



**The City of New York**  
**Financial Information Services Agency**

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MICHAEL R. BLOOMBERG, *Mayor*  
WILLIAM C. THOMPSON, JR., *Comptroller*

ROBERT W. TOWNSEND  
*Executive Director*

December 2, 2009

Abraham May, Jr.  
Executive Director  
Equal Employment Practices Commission  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: Preliminary Determination Pursuant to the Audit of the Financial Information Services Agency (FISA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2007.

Dear Mr. May,

The Financial Information Services Agency has reviewed the findings and recommendations detailed in the Preliminary Determination forwarded by letter dated November 2, 2009 resulting from the above-cited audit. The following presents the findings, and includes FISA management responses to the recommendations detailed in the report.

**1. Discrimination Complaint and Investigation Procedures**

FISA is not in compliance with the following requirements:

- a. None of the confidential written reports in the complaint files were signed by the agency head.

**Recommendation:**

The agency head should sign each confidential report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. Such sign off may be in written or electronic form. (Sect, VB, EEOP and DCPIG, sect. 12b)

### Management's Response

*FISA agrees with this finding. The Executive Director was signing off at quarterly review meetings to discuss all complaints. He will now sign off on each report and FISA will include the evidence of review in each individual file.*

*We would also like to point out for the record the following inaccuracies in the report:*

- *On page 3, in the paragraph under the heading "Discrimination Complaint Activity During the Audit Period," the paragraph says that four of the five complaints filed had reports issued, and that one complaint is pending. The complaint is not identified, however Complaint 07-05, the last of the five complaints to reach conclusion was closed in a report dated 5/20/08. Documentation of all five closing reports has been provided.*
- *On page 5, finding number 1 states that none of the confidential written reports in the complaint files were signed by the agency head. However, we provided documentation to verify that the FISA Executive Director signed the report on number 07-05 (opened 12-28-07) on January 30, 2008.*

b. All five complaint files do not contain investigative interview notes

### Recommendation:

Complaint files should contain thorough notes of words spoken and facts provided, excluding subjective assessment as close to verbatim as possible. (DCPIG, Sect. 12b)

### Management's Response

*FISA agrees with this finding. FISA will retain notes made during investigative interviews. Such notes will be kept in the relevant complaint file.*

## **2. Selection and Recruitment**

FISA is not in compliance with the following requirements:

The FISA did not conduct adverse impact studies during or after the audit period.

**Recommendation:**

Since the EEOP requires that city agencies assess 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, the FISA should conduct an adverse impact study. The FISA can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm> for this purpose. To the extent that the adverse impact is discovered, the agency should determine whether the criteria being utilized are job-related or, if not, discontinue using those criteria.

**Management's Response**

*FISA agrees with this finding. FISA will continue its effort to work with DCAS and to utilize its recommended online internet based Disparate Impact Analysis Application for this purpose.*

**3. Supervisory Responsibility in EEO Plan Implementation**

FISA is not in compliance with the following requirements:

Managers and supervisors were not instructed to discuss the agency's EEO policies and reemphasize their commitment to EEO during normal staff meetings.

**Recommendation:**

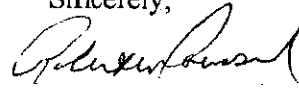
It is the position of the DCAS ("Model Agency EEO Commitment Memo," [http://extranet.dcas.nycnet/eep/pdf/model\\_memo.pdf](http://extranet.dcas.nycnet/eep/pdf/model_memo.pdf)) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. Documentation should be maintained.

**Management's Response**

*FISA agrees with this finding. FISA management will continue to reemphasize its EEO commitment and take steps to document the meetings where it is discussed.*

If you have any questions on these comments, please direct them to Richard McCarrick at (212) 857-1534.

Sincerely,



Robert W. Townsend  
Executive Director

cc: E. Fitzpatrick  
A. Edley  
G. Patterson  
R. McCarrick

# FISA

## MEMORANDUM

To: FISA Staff

Date: December 16, 2009

From: Robert W. Townsend

Subject: Implementation of Recommendations – Equal Employment Practices Commission Audit

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FISA has recently undergone a routine, scheduled audit by the City's Equal Employment Practices Commission (EEPC). This audit is conducted periodically to ensure each agency's continued compliance with the City's Equal Employment Opportunity Policy (EEO).

The audit methodology used by the EEPC included their analysis of FISA's EEO documentation; their interview of FISA's EEO officer, EEO Counselors, Career Counselor; and a mail survey to which you may have responded.

The findings of the audit indicate that FISA is in compliance with substantive requirements of the EEO. FISA will, however, modify its practices to ensure that the following documentation becomes part of any future, internal EEO complaint file:

- The Executive Director will sign each confidential report to indicate that it has been reviewed and any corrective action to be taken.
- FISA will retain notes made during investigative interviews.

FISA will work with DCAS to utilize the Disparate Impact Analysis Program to assist in conducting adverse impact studies. FISA management will also continue to reemphasize its EEO commitment and document these discussions.

FISA's Equal Employment Opportunity Policy was last distributed agency-wide in October, 2009. Additional copies are available from FISA's EEO Officer, Glenis V. Patterson or online at <http://www.nyc.gov/html/dcas/html/resources/eo.shtml>.

I am sure that you will join me in continuing support of the Equal Employment Opportunity Policy, and that together we can ensure a workplace free of discrimination and harassment, one which encourages respect for the diversity of backgrounds represented at FISA.

If you have staff that does not have access to e-mail, please be sure to deliver a hard copy of this memorandum.

Thank you.