recommendations which were made include: implementing an EEO training plan for new and existing employees; analyzing and expanding OMB's recruitment efforts; and having job candidates complete a Job Application.

OMB is committed to ensuring that every candidate and/or employee has an equal opportunity to succeed in this agency. This means we must have a work place that is free of bias, harassment, discrimination or prejudice of any kind.

To learn about the City's Equal Employment Opportunity Policy, please visit
<http://www.nyc.gov/html/dcas/downloads/pdf/misc/eeo.pdf>.

Should you become aware of any misconduct or complaint or should you need any assistance understanding or complying with these policies, please contact me or one of the agency's EEO Representatives:

[REDACTED]
EEO Counselor
Location: 8-3D / Ext: 6160
[REDACTED]

[REDACTED]
EEO Counselor
Location: 8-W11 / Ext: 6101
[REDACTED]

[REDACTED]
EEO Counselor
Location: 7-W1A / Ext: 6060
[REDACTED]

[REDACTED]
EEO Counselor
Location: 6-4B / Ext. 5849
[REDACTED]

Thank you,

Dean Fuleihan

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

RESOLUTION #2016/019C- 004: Determination of **Compliance** (Monitoring Period Required) by the Office of Management & Budget with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from January 1, 2012 to December 31, 2014.

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 Office of Management & Budget (OMB) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 31, 2015, setting forth findings and the following required corrective actions:

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.
2. Implement the 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.
3. 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.
4. Ensure that 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 in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Division of Citywide Diversity and EEO, or another resource for guidance.

5. 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.
6. 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.
7. 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.
8. 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.
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. 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 OMB submitted its response to the EEPC's Preliminary Determination letter, on September 14, 2015, with documentation of its actions to rectify required corrective action(s) No. 1; 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 November 18, 2016, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10, remaining;

Whereas, the OMB submitted its response to the EEPC's final determination letter, on October 19, 2015; 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 October 2015 to March 2016 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OMB submitted a copy of the agency head's memorandum to staff dated March 23, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

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

Be It Resolved, that the Office of Management & Budget 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 NY City Charter.

Be It Resolved, that the Commission will forward this Final Determination to Director Dean Fuleihan, the Office of Management & Budget.

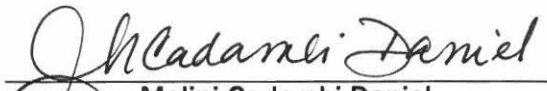
Approved unanimously on March 24, 2016.



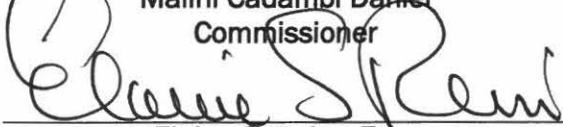
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



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

Charise L. Terry, PHR
Executive Director

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

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

253 Broadway
Suite 602
New York, NY 10007

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

March 24, 2016

Dean Fuleihan
Director
Office of Management & Budget
255 Greenwich Street, 6th Floor
New York, NY 10007

Re: Resolution #2016/-019C-004: Determination of Agency
Compliance

Dear Director Fuleihan:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally notify you that the Commission has issued the attached Determination of Compliance to Office of Management & Budget. This Commission has determined that the Office of Management & Budget has implemented the required corrective actions 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 Patricia Herrick for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is fluid and cursive, with the first name "Elaine" being more prominent than the last name "Reiss".

Elaine S. Reiss, Esq.
Commissioner

c: Patricia Herrick, Principal EEO Professional, OMB
Marie Giraud, Esq., Agency Attorney/ Director of Compliance
Monitoring



EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

is issued to the

Office of Management and Budget

for successfully implementing **10** of **10** required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practices and Procedures Audit for the period from January 1, 2012 to this date.

On this 24th day of March in the year 2016,

A handwritten signature in black ink, reading "Elaine S. Reiss", is written over a horizontal line.

Elaine S. Reiss, Esq., Commissioner

In care of Director Dean Fuleihan and
Principal EEO Professional Patricia Herrick

A handwritten signature in black ink, reading "Charise L. Terry", is written over a horizontal line.

Charise L. Terry, PHR, Executive Director