

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/022-015: Preliminary Determination Pursuant to the Audit of the Comptroller's Office's (CO) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

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 Comptroller's Office'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's 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. The CO's EEO Policy in the new hire package did not include all of the protected classes. (Sect. I, Citywide EEOP)
2. The CO did not distribute the Section 55-A Program brochures. (Sect. IIB, Citywide EEOP)
3. The CO did not follow its own discrimination procedure, which is similar to the citywide procedure. (Comptroller's Employee Manual, EEOP, p.4)
4. The CO's internal complaint files did not contain a discrimination complaint intake form. (DCPIG, sect. 12(b))
5. Three of the six internal complaint files submitted did not contain a written notice of discrimination complaint to the respondent. (DCPIG, sect. 12(b))
6. Three of the six internal complaint files submitted did not include the investigators' interview notes.

7. The CO's "Confidential Written Reports" were not addressed to or signed by the agency head. (DCAS, DCPIG, 1993, Sect. 12(b))
8. The EEO officer's confidential written reports were not prepared in accordance with the DCPIG: i.e., divided into three sections entitled "Findings of Facts," "Discussion and Conclusion," and "Recommendation." (DCPIG, sect. 12(b))
9. None of the reports were labeled "confidential." (DCPIG, sect. 12(b))
10. The agency's EEO officer did not maintain a monthly EEO complaint log. (DCAS, DCPIG, 1993, Sect. 12(a))
11. The EEO officer did not maintain appropriate documentation of meetings and other communications regarding EEO program operational decisions.
12. The EEO officer did not analyze the agency's workforce data to determine if women and/or minorities are underrepresented in particular job categories. (Sect. IV, Citywide EEOP)
13. The CO has not provided structured interview training to personnel involved in the recruitment and hiring process. (Sect. IV, Citywide EEOP)

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Comptroller, William C. Thompson, Jr., formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, him response to these findings within thirty days of receipts of the letter indicating what corrective actions the Comptroller's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 25, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #08/08-906C: Determination of implementation by the Comptroller's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Comptroller's Office's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to June 31, 2006.

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 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 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, pursuant to its audit of the Comptroller's Office (CO), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter October 25, 2007 setting forth its findings and recommended corrective actions; and

Whereas, the CO submitted its response to EEPC's preliminary determination letter on November 30, 2007; 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 9, 2008 identifying those recommendations accepted and rejected by CO; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the CO for a period not to exceed six months, from March 2008 through August 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Comptroller's Office submitted its Final Compliance Report on September 15, 2008; and

Whereas, the Comptroller's Office submitted additional information on October 22 and 23 and December 5, 2008; 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 Comptroller's Office 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, Ernest F. Hart, Esq., to forward a letter to Honorable William C. Thompson, Jr., Comptroller, formally informing him that the CO has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on December 18, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair



COMPTROLLER OF THE CITY OF NEW YORK
1 CENTRE STREET
NEW YORK, NY 10007-2341
(212) 669-3500

LIAM C. THOMPSON, JR.
COMPTROLLER

TO: All Staff
FROM: William C. Thompson, Jr. *WCT*
DATE: August 21, 2008
RE: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission ("EEPC") has completed its audit of this office's Equal Employment Opportunity ("EEO") Program for the period of January 1, 2005 through December 31, 2006. The EEPC made several recommendations to enhance our EEO Program.

As a result, the following actions have been taken:

- This office's EEO Policy has been updated to include all of the required protected classes, and the updated EEO Policy has been posted on the intranet, distributed to all employees and included in the new hire package.
- We have distributed brochures regarding the City's 55-a Program to all employees.
- We have developed a structured interview training program for personnel involved in the recruitment and hiring process.
- We have expanded our recruitment efforts by using additional resources, as necessary.

As Comptroller of the City of New York, I reaffirm my strong commitment to maintaining fair employment practices for all employees and job applicants. The Comptroller's office is also committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations and by encouraging a work environment where differences among employees are appreciated. We must all continue to work together to maintain an atmosphere of respect for everyone on our diverse staff.

I urge all of you to access the many EEO resources within the Comptroller's office and to address any EEO concerns you may have with Annette Hernandez, Director of EEO, in Room 505 by e-mail at ahernan@comptroller.nyc.gov.

WCT/lf