

EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Office of the Actuary

Agency Head: Robert C. North, Jr., Chief Actuary

EEO Officer: Susan M. Flaschenberg

Audit period: **January 1, 2005 – December 31, 2006**

Date of Preliminary Determination Letter:

July 12, 2007

Date of Response Letter:

September 10, 2007

Date of Final Determination Letter:

September 17, 2007

Compliance Initiated:

November 2007

Compliance Completed:

November 2008

Covering Months:

December 2007 – May 2008

Date: **December 18, 2008**

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the Office of the Actuary (OA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006, the EEOC initiated Audit Compliance with the OA in November 2007. The OA submitted its first compliance report on February 29, 2008. After several attempts to secure the subsequent monthly compliance reports, the OA submitted its overdue and final compliance reports on August 14, 2008.

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

- 1. 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 Law.**

The OA revised its EEO Policy to include all of the protected classes based on the Citywide EEO Policy issued by the Department of Citywide Administrative Services. A copy of the revised policy was provided with the OA's final Compliance Report in August 2008.

The required action was completed in August 2008.

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

The OA's revised EEO Policy was distributed to all OA employees on August 8, 2008. A copy of the policy was posted on the agency bulletin board and posted on the agency's computer network.

The required action was implemented in August 2008.

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

The Section 55-A program brochure was distributed to all current employees with their paychecks in October 2007, posted on the agency bulletin board, and posted on the agency's computer network. The Program brochure will also be included in the hiring package which is given to all new employees.

The required action was implemented in October 2007.

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

The Chief Actuary formally appointed Susan Flaschenberg as the disabilities rights coordinator. Employees were notified in writing in a memorandum distributed with the updated EEO policy on August 8, 2008.

The required action was implemented in August 2008.

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

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." To verify the claim, the EEO officer and 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 ADA.

The required action was accepted in February 2008.

6. The EEO officer should follow-up on her pledge and 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. (Sect. VC, Citywide EEO Policy)

The EEO Officer provided a copy of Calendar 2008 EEO Officer meetings report which documents the meetings that she had with the EEO counselor in February and June 2008.

The required action was accepted in August 2008.

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

The OA provided an EEO training seminar in December 2007, which was conducted by the Director of EEO Studies at Cornell University School of Industrial and Labor Relations, to all employees. The seminar attendance sheet was provided with the OA's final compliance report.

The required action was implemented in December 2007.

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

The OA stated in its final compliance report that it is reviewing opportunities available for scheduling appropriate staff for a course on structured interviewing.

The required action was not completed.

9. 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.)

The OA stated in its final report that the agency's senior managers are working towards completing performance reviews for their personnel for the prior evaluation year and to assess staff performance for each year thereafter.

The required action was not completed.

10. The Office of the Actuary should disseminate an agency-wide memorandum to discuss audit findings.

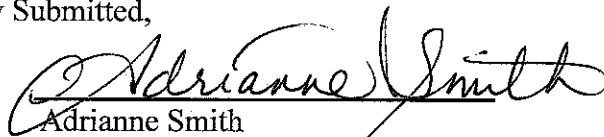
The OA distributed an agency-wide memo on the audit findings on August 8, 2008 in conjunction with the release of the updated EEO policy. A copy of the agency-wide memo was provided with the OA's final report (attached).

The required action was completed in August 2008.

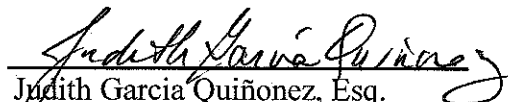
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Partial Compliance to Chief Actuary Robert C. North, Jr., informing him that the Office of the Actuary has only implemented eight of the ten of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,



Adrienne Smith
Sr. Auditor/Compliance Officer



Judith Garcia Quiñonez, Esq.
Counsel/Compliance Director



Abraham May, Jr.
Executive Director

Attachment