

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #09/22-836:** Preliminary Determination Pursuant to the Audit of the Department of Finance's (DOF) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007.

**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 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 does not provide equal employment opportunity. Now, Therefore,

## **Be It Resolved,**

that pursuant to the audit of the Department of Finance'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 restrooms at 210 Joralemon Street are not currently compliant with ADA regulations; they do not have wide restroom stalls, grab bars in the restrooms, and low sink or bathroom fixtures.
2. The investigative report for one of the four completed internal complaint files was not addressed to the agency head.
3. One of the four completed internal complaint files submitted to the EEPC was not closed within 90 days of the date on which the complaint was filed and did not contain a notification delay notice.

4. 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."
5. The "Confidential Written Reports" were not signed by the agency head.
6. Two of the four completed internal complaint files submitted to the EEPC contained confidential written reports that were not labeled "confidential."
7. The DOF's list of recruitment resources was not comprehensive; it did not include female and minority organizations or publications.
8. The DOF did not conduct adverse impact studies.
9. The agency did not maintain documentation of meetings where its managers/ supervisors reaffirmed their commitment to the Citywide EEOP and discussed the right of employees to file discrimination complaints with the EEO office at least twice a year during normal staff meetings.

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner David M. Frankel, formally informing him 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 receipts of the letter indicating what corrective actions the Department of Finance's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on September 24, 2009.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #10/10-836C:** 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, 2005 to June 30, 2007.

**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 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 Department of Finance (DOF), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter September 24, 2009 setting forth its findings and recommended corrective actions; and

**Whereas**, the DOF submitted its response to EEPC's preliminary determination letter on October 13, 2009; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on November 12, 2009 identifying those recommendations accepted and rejected by DOF; and

**Whereas**, in response to EEPC's final determination letter, DOF submitted its response on December 18, 2009; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOF for a period not to exceed six months, from March 2010 through August 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Department of Finance submitted its Final Compliance Report on October 8, 2010; 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 Summary Compliance 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 Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**,  
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner David M. Frankel, formally informing him that the Department of Finance has implemented the recommended corrective actions to the Commission's satisfaction.

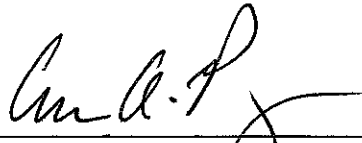
Approved unanimously on November 8, 2010.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
\_\_\_\_\_  
**Cesar A. Perez, Esq.**  
Chair




**Finance**

Office of the Commissioner  
1 Centre Street – Suite 500  
New York, NY 10007  
Tel. 212.669.4855  
Fax 212.669.2275

DAVID M. FRANKEL  
Commissioner

**MEMORANDUM**

**TO: All Department of Finance Employees**

**FROM: David M. Frankel** 

**DATE: September 20, 2010**

**SUBJECT: Equal Employment Practices Commission Audit**

---

The Equal Employment Practices Commission (EEPC) periodically conducts audits of the Equal Employment Opportunity Offices (EEO) of all City agencies. An audit of the Department of Finance's EEO compliance with the City's EEO policies and procedures has recently been completed by the EEPC.

In cooperation with the EEPC, we have implemented the EEPC audit recommendations to be incorporated in Finance's (DOF) FY'2010 Agency Specific EEO Plan. The recommendations include: 1) Contacting the Department of Citywide Administrative Services (DCAS) to perform an assessment of Finance facilities to ensure that the facilities are in compliance with City, State, and Federal laws in regards to accessibility for employees and applicants for employment with disabilities. 2) Ensuring that all confidential written reports are addressed to the agency head. 3) Ensuring that all confidential written reports are issued within 90 days of the date the discrimination complaint was filed. In rare circumstances where the confidential written report cannot be issued with 90 days, the agency should send the complainant and respondent(s) a Delay Notification Letter. 4) Ensuring that all confidential written reports are prepared in the format required by the DCPIG Section 12b. 5) Ensuring that the agency head signs each confidential written report to indicate it has been reviewed and whether the recommendation(s), if any, have been approved and adopted. 6) Ensuring that all internal investigative reports should be labeled "confidential" in large bold print. 7) Ensuring that job vacancies for which underutilization of women and/or minorities have previously been identified are advertised in female-and minority-oriented publications, and sent to professional and community organizations serving "the underutilized group." 8) Assessing the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. 9) Ensuring that, at least twice a year, during normal staff meetings, DOF managers and supervisors emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office and that documentation is maintained in the EEO Office. 10) DOF's Commissioner disseminated an agency-wide memorandum discussing the EEPC's audit findings.

As Commissioner of Finance, I affirm the agency's commitment to maintain fair employment practices for all employees and job applicants. The implementation of the City's EEO Policy is one of DOF's highest priorities and has my full support. I encourage you to access all available EEO resources within DOF, and to direct any EEO concerns to the agency's EEO Officer, Annie Long, at 718-403-4568.