



**Equal Employment  
Practices Commission**

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December 18, 2012

Honorable John C. Liu  
New York City Comptroller  
Municipal Building  
One Centre Street  
New York, NY 10007

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

Dear Comptroller Liu:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (New York City Charter, Chapter 36, sections 831(d)(2) and(5).

Chapter 36 Section 831 (a) of the New York City Charter defines city agency as any "city, county, borough, or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." The Comptroller's Office is considered a city agency pursuant to Chapter 36, Section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members, women and other protected groups. This audit measures your office's compliance with its EEO Policy and Discrimination Complaint and Investigation Procedure as well as Commission policies and EEO standards expressed in the federal, state and city Human Rights Laws.

This letter contains the preliminary determinations of the EEPC staff pursuant to its audit. All recommendations for corrective actions are consistent with both the audit's findings, the parameters set forth in its EEO Policy, discrimination complaint and investigation procedures and the equal employment opportunity requirements of federal, state, and city laws.

The purpose of this audit is to evaluate the agency's compliance, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope and Methodology**

Audit methodology included the collection and analysis of the agency's responses to an *EEPC Document and Information Request Form* and the agency's CEEDS reports for the period in review. The EEPC sent preliminary interview questionnaires to the agency's EEO Officer (also the 55-a Program Coordinator, Disability Rights Coordinator and EEO Trainer), 4 EEO Counselors, the HR Director (also the Career Counselor) and the Agency Counsel. In addition, 760 employees received an electronic link to the *EEPC Employee Survey*; 28% (214) responded. Also, 187 supervisors and managers received an electronic link to the *EEPC Supervisor/Manager Survey*; 66% (124) responded. Survey findings are attached. (Appendices 1 and 4)

The following preliminary determinations indicate where the Office of the Comptroller has or has not complied, in whole or in part, with its EEO Policy and Discrimination Complaint and Investigation Procedures as well as the equal employment opportunity requirements of federal, state, and city laws.

### **Description of the Agency**

The New York City Comptroller, an independently elected official, is the Chief Financial Officer of the City of New York. The mission of the office is to ensure the financial health of New York City by advising the Mayor, the City Council, and the public of the City's financial condition. The Comptroller also makes recommendations on the City programs and operations, fiscal policies, and financial transactions. In addition, the Comptroller manages assets of the five New York City pension funds, performs budgetary analysis, audits city agencies, and registers proposed contracts. His office employs a varied workforce including accountants, attorneys, computer analysts, economists, engineers, budget, financial and investment analysts, claim specialists and researchers in addition to clerical and administrative support staff.

### **Personnel Activity During the Audit Period**

Between July 1, 2009 and June 30, 2012, the total number of employees increased from 746 to 783. (Appendix 2)

According to data provided by the agency, during the audit period, 193 people were hired; 76 individuals were promoted; and 64 were involuntarily separated. (Appendix 3)

### **Discrimination Complaint Activity During the Audit Period**

During the period in review, 4 internal discrimination complaints were filed: all 4 received no probable cause determinations. (Appendix 5)

Two complaints were filed with external agencies (State Division of Human Rights and Equal Employment Opportunity Commission): 1 received no probable cause determination and 1 was still pending. (Appendix 6)

### **Legal Issues**

No lawsuits or judgments were filed against the Comptroller's Office during the period in review.

### **PRELIMINARY DETERMINATION**

Following are our preliminary determinations with required corrective actions and recommendations for the audit period.

### **Issuance, Distribution and Posting of EEO Policies**

The CO is in compliance with the following requirements:

1. The agency issued an EEO Policy Statement and EEO Policy which includes a Sexual Harassment Policy Statement, Discrimination Complaint Procedures, and Reasonable Accommodations Procedure that conform to federal, city and state laws prohibiting discrimination in employment. The agency head's EEO Policy Statement reiterated his commitment to maintaining fair employment practices for all employees, and contained the name and contact information of the EEO Officer and Career Counselor.
2. The policies were distributed to employees via the agency's *Manager Hiring Packet*, *Non-Manager Hiring Packet*, and *Employee Manual* -- which is provided to all employees. The policies are also available electronically via the agency's Intranet. In addition, 92% of respondents to the *EEPC Supervisor/Manager Survey* indicated that they had received a copy of the agency's EEO Policy statement. A copy of the Citywide EEO Policy Handbook - *About EEO: What You May Not Know* is available to all employees via the agency's Intranet and included in the new hire packet which is distributed to all new employees. In addition, 77% of respondents to the *EEPC Employee Survey* indicated they were given a copy of the EEO Policy Handbook. (Appendix 4)

3. The agency's EEO policies and procedures were posted in areas accessible to employees (i.e. Intranet and bulletin board). In addition, 82% of respondents to the *EEPC Employee Survey* indicated the EEO Policy is posted on the agency's bulletin boards or kept in an area otherwise accessible to employees. Also, 79% of respondents to the *EEPC Supervisor/Manager Survey* indicated the EEO policy could be found on the agency's Intranet; 65% indicated it could be found in the EEO Office and 55% indicated it could be found in the HR Office.

### **EEO Training for Agency**

The CO is in compliance with the following requirements:

1. The agency provided EEO training to all new and existing employees during the audit period. The EEO Officer, who is also the agency's EEO trainer, conducted *Basic EEO Training for New Employees* during employee orientation, where they were advised of the agency's EEO Policy and their rights and responsibilities under the policy. The EEO training curriculum included information regarding EEO laws; sexual harassment; reasonable accommodations; discrimination complaint policies and procedures; and information on the federal, state and local agencies that handle EEO complaints. In addition, 82% of respondents to the *EEPC Employee Survey* indicated they received EEO training during the past 3 years.

Current employees including managers and supervisors received *Department of Citywide Administrative Services (DCAS) Division of Citywide Diversity and Equal Employment Opportunity (CDEEO) Computer-Based Training*. In addition, 90% percent of respondents to the *EEPC Supervisor/Manager Survey* indicated they had also completed the *DCAS CDEEO Computer-Based Training*.

### **Discrimination/Sexual Harassment Complaint and Investigation Procedures**

The CO is in compliance with the following requirements:

1. The agency's Discrimination Complaint Procedure provides up-to-date contact information for federal, state and local agencies that enforce laws against discrimination.
2. The agency's General Counsel was responsible for the investigation of, and response to, external EEO complaints. Related duties included: working with the EEO Officer in the implementation of the agency's EEO Policy and related procedures; informing the EEO Officer when external complaints are brought against the agency; and consulting with the EEO Officer on internal EEO investigations.

The CO is in partial compliance with the following requirement:

1. During the period in review, the EEO Officer did not maintain a monthly log and update the status of discrimination complaints filed against the agency.

**NOTE:** Subsequently, the agency established a monthly complaint tracking and monitoring system. The agency currently maintains this log.

**The following section refers to the 4 latest internal discrimination complaints (2009-1, 2010-1, 2010-2, and 2012-1) that were filed and completed by the CO for the period in review.**

The CO is not in compliance with the following requirements:

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 complaint. Corrective action is required.

Corrective Action: 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. All 4 complaint files did not contain written notice of a discrimination complaint to the respondent(s) and/or documentation that the respondent received notice of the complaint. Corrective action is required.

Corrective Action: 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. 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. Corrective action is required.

Corrective Action: In rare circumstances where the investigation cannot be commenced 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 final determination reports for all 4 complaints were not signed (in writing or electronically) by the agency head, or a direct report, to indicate it has been reviewed and adopted. Corrective action is required.

Corrective Action: 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.

## **Selection and Recruitment System**

The CO is in compliance with the following requirements:

1. When advertising, the agency's recruitment literature indicates the agency is an equal opportunity employer. All five job vacancy notices submitted to the EEPC (Assistant General Counsel-Investments, Division Chief-Debt Service, Contract & Procurement Review Analyst, Administrative Project Managers, and Clerical Associate) included the tagline: *The NYC Comptroller's Office is an Equal Opportunity Employer*. Job advertisements posted in the *New York Times*, *The Bond Buyer*, *The Chief Leader*, and *awscpa.org* for Director-Payroll & Timekeeping, Sr. Research Economist, Deputy Director-Debt Management, Bureau of Contract Administration, and Executive Director-Accounting included the tagline: *Equal Opportunity Employer*.
2. The agency provided structured interview training to managers and supervisors involved in the interviewing process. In addition, 63.5% of the respondents to the *EEPC Supervisor/Manager Survey* who indicated they interviewed candidates for positions also indicated they received training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview.

**NOTE:** The last structured interview training was provided in 2008. (Although new employees who would participate in the interviewing process may have received a guide/outline since that time, the agency should consider providing another structured interview training session in the near future).

3. The agency used interview log forms to retain applicant/hire information on candidates interviewed for discretionary positions (the logs recorded the bureau, position title, name of applicant, name of interviewer(s), date of the interview, comments section to indicate the reason for selection or non-selection, and signatures of Supervisor/Bureau Chief).
4. When hiring, the agency reviewed its quarterly CEEDS reports to determine if women and/or minorities were underrepresented in particular job groups. The review showed underutilization of females in the Clerical job group and Blacks in the Paraprofessional job group. The agency reported that the number of discretionary positions has and continues to decline; however it pays particular attention to discretionary positions (i.e. Manager job group). Interview logs and selection/hiring materials for discretionary positions were reviewed for hiring patterns that may lead to adverse impact.

The CO is in partial compliance with the following requirement:

1. 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. This information is essential in understanding the demographic of the candidate pool and will aid the agency in developing robust recruitment strategies in titles that experience underutilization. Corrective action is required.

Corrective Action: 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. (The agency should delegate the responsibility for generating, recording and maintaining applicant information to individuals who are separate from the selection process, to avoid the appearance that the contents of the applicant log, e.g., ethnicity, gender, disability or veteran status, play any part in the selection process).

### **Career Counseling**

The CO is in compliance with the following requirement:

1. The agency appointed a Career Counselor with appropriate training and knowledge, who is familiar with career opportunities in City government to provide career counseling to employees who request such guidance. The name and contact information of this individual was indicated in the agency's EEO Policy and *Employee Manual* and on its Intranet. The Career Counselor provided counseling to approximately 50 employees annually.

The CO is in partial compliance with the following requirement:

1. Although the agency appointed a Career Counselor and posted the name and contact information of this individual in the agency's EEO Policy and *Employee Manual* and on its Intranet, 67% of respondents to the *EEPC Employee Survey* indicated they do not know who the agency's Career Counselor is. Corrective action required.

Corrective Action: To ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job posting, the agency's HR/Personnel Officer should re-distribute the identity of the agency Career Counselor.

### **EEO Professionals**

The CO is in compliance with the following requirements:

1. The EEO Officer reports to the First Deputy Comptroller -- a direct report to the agency head -- on EEO matters and maintains documentation of their meetings. In addition, the agency's organizational chart reflects this reporting relationship.

2. During the period in review, the agency appointed a trained, full-time EEO Officer who was responsible for implementing the agency's EEO Plan and 55-a Program, and handling reasonable accommodations requests. The EEO Officer also conducted EEO training during new employee orientation. The name, contact information and location of the EEO Officer were included in the agency EEO Policy. In addition, 76% of respondent to the *EEPC Employee Survey* indicated they know who the agency's EEO Officer is.

The agency appointed 2 trained EEO Counselors to serve as liaisons between their offices/bureaus and the EEO office and report any complaints, incidents, or allegations of employment discrimination to the EEO Officer.

3. The EEO Officer completed the *DCAS CDEEO Basic Training for EEO Representatives* as well as the *DCAS CDEEO Computer-Based Training*. In addition, she completed training sessions in EEO-related topics such as *Current Legal Issues and Strategies for Employers*, *FMLA*, *Effective Complaint Investigation and How to Handle Challenging Situations*, and *Conflict Resolution: Achieving Best Practices*.

The agency's 4 EEO Counselors (2 previous and 2 current) completed *DCAS CDEEO Basic Training for EEO Representatives*, *DCAS CDEEO Computer-Based Training*, and *Basic EEO Training for New Employees* conducted by the agency's EEO Officer.

The agency is in partial compliance with the following recommendation:

1. 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. Corrective action is required.

Corrective Action: The agency head should appoint at least one EEO Representative of each gender to receive discrimination complaints and conduct investigations.

2. 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. Corrective action is required.

Corrective Action: The agency should update its EEO policy to include the identity and contact information for the EEO professionals.

## **EEO and Reasonable Accommodations for Persons with Disabilities**

The CO is in compliance with the following requirements:

1. The agency participated in the Section 55-a Program. The EEO Officer was appointed Section 55-a Coordinator and is responsible for providing resources to employees that are interested in becoming program participants. The 55-a Program brochure was discussed at



new employee EEO training and included in the agency's *New Hire packet*. There were 2 program participants during the audit period.

2. The agency's policies are available upon request in alternate formats (i.e. large print) for employees and applicants for employment with disabilities. The CO is committed to providing other alternate formats upon request. No requests for alternate formats have been made.
3. The EEO Officer was appointed Disability Rights Coordinator (DRC) - responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. The EEO Officer is identified in the agency's *Discrimination Complaint Procedure* as the person who handles reasonable accommodations requests. The EEO Officer maintains files on all requests for accommodation. During the period in review, 39 requests for accommodations were granted which included, but were not limited to, ergonomic chairs, foot rests, ergonomic keyboards, high back chairs, alternate flex-time hours, and transfers.
4. According to the *EEPC Checklist to Determine Accessibility for Employees/Applicants with Disabilities*, the agency's facility located at 1 Centre Street (783 employees) is accessible to employees and applicants for employment with disabilities. The facility included a street accessible entrance, ramp access, wheelchair accessible elevators, Braille in elevators, bell in elevators, wide restroom stalls; grab bars in restroom, and low sink or bathroom fixtures. The agency also indicated that all workstations at the facility were accessible.

The CO is in partial compliance with the following requirement:

1. Although the EEO Officer was appointed Disability Rights Coordinator (DRC) and was identified in the agency's EEO Policy and *Employee Manual*, 72% of respondents to the *EEPC Employee Survey* indicated they did not know who the agency's Disability Rights Coordinator is. Corrective action is required.

Corrective Action: 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.

### **Supervisory Responsibility in EEO Plan Implementation**

The CO is in compliance with the following requirements:

1. The agency provided annual performance evaluations to both managerial and non-managerial staff during the audit period. The Deputy Comptroller of HR sent out an email reminder to staff regarding the evaluation due date and informing staff of the procedures to submit evaluations. In addition, 60% of respondents to the *EEPC Employee Survey* indicated that they had received an annual performance evaluation within the past 3 years and 71% of

respondents to the *EEPC Supervisor/Manager Survey* indicated that they received their employee evaluation within the past year. Eight-five percent of respondents to the *EEPC Supervisor/Manager Survey* also indicated they conduct formal evaluations of the employees under their supervision annually.

2. Managers and supervisors emphasized their commitment to the agency's EEO policies during staff meetings. In addition, 52% of the respondents to the *EEPC Supervisor/Manager Survey* indicated they have reaffirmed the agency's commitment to the principle of equal employment opportunity at least once during staff meeting with the past year.

The CO is in partial compliance with the following requirements:

1. Although the agency provided annual performance evaluations for its managerial employees, the agency's managerial performance evaluation form did not contain a rating for EEO (e.g. which would cover responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner). Corrective action is required.

Corrective Action: The agency's managerial performance evaluation form should be revised to include a rating for EEO (e.g. 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).

2. Although managers and supervisors emphasized their commitment to the EEO policies during staff meetings, they did not affirm the right of each employee to file a discrimination complaint with the EEO office. In addition, 71% of the respondents to the *EEPC Supervisor/Manager Survey* indicated they have not discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year. Also, 64% of respondents to the *EEPC Employee Survey* indicated that managers and supervisors have not discussed the employees' right to file a discrimination complaint with the EEO Officer at least once a year. Corrective action is required.

Corrective Action: 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.

## **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS**

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.

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

## **Conclusion**

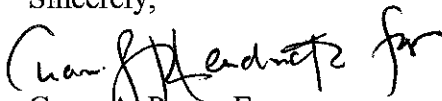
Pursuant to Chapter 36 of the New York City Charter, you have the option to respond to this preliminary determination. Please email your intention to respond to [mramsukh@eeepc.nyc.gov](mailto:mramsukh@eeepc.nyc.gov) within 7 days from the date of this letter. The EEPC will then schedule an Audit Exit/Compliance Initiation Meeting.

*(Optional Response)* If submitted, your optional response should indicate (with attached documentation) what steps your agency has taken or will take to implement the corrective actions and should be received in our office within 21 days from the date of this letter. If your agency chooses not to respond to the preliminary determination, the EEPC will issue this document as a Final Determination, to which your written response is required.

During the Audit Exit/Compliance Initiation Meeting we will agree, disagree or require further clarification of the actions your agency has taken or plans to take, if a response is submitted. We will also address questions regarding the implementation of corrective action(s), establish a formal six-month compliance monitoring period and discuss the steps your agency should take during the mandatory compliance monitoring period. After consulting with your agency, this Commission will issue its Final Determination.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's auditors during the course of this audit.

Sincerely,

  
Cesar A. Perez, Esq.  
Chair

cc: Sharina Soriano, EEO Officer

# **Appendix - 1**

## **Office of the Comptroller**

### **Supervisor/Manager Survey**

1. City of New York

	Response Percent	Response Count
Agency: <input type="text"/>	100.0%	121
answered question		121
skipped question		4



2. Which of the following are you?

	Response Percent	Response Count
Supervisor <input type="text"/>	49.6%	60
Manager <input type="text"/>	50.4%	61
answered question		121
skipped question		4



3. How many employees are under your supervision?

	Response Percent	Response Count
5 or less <input type="text"/>	59.5%	72
6-10 <input type="text"/>	14.0%	17
11-20 <input type="text"/>	13.2%	16
21 or more <input type="text"/>	13.2%	16
answered question		121
skipped question		4


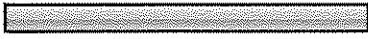



#### 4. How long have you worked for this agency?

		Response Percent	Response Count
Over 3 years		76.9%	93
3 years or less		23.1%	28
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>





#### 5. Each agency head may distribute a statement in support of Equal Employment Opportunity to all employees. Have you received a copy of your agency's EEO Policy Statement?

		Response Percent	Response Count
Yes		91.7%	111
No		0.0%	0
Do not remember		8.3%	10
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>

**6. In your agency, where can the EEO Policy be found? (Check all that apply.)**




		<b>Response Percent</b>	<b>Response Count</b>
The EEO Office		64.5%	78
The HR/Personnel Office		54.5%	66
The Intranet		78.5%	95
Your Office		33.1%	40
Do not know		2.5%	3
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>

**7. Of the choices above, which is most easily accessible to you?**



		<b>Response Percent</b>	<b>Response Count</b>
The EEO Office		12.4%	15
The HR/Personnel Office		4.1%	5
The Intranet		71.9%	87
Your Office		11.6%	14
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>





**8. Is the Discrimination Complaint Procedure included with the EEO Policy?**

		Response Percent	Response Count
Yes		78.5%	95
No		0.8%	1
Do not know		20.7%	25
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>


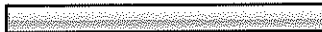
**9. Do you know the name of your agency's EEO Officer?**

		Response Percent	Response Count
Yes		83.5%	101
No		16.5%	20
<b>answered question</b>			<b>121</b>
<b>skipped question</b>			<b>4</b>




**10. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO rights as an employee?**

		Response Percent	Response Count
Yes		51.7%	62
No		48.3%	58
<b>answered question</b>			<b>120</b>
<b>skipped question</b>			<b>5</b>




**11. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO responsibilities as a supervisor or manager?**

		Response Percent	Response Count
Yes		52.5%	63
No		47.5%	57
<b>answered question</b>			<b>120</b>
<b>skipped question</b>			<b>5</b>




**12. Did you complete the Department of Citywide Administrative Services' Citywide EEO Computer-Based Training for Managers and Supervisors?**

		Response Percent	Response Count
Yes		89.7%	105
No		6.0%	7
Not applicable		4.3%	5
<b>answered question</b>			<b>117</b>
<b>skipped question</b>			<b>8</b>

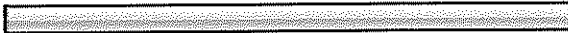

**13. How often have you reaffirmed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year?**

		Response Percent	Response Count
Two or more times		21.7%	26
One time		30.0%	36
At no time		48.3%	58
<b>answered question</b>			<b>120</b>
<b>skipped question</b>			<b>5</b>




**14. How often have you discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?**

	Response Percent	Response Count
Two or more times 	12.5%	15
One time 	16.7%	20
At no time 	70.8%	85
<b>answered question</b>		<b>120</b>
<b>skipped question</b>		<b>5</b>

**15. Did you receive sexual harassment prevention training from your agency?**

	Response Percent	Response Count
Yes 	85.0%	102
No 	15.0%	18
<b>answered question</b>		<b>120</b>
<b>skipped question</b>		<b>5</b>

**16. Did all of the employees that you supervise receive sexual harassment prevention training?**

	Response Percent	Response Count
Yes 	55.5%	66
No 	4.2%	5
Do not know 	40.3%	48
<b>answered question</b>		<b>119</b>
<b>skipped question</b>		<b>6</b>

**17. When you were hired, did you receive an orientation session that included a review of the EEO policy?**

	Response Percent	Response Count
Yes	47.1%	56
No	10.1%	12
Do not remember	42.9%	51
<b>answered question</b>		<b>119</b>
<b>skipped question</b>		<b>6</b>

**18. Do you participate in orientation sessions for new employees?**

	Response Percent	Response Count
Yes	27.7%	33
No	72.3%	86
<b>answered question</b>		<b>119</b>
<b>skipped question</b>		<b>6</b>

**19. Do new employee orientation sessions include information on the EEO policy?**

	Response Percent	Response Count
Yes	87.9%	29
No	0.0%	0
Do not know	12.1%	4
<b>answered question</b>		<b>33</b>
<b>skipped question</b>		<b>92</b>


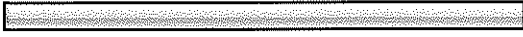
**20. Do you interview candidates for positions in your agency?**

	Response Percent	Response Count
Yes	71.4%	85
No	28.6%	34
<b>answered question</b>		<b>119</b>
<b>skipped question</b>		<b>6</b>


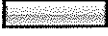

**21. A structured interview is a method that standardizes the type and order of interview questions asked to ensure that a fair comparison can be made between interviewees. Did your agency provide you with training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview?**

	Response Percent	Response Count
Training	23.5%	20
Guide	12.9%	11
Both training and guide	27.1%	23
Neither	36.5%	31
<b>answered question</b>		<b>85</b>
<b>skipped question</b>		<b>40</b>

**22. Were you informed that fulfillment of your EEO responsibilities will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?**

		Response Percent	Response Count
Yes		21.8%	26
No		78.2%	93
<b>answered question</b>			<b>119</b>
<b>skipped question</b>			<b>6</b>

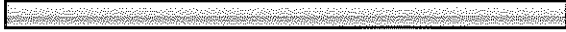

**23. When was your last performance evaluation?**

		Response Percent	Response Count
Within the past year		70.6%	84
Over a year ago		15.1%	18
I have not received a performance evaluation		14.3%	17
<b>answered question</b>			<b>119</b>
<b>skipped question</b>			<b>6</b>

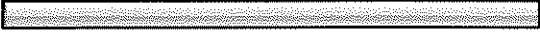
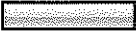
**24. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner.)**

		Response Percent	Response Count
Yes		27.5%	28
No		72.5%	74
<b>answered question</b>			<b>102</b>
<b>skipped question</b>			<b>23</b>



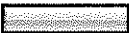
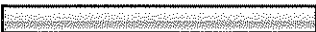

**25. Do you conduct formal performance evaluations of the employees under your supervision annually?**

		<b>Response Percent</b>	<b>Response Count</b>
<b>Yes</b>		<b>84.7%</b>	<b>100</b>
<b>No</b>		<b>15.3%</b>	<b>18</b>
<b>answered question</b>			<b>118</b>
<b>skipped question</b>			<b>7</b>

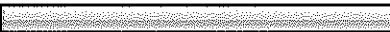
**26. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees who may complain about discrimination or harassment?**

		<b>Response Percent</b>	<b>Response Count</b>
<b>Yes</b>		<b>80.5%</b>	<b>95</b>
<b>No</b>		<b>19.5%</b>	<b>23</b>
<b>answered question</b>			<b>118</b>
<b>skipped question</b>			<b>7</b>

## 27. Race/Ethnicity

	Response Percent	Response Count
Asian or Pacific Islander 	12.0%	11
American Indian or Alaska Native	0.0%	0
Black (not of Hispanic origin) 	19.6%	18
Hispanic 	18.5%	17
White (not of Hispanic origin) 	46.7%	43
Other 	3.3%	3
	<b>answered question</b>	<b>92</b>
	<b>skipped question</b>	<b>33</b>

## 28. Gender

	Response Percent	Response Count
Male 	41.7%	40
Female 	58.3%	56
	<b>answered question</b>	<b>96</b>
	<b>skipped question</b>	<b>29</b>



# **Appendix 2**

## **Office of the Comptroller (CO)**

**DIRF Attachment 13 – Agency Workforce  
Chart – Workforce by Gender  
Chart – Workforce by Ethnicity**

Attachment 13: Statistical Profile of Agency Workforce  
Beginning and End of Audit Period

Agency: 015

	Beginning of Audit Period	End of Audit Period
# Employees	<u>711 / 2009</u>	<u>6130 / 2012</u>

Male	<u>327</u>	<u>346</u>
Female	<u>419</u>	<u>437</u>

White	<u>306</u>	<u>283</u>
Black	<u>214</u>	<u>222</u>
Hispanic	<u>122</u>	<u>115</u>
Asian	<u>102</u>	<u>141</u>
Native American	<u>0</u>	<u>2</u>
Unknown	<u>2</u>	<u>20</u>

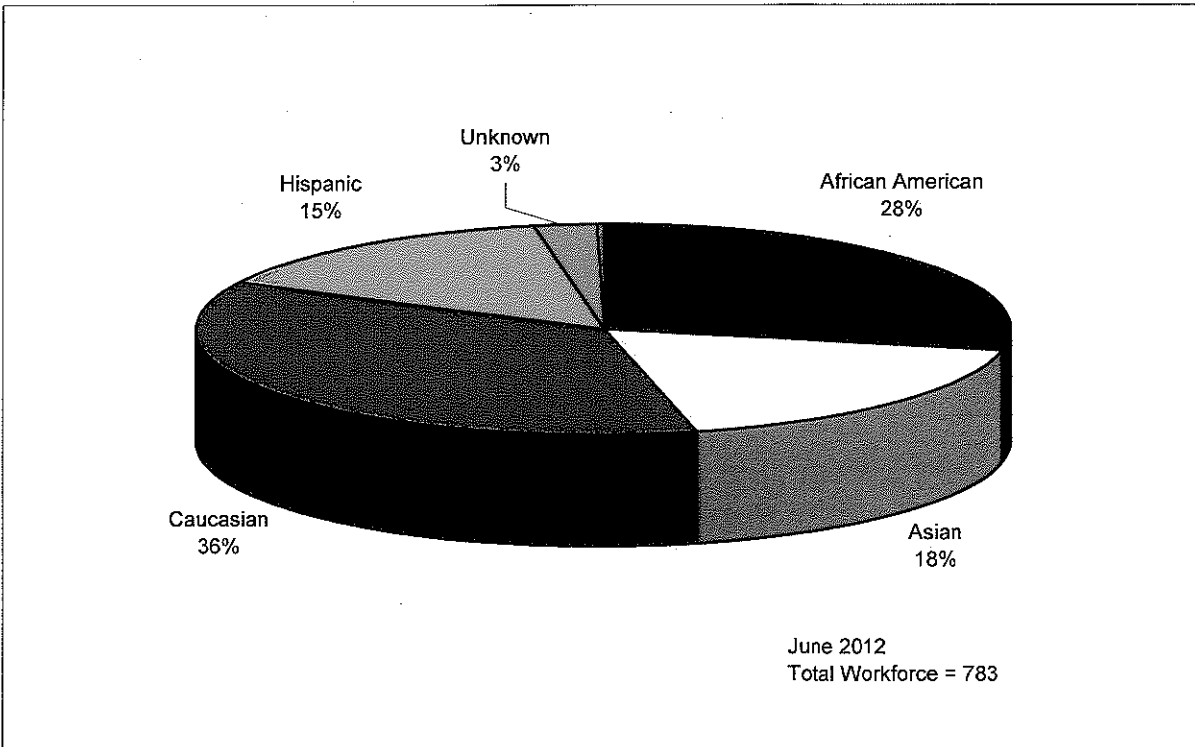
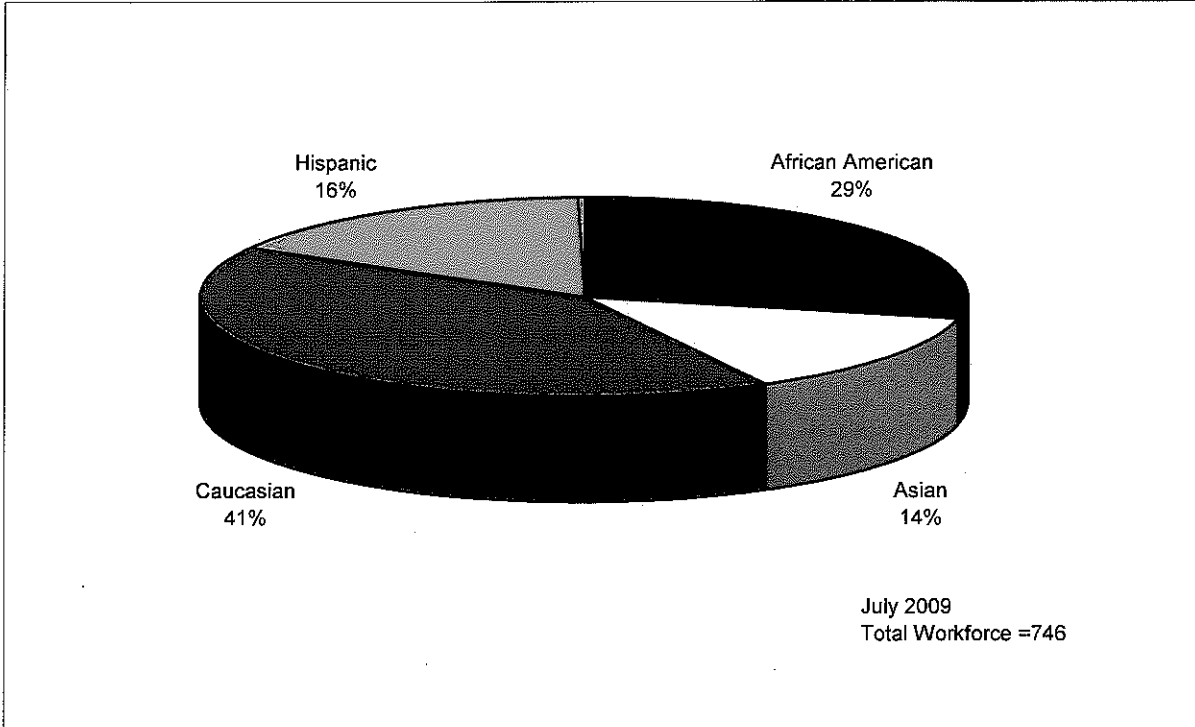
Total # of Employees	<u>740</u>	<u>783</u>
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\* Information taken from 2009 Quarter 4 CEEDS report and 2012 Quarter 4 CEEDS reports.

\* 783 includes part-time employees and College Aides.

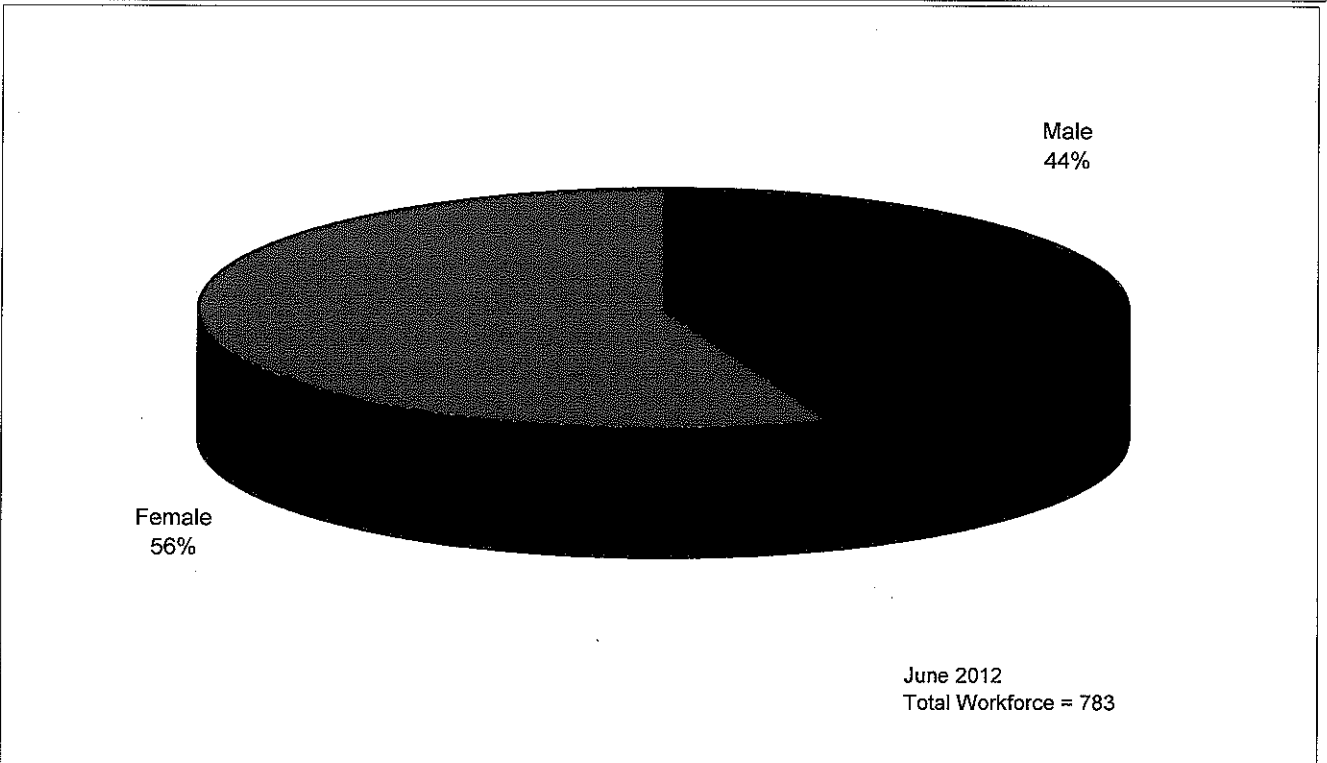
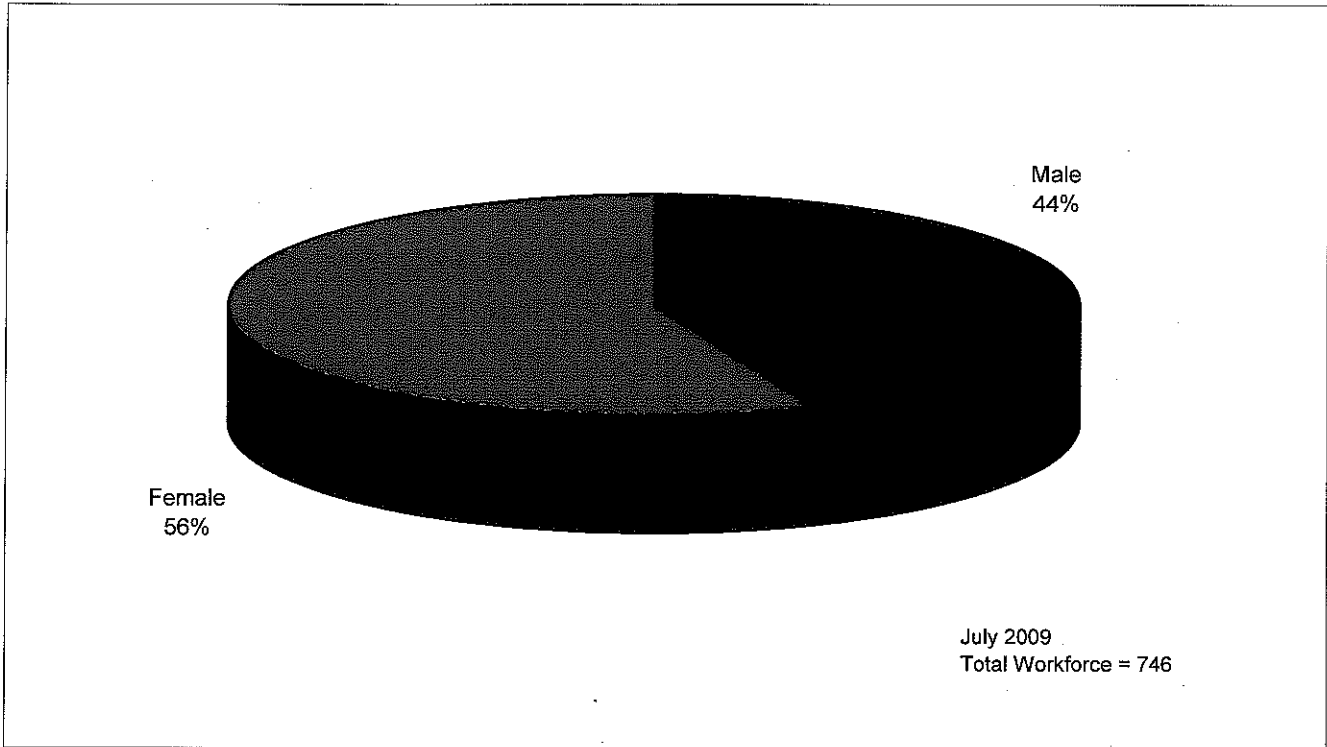
# Office of the Comptroller

## Workforce by Ethnicity



# Office of the Comptroller

## Workforce by Gender



# **Appendix 3**

## **Office of the Comptroller (CO)**

### **Hires, Promotions, and Separations By Ethnicity and Gender**

## Office of the Comptroller

The following table indicates personnel activity during the audit period, July 1, 2009 to June 30, 2012

### Hires by Gender and Ethnicity

Total Hires: 193

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
98	95	193	70	45	22	54	1	1	193

### Promotions by Gender and Ethnicity

Total Promotions: 76

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
25	51	76	24	25	16	11	0	0	76

### Separations by Gender and Ethnicity

Total Separations: 64

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Unknown	Total
36	28	64	30	19	13	2	0	0	64

Source: Audit data supplied by the CO

# **Appendix - 4**

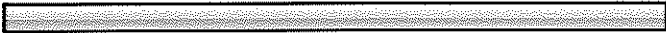
## **Office of the Comptroller**

### **Employee Survey**



**Office of the Comptroller Employee Survey:  
Agency EEO Program**




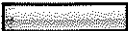
**1. City of New York**

	Response Percent	Response Count
Agency Name: 	100.0%	217
	answered question	217
	skipped question	0

**2. Do you know who your agency's EEO Officer is?**



	Response Percent	Response Count
Yes 	75.6%	149
No 	24.4%	48
	answered question	197
	skipped question	20

**3. Is the EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?**




	Response Percent	Response Count
Yes 	81.8%	153
No 	18.2%	34
	answered question	187
	skipped question	30






#### 4. Were you given a copy of the EEO Policy Handbook - About EEO: What You May Not Know?

		Response Percent	Response Count
Yes		77.2%	139
No		22.8%	41
<b>answered question</b>			<b>180</b>
<b>skipped question</b>			<b>37</b>



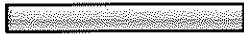
#### 5. How often has your manager or supervisor reaffirmed the agency's commitment to the principle of EEO during staff meetings within the past year?

		Response Percent	Response Count
Two or more times		20.1%	35
One time		29.3%	51
At no time		50.6%	88
<b>answered question</b>			<b>174</b>
<b>skipped question</b>			<b>43</b>



**6. How often has your manager or supervisor discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?**

	Response Percent	Response Count
Two or more times 	14.9%	26
One time 	21.3%	37
At no time 	63.8%	111
<b>answered question</b>		<b>174</b>
<b>skipped question</b>		<b>43</b>



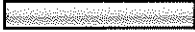
**7. When hired, were you advised of the EEO policies, and of your rights and responsibilities under such policies?**

	Response Percent	Response Count
Yes 	54.9%	95
No 	9.8%	17
Do Not Remember 	35.3%	61
<b>answered question</b>		<b>173</b>
<b>skipped question</b>		<b>44</b>




**8. Do you know how to file an EEO complaint?**

	Response Percent	Response Count
Yes 	70.5%	122
No 	29.5%	51
<b>answered question</b>		<b>173</b>
<b>skipped question</b>		<b>44</b>



**9. If you had an EEO complaint, would you bring it to your agency's EEO Office?**

		Response Percent	Response Count
Yes		65.3%	113
No		6.4%	11
Undecided		28.3%	49
<b>answered question</b>			<b>173</b>
<b>skipped question</b>			<b>44</b>

**10. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?**

		Response Percent	Response Count
Yes		32.9%	57
No		31.2%	54
Undecided		35.8%	62
<b>answered question</b>			<b>173</b>
<b>skipped question</b>			<b>44</b>

**11. During the past 3 years, did you file a complaint with your agency's EEO Office?**

		Response Percent	Response Count
Yes		2.3%	4
No		97.7%	169
<b>answered question</b>			<b>173</b>
<b>skipped question</b>			<b>44</b>

## 12. Was your manager or supervisor supportive of your right to file a complaint?

	Response Percent	Response Count
Yes	75.0%	3
No	25.0%	1
Not Applicable	0.0%	0
<b>answered question</b>		<b>4</b>
<b>skipped question</b>		<b>213</b>




## 13. During the past 3 years, did you receive EEO training?

	Response Percent	Response Count
Yes	81.5%	141
No	11.6%	20
Employed for less than 12 months	6.9%	12
<b>answered question</b>		<b>173</b>
<b>skipped question</b>		<b>44</b>




## 14. How informative was this training?

	Response Percent	Response Count
Very informative	51.8%	73
Somewhat informative	38.3%	54
Not really informative	8.5%	12
Not Applicable	1.4%	2
<b>answered question</b>		<b>141</b>
<b>skipped question</b>		<b>76</b>

**15. Does your agency use training and development programs in order to improve job performance and/or career opportunities?**

		Response Percent	Response Count
Yes		67.1%	116
No		15.0%	26
I do not know		17.9%	31
<b>answered question</b>			<b>173</b>
<b>skipped question</b>			<b>44</b>

**16. Were vacant positions advertised on bulletin boards or other areas accessible to employees in a timely manner?**

		Response Percent	Response Count
Yes		80.3%	139
No		9.8%	17
Do not remember		9.8%	17
<b>answered question</b>			<b>173</b>
<b>skipped question</b>			<b>44</b>

**17. The Personnel Rules and Regulations of the City of New York and the Guidelines for Evaluating Managerial Performance in NYC Agencies require that employees (managerial and non-managerial) receive annual performance evaluations. Have you received annual performance evaluations within the past 3 years?**

	Response Percent	Response Count
Yes	60.1%	104
No	25.4%	44
Employed for less than 12 months	14.5%	25
<b>answered question</b>		<b>173</b>
<b>skipped question</b>		<b>44</b>




**18. Did your evaluation contain recommendations for improving your job performance?**

	Response Percent	Response Count
Yes	69.2%	72
No	30.8%	32
<b>answered question</b>		<b>104</b>
<b>skipped question</b>		<b>113</b>


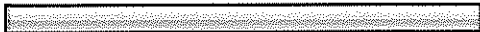
**19. Did your evaluation contain recommendations for career advancement with your agency?**

	Response Percent	Response Count
Yes	33.7%	35
No	66.3%	69
<b>answered question</b>		<b>104</b>
<b>skipped question</b>		<b>113</b>

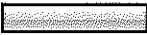
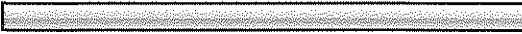
**20. The Career Counselor is a trained professional (often the Human Resources Director) familiar with civil service and provisional jobs who provides career counseling to employees who request such guidance. Do you know who your agency's Career Counselor is?**

	Response Percent	Response Count
Yes 	23.1%	40
No 	67.1%	116
Not Applicable 	9.8%	17
<b>answered question</b>		<b>173</b>
<b>skipped question</b>		<b>44</b>



**21. The Disability Rights Coordinator is responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies pertaining to persons with disabilities. Do you know who your agency's Disability Rights Coordinator is?**

	Response Percent	Response Count
Yes 	28.5%	49
No 	71.5%	123
<b>answered question</b>		<b>172</b>
<b>skipped question</b>		<b>45</b>

**22. Agencies are required to take appropriate action to reasonably accommodate qualified employees and applicants with disabilities, and those who are victims of domestic violence, sex offenses, or stalking, to enable to them to perform their jobs or enjoy equal benefits and privileges of employment. Agencies are also required to provide reasonable accommodations for the religious observances, beliefs and practices of an employee or applicant. During the past 3 years, did you ask for a reasonable accommodation due to any of the above?**



	Response Percent	Response Count
Yes 	21.5%	37
No 	78.5%	135
	<b>answered question</b>	<b>172</b>
	<b>skipped question</b>	<b>45</b>

**23. Was your accommodation granted?**

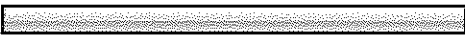

	Response Percent	Response Count
Yes 	62.2%	23
No 	37.8%	14
	<b>answered question</b>	<b>37</b>
	<b>skipped question</b>	<b>180</b>








**24. Equal Employment Opportunity (EEO) guarantees the right of all persons to be accorded full and equal consideration on the basis of merit, regardless of protected group status. Do you understand this principle?**

		Response Percent	Response Count
Yes		95.3%	164
No		4.7%	8
<b>answered question</b>			<b>172</b>
<b>skipped question</b>			<b>45</b>



**25. From your experience or observations, does your agency practice equal employment opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?**

		Response Percent	Response Count
Yes		69.8%	120
No		30.2%	52
<b>answered question</b>			<b>172</b>
<b>skipped question</b>			<b>45</b>

## 26. Race/Ethnicity

	Response Percent	Response Count
Asian or Pacific Islander 	15.6%	23
American Indian or Alaska Native	0.0%	0
Black (not of Hispanic origin) 	27.2%	40
Hispanic 	12.9%	19
White (not of Hispanic origin) 	34.7%	51
Other 	9.5%	14
	<b>answered question</b>	<b>147</b>
	<b>skipped question</b>	<b>70</b>

## 27. Gender

	Response Percent	Response Count
Male 	43.3%	65
Female 	56.7%	85
	<b>answered question</b>	<b>150</b>
	<b>skipped question</b>	<b>67</b>

# **Appendix 5**

## **Office of the Comptroller (CO)**

### **DIRF Attachment 1 – Internal Discrimination Complaints**

Attachment 1 - Summary of Internal Discrimination Complaints

Agency: 015

For the period in review, please indicate the following:

1. Total # of INTERNAL complaints filed 4
2. # of investigation reports completed by EEO Officer 4
3. # of complaints that received a PROBABLE CAUSE determination 0
4. # of complaints that received a NO PROBABLE CAUSE determination 4
5. # of complaints that were also filed with an external agency 0

Type/Basis of Complaint	# of this complaint type	Date(s)
Disability	<u>1</u>	<u>8/14/09</u>
Race	<u>2</u>	<u>3/19/10, 6/30/10</u>
Retaliation	<u>1</u>	<u>3/21/12</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

No internal discrimination complaints were filed during the audit period. \_\_\_\_\_ (Initial)

# **Appendix 6**

## **Office of the Comptroller (CO)**

### **DIRF Attachment 5 – External Discrimination Complaints**

