

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

Re: **Resolution #12/39-015:** Preliminary Determination Pursuant to the Audit of the Office of the Comptroller's (CO) Equal Employment Opportunity (EEO) Program for the period from July 1, 2009 to June 30, 2012.

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 (EEOP), 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 CO'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 Comptroller's Office 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. Complaint file # 2010-1 did not contain a Discrimination Complaint Form or complaint that captures the facts that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
2. All 4 complaint files did not contain a written notice of discrimination complaint to the respondent(s) and documentation of receipt.
3. Complaint file #2009-1 and 2010-2 took longer than 90 days to complete and did not contain a delay notification letter notifying the complainant and respondents(s) of the delay.
4. The final determination reports for all 4 complaints were not signed (in writing or electronically) by the agency head to indicate it has been reviewed and adopted.

5. Although the agency used interview log forms to retain applicant/hire information for its discretionary positions, the forms did not include Ethnicity, Gender, Disability or Veteran status, and Recruitment Source.
6. Although the agency appointed a Career Counselor and posted the name and contact information of this individual on the agency's Intranet and in the agency's EEO Policy, 74% of respondents to the EEPC's *Employee Survey* indicated they do not know who the agency's Career Counselor is.
7. Although the agency appointed a trained, full-time EEO Officer who was responsible for receiving discrimination complaints and conducting investigations, the agency did not appoint EEO representatives of each gender to receive discrimination complaints and conduct investigations.
8. Although the agency appointed 2 trained EEO Counselors to serve as liaisons between their offices/bureaus and the EEO Office, the identity and contact information of the counselors were not included in the EEO Policy.
9. Although the EEO Officer was appointed Disability Rights Coordinator (DRC) and identified in the agency's EEO Policy and Employee Manual, 77 % of respondents to the EEPC's *Employee Survey* indicated they did not know who the agency's Disability Rights Coordinator is.
10. Although the agency provided annual managerial performance evaluations for its employees, the agency's managerial performance evaluation form did not contain a rating for EEO which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.
11. The agency head did not direct managers and supervisors to emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings.

Be It Finally Resolved, that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to NYC Comptroller Honorable John C. Liu formally informing him of the findings with appropriate explanations and recommendations, and requesting, pursuant to Chapter 36 of the City Charter, a response to these findings within twenty-one days of receipt of the letter indicating what corrective actions the CO will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on December 13, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner

Angela Cabrera
Commissioner

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

RESOLUTION #2014/015C-01: Determination of **Compliance** (Monitoring Period Required) by the Office of the Comptroller with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2009 through June 30, 2012.

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 to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the Comptroller's (CO) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 13, 2012, setting forth the following findings and required

1. Each complaint file should include a Discrimination Complaint Form or a complaint that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
2. The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file.
3. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
4. The agency head, or a direct report, should review the EEO Officer's report and promptly

issue a written/electronic determination adopting, rejecting, or modifying the recommended action. The agency head, or a direct report, should sign (in writing or electronically) each final determination to indicate that it has been reviewed and adopted.

5. The agency's HR/Personnel division should use and maintain an applicant log – which, at minimum, includes the Position, Applicants' Names, Security or Identification Number, Ethnicity, Gender, Disability or Veteran Status, Interview Date, Interviewers' Names, Result, Reason Selected/Not Selected, and Recruitment Source – for all discretionary appointments.
6. The agency's HR/Personnel Officer should re-distribute the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
7. The agency head should appoint at least one EEO Representative of each gender to receive discrimination complaints and conduct investigations.
8. The agency should update its EEO policy to include the identity and contact information for the EEO professionals.
9. To ensure that all employees know the identity of the person responsible for handling reasonable accommodation requests, the agency should re-distribute and post – on its electronic bulletin boards, intranet site, and at each site where it conducts business – the name, location, and contact information of the Disability Rights Coordinator.
10. The agency's managerial performance evaluation form should be revised to include a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).
11. The agency head should direct managers and supervisors to emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings should be documented.
12. Since the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the agency head should distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Whereas, the CO submitted its response to the EEPC's preliminary determination letter, on February 8, 2013, with documentation of its actions to rectify required corrective actions #2, #6, #7, #8, #9, #10 and #11; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 21, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1, #3, #4, and #5, remaining;

Whereas, the CO submitted its response to the EEPC's final determination letter, on March 20, 2013; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the implementation of the remaining corrective actions from June 2013 to November 2013 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CO submitted a copy of the agency head's memorandum to staff dated December 22, 2013, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the Office of the Comptroller has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

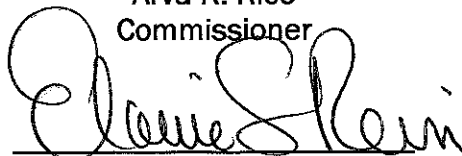
that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Comptroller Scott M. Stringer, the New York City Comptroller.

Approved unanimously on February 21, 2014.

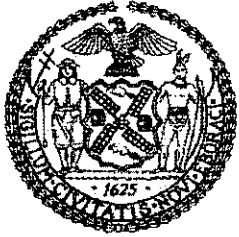
Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive, flowing style with a horizontal line underneath.

Elaine S. Reiss, Esq.
Commissioner



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

John C. Liu
COMPTROLLER

Ricardo Elias Morales
First Deputy Comptroller

MEMORANDUM

December 20, 2013

To: All Staff

From: Ricardo Elias Morales

Subject: *Equal Employment Practices Commission (EEPC) Audit Findings*

The Equal Employment Practices Commission (EEPC) recently concluded an audit of the Comptroller's Office's compliance with Citywide EEO requirements and EEPC policies from July 1, 2009 to June 30, 2012.

The EEPC requires the Agency Head to distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program as a result of the audit findings. The EEPC's audit did not reveal any significant issues regarding the Comptroller's Office EEO program.

Eleven recommendations were made and each has been implemented in accordance with the EEPC's findings. The most significant recommendations are:

The respondent in a complaint will be given a copy of the complaint and a copy will be placed in the complaint file. A receipt attesting to this will also be kept in the complaint file.

At the conclusion of an investigation, the Agency Head will review and sign his or her approval, rejection, or modification of the recommended action.

The Bureau of Information Systems (BIS) has created a system to capture required EEO data similar to the City's E-Hire system, which will enable HR and the EEO Officer to maintain all applicable EEO data from applicants and candidates who have self identified.

The agency has appointed Annabelle Walters and Jose Quiroz as EEO Counselors to ensure that an EEO professional of each gender is available to receive and investigate EEO complaint. The agency's EEO policy has been updated to include the following information:

Sharina Soriano, EEO Officer
Room 639
212-669-3691

Annabelle Walters, EEO Counselor
Room 1120
212-669-3927

Jose Quiroz, EEO Counselor
Room 1120
212-669-3690

I want to reaffirm the Agency's commitment to maintaining fair employment practices for all employees and job applicants. To read the EEPC Audit, please go to www.nyc.gov/eeepc.