

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #10/08-801: Preliminary Determination Pursuant to the Audit of the Department of Small Business Services' (SBS) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure 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 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Small Business Services' Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Department of Small Business Services' compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. None of the Department of Small Business Services job vacancy advertisements during the audit period indicated that the City of New York is an Equal Opportunity Employer.
2. 72% of respondents to the EEPC's *Employee Survey* indicated that they did not know who the Disability Rights Coordinator is.
3. Only two of the three internal complaint files provided to the EEPC contained a complaint form completed by the complainant or an EEO representative, or a complaint that captures the information required on that form.

4. The SBS did not conduct an adverse impact study to assess its criteria for selecting persons for mid-level to high-level discretionary positions.
5. 68% of the respondents to the EEPC's *Employee Survey* indicated that they did not know the name of agency's career counselor.
6. 65% of respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that they had not received their performance evaluation within the last 12 months.
7. The SBS' managerial performance evaluation form does not contain a rating for EEO.
8. The SBS' managers and supervisors did not, at least twice a year during normal staff meetings, reiterate their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.

Be It Finally Resolved,

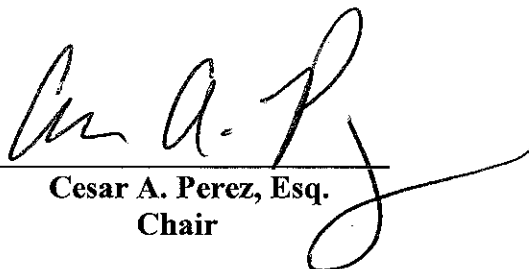
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Walsh, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of Small Business Services will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on August 6, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair