

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

RESOLUTION #04/07-831: Preliminary Determination Pursuant to the Audit of the Business Integrity Commission's Equal Employment Opportunity Program from July 1, 2002 through December 31, 2003.

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, the Equal Employment Practices Commission audited the Business Integrity Commission'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 Business Integrity Commission'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. The agency has not established an EEO Program.
2. The agency's EEO policies consist of only three sentences in the BIC Code of Conduct and a one-page EEO Complaint Procedure.
3. BIC's Co-EEO Officers have not received EEO training from DCAS or another appropriate organization.

Be It Finally Resolved,

that the Commission authorizes the Vice Chair/Commissioner to forward a letter to Acting Chairperson Robert Schulman 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 receipt of the letter indicating what corrective actions the Business Integrity Commission will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on May 20, 2004.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner

A handwritten signature in black ink, appearing to read 'Manuel A. Méndez', written over a horizontal line.

Manuel A. Méndez
Vice Chair/Commissioner

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

RESOLUTION #05/10-831C: Determination of implementation by the Business Integrity Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Business Integrity Commission's Charter-mandated Equal Employment Opportunity Program from July 1, 2002 to December 31, 2003.

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 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 its audit of the Business Integrity Commission (BIC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated May 20, 2004, setting forth its findings and recommended corrective actions; and

Whereas, BIC submitted its response to EEPC's preliminary determination letter, on June 23, 2004; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on July 1, 2004 identifying those recommendations accepted and rejected by BIC; and

Whereas, due to the proposed merger of BIC with the Department of Consumer Affairs, there was a delay in commencing compliance; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor BIC for a period not to exceed six months, from December 2004 through May 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, on June 14, 2005 the Business Integrity Commission requested an extension of the compliance period; and

Whereas, the Business Integrity Commission submitted its Final Compliance Report on August 24, 2005; 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, the members of this Commission have reviewed a Compliance Summary Report, prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Business Integrity Commission has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Chair of the Business Integrity Commission, Mr. Thomas McCormack, formally informing him that BIC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 14, 2005.

Chereé A. Buggs, Esq.
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair



BUSINESS INTEGRITY COMMISSION

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TO: All BIC Staff

FROM: Thomas McCormack, Chair 

DATE: August 17, 2005

RE: BIC's Equal Employment Opportunity Program

The Equal Employment Practices Commission ("EEPC") conducts audits of the Equal Employment Opportunity Programs ("EEOP") of all city agencies. In 2004, the EEPC conducted an audit of BIC's EEOP, covering the period from July 1, 2003 to December 31, 2004, and on May 20, 2004 the EEPC issued a Preliminary Determination containing certain recommendations. BIC, for the past year, has been working with EEPC and Department of Citywide Administrative Service ("DCAS") to establish an agency EEOP.

BIC is committed to maintaining fair employment practices for all employees, to preventing discrimination by ensuring that all employees are aware of their rights and obligations under EEO and Sexual Harassment Prevention policies, and by encouraging a work environment that appreciates differences among employees.

The EEPC made the following recommendations that BIC has adopted for implementation. They are as follows:

Recommendation #1: BIC should establish an EEO Program in accordance with the Citywide EEO Policy. The agency should petition the Office of Citywide Equal Employment Opportunity (DCAS) for assistance in preparing and implementing the following required actions:

I. EEO Policy Statements

1. BIC should issue a general EEO Policy, Sexual Harassment Prevention Policy and Discrimination Complaint Procedure that conform to Federal, State and City guidelines.

Action Taken: The City's new EEO Policy, Sexual Harassment Prevention Policy and Discrimination Complaint Procedure, which conform to Federal, State and City guidelines, have been adopted and incorporated into BIC's EEOP.

2. The EEO Policy, Sexual Harassment Prevention Policy and Discrimination Compliant Procedure should be distributed to all current and new employees at least annually.

Action Taken: The EEO Policy, Sexual Harassment Prevention Policy and Discrimination Compliant Procedure, as well as About EEO: What You May Not Know and the addendum ("About EEO"), have been distributed to all BIC employees. Copies of the policies and About EEO will be given out to all new employees; also they will be re-distribution to employees on an annual basis.

3. The EEO Policy, Sexual Harassment Prevention Policy and Discrimination Compliant Procedure should be posted on all bulletin boards at BIC sites.

Action Taken: The EEO Policy, Sexual Harassment Prevention Policy and Discrimination Compliant Procedure are posted in the employee lunchroom, general meeting room and on the general bulletin board. Hard copies of the policies can be obtained from the agency's Human Resources Unit when needed.

II. EEO Training Standards

4. The BIC should develop a plan to train all new and existing employees (supervisors and non-supervisors) on EEO.

Action Taken: BIC non-managerial employees underwent EEO training on August 15, 2005. BIC managerial employees participated in the EEO training on August 16, 2005. The EEO training for the managers also included structured interview training. The training was provided by Christopher Metzler, the consultant connected with Cornell University.

III. Discrimination Compliant and Investigation Procedures

5. The BIC should receive and investigate discrimination complaints in conformance with Federal, State and City guidelines.

Action Taken: When BIC receives any discrimination complaint, such complaint will be investigated in adherence to Federal, State and City guidelines.

IV. Selection and Recruitment System

6. The BIC should ensure that all employees involved in interviewing receive structured interview training, either from internal training or training provided by DCAS.

Action Taken: All BIC managers, supervisors, and employees involved in interviewing candidates for employment received structured interview training when they underwent EEO

training on August 16, 2005. Future structured interview training will be from internal training, and if that is not possible, BIC will reach out to DCAS for the training.

7. BIC should secure the necessary training to conduct adverse impact studies to determine if certain selection devices adversely impact any particular racial, ethnic, disability or gender.

Action Taken: BIC received training to conduct adverse impact studies from the Law Department.

8. All agency recruitment literature, including newspaper advertisements, should indicate that BIC is an equal opportunity employer.

Action Taken: BIC indicates in all recruitment literature for job openings, such as citywide postings and advertisements in newspapers, that BIC is an equal opportunity employer.

V. Career Counseling

9. The BIC should appoint an individual in the human resources department who is familiar with civil service and provisional jobs to serve as career counselor.

Action Taken: In December 2004, BIC appointed Stephanie Smart, the Assistant Director of Human Resources, to serve as a career counselor.

10. The BIC should inform all employees in writing of the identity, location, and telephone number of the career counselor.

Action Taken: When Stephanie Smart, the Assistant Director of Human Resources, was appointed to serve as a career counselor, all BIC employees were notified by e-mail of the appointment, along with Ms. Smart's office location and telephone number.

VI. EEO Professionals

11. The CO-EEO Officers must 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 Co-EEO Officers and agency head or direct report to the agency should be maintained.

Action Taken: The EEO Officer and EEO Counselor report directly to the agency head, and communications between the EEO personnel and the agency head are documented and kept and maintained in a file kept by the EEO Officer. Similarly, minutes of meetings between the agency head and EEO personnel are taken and kept and maintained by the EEO Officer.

12. The Co-EEO Officers should be proactively involved in developing recruitment strategies and selecting recruitment media.

Action Taken: BIC has access to the DCAS' citywide recruitment list and plans to utilize it when there is a hiring need. BIC will also reach out to minority groups to attract minority and women of employment opportunities within the agency. Some of the newspapers BIC has looked into are El Diario and Amsterdam News. Some of the schools that BIC may post employment opportunities with will be the CUNY school system, such as John Jay School for Criminal Justice. BIC will also contact such legal organizations as Asian American Bar Association, New York Women's Bar Association, The Puerto Rican Bar Association, and Metropolitan Black Bar Association. The EEO Officer and Counselor will continue to proactively development recruitment strategies and selecting recruitment media.

13. To ensure that there are EEO professionals of both sexes available to investigate discrimination complaints, a male and a female EEO Counselor/Investigator should be authorized to receive and investigate discrimination complaints.

Action Taken: Brigitte Ervin was appointed EEO Officer and Ramon Joa was appointed EEO Counselor. They both received EEO training required to fulfill their responsibilities as EEO Officer and Counselor.

14. The EEO Officer should supervise the EEO-related activities of the EEO Counselor. For example, the EEO Officer should meet with the EEO Counselor at least at quarterly intervals to ensure that they are carrying out their EEO functions satisfactorily and are kept abreast of internal and external EEO developments. These meetings should be memorialized.

Action Taken: The EEO Officer meets regularly with the EEO Counselor on EEO developments. Minutes of these meetings are kept and maintained by the EEO Officer.

15. All EEO professionals should be trained in EEO laws.

Action Taken: The EEO Officer and EEO Counselor have undergone training in EEO laws given by DCAS. In the event there subsequent appointments of new EEO Officers and Counselors, they will undergo the requisite training in EEO laws.

VII. EEO Persons with Disabilities

16. The BIC should ensure that its EEO Policy is available in alternate formats accessible to applicants and employees with disabilities, e.g., large print, audiocassette or Braille.

Action Taken: When the need arises, such as BIC hiring an employee with disabilities or considers an applicant with disabilities for a position with the agency, BIC will request from DCAS alternative formats of the EEO Policy.

17. The BIC should develop a "Reasonable Accommodation Procedure" and ensure that all employees are notified of the procedure.

Action Taken: In June 2005, BIC distributed to all of the employees the citywide "Reasonable Accommodations Policy and Procedure."

18. The BIC should participate in the Section 55-A Program and, at the minimum, obtain and distribute Program brochures issued by DCAS.

Action Taken: In December 2004, BIC distributed the City's "Section 55-A Program" to all of its employees.

19. The BIC should survey all of its facilities to ensure that they are accessible to, and usable by, persons with disabilities.

Action Taken: BIC's EEO Officer and Counselor took a survey of all BIC's facilities and found that the facilities are accessible and usable by persons with disabilities.

Building lobby: The main entrance to the building is on street level, and the building has two doors wider than 32" inches, allowing persons with disabilities to gain access into the building.

Building Lobby Interior: The lobby of the building is wider than 36 inches, allowing persons with disabilities access in the building.

Elevators: There are Braille signages on the elevator buttons.

BIC's Premises on the 20th floor: The agency's hallways are wider than 36", providing access to persons with disabilities.

BIC has two wheelchair accessible restrooms, with wheelchair signs clearly on the doors to these restrooms.

VIII. **Recommendation #2:** The EEO files generated by the EEO Officer and Counselor should be maintained in a clearly marked and secure area so that they can be located and reviewed by subsequent EEO Officers and reviewing agencies.

Action Taken: The EEO files are established, clearly marked and located in a secure area for review by subsequent EEO Officers and reviewing agencies.