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February 8, 2013

Mr. Cesar A. Perez  
Chair  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, New York 10007

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

Dear Chairman Perez:

We would like to thank the Commission for its thorough audit and valuable recommendations. The Comptroller's Office has reviewed the preliminary determinations that require corrective actions and our responses are below.

1. **Recommendation:** 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.

Response: With the exception of one complaint file submitted during the audit period, each of the remaining three complaint files included a *Discrimination Complaint Form*. However, we accept the Commission's recommendation and will ensure that all future complaint files include a *Discrimination Complaint Form*.

2. **Recommendation:** The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's rights 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.

Response: We accept the Commission's recommendation and have implemented procedures to document that respondents are provided with the information necessary to fully prepare to defend themselves. Please see Attachment #1, sample Notice of Complaint Filing.

3. **Recommendation:** 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.

Response: We strive to commence investigations immediately and to issue reports within 90 days. We accept the Commission's recommendation, however, if circumstances arise where we cannot meet these standards, we will note such in the complaint file and notify complainant and respondent of the delay in writing.

4. **Recommendation:** 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.

Response: As of October 2012, this process had been implemented consistent with the Commission's recommendation.

5. **Recommendation:** 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.

Response: The City's E-Hire system, which enables agencies to collect this information in an efficient manner, and on a voluntary basis where required by law, has not yet been made available to the Comptroller's Office. Nonetheless, we appreciate the Commission's desire to have this agency collect applicant information and accept the Commission's recommendation to implement a system to capture candidate information (i.e., those individuals who are interviewed) on a voluntary basis as we currently do with those individuals hired. In addition, the agency will collect requested information from all applicants when the E-Hire system is made available to the Comptroller's Office.



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

Response: For easy access by employees, the agency has and will continue to post on its website information regarding examinations, training opportunities, job postings, performance evaluations, and related material. We accept the Commission's recommendation and have re-distributed the identity of the Career Counselor to ensure employees have a contact if they have questions on this and other career information. Please see Attachment #2, e-mail to all staff.

7. **Recommendation:** The agency should appoint at least one EEO Representative of each gender to receive discrimination complaints and conduct investigations.

Response: This administration has always had EEO representatives of each gender to receive complaints, but given the size of the agency and the history of complaints, only the EEO Officer would investigate complaints. Nonetheless, we accept the Commission's recommendation and have appointed Jose Quiroz and Annabelle Walters as EEO Counselors. Mr. Quiroz and Ms. Walter's will be available to receive and investigate complaints and also to address possible delays in the event the EEO Officer is out for an extended time.

8. **Recommendation:** The agency should update its EEO policy to include the identity and contact information for the EEO professionals.

Response: We accept the Commission's recommendation that, although the previous EEO professionals were trained and appointed, their identity and contact information should be in the Policy and have updated the EEO Policy to reflect this information for the new EEO professionals. Please see Attachment #3, updated Equal Opportunity Policy Statement.

9. **Recommendation:** 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.

**Response:** We accept the Commission's recommendation and have re-distributed and posted the name, location, and contact information of the Disability Rights Coordinator to all employees. Please see Attachment #4, e-mail to all staff.

10. **Recommendation:** 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).

**Response:** Although the current managerial evaluations include the requirement that a manager follow the rules and procedures of the agency, which include EEO matters, we accept the Commission's recommendation and have revised the agency's managerial performance evaluation to specifically include an EEO rating. Please see Attachment #5, revised Managerial Performance Evaluation.

11. **Recommendation:** The agency head should direct managers and supervisors to emphasize their commitment to 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.

**Response:** We accept the Commission's recommendation. Please see Attachment #6, memorandum to all supervisory staff from the First Deputy Comptroller.

The Comptroller's Office would again like to thank the Commission and its staff for the assistance they provided during the audit process. The Comptroller's Office is committed to ensuring and promoting Equal Employment Opportunity for all applicants and staff and has or will shortly implement each of the Commission's recommendations. Please do not hesitate to contact Sharina Soriano, EEO Officer, if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ricardo Elias Morales".

Ricardo Elias Morales  
First Deputy Comptroller