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November 20, 2012

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

Re: Final Determination Pursuant to the Audit of the Independent Budget Office (IBO) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2009 through December 31, 2011.

Dear Ms. Lowenstein:

Thank you for your October 11, 2012 response to our September 13, 2012 Letter of Preliminary Determination pursuant to the audit of the Independent Budget Office's (IBO) Equal Employment Opportunity Policy from January 1, 2009 through December 31, 2011.

After reviewing your response, our Final Determination is as follows:

**Agree**

We agree with your responses to the following EEPC recommendations, and acknowledge documentation that accompanied your reply:

**Recommendation #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.

*Response:* As recommended, the IBO Director is issuing a statement reiterating the agency's commitment to EEO. IBO's EEO Officers will give a copy of the Director's statement to all employees during their EEO training. It will also be available on the agency's intranet. The memo also includes the names and contact information of both the EEO Officer and Counselor.

**Recommendation #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. (EEPC/Sect. 831, City Charter)

*Response:* As recommended, IBO has updated its organizational chart to show the titles of the EEO Officer and Counselor, as well as their reporting relationships.

In addition to the above recommendations, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize your commitment to the agency's Equal Employment Opportunity Program.

### **Conclusion**

The EEPC notes that the Independent Budget Office clarified in its Response to the Preliminary Determination that it reported the same discrimination complaint as filed both internally and externally during the audit period. In accordance with the agency's Equal Employment Opportunity Policy Procedures, because the allegations were asserted against the IBO Director, the IBO General Counsel referred the complaint to the New York City Law Department, where the matter was closed.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perez for".

Cesar A. Perez, Esq.

Chair