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November 30, 2007

Mr. Ernest F. Hart, Chair  
Equal Employment Practices Commission  
City of New York  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: Preliminary Determination Pursuant to the Audit of Comptroller's Office Equal  
Employments Opportunity Program from January 1, 2005 to December 31, 2006

Dear Mr. Hart:

We would like to thank the Commission for its thorough audit and valuable recommendations. In addition, the exit meeting was helpful in answering the questions we had regarding the audit and recommendations. The Comptroller's Office has reviewed the preliminary determinations that require corrective actions and our responses are below.

1. **Recommendation:** The CO's EEO Policy in the new hire package should be revised to include all of the "protected classes" under the New York City and New York State Human Rights Laws. (Sect. I, Citywide EEO Policy)

**Response:** The updated EEO Policy, which includes all of the required protected classes, has been posted on the intranet. In addition, the updated EEO Policy has been distributed to all employees. We have also revised the new hire package so that it now includes the updated EEO policy.

2. **Recommendation:** The agency should distribute the Section 55-A Program brochures issued by the DCAS to all employees.

**Response:** We accept the Commission's recommendation, and have already distributed the Section 55-A Program brochures to staff.

3. **Recommendation:** Although the EEO Officer said she receives and investigates discrimination complaints according to the Cornell School of Industrial and Labor Relations' EEO guidelines, she follows a complaint procedure similar to the citywide procedure. Therefore, the CO should follow its own discrimination complaint procedure based on the Citywide EEOP. (Comptroller's Employee Manual, EEOP. p 4)

Response: **The EEO Officer has followed, and will continue to follow, a complaint procedure based on the Citywide EEOP.**

4. **Recommendation:** All discrimination complaints files should include a Discrimination Complaint Form completed by the complainant or the EEO Investigator. (DCPIG, sect 12(b))

Response: **We accept the Commission's recommendation.**

5. **Recommendation:** All respondents should be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent (s) should acknowledge receipt of the notice. The receipts should be maintained in the complaint file. (DCPIG, sect. 12(b))

Response: **We accept the Commission's recommendation and will obtain receipts whenever possible.**

6. **Recommendation:** It is the Commission's position that complaint files should contain clear and thorough word-processed notes of interviews conducted with the complainant, respondent or witnesses.

Response: **We are unaware of any such requirement under the law or the Citywide EEO Policy. Nonetheless, we accept the Commission's recommendation.**

7. **Recommendation:** In keeping with section 94 of the New York Charter, all confidential written reports should be addressed to, and signed by either the agency head or Deputy Comptroller. (DCAS Discrimination Complaint Procedures Implementation Guidelines, 1993, sect.12 (b))

Response: **The confidential written reports are addressed to and reviewed by the First Deputy Comptroller. We accept the Commission's recommendation that all such reports should be signed by her as well.**

8. **Recommendation:** All confidential written reports should be divided in three sections in accordance with section 12b of the DCPG.

Response: **We accept the Commission's recommendation.**

9. **Recommendation:** All internal investigative reports should be labeled "confidential" in large bold print.

Response: **We accept the Commission's recommendation.**

10. **Recommendation:** The EEO Officer should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints.

Response: **The Comptroller's Office currently maintains a monthly log of EEO cases as part of the monthly report entitled: "Status Report on Ongoing Personnel Issues." This report is reviewed with the First Deputy Comptroller on a monthly basis.**

11. **Recommendation:** It is the Commission's position that appropriate documentation of meetings and other communication between the EEO Officer and the agency head or direct reports to the agency head regarding EEO decisions should be maintained.

Response: **We are unaware of any such requirement under the law or the Citywide EEO Policy. Nonetheless, we accept the Commission's recommendation.**

12. **Recommendation:** The CO should follow-up on its pledge to review CEEDS data for underutilization. (Sect.IV, Citywide EEO Policy)

Response: **The Comptroller's Office currently receives CEEDS reports on a quarterly basis from DCAS and reviews them for underutilization.**

13. **Recommendation:** If CO's workforce analysis shows underutilization in certain protected groups, it may expand its recruitment efforts to address underutilization by acquiring "Making the Most of New York City's Recruitment Resources," 2004, <http://extranet.dcas.nycenet/cco/pdf/apomasterclass-recruitment.pdf>, a list of recruitment source compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups. (Sect. IV, Citywide EEO Policy).

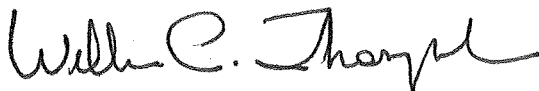
**Response: The Comptroller's Office has obtained a copy of the recruitment document at issue and will use it to address any future underutilization of protected groups.**

14. **Recommendation:** The CO should follow-up on its pledge to develop structured interview training to personnel involved in the recruitment and hiring process. This is also a requirement of the Citywide EEOP. (Sect. V, Citywide EEO Policy)

**Response: We accept the Commission's recommendation, and are in the process of developing a structured interview training program.**

The Comptroller's Office would again like to thank the Commission and its staff for the assistance they provided during the audit period. The Comptroller's Office is committed to ensuring and promoting equal employment opportunity for all applicants and staff and, as you are aware, we have already begun to implement the Commission's recommendations. Please do not hesitate to call Annette Hernandez, Director of EEO, if you have any questions or concerns.

Very truly yours,



William C. Thompson, Jr.

WCT/lf