

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

**RESOLUTION #05/11-801:** Preliminary Determination Pursuant to the Audit of the Department of Small Business Services's (SBS) Equal Employment Opportunity Program from July 1, 2002 through June 30, 2004.

**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 Department of Small Business Services'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 Department of Small Business Services' compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. SBS's general EEO Policy did not include an up-to-date list of "protected classes" under the New York City Human Rights Law, or an indication that it is illegal to discriminate on the basis of gender identity (Local Law No. 3 of 2002) and status as a victim of sex offenses and stalking (Local Law No. 75 of 2003).
2. SBS did not utilize a "Complaint of Discrimination" intake form when internal complaints were filed. (Sect. 12 (a), DCPIG)
3. SBS did not include a Notice of Discrimination Complaint form to notify respondents of allegations being made. (Sect. 12 (b), DCPIG)
4. SBS's EEO Officer did not submit a confidential written report to the agency head, which consists of the 3 sections outlined in the DCPIG: (1) Findings of Facts, (2) Discussion and Conclusion and (3) Recommendations. (Sect. 12 (b), DCPIG)

5. SBS's agency head did not sign each confidential written report to indicate that it had been reviewed and whether the recommendation, if any, was approved and adopted. (Sect. 12 (b), DCPIG)
6. SBS did not advertise job vacancies for which underutilization of women and/or minorities were identified in female-and minority-oriented publications or utilize professional and community organizations serving minorities, women, and persons with disabilities.
7. SBS did not secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Section IV, EEOP).
8. SBS's managers/supervisors were not aware that the "Utilizing Human Resources" section of their annual performance evaluation form includes tasks and standards relevant to EEO performance that will be considered in determining their eligibility for promotions or merit increases. (Sect. IV, EEOP)
9. SBS employees were not aware of the identities, location and telephone numbers of the Career Counselors. (Sect. IV, EEOP)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Department of Small Business Services' Commissioner, Robert W. Walsh, 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 receipts of the letter indicating what corrective actions the Department of Small Business Services will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 28, 2005.

**Chereé A. Buggs, Esq.**  
**Commissioner**

**Angela Cabrera**  
**Commissioner**

**Manuel A. Méndez**  
**Vice-Chair**

**Veronica Villanueva, Esq.**  
**Commissioner**



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**Ernest F. Hart, Esq.**  
**Chair**

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

**RESOLUTION #06/10-801C:** Determination of implementation by the Department of Small Business Services of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Small Business Services' Charter-mandated Equal Employment Opportunity Program from July 1, 2002 to June 30 2004.

**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 Department of Small Business Services (SBS), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 28, 2005, setting forth its findings and recommended corrective actions; and

**Whereas,** the SBS submitted its responses to EEPC's preliminary determination letter, on September 7, 2005; 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 22, 2005 identifying those recommendations accepted and rejected by SBS; and

**Whereas,** in response to EEPC's final determination letter, SBS submitted its response on October 28, 2005; and

**Whereas,** in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the SBS for a period not to exceed six months, from December 2005 through May 2006, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas,** the Department of Small Business Services submitted its Final Compliance Report on June 14, 2006; 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 Department of Small Business Services 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 Vice-Chair, Manuel A. Méndez, to forward a letter to the Commissioner of the Department of Small Business Services, Robert W. Walsh, formally informing him that the SBS has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on August 3, 2006.

**Chereé A. Buggs, Esq.**  
Commissioner

**Angela Cabrera**  
Commissioner

**Veronica Villanueva, Esq.**  
Commissioner

  
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**Manuel A. Méndez**  
Vice-Chair



THE CITY OF NEW YORK  
DEPARTMENT OF SMALL BUSINESS SERVICES

ROBERT W. WALSH  
COMMISSIONER

**TO:** All Staff  
**FROM:** Robert W. Walsh  
**RE:** Agency's Expanded EEO Program/Equal Employment Practices  
Commission's Audit Findings  
**DATE:** April 5, 2006

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SBS has a commitment to equal employment opportunity. As an agency we have and will continue to evidence this commitment in our recruitment efforts, hiring practices, cultural diversity activities, and the services we provide to our staff members and customers.

In accordance with New York Human Rights Law, the agency prohibits discrimination on the following bases: race; color; national origin; religion, sex/gender; disability; age; arrest/conviction; marital status; genetic predisposition; carrier status; sexual orientation; gender identity; military status; and a person's status as a victim of domestic violence, sex offenses or stalking. Consequently, as an agency we are committed to ensuring that our employees and customers enjoy an environment that is free of discriminatory and or retaliatory conduct.

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) has just completed its audit of our agency. The audit period examined the agency's employment practices, programs, policies and procedures from July 1, 2002 to June 30, 2004. Overall the audit found the agency to be in substantial compliance with City EEO Policy however, the following are areas where the agency will take additional steps to improve:

- Creating an environment where there is equality of job opportunities. In order to ensure that this takes place, knowledge and understanding that

EEO provisions will be included as a task and standard of managers' and supervisors' performance evaluations;

- SBS has a commitment to staff development. In 2005 we offered seminars that addressed: time management, saving for your child's college education and recognizing your leadership style. In 2006 we will continue to offer a variety of seminars in the following areas: professional development, personal growth and information technology. For further information about these seminars, opportunities and training, or for career counseling in general, please contact our Career Counselor, Nancy Gannie on the 8<sup>th</sup> floor at extension 8727;
- SBS recognizes the accomplishments of its staff members. Over the past several years we have had staff members who have participated in the Management Academy and Leadership Training Institute. Additionally, for the past several years we have staff members who have won the: "Isaac Lieberman Public Service Award" sponsored by the Hundred Year Association of New York; and this year Bernadette Nation received the Sloan Public Service Award; and
- Commitment to ensuring cultural diversity amongst its staff members. In 2005 we participated in numerous job fairs and had one of the largest and most ethnically diverse classes of interns of any city agency. To continue to increase our agency's diversity we will again have a large and diverse intern group and expand our recruitment efforts by using the list of minority and female recruitment sources compiled by the Department of Citywide Administrative Services ("Making the Most of New York City's Recruitment Resources").

In closing, although I am proud of the many gains we have made, I want to continue our efforts across the board. In the upcoming months I encourage all staff members to participate in and look forward to: activities, training sessions, employment opportunities and outreach initiatives.