

# **EQUAL EMPLOYMENT PRACTICES COMMISSION**

## **CITY OF NEW YORK**

**RESOLUTION #11/02-019:** Preliminary Determination Pursuant to the Audit of the Office of Management and Budget's (OMB) Equal Employment Opportunity Program from January 1, 2007 through December 31, 2009.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

**Whereas**, the Equal Employment Practices Commission audited the Office of Management and Budget's Equal Employment Opportunity Program; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, therefore,

### **Be It Resolved,**

that pursuant to the audit of the Office of Management and Budget's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Sixty percent of the respondents to the *EEPC's Employee Survey* stated that they do not know who the agency's Disabilities Rights Coordinator is.
2. The agency applicant log for discretionary positions omitted crucial information for each position such as the name, recruitment source and demographic information for each individual applicant/candidate.
3. The agency did not assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group.
4. Sixty percent of the respondents to the *EEPC's Employee Survey Questionnaire* indicated they did not know the name of the person responsible for career counseling.

5. Managers and supervisors were not instructed to re-emphasize the agency's commitment to EEO and to discuss the agency's EEO policies and procedures with their subordinates during regular staff meetings.
6. The EEO Officer did not meet with the EEO Counselor at least at quarterly intervals to ensure that the Counselor(s) implement EEO functions satisfactorily and is kept abreast of internal and external EEO developments.
7. The EEO officer did not maintain appropriate documentation of meetings and other communications with the agency head regarding decisions that impact the administration of the agency's EEO program.

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Office of Management and Budget's Director, Mark Page, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipts of the letter indicating what corrective actions the Office of Management and Budget will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

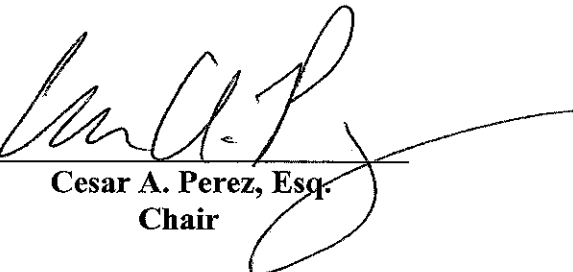
Approved unanimously on April 14, 2011.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair