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ROBERT C. NORTH, JR.
CHIEF ACTUARY

September 10, 2007

Ernest F. Hart, Esq.
Chair
NYC Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

Re: Response to Resolution #07/09-008/Preliminary Determination
Pursuant to the Audit of the Office of the Actuary's
Equal Employment Opportunity Program from
January 1, 2005 to December 31, 2006

Dear Mr. Hart:

I appreciate the opportunity to respond to the Equal Employment Practices Commission ("EEPC") audit ("Audit") of the Office of the Actuary's ("OA") compliance with the the City's Equal Employment Opportunity ("EEO") program.

The OA is, and always has been, strongly committed to ensuring fair employment practices in the agency for its employees and job applicants. As such, the OA welcomed the Audit, viewing it as a management tool to facilitate the continued improvement of the administration of the Citywide EEO Policy.

The OA accepts the Audit recommendations and will endeavor to implement the corrective actions over the next several months.

With respect to the individual Audit recommendations, following are the OA's responses:

1. EEPC Audit Recommendation

The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.

OA Response

The OA will update its EEO policy to include all of the protected classes under the revised New York City and New York State Human Rights Laws.

2. EEPC Audit Recommendation

The revised EEO Policy should be distributed to all current and new employees, and posted on the agency bulletin board and LAN.

OA Response

The OA will comply with this recommendation.

3. EEPC Audit Recommendation

To ensure that employees are made aware of the Section 55-A Program, the Section 55-A Program brochures issued by DCAS should be distributed to all new and current employees (See Section IIB, Citywide EEO Policy).

OA Response

As noted by the EEPC auditors, the OA has posted the Section 55-A brochure on its agency bulletin board and on the agency's network. The OA has arranged with DCAS to provide additional brochures. The OA will distribute copies of the brochure to each current employee by the end of calendar year 2007. The OA will also ensure that a copy is provided to all new employees as part of the hiring package.

4. EEPC Audit Recommendation

The EEO Officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment (See Section VB, Citywide EEO Policy).

OA Response

The OA will formally appoint the EEO Officer as the agency's disabilities rights coordinator. The OA will issue a memorandum to all employees notifying them of the appointment. The memorandum will be attached to and distributed with the Section 55-A brochure. This will be implemented by the end of calendar year 2007.

5. EEPC Audit Recommendation

The agency should consult with the building owner to ensure that the bathroom sinks are low enough to accommodate a person in a wheelchair (See Section IIB, Citywide EEO Policy).

OA Response

The OA consulted with the building manager of 75 Park Place who stated that, when the building was constructed in 1987, the bathrooms were designed to be "handicapped accessible." He surmised that this also meant that that the sinks were accessible to people in wheelchairs. To verify this claim the EEO officer and a male assistant measured the height of the sink counter above the floor and the knee clearance below the sink counter in both the ladies and mens restrooms on the 9th Floor. The measurements in both restrooms conformed to the requirements of the Americans with Disabilities Act ("ADA")¹. Accordingly, the EEO Officer confirmed that the bathroom sinks are low enough to accommodate people in wheelchairs.

¹ Sinks shall be mounted with the counter or rim no higher than 34 in (865 mm) above the finish floor. Knee clearance that is at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided underneath sinks. (Section 4.24, ADA Standards for Accessible Design, Department of Justice Code of Federal Regulations, 28 CFR Part 36).

6. EEPC Audit Recommendation

The EEO Officer should follow-up on her pledge to meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments (See Section VC, Citywide EEO Policy).

OA Response

The OA will ensure that the EEO Officer and EEO Counselor meet quarterly to review agency EEO issues.

7. EEPC Audit Recommendation

The OA should follow-up on its pledge to provide EEO training to all employees (See Section IV, Citywide EEO Policy).

OA Response

The OA plans to provide EEO training to all personnel by the close of calendar year 2007.

8. EEPC Audit Recommendation

The OA should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by DCAS or another appropriate organization (See Section IV, Citywide EEO Policy).

OA Response

The OA will review opportunities available for scheduling appropriate staff for a course on structured interviewing.

9. EEPC Audit Recommendation

All staff, managerial and non-managerial, should receive an annual performance evaluation (DCAS Rule 7.5.4(e) of the Personnel Rules and Regulations of the City of New York, and DCAS Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p.1).

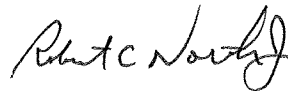
OA Response

The OA is mindful of the importance and benefit of annual performance evaluations. The agency's senior managers have been directed to complete performance reviews for their personnel for the prior evaluation year and to assess staff performance for each year thereafter.

I would like to thank your staff for their professionalism during the Audit and their production of a fair and reasoned report.

You may contact Ms. Susan M. Flaschenberg, Director of Administration, at 212-442-5795, if you have any questions.

Yours truly,



Robert C. North, Jr.
Chief Actuary

cc: Ms. S.M. Flaschenberg
Mr. E. Matusewitch
Mr. A. May