



New York City Campaign Finance Board
100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nyccfb.info

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September 10, 2015

Amy M. Loprest
Executive Director

Sue Ellen Dodell
General Counsel

Charise L. Terry, PHR
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

RE: EEPC's Preliminary Determination regarding the CFB's Employment Practices and
Procedures from January 1, 2012 to December 31, 2014

Dear Ms. Terry:

The Campaign Finance Board ("CFB") has reviewed the Equal Employment Practices Commission's ("EEPC's") Preliminary Determination dated August 12, 2015. We first received the Preliminary Determination on August 31, 2015. As the Preliminary Determination provides two weeks from the date it is dated to submit an optional response, we requested an extension of the response deadline on September 1, 2015. Our initial request was denied and a Final Determination was issued on September 3, 2015. Upon receiving the Final Determination, I reached out to you by telephone and left a voicemail explaining the situation. Agency Counsel and Deputy Director Judith Garcia Quinonez contacted me shortly thereafter to inform me that the CFB could have until September 11, 2015 to submit a response to the Preliminary Determination for which I am grateful.

The CFB is proud of the diversity in its workplace and strives to continuously improve its employment and equal opportunity practices and procedures. As such, I greatly appreciate the opportunity to fully participate in the EEPC's review process. Please find responses to the corrective actions listed in the Preliminary Determination below.

Corrective Action 1

The CFB's principal EEO Professional, HR Professional and designated Legal Unit staff did, on an annual basis, review the agency's employment practices, policies and programs. Preserving equal opportunity within the agency, while not the sole focus of these reviews, was a significant subject of review. Additionally, the Principal EEO Professional, HR Professional and Legal Unit staff also consulted regularly with one another regarding these topics during the audit period. As we have stated previously, many of these conversations were in-person or over the phone, but to the extent we had relevant records, copies were provided to the EEPC.

Going forward, the CFB will ensure that the principal EEO Professional, HR Professional and designated Legal Unit staff, on at least an annual basis, review the agency's employment practices, policies and programs with the specific focuses of (a) identifying whether there are barriers to equal opportunity within the agency and (b) determining what, if any, corrective actions are required in order to correct deficiencies. Although these reviews will likely continue to involve oral communication, the CFB will improve its efforts to create and maintain records relevant to these communications (e.g., creating and maintaining agendas for meetings that may be held as part of the reviews).

Corrective Action 2

As noted in the Preliminary Determination, the CFB's hiring and promotion rates were slightly greater for females and minorities during the audit period. Going forward, the CFB will nonetheless conduct formal assessments of the manner in which candidates are selected for employment for the specific purpose of determining whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. Such assessments will likely be incorporated into the reviews discussed in Corrective Action 1, above. It is the CFB's general practice not to use selection criteria that are not job-related. Of course, should any such criteria be discovered in connection with an adverse impact, it will be discontinued.

Finally, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The Preliminary Determination asserts that at the end of the audit period minority group members comprised 22% of the agency's 71-person workforce. *See pp. 6-7 and Appendix 3 of the Preliminary Determination.* We have been unable to determine how the Preliminary Determination's figures were calculated, but given the CFB's employment records, it disputes that its workforce exhibited any underutilization of women, minorities or other protected groups.

Corrective Action 3

As noted in Corrective Action 2, above, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The CFB therefore disputes that its workforce exhibited any underutilization of women, minorities or other protected groups. The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including *Amsterdam News*, *El Diario*, *Korea Times*, and *World Journal*.

Corrective Action 4

As noted in Corrective Actions 2 and 3, above, the CFB disputes the Preliminary Determination's assertions regarding the demographic makeup of its staff at the end of the audit period. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See Exhibit 1.* The CFB therefore disputes that its workforce exhibited any underutilization of women, minorities or other protected groups. Additionally, the CFB does not currently have staff in titles with civil service lists. The CFB also notes that it advertised in minority-or-female-oriented publications during the audit period including *Amsterdam News, El Diario, Korea Times, and World Journal.*

Corrective Action 5

All CFB staff, including human resources professionals, managers, supervisors and other personnel involved in the recruitment and hiring process, received general EEO training in the audit period. Going forward, the CFB will develop a more structured guide to train such personnel on the interview, selection and hiring of personnel to help correctly identify the most capable candidates. The CFB's principal EEO Officer and HR Professional were scheduled to attend "Uniform Guidelines on Employee Selection Practices," a recently scheduled DCAS training seminar that was unfortunately cancelled. However, the CFB will continue to seek out training and guidance opportunities through DCAS and other entities. We look forward to incorporating information gleaned from these efforts into staff training materials.

Corrective Action 6

The CFB is a relatively small agency, which makes it difficult at times to breakdown tasks, such as the recording of applicant/candidate demographic information, between multiple staff persons. However, it is reviewing its applicant/candidate evaluation processes for feasible options for the delegation of such tasks to staff other than the hiring managers interviewing such applicants/candidates. The CFB welcomes suggestions from the EEPC on workable processes for small agencies it may have encountered in its work.

Corrective Action 7

As Director of Administrative Services and Human Resources, Corey Schaffer (who is also the principal HR Professional) will provide career counseling to agency employees upon request. To acquire further training, knowledge and familiarity with career opportunities in City government, Mr. Schaffer will be seeking out training opportunities from the City as well as outside sources.

Corrective Action 8

The CFB does not currently have employees on civil service lists established through competitive examinations, or subject to promotional examinations. However, the CFB will ensure that the EEO Professional is kept abreast of 55-a program participants, should any arise. The CFB will also seek to improve its creation and maintenance of records pertaining to keeping the EEO Professional abreast of such participants, and efforts to employ, promote or accommodate qualified individuals with disabilities.

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Corrective Action 9

The CFB's managerial performance evaluations assessed several managerial qualities indicative of their compliance with equal employment opportunity requirements, and their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner. Such qualities included inter-unit coordination, staff supervision, interaction with others, staff development, compliance with legal requirements, and executive decision-making. Going forward, the CFB will nonetheless include a specific rating for equal employment opportunity on its managerial performance evaluations and has started the process of revising the key responsibilities.

Corrective Action 10

As noted above, the CFB regularly reviews its employment practices and procedures to, among other things, ensure that it continues to provide equal employment opportunities. The CFB is also committed to complying with all of its requirements and is reviewing its annual and quarterly reporting obligations regarding its equal employment practices.

For all of the Corrective Actions aside from 2, 3 and 4, the CFB trusts that the courses of action described above will lead to an agreeable resolution of EEPC's concerns. However, the CFB disputes the EEPC's breakdown of the CFB's demographic makeup as of the end of the audit period, which underlies Corrective Actions 2, 3 and 4. Per the CFB's employment records, it had 88 employees as of December 31, 2014, 53% of which were in a minority group. *See* Exhibit 1. We are unable to specifically address the demographic figures presented in the Preliminary Determination because it is unclear how those numbers were calculated. To ensure the demographic data in the Final Determination is accurate, I encourage the EEPC to contact us prior to issuance of the Final Determination if it disagrees with our demographic data.

Please feel free to contact principal EEO Professional Winnie Ng-Chu at (212) 409-1763 or wng@nyccfb.info if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy M. Loprest', with a stylized, cursive script.

Amy M. Loprest

Attachment

c. Ilacia N. Zuell, with attachment



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Exhibit 1: Statistical Profile of Agency Workforce

Number of employees as of December 31, 2014		
Male	36	40.9% of total workforce
Female	52	59.1% of total workforce
White	41	53.4% of total workforce
Black	23	
Hispanic	7	
Asian	17	
Native American	0	
Unknown	0	
Total # of Employees	88	