



**Equal Employment  
Practices Commission**

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July 26, 2012

Mark Davies  
Executive Director  
Conflicts of Interest Board  
Court Square Building  
2 Lafayette Street, Suite 1010  
New York, NY 10001

Re: **Resolution #12/21-312** Preliminary Determination Pursuant to the Audit of the New York City Conflict of Interest Board (COIB) and its compliance with the City's Equal Employment Opportunity (EEO) Policy and Federal, State and City equal employment opportunity requirements for the period from January 1, 2009 to December 31, 2011.

Dear Mr. Davies:

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

The Charter defines city agency as any "city, county, borough, or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." The New York City Conflict of Interest Board (COIB) is considered a city agency pursuant to Chapter 36, Section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members, women and other protected groups.

This audit measures your office's compliance with the City's EEO Policy and Discrimination Complaint and Investigations Procedure as well as Commission policies and EEO standards expressed in the Federal, State and City Human Rights Laws.

This letter contains the preliminary determinations of the EEPC staff pursuant to its audit. All recommendations for corrective actions are consistent with both the audit's findings, the parameters set forth in the City's EEO Policy and Discrimination Complaint and Investigation Procedures and the equal employment opportunity requirements of Federal, State, and City laws.

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

### **Scope and Methodology**

Inasmuch as the New York City Conflicts of Interest Board's permanent headcount is 150 or fewer employees, this Commission considers it a small city agency. This Commission has established an audit methodology for small city agencies.

The audit methodology included an analysis of the New York City Conflicts of Interest Board's responses to the *Document and Information Request Form for Audit of Small City Agency* and responses to the *Interview Questionnaire for Agency EEO Officer*. EEPC auditor(s) also conducted a follow-up discussion/interview with the agency's EEO Officer, when appropriate.

The following preliminary determinations indicate where the New York City Conflicts of Interest Board has or has not complied, in whole or in part, with the EEO Policy and Discrimination Complaint and Investigation Procedures as well as the equal employment opportunity requirements of Federal, State, and City laws.

### **Description of the New York City Conflicts of Interest Board**

The Conflicts of Interest Board is an independent, non-mayoral City agency charged with interpreting and enforcing the Conflicts of Interest Law, found in Chapter 68 of the New York City Charter, the City's Financial Disclosure Law, set forth in section 12-110 of the New York City Administrative Code, and the Lobbyist Gift Law, found in sections 3-224 through 3-228 of the Administrative Code. The Mayor, with the advice and consent of the City Council, appoints the Board's five members to staggered, six-year terms. Headed by an Executive Director, the staff is divided into six units: Legal Advice, Training and Education, Financial Disclosure, Enforcement, Information Technology, and Administration.

### **Personnel Activity during the Audit Period**

According to workforce data provided by the agency, the agency's workforce increased from 19 to 20 employees during the audit period. (See Attachments 1- 1b) The agency currently

has 20 employees: 12 Caucasians, 1 African Americans, 4 Hispanics, and 3 Asians. Thirteen of these employees are female.

### **Discrimination Complaint Activity during the Audit Period**

No discrimination complaints were filed internally or externally during the period in review.

### **Legal Issues**

No EEO judgments or settlements occurred during the audit period or two years prior.

### **PRELIMINARY DETERMINATION**

Following are the preliminary determinations with the required corrective actions and recommendations:

#### **Issuance, Distribution, and Posting of Equal Employment Opportunity Policy Statement**

The COIB is in compliance with the following requirements:

1. The PPF follows the *Citywide Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies* (Citywide EEOP 2005). New employees are directed to access the EEO policies via the agency's EEO bulletin board.
2. The COIB distributed the *Citywide Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies* (Citywide EEOP 2005) along with an agency-specific EEO Policy Statement memo reiterating commitment to EEO and supplying contact information for the agency's EEO professionals in its new hire packet. In addition, all and new employees receive an email advising them of the identity of EEO staff and the availability of EEO materials on the agency's bulletin board.
3. The EEO handbook, *About EEO: What You May Not Know* was distributed to all employees and to new employees in the new hire packet.
4. The agency's EEO Policy/Statement, which reiterated the agency head's commitment to EEO was posted on bulletin boards. The EEO Officer ensured that the policy and statement were clearly posted and current. The handbook is also available via the EEO bulletin board.

The COIB is in partial compliance with the following requirements:

4. Although the COIB posted an agency policy statement, it did not include the name and telephone number of the EEO professionals. Corrective action is required.

Recommendation: The agency should use the distribution of the EEO Policy as an opportunity to issue a general EEO Policy statement or memo reiterating his or her commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising

employees of the names and contact information of EEO Personnel, and providing employees pertinent electronic links to the EEO Policy/Handbook/Addenda.

### **Appointment and Training of EEO Officer**

The COIB is in compliance with the following requirements:

1. The Deputy General Counsel, who is a direct report to the agency head, is the agency's EEO Officer. The EEO Officer's responsibilities include maintaining the EEO program in accordance with the agency's EEO guidelines and policies.
2. In 2007, the EEO Officer completed *Basic Training for Equal Employment Opportunity Representatives* from the Department of Citywide Administrative Services (DCAS) - Office of Citywide EEO. In addition, the EEO Officer remains abreast of EEO topics and issues via emails and news update distributions from DCAS and news outlets.

The COIB is not in compliance with the following requirements:

3. Although, the agency has appointed an EEO Officer, its organization chart does not include this title or its reporting relationship. Corrective action is required.

Recommendation: Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)

### **Agency EEO Training**

The COIB is in compliance with the following requirement:

1. In 2009, all employees who were on staff received EEO training via a series of three videos: *EEO Laws*-training from the NYC Sanitation Department, *You Should Know: NYC EEO-training* video from the NYC Law Department, and *EEO Structured Interviewing Training*-DCAS Structured Interviewing Training Outline and accompanying PowerPoint Presentation. Alternatively, COIB is considering using DCAS's new interactive web-based training modules to replace the videos.

### **Complaint Intake and Investigation**

The COIB is in compliance with the following requirements:

1. The COIB has appointed a person of each gender (male EEO Officer and female EEO Counselor) for complaint intake/investigation.
2. The agency investigates complaints in accordance with the *Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures*.

## Reasonable Accommodations and EEO for Persons with Disabilities

The COIB is in compliance with the following requirements:

1. The agency adheres to the City's reasonable accommodation procedure, which is an addendum to the Citywide EEOP.
2. The agency's facilities on 2 Lafayette Street 10<sup>th</sup> Fl, New York NY, 10001 are accessible to, and useable by, applicants for employment/employees with disabilities (i.e., street accessible entrance, wheelchair accessible elevators, Braille in elevators, wide restroom stalls, grab bars in restrooms, and low sink or bathroom fixtures).
3. The agency's EEO Officer is also its Disability Rights Coordinator (DRC) -- responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities.

## Posting of Job Vacancies

The COIB is in compliance with the following requirements:

1. The COIB included the EEO tag line in all job recruitment literature. Advertisements submitted to the EEPC for [Community Associate (Ethics Training Coordinator -2009), Agency Attorney (Agency Attorney-2011) Community Associate (Ethics Training Coordinator-2011), Community Associate (Ethics Training Coordinator-2009) and Agency Attorney (Agency Attorney-2011)] all included the tagline: *The City of New York is an Equal Opportunity Employer.*

## SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:

1. The agency should use the distribution of the EEO Policy as an opportunity to 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 Personnel**, and providing employees pertinent electronic links to the EEO Policy/Handbook/Addenda.
2. Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship.

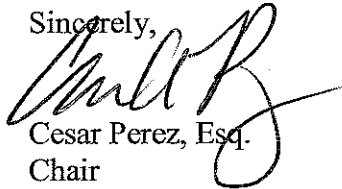
## Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEPC's audit of compliance by the New York City Conflict of Interest Board, we respectfully request your response. Your response should indicate

how the New York City Conflict of Interest Board will implement these recommendations. Please forward your response within thirty days of receipt of this letter.

In closing, we want to thank you and your staff for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar Perez", written over the typed name and title.

Cesar Perez, Esq.  
Chair

Attachment

c: Sung Mo Kim, EEO Officer

Attachment - 1

Statistical Profile of Agency Workforce  
Start and End of Audit Period

Agency: COIB

# Employees	Start of Audit Period:	End of Audit Period:
	<u>11/09</u>	<u>12/31/11</u>

Male	<u>5</u>	<u>7</u>
Female	<u>14</u>	<u>13</u>

Caucasian	<u>10</u>	<u>12</u>
African American	<u>1</u>	<u>1</u>
Hispanic	<u>5</u>	<u>4</u>
Asian	<u>3</u>	<u>3</u>
Native American	<u>0</u>	<u>0</u>
Unknown	<u>0</u>	<u>0</u>

Total # of Employees	<u>19</u>	<u>20</u>
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Attachment - 1a

Workforce Composition by EEO Job Group

Agency: COIB

Indicate EEO Job Group: (e.g. 001 Administrators)	Gender/Ethnicity						# of Females
	Caucasian	African Am.	Hisp.	Asian	Native Am.	Total of Job Group	
<u>001</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>7</u>	<u>3</u>
<u>002</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>4</u>	<u>3</u>
<u>008</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>3</u>
<u>013</u>	<u>1</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>4</u>
<u>031</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>
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**ATTACHMENT - 1b**  
**CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY**  
**DATABASE SYSTEM (CEEDS) DESCRIPTION OF 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, dieticians, 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.