

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #09/01-008PC: Determination of implementation by the Office of the Actuary of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Office of the Actuary's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

Whereas, pursuant to Chapter 36, Sections 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective 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, 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, pursuant to its audit of the Office of the Actuary (OA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 12, 2007, setting forth its findings and recommended corrective actions; and

Whereas, the OA submitted its responses to EEPC's preliminary determination letter, on September 10, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on September 17, 2007, identifying those recommendations accepted and rejected by OA; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the OA for a period not to exceed six months, from December 1, 2007 through May 31, 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Office of the Actuary submitted its final compliance report on August 14, 2008; and

Whereas, the Office of the Actuary implemented eight of the ten recommended corrective actions; and

Whereas, the Office of the Actuary did not implement corrective action number eight which states:

"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,"; and

Whereas, the Office of the Actuary committed to implement corrective action number nine, which states:

“All staff, managerial and non-managerial, should receive an annual performance evaluation. (DCAS, Rule 7.5.4(e) of the Personnel Rules and Regulation of the City of New York, and DCAS, Managerial Performance Evaluation, Guidelines for Evaluating managerial Performance in NYC Agencies, p.1),” by completing performance reviews for their personnel for the prior year and to assess staff performance for each year thereafter; and

Whereas, the EEPC forwarded a letter to the agency head of the Office of the Actuary on December 29, 2008 informing him that his agency did not implement all of the recommended actions and that the EEPC would issue a letter of partial compliance; and

Whereas, as of January 14, 2009, the EEO Officer stated that the actions had not been implemented, and that the agency head would address the status of the outstanding recommended actions in a letter to the Commission; and,

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City’s Equal Employment Opportunity Policy; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the Commission, after monitoring the OA for a period not to exceed six months, and determining that the agency has not effectively implemented the recommended corrective actions, is required to notify the agency in writing its determination. Now Therefore,

Be It Resolved,

that the Office of the Actuary did not implement and/or submit documentation reflecting the implementation of corrective action numbers eight and nine to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Chair Ernest F. Hart, Esq., to forward a letter to Chief Actuary Robert C. North, Jr. of the Office of the Actuary, formally informing him that the OA has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because his office has not implemented all of the recommended corrective actions pursuant to the Commission’s audit of compliance by the OA with the City’s Equal Employment Opportunity Policy; and

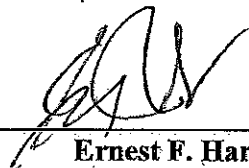
Be It Finally Resolved,

that pursuant to Section 831 (d) (5) of the NYC Charter, this Commission may initiate another audit of the Office of the Actuary EEO program prior to the city charter-mandated maximum term.

Approved unanimously on January 15, 2009.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart
Chair