

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #03/14-836: Preliminary Determination Pursuant to the Audit of the Department of Finance's Equal Employment Opportunity Program from July 1, 2000 through December 31, 2002.

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 Finance'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 did not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Department of Finance's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Five of the 12 (42%) supervisors/managers interviewed by EEPC auditors indicated that the agency had never evaluated their EEO performance.
2. One of the agency's five newspaper advertisements submitted to the EEPC did not contain the EEO tag line.
3. The EEO Officer is unaware if the agency's offices in One Centre Street, which are maintained by DCAS, are completely accessible to and usable by persons with disabilities.
4. Only 11 of the 32 complaints in which the EEO Officer conducted an investigation and prepared a report were completed within 90 days.
5. Four of the ten internal complaint files submitted by DOF do not contain the Discrimination Complaint Form.
6. The complaint notification letters sent to the complainants and respondents do not contain the reasons for probable cause or no probable cause determinations.

7. One internal discrimination complaint file does not contain the EEO Officer's final report.
8. Only 11 DOF supervisors/managers received structured interview training from DCAS during the audit period.
9. The agency did not conduct adverse impact studies.
10. The EEO Officer, who is not a human resources professional, served as the agency's career counselor.
11. Only 7 of the 131 (5.3%) survey respondents indicated they knew the name of the person responsible for providing career counseling.
12. The EEO Officer was not involved in developing recruitment strategies or selecting recruitment media.
13. There was no documentation of meetings between supervisors/managers and their subordinates to discuss the agency's EEO policies.
14. Fifty-four percent of survey respondents indicated they do not know who is the EEO Officer.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter of Preliminary Determination to Martha E. Stark, Commissioner of the Department of Finance, formally informing her 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 Finance will take to bring the agency into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on November 13, 2003.

Angela Cabrera
Commissioner

C. Catherine Rimokh, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner



Manuel A. Méndez
Vice-Chairman

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

RESOLUTION #04/11-836C: Determination of implementation by the Department of Finance of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Finance's Charter-mandated Equal Employment Opportunity Program from July 1, 2000 to December 31, 2002.

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 Finance (DOF), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated November 13, 2003 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, DOF submitted its response on December 8, 2003; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on January 28, 2004 identifying those recommendations accepted and rejected by DOF; and

Whereas, in response to EEPC's final determination letter, DOF submitted its response on February 25, 2004; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor DOF for a period not to exceed six months, from May 2004 through October 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Finance submitted its Final Compliance Report on November 15, 2004; 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 Finance 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,

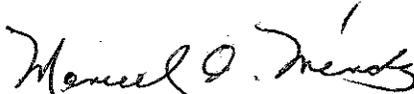
that the Commission authorizes the Vice-Chair to forward a letter to the Commissioner of the Department of Finance, Ms. Martha E. Stark, formally informing her that DOF has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on November 19, 2004.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chair



FINANCE
NEW • YORK
MARTHA E. STARK
COMMISSIONER

MEMORANDUM

TO: All Finance Employees

FROM: Martha E. Stark *MES*
Commissioner

DATE: November 3, 2004

SUBJECT: Equal Employment Practices Commission Audit

In August 2003, the Equal Employment Practices Commission began auditing the Department of Finance's (DOF) EEO program for the audit period of July 1, 2000 to December 31, 2003. At the conclusion of the audit, the Commission made the following recommendations to be incorporated in DOF's FY 2005 Agency Specific EEO Plan:

Recommendation: All supervisors/managers should be rated on EEO performance in their annual performance evaluations. **Action:** DOF Cabinet members were reminded that all employees serving as managers and supervisors must be rated on EEO performance in their annual performance evaluation. In addition, they were instructed that all supervisors and managers must be informed that EEO compliance performance will be considered when determining eligibility for promotions and salary increases.

Recommendation: All agency recruitment literature should indicate that DOF is an equal opportunity employer. **Action:** DOF will ensure that all agency recruitment literature will include the EEO tag line, "The Department of Finance is an equal opportunity employer".

Recommendation: DOF should request that the Department of Citywide Administrative Services (DCAS) conduct an architectural survey of all buildings that house DOF employees to ensure that they are accessible to and useable by persons with disabilities. **Action:** DOF contacted DCAS' Bureau of Acquisitions & Construction Services requesting DCAS to conduct an architectural survey of all Finance locations with regards to American Disability with Disability Act (ADA) compliance.

Recommendation: The EEO investigator's confidential written report should be issued with 90 days of filing of the complaint. In rare circumstances where that deadline cannot be met, the agency should issue a "Delay Notification Letter" to all parties. **Action:** DOF will ensure that the EEO Officer issue a confidential written report within 90 days of the filing of a complaint, except in rare circumstances where that deadline cannot be met. DOF will issue a "Delay Notification Letter" to all parties.

Recommendation: All discrimination complaint files should include a Discrimination Complaint Form filed by the complainant or completed by the EEO Officer. **Action:** The agency's EEO Officer will make sure that all discrimination complaint files include a Discrimination Complaint Form filed by the complainant or completed by the EEO Officer.

Recommendation: To satisfy subsequent legal reviews and to provide clear reasons for EEO Office decisions, written notices to complainants and respondents should contain the reason(s) for probable cause or no probable cause determinations. **Action:** Citywide EEO Officers report directly to the Department of Citywide Administrative Services (DCAS) EEO. DCAS' EEO Office has advised DOF that it is not advisable to include clear reasons for probable cause or no probable determinations in its determination letters.

Recommendation: Discrimination complaint files should contain all required documents, including confidential written reports, stipulations of settlements, and letters notifying all parties of the outcome of the investigations. **Action:** DOF will ensure that all discrimination complaint files contain all required documents, including confidential written reports, stipulations of settlements and letters notifying parties of the outcome of the investigations.

Recommendation: DOF should ensure that all employees involved in job interviewing receive structured interview training either through internal training or training provided by DCAS. **Action:** DOF has developed the following action plan to ensure that all DOF employees involved in job interviewing receive structured interview training. Short-range plans – DCAS agreed to conduct a structured interviewing course on September 23, 2004 at DOF's training center. Two managers or supervisors from each division including a few Administrative Liaisons who frequently interview were enrolled. DOF's Training Director also attended to learn how to design and develop our own training course. Long-term plans – A structured interviewing training program is currently being developed. It is estimated that DOF will offer mandatory structured interviewing courses beginning January 2005 to all employees who are involved in interviewing or making hiring recommendations and decisions. DOF will conduct one structured interviewing course per month targeting 25 employees. DOF's Training Unit will maintain attendance records and follow-up with Administrative Liaisons regularly to ensure ongoing enrollment. This information will also be tracked by the EEO Office.

Recommendation: DOF should petition the Office of Citywide Equal Employment Opportunity of DCAS to obtain the necessary assistance to conduct adverse impact

studies. **Action:** DOF contacted DCAS' EEO on May 24, 2004 to request technical assistance in order to conduct adverse impact studies.

Recommendation: DOF should appoint an individual in the human resource department who is familiar with civil service and provisional jobs to serve as career counselor.

Action: DOF has designated Richard Reichard, Deputy Director of Human Resources as the agency's career counselor. Mr. Reichard is located at 66 John Street, 9th Floor, New York, NY 10038. His telephone number is 212-361-1811.

Recommendation: DOF should inform all employees in writing of the identity, location and telephone number of the new career counselor. **Action:** On October 4, 2004 an agency wide e-mail was distributed by the Assistant Commissioner of Administration notifying DOF employees of the identity, location and telephone number of Richard Reichard, Agency Career Counselor.

Recommendation: The EEO Officer should be involved in developing recruitment strategies and selecting recruitment media, including newspaper and other publications. **Action:** On October 14, the Commissioner of Finance issued a memo to the Assistant Commissioner of Administration and Senior Cabinet members reminding them to involve the EEO Officer in developing recruitment strategies and selection media.

Recommendation: Supervisors should hold documented meetings with their staff to emphasize their (supervisor's) commitment to the agency's EEO policies and reaffirm the right of each employee to file a discrimination complaint with the EEO Office. **Action:** On October 14, 2004 the Commissioner of Finance distributed a memorandum to Senior Cabinet members emphasizing the commitment to the agency's EEO policies and reaffirming employee rights to file a discrimination complaint with the EEO Office. This memorandum also directed managers and supervisors to hold documented meetings with their staff to emphasize their commitment to the agency's EEO policies. The EEO Office will track documented meetings with staff on a monthly basis.

Recommendation: All employees should receive written notification of the identity, location and telephone number of the agency's EEO Officer. **Action:** DOF distributed a brochure to all DOF employees on May 19, 2004 indicating the identity, location and telephone number of the agency's EEO Officer and EEO Counselors. All employees were required to sign for this document. Acknowledgement sheets will be kept on file in the agency's EEO Office.

Recommendation: DOF's Commissioner should disseminate an agency-wide memorandum to discuss Audit findings. **Action:** The Commissioner of Finance disseminated an agency-wide memorandum on November 3, 2004 discussing the Audit Findings.

As Commissioner I reaffirm the agency's commitment to maintain fair employment practices for all employees and job applicants. The implementation of the agency's EEO Policy is one of DOF's highest priorities and has my full support. All employees are

encouraged to access the resources available within DOF to address any concerns they may have. All employees should work to maintain an atmosphere of appreciation of the diversity reflected in our staff and to comply with the letter and spirit of this policy.