

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #10/08-801:** Preliminary Determination Pursuant to the Audit of the Department of Small Business Services' (SBS) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

**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**, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEO), 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**, the Equal Employment Practices Commission audited the Department of Small Business Services' 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. None of the Department of Small Business Services job vacancy advertisements during the audit period indicated that the City of New York is an Equal Opportunity Employer.
2. 72% of respondents to the EEPC's *Employee Survey* indicated that they did not know who the Disability Rights Coordinator is.
3. Only two of the three internal complaint files provided to the EEPC contained a complaint form completed by the complainant or an EEO representative, or a complaint that captures the information required on that form.

4. The SBS did not conduct an adverse impact study to assess its criteria for selecting persons for mid-level to high-level discretionary positions.
5. 68% of the respondents to the EEPC's *Employee Survey* indicated that they did not know the name of agency's career counselor.
6. 65% of respondents to the EEPC's Manager/Supervisor Interview Questionnaire indicated that they had not received their performance evaluation within the last 12 months.
7. The SBS' managerial performance evaluation form does not contain a rating for EEO.
8. The SBS' managers and supervisors did not, at least twice a year during normal staff meetings, reiterate their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office.

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner 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 receipt of the letter indicating what corrective actions the Department of Small Business Services will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on August 6, 2010.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #12/02-801C:** Determination of implementation by the Department of Small Business Services (SBS) 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 January 1, 2006 to December 31, 2008.

**Whereas**, pursuant to Chapter 36, Section 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 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 Department of Small Business Services (SBS), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 6, 2010, setting forth its findings and recommended corrective actions; and

**Whereas**, the SBS submitted its response to EEPC's preliminary determination letter, on September 20, 2010; and

**Whereas**, the EEPC submitted its Final Determination letter on September 30, 2010; and

**Whereas**, the SBS submitted its response to EEPC's Final Determination letter, on November 15, 2010; 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 March 1, 2011 through August 31, 2011, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Department of Small Business Services submitted a request for extension of Compliance on November 28, 2011; and

**Whereas**, the Department of Small Business Services submitted its Final Compliance Report on December 13, 2011; 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 the 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 Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved,**

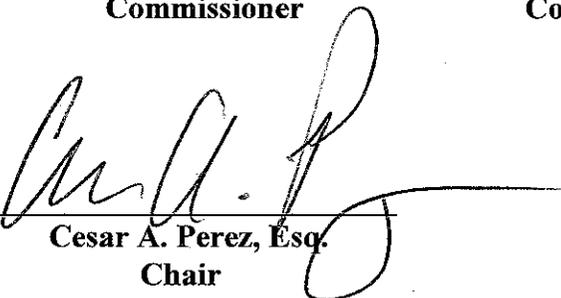
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Commissioner of the Department of Small Business Services, Robert W. Walsh, formally informing him that the SBS has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on February 24, 2012.

**Malini Cadami Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva R. Rice**  
Commissioner



Cesar A. Perez, Esq.  
Chair



Small Business  
Services

Robert W. Walsh  
Commissioner

## MEMORANDUM

**TO:** All Staff   
**FROM:** Robert W. Walsh  
**DATE:** December 13, 2011  
**SUBJECT:** Equal Employment Opportunity

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The Department of Small Business Services was recently audited by the Equal Employment Practices Commission (EEPC). The EEPC monitors and evaluates the employment programs, practices, policies and procedures of all city agencies to ensure that they maintain an effective equal employment opportunity program for protected groups who are employed by, or seek employment with, the City of New York.

Overall, SBS received positive feedback from the EEPC. As a result of their recommendations, SBS has made several enhancements to its EEO program. These changes include:

- To ensure that all employees are aware of the agency's Disability Rights Coordinator (DRC), SBS updated its Work Organization Management Tool (WOMT) homepage to announce the appointment of Michelle Barnes-Anderson to this position. Ms. Barnes-Anderson's contact information and a description of her duties are provided on the Disabilities link in the EEO section of WOMT.
- Myrna Mateo, Executive Director for Human Resources, was appointed as the agency's Career Counselor. To ensure that all employees are aware of this appointment, Ms. Mateo's contact information and a description of her duties as the Career Counselor were posted on WOMT in the Human Resources section, under the Employee Development link.
- In August, 2011, the SBS EEO Office conducted an adverse impact study of the agency's selection process for discretionary titles, for the period of January 2009 -- December 2010. To conduct the study, the EEO Office utilized an on-line application called "The Disparate Impact Analysis Program" that was recommended by the Department of Citywide Administrative Services. The assessment of SBS' selection criteria for discretionary titles showed no adverse impact on any of the protected groups.
- Recruitment postings were modified to include the following tagline: "The Department of Small Business Services and the City of New York is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities." All

internal complaint files will include an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint* form.

- SBS will hold its managers accountable for effectively implementing EEO-related policies and ensuring non-discrimination within their units. As of July 1, 2011, the Managerial Performance Evaluation Form was modified to include a rating for EEO to ensure that staff are:
  - appropriately employed
  - effectively and efficiently utilized, and
  - dealt with in a fair and equitable manner.

Employees will receive annual performance evaluations on a calendar year basis. Managers are also required to meet with their staff twice a year to emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office.

Additionally, as Commissioner of SBS, I want to reaffirm this Agency's commitment to maintaining fair employment practices for all of our employees. SBS is committed to preventing discrimination by encouraging a work environment that appreciates diversity and ensures that all employees are aware of their rights and obligations under the EEO Policy.

I want to thank everyone who participated in EEO training sessions and those who cooperated in the audit process. I encourage you to access the EEO resources available through WOMT and to contact Nancy Gannie, EEO Officer, at 212-618-8727 or via email at [ngannie@sbs.nyc.gov](mailto:ngannie@sbs.nyc.gov), with any EEO-related concerns you may have.

Thank you.