

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

**RESOLUTION #2014/836:** Final Determination pursuant to the Audit and Analysis of the Department of Finance's Discrimination Complaint and Investigation Procedures from January 1, 2012 to December 31, 2013.

**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,** the Equal Employment Practices Commission conducted an audit and evaluation of the Department of Finance's (DOF) Discrimination Complaint and Investigation Procedures in accordance with established protocols; and

**Whereas,** pursuant to its audit and analysis the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 4, 2014, setting forth findings and the following required corrective actions:

1. Establish a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the EEO complaint process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
2. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.

**Whereas,** the agency did not submit an optional response to the EEPC's Preliminary Determination letter; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on September 18, 2014 indicating that corrective action(s) nos. 1 and 2 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October through March 2015, to determine whether it implemented required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; 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 Commission authorizes Chair Cesar A. Perez, Esq., to forward its Final Determination to Dr. Jacques Jiha, Ph.D., Commissioner of the Department of Finance.

Approved unanimously on September 18, 2014.

Elaine S. Reiss, Esq.  
Commissioner

Angela Cabrera  
Commissioner

Malini Cadambi Daniel  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #2015/836C-03: Determination of Compliance (Monitoring Period Required)** by the Department of Finance with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

**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 EEPCC 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 Department of Finance's (DOF) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 4, 2014, setting forth findings and the following required corrective actions:

1. Establish a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the EEO complaint process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
2. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.

**Whereas**, the DOF did not respond to the EEPC's preliminary determination and, consistent with the Commission's audit protocols, the EEPC's preliminary determination became its Final Determination, issued September 18, 2014; and

**Whereas**, the Department of Finance submitted its response to the EEPC's Final Determination letter, on October 2, 2014; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from

October 2014 to March 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the DOF submitted a copy of the agency head's memorandum to staff dated February 26, 2015, 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,

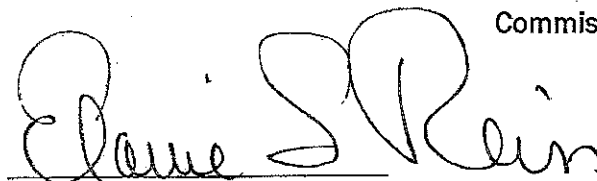
**Be It Resolved,**  
that the Department of Finance has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved,**  
that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Dr. Jacques Jiha, Commissioner of the Department of Finance.

Approved unanimously on March 12, 2015.

Arva R. Rice  
Commissioner

Malini Cadambi Daniel  
Commissioner

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

Elaine S. Reiss, Esq.  
Commissioner




**Finance**

**Office of the Commissioner**  
1 Centre Street – Suite 500  
New York, NY 10007  
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**Jacques Jiha, Ph.D.**  
Commissioner

**MEMORANDUM**

To: All Employees

From: Jacques Jiha, Ph.D., Commissioner 

Date: February 20, 2015

Re: Equal Employment Practices Commission Audit

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The New York City Equal Employment Practices Commission (“EEPC”) recently completed an audit of the Department of Finance’s Discrimination Complaint and Investigation Procedures. The audit specifically addressed the period from January 1, 2012 to December 31, 2013.

After a review and evaluation of the documents, records, and data provided by the Department of Finance, the EEPC identified two areas that required corrective action. Specifically, the EEPC found that: 1) Although the Agency established a complaint tracking and monitoring system that identified the complaint number, the date filed, the date resolved, and resolution; it omitted other essential items such as the location, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends. 2) During the audit period the agency did not have an established procedure by which the EEO professional, Human Resource professional and General Counsel would review an employee’s record for prior incidents of discriminatory conduct as part of the external complaint process. NOTE: The agency has committed to include additional language in its Agency EEO Plan establishing a procedure for the General Counsel’s Office to review an employee’s record for prior complaints against the Respondent.

The Department of Finance’s Office of Diversity & EEO has since reviewed its practices and affirmed its commitment to implementing the corrective action.

As Commissioner of the Department of Finance, I affirm this Agency’s strong commitment to maintaining fair employment practices for all employees and job applicants. The Department of Finance encourages a respectful work environment in which all employees know their rights and obligations under the City’s Equal Employment Opportunity Policy, available at [www.nyc.gov/html/dcas/html/about/eeopol.shtml](http://www.nyc.gov/html/dcas/html/about/eeopol.shtml)

I encourage all employees to access the resources available within the Department of Finance to address any concerns they may have to the Agency’s Diversity & EEO Officer, Annie M. Long, at 718-488-2032.