

**NYC**  
Equal Employment  
Practices Commission

Cesar A. Perez, Esq.  
Chair

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

Charise L. Hendricks, PHR  
Interim Executive Director

Judith Garcia Quiñonez, Esq.  
Agency Counsel

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8938 tel  
212. 615. 8931 fax

September 13, 2012

Ronnie Lowenstein  
Executive Director  
Independent Budget Office  
110 William Street, 14<sup>th</sup> Floor  
New York, NY 10038

Re: **Resolution #12/25-132** : Preliminary Determination Pursuant to the Audit of the Office of the Independent Budget Office (IBO) and its compliance with its 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 Executive Director Lowenstein:

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...” Independent Budget Office 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 its 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 Independent Budget Office'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 Independent Budget Office'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 Independent Budget Office's responses to the *Document and Information Request Form for Audit of Small City Agency* and responses to an electronic interview questionnaire sent to its EEO Officer. EEPC auditors also conducted a follow-up discussion/interview with the agency's EEO Officer when appropriate.

The following preliminary determinations indicate where Independent Budget Office has or has not complied, in whole or in part, with its 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 Independent Budget Office**

The Independent Budget Office (IBO) is a publicly funded agency that provides nonpartisan information about New York City's budget to the public and their elected officials.

IBO presents its budgetary reviews, economic forecasts, and policy analyses in the form of reports, testimony, memos, letters, and presentations. IBO also produces guides to understanding the budget and provides online access to key revenue and spending data from past years.

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

According to workforce data provided by the agency, the agency's workforce increased from 30 to 37 employees during the audit period. (See Attachments 1- 1b) The agency currently has 37 employees: 26 Caucasians, 2 African Americans, 4 Hispanics and 5 Asians. Twenty of these employees are female.

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

The agency reported that one internal discrimination complaint alleging *Discrimination/Retaliation* was filed during the period in review.

## **Legal Issues**

One EEO-related lawsuit was filed (in 2010) with the Law Department alleging *Discrimination/Retaliation*.

## **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 IBO is in compliance with the following requirements:

1. The agency has made its EEO policies available via Intranet. The policies are also included in the staff manual and in EEO training sessions for new employees. All new employees are asked to sign an attendance sheet and acknowledgement that they have received the IBO's EEO policies.
2. The agency posted an electronic copy of the EEO Policy. New employees also received a packet with EEO materials.
3. The EEO handbook, *About EEO: What You May Not Know* was distributed to all new employees at new employee orientation.

The IBO is partial compliance with the following requirements:

Although the agency has made its EEO policy and handbook available to employees, it did not issue a statement from the agency head reiterating commitment to EEO and listing the name and phone numbers of the EEO Personnel. 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 IBO is in compliance with the following requirements:

1. The Senior Budget and Policy Analyst -- who is a direct report to the agency head -- is the agency's EEO Officer. Key responsibilities include: providing training for new employees, coordinating staff-wide refresher training every two years, and coordinating diversity training. Also, to speak to anyone about complaints, concerns or accommodations, advocate for employees regarding alternatives for accommodations requested and is the liaison between employee and other city agencies regarding accommodations
2. In 2004, the EEO Officer completed training conducted by the Department of Citywide Administrative Services (DCAS) - Office of Citywide EEO. The EEO Officer also attended complaint investigation training in 2012 conducted by the Department of Citywide Administrative Services (DCAS).

The IBO is in partial compliance with the following requirements:

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 IBO is in compliance with the following requirement:

1. IBO staff members receive EEO training every two years. In 2011, all staff members participated in diversity training and DCAS EEO Computer Based Training. Trainers from the Rochester Institute of Technology National Technical Institute for the Deaf also conducted *Working Together: Deaf and Hearing People* training. In addition, supervisors and managers completed the DCAS's *EEO Computer-Based Training (CBT) for Managers and Supervisors* in 2009.
2. All new IBO employees received training within the first three months of their hire dates. New employees were trained by the IBO's EEO Officers and received a training packet which included: a list of anti-discrimination Protections, a print out of DCAS's 2003 brochure "*About EEO: What you May Not Know*," an excerpt from IBO's staff manual of EEO, the affirmative employment policy, EEO complaint procedure, and an EEO quiz that gives employees scenarios of discrimination categories/protected classes.

## **Complaint Intake and Investigation**

The IBO is in compliance with the following requirements:

1. A person of each gender is available for complaint intake/investigation. EEO Counselors of both genders are authorized to assist the EEO Officer in complaint intake and investigation.
2. The agency has established uniform complaint investigation procedures that are based on the *Guidelines for the Implementation of the City of New York's Discrimination Complaint Procedures*. The procedure is included in the agency's EEO policy.

## **Reasonable Accommodations and EEO for Persons with Disabilities**

The agency is in compliance with the following requirements:

1. The agency has established a reasonable accommodation procedure. The procedure is included in the EEO policy. During the period in review, six reasonable accommodations which include, but are not limited to, office equipment, schedule changes, and an interpreter were provided.
2. The agency's facilities at (110 William Street, 14<sup>th</sup> Floor, New York, NY 10038) are accessible to applicants/employees with disabilities. (i.e. the facilities have street accessible entrances, wheelchair accessible elevators, Braille in elevators, bell in elevators, wide restroom stalls, grab bars in restroom, low sink or bathroom fixtures, and low sink in office kitchen.) In addition, all of the agency's (39) workstations, are wheelchair accessible.
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, pertaining to persons with disabilities. In addition the EEO Officer is the agency's 55-A Coordinator.

## **Posting of Job Vacancies**

The IBO is in compliance with the following requirements:

1. The IBO posted job vacancy notices internally and citywide. Advertisements were posted on the IBO website, at colleges, and in local publications with distribution in minority communities (e.g. *Gotham Gazette*, *The New York Amsterdam News*, and *El Dario*.)
2. When advertising, the agency indicates it is an Equal Opportunity Employer. All (4) Advertisements submitted for Budget Analysts (Budget and Policy Analysts), and Administrative Staff Analyst (Economist), included the EEO tagline: *IBO is an Equal Opportunity Employer*.

**SUMMARY OF RECOMMENDED CORRECTIVE ACTION:**

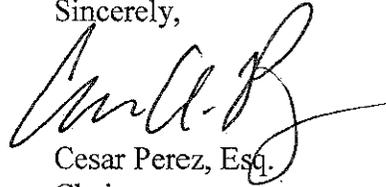
1. The agency should use the distribution of the EEO Policy as an opportunity to issue a general EEO Policy statement or memo reiterating his or her commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO Personnel, and providing employees pertinent electronic links to the EEO Policy/Handbook/Addenda.
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 Independent Budget Office, we respectfully request your response to the aforementioned preliminary determinations. Your response should indicate how Independent Budget Office 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,



Cesar Perez, Esq.  
Chair

Attachment

c: Nashla Rivas Salas, EEO Officer

Attachment - 1

Statistical Profile of Agency Workforce  
Start and End of Audit Period

Agency: NYC Independent Budget Office

# Employees	Start of Audit Period: <u>January 1, 2009</u>	End of Audit Period: <u>December 31, 2011</u>
----------------	--	--

Male	<u>16</u>	<u>17</u>
Female	<u>14</u>	<u>20</u>

Caucasian	<u>20</u>	<u>26</u>
African American	<u>2</u>	<u>2</u>
Hispanic	<u>5</u>	<u>4</u>
Asian	<u>3</u>	<u>5</u>
Native American	<u>0</u>	<u>0</u>
Unknown	<u>0</u>	<u>0</u>

Total # of Employees	<u>30</u>	<u>37</u>
-------------------------	-----------	-----------

AS OF JANUARY 1, 2009											AS OF DECEMBER 31, 2011								
Office Titles	Male		Female		White	Black	Hispanic	Asian	Native American		Male	Female		White	Black	Hispanic	Asian	Native American	
Management	3	2	5	0	0	0	0	0	0	0	3	2	5	0	0	0	0	0	0
Assistant Deputy Director	0	1	0	0	0	0	1	0	0	0	0	1	0	0	0	1	0	0	0
Supervising Analyst	2	1	3	0	0	0	0	0	0	0	2	1	3	0	0	0	0	0	0
Senior Economist	1	1	2	0	0	0	0	0	0	0	2	0	1	0	0	0	1	0	0
Economist	1	0	0	0	0	0	0	1	0	0	1	1	2	0	0	0	0	0	0
Senior Budget and Policy Analyst	1	0	1	0	0	0	0	0	0	0	1	2	1	1	1	1	0	0	0
Budget and Policy Analyst	5	5	8	1	1	1	1	0	0	0	4	7	10	0	0	0	1	0	0
Administration	2	4	1	1	2	2	2	2	0	0	2	4	1	1	2	2	2	0	0
Editorial Coordinator	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Director of Education	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Database Manager	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0
Data Analyst Programmer	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0
Labor Analyst	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
<b>Total Employees</b>	<b>16</b>	<b>14</b>	<b>20</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>20</b>	<b>26</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>30</b>										<b>37</b>								

	AS OF JANUARY 1, 2009										AS OF DECEMBER 31, 2011																			
	Male					Female					Native					Male					Female					Native				
	White	Black	Hispanic	Asian	American	White	Black	Hispanic	Asian	American	White	Black	Hispanic	Asian	American	White	Black	Hispanic	Asian	American	White	Black	Hispanic	Asian	American					
Management 001	3	2	5	0	0	0	0	1	0	0	0	0	0	0	3	2	5	0	0	0	0	0	0	0	0					
Assistant Deputy Director 002	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0					
Supervising Analyst 002	2	1	3	0	0	0	0	0	0	0	0	0	0	0	2	1	3	0	0	0	0	0	0	0	0					
Senior Economist 003	1	1	2	0	0	0	0	0	0	0	0	0	0	0	2	0	1	0	0	0	0	0	1	0	0					
Economist 003	1	0	0	0	0	0	0	0	1	0	0	0	0	1	1	1	2	0	0	0	0	0	0	0	0					
Senior Budget and Policy Analyst 003	1	0	1	0	0	0	0	0	0	0	0	0	0	1	2	1	1	1	1	0	0	0	0	0	0					
Budget and Policy Analyst 003	5	5	8	1	1	1	1	1	0	0	0	0	0	4	7	10	0	0	0	0	1	0	0	1	0					
Administration 003,010,012,013*	2	4	1	1	2	2	2	2	0	0	0	0	0	2	4	1	1	1	2	2	0	0	0	0	0					
Editorial Coordinator 003	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
Director of Education 002	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0					
Database Manager 003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0					
Data Analyst Programmer 003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0					
Labor Analyst 003	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0					
Total	16	14	20	2	5	3	0	0	0	0	0	0	0	17	20	26	2	4	5	0	0	0	0	0	0					
Grand Total	30										37																			

\* 2 Technicians = Monserate & Hasnui

1 Clerical Supervision = Indera

2 Clerical = Yolanda and Deanice

1 Management Specialists = Tara