



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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January 9, 2008

Honorable William C. Thompson, Jr.  
Comptroller, City of New York  
1 Centre Street, Room 530  
New York, New York 10007

Re: Final Determination Pursuant to the Audit of the Comptroller's Office (CO) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 through December 31, 2006.

Dear Mr. Thompson:

Thank you for your November 30, 2007 response to our October 25, 2007 Letter of Preliminary Determination pursuant to the audit of the Comptroller's Office's Equal Employment Opportunity Policy from January 1, 2005 through December 31, 2006. The EEPC staff has received your response and our Final Determination is as follows:

### Agree

We agree with your responses to the following EEPC recommendations:

#### Recommendation #1

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

#### Recommendation #2

The agency should distribute the Section 55-A Program brochures issued by the DCAS to all employees. (Sect. IIB, Citywide EEOP)

#### Recommendation #3

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 which is similar to the citywide procedures. (Comptroller's Employee Manual, EEOP, p. 4)

Recommendation #4

All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator. (DCPIG, sect. 12(b))

Recommendation #5

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))

Recommendation #6

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.

Recommendation #7

In keeping with section 94 of the New York City 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))

Recommendation #8

All confidential written reports should be divided in three sections in accordance with section 12b of the DCPIG.

Recommendation #9

All internal investigative reports should be labeled "confidential" in large bold print.

Recommendation #11

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.

Recommendation #12

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

Recommendation #13

If the 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.nycnet/eo/pdf/apomasterclass--recruitment.pdf>, a list of recruitment sources compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups. (Sect. IV, Citywide EEO Policy)

Recommendation #14

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

**Disagree**

We disagree with your response to the following EEPC recommendation:

Recommendation #10

The EEO officer should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints. (DCAS, DCPIG, 1993, Sect. 12(a))

Your Response

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

EEPC Rationale

The Discrimination Complaint Procedure Implementation Guidelines clearly requires that EEO officers maintain a separate monthly complaint log. Due to confidentiality reasons, the EEO officer should not combine EEO and personnel information.

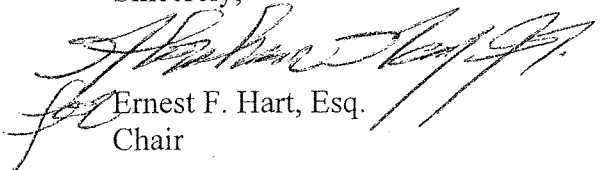
**Conclusion**

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Garcia Quiñonez or her designee will contact your EEO officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Ernest F. Hart, Esq.  
Chair

C: Annette Hernandez. EEO Officer