

THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

Hon. Mathieu Eugene
Chair, Committee on Civil and Human Rights



Report of the Finance Division on the
Fiscal 2020 Preliminary Plan

Equal Employment Practices Commission

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Table of Contents

Equal Employment Practices Commission Overview	1
Fiscal 2020 Preliminary Budget Highlights	1
Financial Plan Summary	2
EEPC 2018 Annual Report	3

Equal Employment Practices Commission Overview

The Equal Employment Practices Commission (EEPC or the Commission) is an independent Commission comprised of five commissioners, 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.

The EEPC reviews the affirmative employment plan of each City agency and provides appropriate recommendations, conducts public and private hearings to discuss major Equal Employment Opportunities (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.

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. If an agency is not following the guidelines set by EEO policies, the City Charter requires that the EEPC provide recommendations to the agency and monitor the agency for a period of up to six months to ensure compliance. The EEPC has the authority to conduct both general audits and issue-specific audits all of which are conducted using uniform standards and guidelines.

This report provides a review of EEPC's Fiscal 2020 Preliminary Budget. In the section below, the Fiscal 2020 Budget is presented, which details spending by Personal Services (PS) and Other Than Personal Services (OTPS), followed by the Financial Plan Summary chart, which provides an overview of EEPC's budget by unit of appropriation, funding source and headcount.

Fiscal 2020 Preliminary Budget Highlights

The Fiscal 2020 Preliminary Budget totals \$1.3 million, including \$1.2 million for PS spending to support 14 full-time employees and \$87,000 in OTPS spending. The Fiscal 2019 Preliminary Budget shows an increase of \$120,000 or seven percent when compared to the \$1.1 million in the Fiscal 2019 Adopted Budget. The increases in EEPC's budget are due to collective bargaining increases, as well as the increase in the budgeted headcount from 13 to 14. This position was accrued as a savings for Fiscal 2018 and Fiscal 2019 but is being re-introduced in the Fiscal 2020 Budget. Funding for EEPC's budget is entirely derived from City tax-levy. EEPC is not reviewed in the Preliminary Mayor's Management Report, and does not have a capital budget.

Financial Plan Summary

The table below provides an overview of EEPC's actual expenditures for Fiscal 2017 and Fiscal 2018, the Adopted Budget for Fiscal 2019, and planned expenditures for Fiscal 2019 and Fiscal 2020 as proposed in the Fiscal 2020 Preliminary Plan.

EEPC Financial Summary						
<i>Dollars in Thousands</i>						
<i>Dollars in Thousands</i>	FY17	FY18	FY19	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Spending						
Personal Services	\$810	\$820	\$1,050	\$1,091	\$1,170	\$120
Other Than Personal Services	76	67	87	87	87	0
TOTAL	\$887	\$887	\$1,137	\$1,177	\$1,257	\$120
Personal Services						
Full-Time Salaried - Civilian	\$803	\$818	\$1,019	\$1,068	\$1,147	\$128
P.S. Other	8	1	31	23	23	(8)
Subtotal	\$810	\$820	\$1,050	\$1,091	\$1,170	\$120
Other Than Personal Services						
Other Services & Charges	\$28	\$32	\$52	\$50	\$52	\$0
Supplies & Materials	3	4	24	12	24	0
Contractual Services	35	21	7	15	7	0
Property & Equipment	11	11	4	9	4	0
Subtotal	\$76	\$67	\$87	\$87	\$87	\$0
TOTAL	\$887	\$887	\$1,137	\$1,177	\$1,257	\$120
Funding						
City Funds			\$1,137	\$1,177	\$1,257	\$120
TOTAL	\$887	\$887	\$1,137	\$1,177	\$1,257	\$120
Budgeted Headcount						
Full-Time Positions - Civilian	11	11	13	13	14	1
TOTAL	11	11	13	13	14	1

*The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.

The Fiscal 2020 Preliminary Plan reflects increases in EEPC's budget as a result of collective bargaining increases to the PS budget. As a result, the Fiscal 2019 Budget has increased by \$40,631 and the Fiscal 2020 Budget has increased by \$69,596. Note that the five Commissioners serve on a part-time basis and are paid from the OTPS budget. The table below provides a detailed list of changes to the Fiscal 2019 and Fiscal 2020 Budgets since adoption of the Fiscal 2019 Budget.

Budget Actions in the November and the Preliminary Plan

<i>Dollars in Thousands</i>	FY19	FY20
EEPC Budget as of the Adopted FY19 Budget	\$1,137	\$1,187
DC 37 Collective Bargaining	19	32
OJs and Managers Collective Bargaining	22	38
TOTAL	41	70
EEPC Budget as of the Preliminary FY20 Budget	\$1,177	\$1,257

The headcount increases in the Fiscal 2020 Budget by one position to bring the total headcount to 14. As mentioned previously, this position was recognized as an accrual in Fiscal 2019. The actual headcount as of February 2019 was 12 positions. The additional budgeted position for Fiscal 2020 is

for a Program Analyst with duties related to Equal Employment Opportunity (EEO) policies and procedures. The other open position for Fiscal 2019 is Director of Research Initiatives and Public Hearings, which EEPC expects to fill before the end of Fiscal 2019. In calendar year 2018, EEPC's actual headcount increased by three positions. The three positions hired were an Executive Agency Counsel, a Human Resources Manager, and an information technology professional.

As a result of Local Law 13 of 2019, EEPC projects a need of three additional positions, including a data scientist, a labor relations analyst, and a labor economist. However, the funding for these positions have yet to be approved by the Administration. Local Law 13 requires EEPC to analyze and report annually on whether agencies are meeting racial and ethnic affirmative employment objectives, and when not, EEPC must identify the underutilized groups and provide recommendations on corrective action. Finally, EEPC must provide recommendations on strengthening affirmative employment plans, including the accuracy of racial and ethnic categories. Data would be collected from various City databases and EEPC would collaborate with several agencies, primarily the Department of Citywide Administrative Services (DCAS).

EEPC's contract budget totals \$7,400 for equipment maintenance and staff trainings that review current laws and policies related to EEO, sexual harassment, and diversity. EEPC has requested additional funding to expand the scope of these trainings to meet standards required to obtain the Cornell EEO Professional Certificate. The Fiscal 2020 Budget does not include any additional funding for this training.

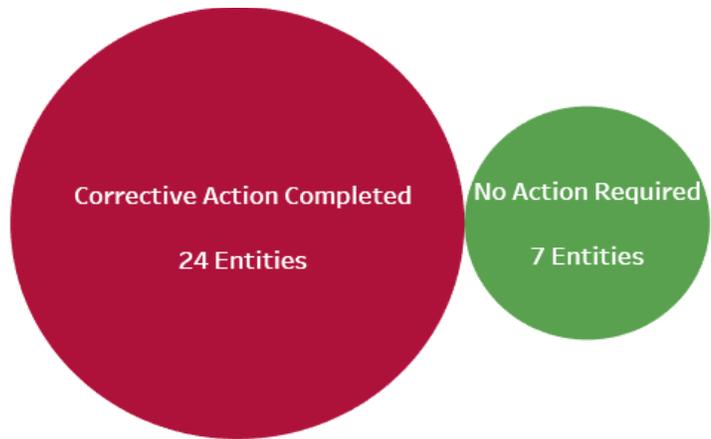
EEPC 2018 Annual Report

EEPC submitted its 2108 Annual Report to the Council on March 21, 2019. EEPC highlights their audit and monitoring, research initiatives, and general operational procedures. EEPC conducts general employment audits to determine whether a municipal entity's employment and EEO program is in compliance with local, State, and federal regulations. In addition, issue-specific audits are conducted on sexual harassment, employment hiring and promotion practices, disability hiring and accommodations, and procedures to investigate discrimination complaints.

The most common type of corrective action is a requirement to distribute or post a copy of EEO policy or sexual harassment policy. This type of corrective action was issued to 12 City entities in 2018. Following that, 10 agencies were required to deliver annual statements on the commitment to prevent sexual harassment. Nine agencies were instructed to provide a quarterly report to EEPC regarding EEO programs and implementation efforts. Other corrective actions issued in 2018 include ensuring managerial performance evaluation forms include a rating for EEO employment decisions, developing agency-wide training plans, and ensuring Community Boards receive complaint investigation procedures from Borough Presidents.

In 2018, EEPC issued a total of 31 compliance determinations on whether an entity met the prescribed audit standards. Of these 31 audit determinations, seven were deemed to meet the standards and were not required to undergo further monitoring or correction action and 24 entities were required to implement corrective action which they completed by the end of 2018.

Determinations Issued by EEPC in 2018



The Board of Education’s Retirement System was found to need 20 corrective actions to meet compliance, the highest number of any entity. Other entities that implemented 10 or more corrective actions include the New York City Employees’ Retirement System, the Department of Education, the Independent Budget Office, the Queens Borough President’s Office, and the Department of Buildings. The chart below provides the agencies and the number of corrective actions they completed.

Agencies and the Number of Corrective Actions Completed in 2018

