

THE COUNCIL OF THE CITY OF NEW YORK

Melissa Mark-Viverito  
Speaker of the Council

Hon. Darlene Mealy  
Chair, Committee on Civil Rights



## Hearing on the Fiscal 2015 Preliminary Budget & the Fiscal 2014 Preliminary Mayor's Management Report

Equal Employment Practices Commission

**March 13, 2014**

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## Equal Employment Practices Commission Overview

The Equal Employment Practices Commission (EEPC) is empowered by the New York City Charter to monitor and evaluate the employment programs, practices, policies and procedures of all city agencies to ensure that they maintain an effective affirmative employment program of equal employment opportunity for protected groups who are employed by, or seek employment with, the New York City government. The Charter authorizes the appointment of two Commissioners by the Mayor, two by the City Council and the joint appointment of the Chair by the City Council Speaker and the Mayor. All Commissioners serve part-time, for four-year staggered terms.

This report provides a review of the Equal Employment Practices Commission’s Preliminary Budget for Fiscal 2015. In the section below, the Fiscal 2015 Budget is presented in a chart which details the agency’s spending by Personal Services (PS) and Other Than Personal Services (OTPS) followed by the Financial Plan Summary chart which provides an overview of the Department’s budget by Unit of Appropriation and funding source. The final section includes EEPC’s Fiscal 2015 contract budget which identifies expenditures for contractual services.

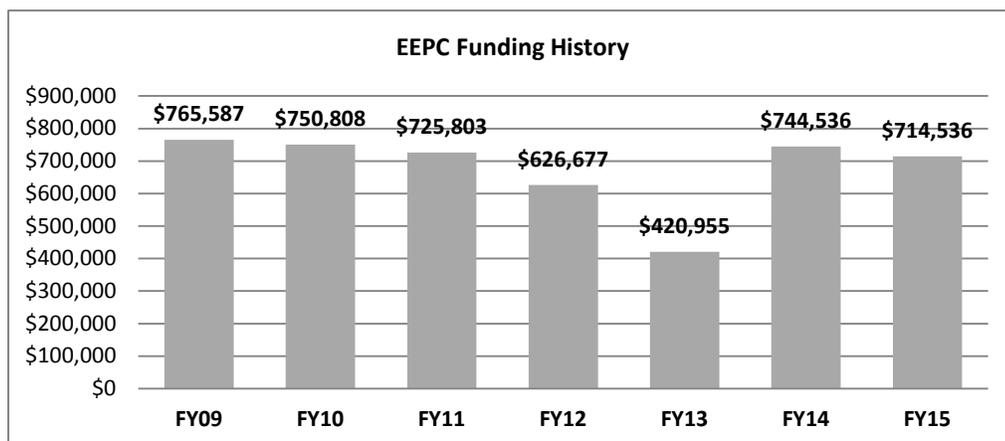
## Fiscal 2015 Preliminary Budget Highlights

<i>Dollars in Thousands</i>	2012 Actual	2013 Actual	2014 Adopted	2014 Prelim. Plan	2015 Prelim. Plan	*Difference 2014 - 2015
Personal Services	\$549	\$382	\$552	\$552	\$552	\$0
Other Than Personal Services	77	39	193	193	163	(30)
<b>Agency Total</b>	<b>\$626</b>	<b>\$421</b>	<b>\$745</b>	<b>\$745</b>	<b>\$715</b>	<b>(\$30)</b>

*\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan funding.*

The Equal Employment Practices Commission’s Fiscal 2015 Preliminary Budget of \$715,000 is \$30,000 less than its Fiscal 2014 Adopted Budget of \$745,000. At the time of adoption for Fiscal 2014, the Fiscal 2015 budget was already \$30,000 less and remains unchanged. Since Adoption for Fiscal 2014 there have been no budget changes to the agency. Of note, the \$30,000 reduction accounts for Financial Plan savings which are not separately listed in the Financial Plan Summary.

### Budget and Headcount History



	2009	2010	2011	2012	2013	2014	2015
<b>Personal Services (PS)</b>	\$511,155	\$525,156	\$505,737	\$549,172	\$381,949	\$551,228	\$551,528
<b>Other Than Personal Services (OTPS)</b>	\$254,432	\$225,652	\$220,065	\$77,506	\$39,007	\$193,008	\$163,008
<b>Headcount</b>	8	8	8	7	7	8	8

- EEPs actual expenditures have remained relatively flat and in the last five years the Commission has spent an average of \$657,966.
- For Fiscal 2013, spending was significantly lower due to a reduction of \$205,722. The Personal Services budget was reduced by \$167,000 and Other than Personal Services budget was reduced by \$38,499.

## EEPC Financial Plan Summary

The Equal Employment Practice's Commissions budget consists of a single program area, identified by its two units of appropriation. They are: Personal Services U/A - 001 and Other Than Personal Services- U/A 002. The following table, "EEPC Financial Summary", provides an overview of the Department's total budget from Fiscal 2012 to the February Plan for Fiscal 2015.

### Personal Services – U/A 001

<i>Dollars in Thousands</i>	2012 Actual	2013 Actual	2014 Adopted	2014 Prelim. Plan	2015 Prelim. Plan	*Difference 2014 – 2013
<b>Spending</b>						
<b>Personal Services</b>						
Full-Time Salaried – Civilian	\$476	\$382	\$528	\$528	\$528	\$0
Other Salaried and Unsalared	73	0	23	23	23	0
<b>TOTAL</b>	<b>\$549</b>	<b>\$382</b>	<b>\$552</b>	<b>\$552</b>	<b>\$552</b>	<b>\$0</b>
<b>Positions</b>						
<b>Full-Time Salaried</b>	8	8	8	8	8	0
<b>TOTAL</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>0</b>

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan funding.

### Other than Personal Services – U/A 002

<i>Dollars in Thousands</i>	2012 Actual	2013 Actual	2014 Adopted	2014 Prelim. Plan	2015 Prelim. Plan	*Difference 2014 – 2013
<b>Spending</b>						
<b>Other Than Personal Services</b>						
Contractual Services	\$28	\$7	\$15	\$15	\$15	\$0
Fixed and Misc. Charges	0	23	1	1	1	0
Other Services and Charges	36	0	213	213	213	0
Property and Equipment	4	9	5	5	5	0
Supplies and Materials	10	0	4	4	4	0
<b>TOTAL</b>	<b>\$77</b>	<b>\$39</b>	<b>\$238</b>	<b>\$238</b>	<b>\$238</b>	<b>\$0</b>

\*The difference of Fiscal 2014 Adopted compared to Fiscal 2015 Preliminary Plan funding.

The Equal Employment Practices Commission's Fiscal 2015 Preliminary Budget and headcount remains unchanged since Fiscal 2014 Adoption.

The EEPC has an authorized headcount of eight positions, however, there are currently only seven positions filled. The authorized headcount includes the Executive Director, Deputy Director/Agency Counsel, EEO Research specialist and, three EEO program Analysts. The Department is currently looking to hire research specialists as that position is unfilled.

## Agency Oversight Regulations and Operations

The EEPC is not a Mayoral agency however; it is the independent monitor of the City of New York's employment practices. The EEPC reviews the affirmative employment plan of each city agency and provides appropriate recommendations, conducts public and private hearings to discuss major EEO topics relevant to the City of New York, and annually publishes a report to the Mayor and City Council on the activities of the commission. The agency personnel include an Executive Director, Deputy Director/Agency Counsel, EEO Research specialist and, EEO program Analysts. The staff is responsible for monitoring and evaluating the employment programs, practices, and procedures of city agencies to ensure that they maintain effective equal employment opportunity programs for all who are employed by, or seek employment in New York City government.

There are currently 141 agencies within EEPC's jurisdiction including the Office of the Mayor, all mayoral agencies and the City Council. According to the City Charter, the EEPC must audit the employment programs of these agencies at least once every four years to ensure that they are in compliance with City, State, and Federal regulations and requirements. The EEPC has general audits and issue-specific audits all of which are conducted using uniform standards and guidelines.

In an effort to streamline the audit process, the EEPC recently introduced a new process that connects the evaluation and compliance monitoring stages of the audit. What this means is that under the new process, if an agency is found to be non-compliant during the preliminary analysis, the agency can submit a response with attached documentation of corrective activity and the EEPC will revise or eliminate the corresponding corrective action in its final determination. If the agency needs additional time or assistance, the EEPC will provide recommendations to aid the agency in implementing and maintaining effective anti-discriminatory employment practices, procedures for investigating discrimination complaints, and programs to educate employees about unlawful discriminatory practices. The City Charter requires that the EEPC monitor the agency for a period of up to six months to ensure compliance.

## EEPC Annual Report

There is no Preliminary Mayor's Management report for EEPC but as mentioned above the Commission releases an annual report to the Mayor and City Council. The report includes the agency's annual accomplishments and goals. Listed below are highlights from the 2013 annual report.

- **Agency Goals** – For the second year EEPC has exceeded the number of audit determinations for city agencies. According to the Executive Director, the agency would like to fulfill other mandates of the charter such as conducting research and trend analysis, publishing reports on agency compliance with EEO laws and establishing advisory committees.
- **Audit Determination** - Audit determinations were issued to 39 city agencies. Sixteen of the audited agencies received no corrective actions and the remaining 23 received one or more corrective actions.

- **Compliance Monitoring** - 34 agencies each received a determination compliance certificate and 28 other agencies were monitored for implementation of recommended corrective actions.
- **Compliance without Monitoring** - Seven agencies were exempt from compliance monitoring because they implemented the recommended corrective actions upon receiving preliminary determinations from EEPC.
- **Partial Noncompliance** - One agency received a determination of partial noncompliance as only seven of the eight corrective actions were implemented.
- **Meetings** - The EEPC held eight meetings in 2013.

## Appendix A

### Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

The following table provides the EEPC's Preliminary Contract Budget for Fiscal 2015.

Fiscal 2015 Contract Category	Number	Budgeted	Pct of (EEPC) Total
Office Equipment Maintenance	1	\$6,400	41.56%
Data Processing Equipment	1	700	4.55%
Printing Contracts	1	2,000	12.99%
Temporary Services	1	4,500	29.22%
Cleaning Services	1	800	5.19%
Training Programs for City Employees	1	1,000	6.49%
<b>Preliminary Budget</b>	<b>6</b>	<b>\$15,400</b>	<b>100.00%</b>