



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Office of Management and Budget

Agency: Mark Page, Director

EEO Officer: Simone Saywack

Audit Period: January 1, 2007 to December 31, 2009

Agency Census as of December 31, 2009: 330

Date of Preliminary Determination Letter: *April 14, 2011*
Date of Response Letter: *May 13, 2011*
Date of Final Determination: *May 20, 2011*
Date of Agency Response: *June 9, 2011*

Compliance Initiated: *July 6, 2011*
Compliance Completed: *May 22, 2012*
Covering Months: *July 1, 2011 – December 31, 2011*

Date: June 28, 2012

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the Office of Management and Budget with the Citywide Equal Employment Opportunity Policy, EEOC initiated Audit Compliance with the OMB in July 2011. On March 16, 2012, the OMB requested an extension of the compliance monitoring period to April 30, 2012. The OMB's final Monthly Compliance Report was submitted on May 22, 2012.

All eight required actions were completed or accepted. The following is a summary of the compliance reports:

- 1. To ensure that all employees are aware of the Disability Rights Coordinator, the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should re-distribute to all employees in writing the name, location, and telephone number of this person. (Sect. VB and VC, EEOP)**

On May 13, 2011, the agency head sent an e-mail to all employees informing them that the Director of Personnel is the Disability Rights Coordinator, including her name, location and telephone number. The agency provided a copy of the e-mail.

The response to the required action was accepted in August, 2011.

2. **Because the EEOP holds each agency responsible for retaining information about personnel actions, discretionary hiring, and applicants as required by federal, state and local law and/or the City's official records retention schedule, the agency should maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. (Sect. IV, EEOP and DCAS issued *Applicant Log*)**

The OMB updated the *Composite Recruitment Data Form*, which the OMB uses to record and retain information about personnel actions, to include all fields on one sheet. The OMB provided a copy of the updated form.

The response to the required action was completed in September, 2011.

3. **Since the EEOP requires that each agency assess its criteria for selecting persons for employment to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group, the agency should conduct an adverse impact study for recommended job groups. The agency can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm>. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency should discontinue using those criteria. (Sect. IV, EEOP)**

The agency conducted adverse impact analyses for promotions during the audit period, and provided a print out of the adverse impact analysis reports. The analyses did not indicate adverse impact.

The required action was completed in October 2011.

4. **To ensure that employees know the identity of the agency's Career Counselor, the personnel officer should re-distribute to all employees the identity of, and the type of guidance which is available from, the Career Counselor. This should be done at least once each year. (12/14/2006 Addendum to *EEOP Standards and Procedures to Be Utilized By City Agencies (2005)*) and Sect. VF, EEOP)**

On May 13, 2011, the agency head sent an e-mail to all employees informing them that the Director of Personnel is the Career Counselor, including her name, location and telephone number. The OMB provided a copy of the e-mail.

The required action was accepted in August 2011.

5. **The agency head should direct managers and supervisors to emphasize at least twice a year their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings must be documented. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)**

The Director of OMB directed senior staff to emphasize their commitment to the agency EEO policy, and to instruct managers and supervisors to have meetings with their staff members, reminding them of the OMB's commitment to prevent discrimination and affirming each employee's right to file a discrimination complaint with the EEO Office. The agency provided a copy of the form for managers to document EEO policy communication to staff, and copies of e-mails confirming the meetings were held.

The required action was completed in May 2012.

6. **Since the EEO Officer has supervisory responsibility of the EEO Counselors, the EEO Officer should 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. These meetings should be documented. (Sect. VB and VC, EEOP)**

The EEO Officer held a meeting with EEO Counselors and will continue to do so, on a quarterly basis, to review their work and ensure that the EEO Counselors are kept abreast of internal and external EEO developments. The EEO Officer provided a copy of a meeting agenda.

The required action was commenced in December 2011.

7. **Because the EEOP requires the EEO Officer to report directly to the agency head (or if approved by DCAS, to a direct report to the agency head), appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program must be maintained. (Sect. VB, EEOP, and EEPC Position)**

The EEO Officer maintains documentation of communication and meetings with the Director of OMB regarding the administration of the agency's EEO program. The agency provided the agenda of a meeting of the EEO Officer and Human Resources Director with the Director.

The required action was accepted in September 2011.

8. **Since the Charter and the EEOP require the agency head to ensure and promote equal employment opportunity, 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 EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.**

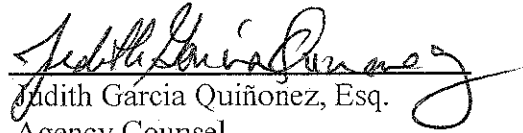
The Executive Director of the OMB issued a memorandum to all OMB staff in which he informed them of the EEPC audit and that the EEPC made recommendations to enhance the agency's EEO Program. He also expressed the OMB's commitment to prevent discrimination based on the Citywide EEO Policy. A copy is attached.

The required action was completed in May 2012.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Director Mark Page, informing him that the City of New York Office of Management and Budget has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Judith Garcia Quiñonez, Esq.
Agency Counsel
Director of Compliance


Charise L. Hendricks
Interim Executive Director

Attachment