

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

**RESOLUTION # 96/03-019:** Preliminary Determinations Pursuant to the Audit of the Office of Management and Budget and its compliance with the City Charter-mandated Affirmative Employment Plan from April 1, 1993 to September 30 , 1995.

**Whereas,** pursuant to Chapter 36, Section 831 d (2) and (5) 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 Office of Management and Budget's compliance with the Affirmative Employment Plan; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the City Charter, the Commission may make a preliminary determination pursuant to Section 831 (d) that any plan, program, procedure, approach, measure or standards 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 Office of Management and Budget (OMB) and its compliance with the City-Charter mandated Affirmative Employment Plan (AEP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The AEP was not available in a format accessible to employees or applicants with disabilities.
2. Analysis of interviews and survey results demonstrate that supervisors/managers did not conduct meetings with their respective staff to discuss rights and responsibilities under the AEP.
3. OMB did not conduct sexual harassment prevention training annually, as required by the AEP.
4. Discrepancies exist between OMB workforce data and CEEDS data.

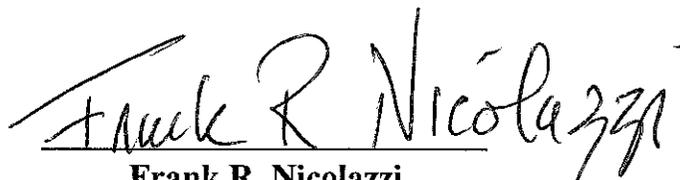
5. OMB did not advertise job vacancies for titles where underutilization of minorities and/or women existed in newspapers with significant audiences of minorities and women.
6. OMB's plan to hire more minorities in the entry level Budget Analyst position was never effected, impacting on its ability to place minorities in senior positions through promotions.
7. OMB has not reviewed criteria/devices used for selecting, evaluating or promoting employees to determine if they have a disparate impact on minorities and/or women.
8. Applicant/referral data collection forms were not uniformly completed.
9. 68% of supervisors interviewed indicated that they were not informed that EEO performance would be part of their evaluations and 78% said they were not evaluated on the same.
10. OMB's EEO Officer did not spend 100% of his time on implementing AEP mandates.
11. Meetings with the EEO Officer and agency head were not appropriately documented.
12. Meetings for the purpose of informing managers about the AEP were not held with sufficient frequency.
13. 22% of survey respondents indicated they did not receive annual performance evaluations.
14. OMB does not document the results of its review of rejection rates among different ethnic/gender groups.

**Be it finally resolved,**  
that the Commission authorizes the Chairman to forward a letter to the Director of the Office of Management and Budget, Joseph J. Lhota, 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 Office of Management and Budget will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved as unanimously, as revised, on October 16, 1996.

**Jeannette Diaz, Esq.**  
**Commissioner**

**Manuel A. Mendez**  
**Commissioner**

A handwritten signature in black ink that reads "Frank R Nicolazzi". The signature is written in a cursive style with a horizontal line underlining the name.

**Frank R. Nicolazzi**  
**Vice-Chairman**

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

**RESOLUTION #98/01-019C** Determination of implementation of compliance by the Office of Management and Budget with recommended corrective actions made by the EEPC pursuant to its audit of the Office of Management and Budget's Affirmative Employment Plan from April 1, 1993 to September 30, 1995.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) 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**, pursuant to its audit of the Office of Management and Budget, the Equal Employment Practices Commission issued a preliminary determination letter dated October 1, 1996, setting forth its findings and recommended corrective actions; and

**Whereas**, compliance was delayed in order to determine that recommended corrective actions would be consistent with the Equal Employment Opportunity Policy that replaced the Affirmative Employment Plan.

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the Office of Management and Budget for a period of six months, from August 1997 through January 1998, to determine whether it implemented the aforementioned recommended corrective actions. Now, Therefore,

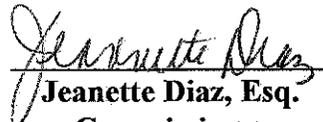
**Be It Resolved**,  
that the Office of Management and Budget has fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

**Be It Finally Resolved**,  
that the Commission authorizes the Chairman to forward a letter to the Director of the Office of Management and Budget, Joseph J. Lhota formally informing him that the agency has implemented all recommended corrective actions.

Approved unanimously on February 5, 1998.

**Angela Cabrera**  
**Commissioner**

**Manuel A. Mendez**  
**Commissioner**

  
**Jeanette Diaz, Esq.**  
**Commissioner**