



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Department of Small Business Services

Agency Head: Robert W. Walsh, Commissioner

EEO Officer: Nancy Gannie

Audit Period: January 1, 2006– December 31, 2008

Agency Census as of December 31, 2008: 257

Preliminary Determination Letter:

August 6, 2010

Agency Response Letter:

September 20, 2010

Final Determination Letter:

September 30, 2010

Agency Response Letter:

November 15, 2010

Compliance Initiated:

February 2011

Compliance Completed:

December 2011

Covering Months:

March 2011 – August 2011

Date: February 24, 2012

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the Department of Small Business Services (SBS) with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008, the EEOC initiated Audit Compliance with the SBS in February 2011. The agency submitted a request for extension of compliance on November 28, 2011. The SBS' Final Compliance Report was submitted on December 13, 2011.

All nine required actions were completed and accepted. The following is a summary of the compliance reports:

1. **All agency recruitment literature should indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOC)**

The SBS modified its recruitment postings to include the tagline: "*The Department of Small Business Services and the City of New York is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities.*" The SBS submitted a copy of a recent recruitment flyer with its 1st monthly compliance report.

The required action was accepted in April 2011.

- 2. To ensure that all employees are aware of the Disability Rights Coordinator the agency should re-distribute to all employees in writing the name, location, and telephone number of this person. (Sect. VB and VC, EEOP)**

The SBS updated its March 2011 "Work Organization Management Tool" (WOMT) Homepage to announce the appointment of the Disability Rights Coordinator. The WOMT is the SBS' intranet that allows all staff to share info and resources among each of the agency's divisions. The agency also updated its EEO handbook to include a photograph, description of duties, location, and contact information of the agency's Disability Rights Coordinator. The SBS submitted sample copies of the WOMT page and the EEO handbook receipt with its 1st monthly compliance report.

The required action was accepted in April 2011.

- 3. All internal discrimination files should include an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form* completed by the complainant or an EEO representative, or a complaint that captures the information required on this form. (DCPIG Sect. 10/12 and Appendix D)**

The SBS made a commitment to include in all internal discrimination files, an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form* completed by the complainant or an EEO representative, or a complaint that captures the information on this form.

The required action was accepted in September 2011.

- 4. Since the EEOP requires that each agency assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the SBS should conduct an assessment of its selection criteria for discretionary titles. The SBS can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm>. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)**

In August 2011, the SBS conducted an Adverse Impact Study of its selection process for four discretionary titles. The SBS utilized the Disparate Impact Analysis Program to conduct its study. The review disclosed that there was no evidence of adverse impact for

any of the titles submitted. Copies of the adverse impact studies were provided with the agency's 6th monthly compliance report.

The required action was accepted in September 2011.

5. **To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor. This should be done at least once each year. (12/14/2006 Addendum to EEO Standards and Procedures to Be Utilized By City Agencies (2005) and Sect. VF, EEO)**

The SBS updated its March 2011 "Work Organization Management Tool" (WOMT) Homepage identifying the Career Counselor as Ms. Myrna Mateo. A photograph, description of her duties and her location were provided. The identity and contact information was also included in the EEO Policy that is distributed during orientation sessions. In addition, on an annual basis, the Personnel Officer will re-distribute to all employees the identity and type of guidance which is available from the Career Counselor. The SBS submitted sample copies of the WOMT page and the EEO Bluebook receipt with its 1st monthly compliance report.

The required action was accepted in April 2011.

6. **Since the *Personnel Rules and Regulations of the City of New York* and the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial and non-managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate all employees. (DCAS, Rule 7.5.4(e) of the *Personnel Rules and Regulations of the City of New York*, and DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)**

The SBS developed a plan to evaluate all employees annually. Managerial and non-managerial employees will receive annual performance evaluations which will be on a calendar year basis (January through December). On January 18, 2011, the SBS' Executive Director of Human Resources disseminated an email to agency managers/supervisors advising them to complete the 2010 performance evaluations and to develop the 2011 Expectations for their staff.

The required action was accepted in April 2011.

7. **Since the City's Equal Employment Opportunity Policy holds managers and supervisors accountable for effectively implementing EEO-related policies and ensuring non-discrimination within their departments or units, the agency's managerial performance evaluation form should contain a rating for EEO – which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner. (EEO, Sect. VE)**

The SBS revised its Performance Expectation for managers to include the EEO responsibilities. The SBS' Executive Director of Human Resources advised managers that *"all managerial and supervisory performance expectations will contain EEO-related responsibilities and processes for assuring that all employees are appropriately employed, effectively and efficiently utilized in a fair and equitable manner."*

The required action was accepted in April 2011.

8. **At least twice a year during normal staff meetings, managers and supervisors must emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)**

The SBS disseminated a memo to all managers/supervisors on July 1, 2011 informing them that at least twice a year, managers would be required to meet with their staff during normal staff meetings to emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office. Managers and supervisors agency-wide have met with their staff to discuss EEO. Each manager has submitted documentation verifying their meeting. Copies of signed EEO Acknowledgement Forms and the revised Performance Expectations that contain EEO related responsibilities were submitted with the agency's final report.

The required action was accepted in December 2011.

9. **The agency head should disseminate an agency-wide memorandum informing staff about the changes that are being implemented in the SBS' EEO program pursuant to the audit and re-emphasizing the agency head's commitment to the agency's EEO program.**

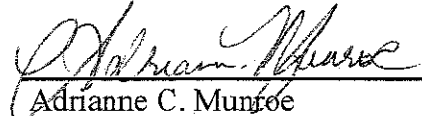
The SBS' Commissioner disseminated an agency-wide memorandum informing staff about the changes that are being implemented in the SBS' EEO program pursuant to the EEPC audit and re-emphasizing the agency head's commitment to the agency's EEO program. A copy of the Commissioner's memo to staff dated December 13, 2011 was provided with the agency's final report. (memo attached)

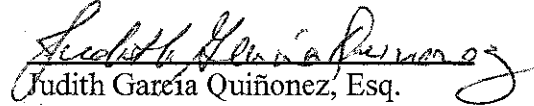
The required action was accepted in December 2011.


Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner Robert W. Walsh informing him that the Department of Small Business Services has implemented all of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Adrienne C. Munroe
EEO Auditor/Compliance Officer


Judith García Quiñonez, Esq.
Counsel/Compliance Director


Abraham May, Jr.
Executive Director

Attachment