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**BY MAIL AND EMAIL**

September 18, 2018

Scott M. Stringer  
Comptroller  
Office of the New York City Comptroller  
1 Centre Street, Room 517  
New York, NY 10007

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices January 1, 2016 to December 31, 2017.

Dear Comptroller Stringer:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's sexual harassment prevention and response practices for the period covering January 1, 2016 to December 31, 2017.

Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The Office of the New York City Comptroller, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates 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 purpose of this audit and analysis is to evaluate the agency’s sexual harassment prevention and response practices, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies’ EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures that are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions that each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

### **Scope and Methodology**

This Commission’s audit methodology includes the collection and analysis of the documents, records and data the agency provides in response to the document and information request; responses to the *EEPC Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency’s *Annual EEO Plans, Quarterly EEO Reports* and analysis of *Citywide Equal Employment Database System* (CEEDS) reports.

EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, and 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a three-week deadline to complete and return their individual questionnaires. The Commission’s EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

### **Description of the Agency**

The Comptroller is an independently elected official and “*the City’s Chief Financial Officer who advises the Mayor, the City Council, and the public of the City’s financial condition, and makes recommendations regarding City programs and operations, fiscal policies, and financial transactions. The Comptroller also audits and examines all matters relating to the City’s finances;*

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<sup>1</sup> Corresponding audit/analysis standards are numbered throughout the document.

registers proposed contracts; verifies budget authorization and codes for contracts; determines credit needs, terms and conditions; prepares warrants for payment; and issues and sells City obligations. In addition, the Comptroller's office conducts performance analyses of City agencies to promote efficiency and effectiveness relating to the delivery of City services; helps safeguard assets and ensures the accuracy of accounting data; audits City financial transactions; settles and adjusts all claims for or against the City and approves emergency contracts. The Comptroller also is the custodian and delegated investment adviser to all five of the City's pension boards, manages the sinking funds and all other City-held trust funds, maintains the City's accounts, and publishes the City's annual financial statement.”<sup>2</sup> At the end of the period in review, the CEEDS Report: Work Force Composition Summary for Office of the New York City Comptroller, attached as Appendix 1, indicated an agency headcount of 773.

## PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

### I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

**Determination:** The agency is in partial compliance with the standards for this subject area.

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
- ✓ On July 6, 2017, the agency issued an EEO Policy Statement to emphasize that it “prohibits harassment, forms of which include, but are not limited to, the use of vulgar or sexual language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment. This includes aiding, abetting, inciting, compelling, or coercing any of the above outlined conduct, or creating a hostile work environment based on any protected characteristic.”

NOTE: Subsequent to the period in review, on May 30, 2018, the agency issued the *Office of the New York City Comptroller Policy Statement Against Sexual Harassment*, which stated, “[t]he Office of the New York City Comptroller is an equal opportunity employer. ... Sexual harassment is a form of employment discrimination prohibited by law. All Comptroller’s Office employees should be familiar with our EEO Policy as well as the City’s EEO Policy protections against sexual harassment.”

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints,

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<sup>2</sup> “Comptroller” *Green Book Online*, City of New York, 2015, <http://a856-gbol.nyc.gov/GBOLWebsite/GreenBook/Details?orgId=2860>

and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- ✓ The agency's July 6, 2017 *Equal Employment Opportunity Policy* (2017 EEO Policy), attached as Appendix 2, conformed to city, state and federal laws against sexual harassment and included procedures for investigating internal discrimination/sexual harassment complaints and the contact information for the agency's EEO professionals (the names, room numbers, telephone numbers and email addresses). Contact information for the federal, state and local agencies that enforced laws against discrimination/sexual harassment (telephone number, address, and web address) as well as for the agency's EEO Professionals were provided in Section VI of Part One of the *Employee Manual, Rules and Procedures, April 2011 Edition with Updates* (Employee Manual), attached as Appendix 3. The agency reported that during the period in review its EEO Policy and Employee Manual were annually updated, distributed in hard copy to all employees, and posted to the agency's intranet.
- The investigation procedures in the agency's 2017 EEO Policy did not include or attach as addenda: complaint investigation procedures for circumstances where a complaint investigation could not commence immediately and where a conclusive report could not be issued within 90 days. Specifically the complaint procedures did not require that the complainant and respondent be notified of the delay, and that the reason for the delay and a projected timeframe for completion of the report be included in the complaint file. Corrective Action Required.

**NOTE:** The address listed for the New York City Commission on Human Rights in the agency's Employee Manual is inaccurate and should be updated. Subsequent to the period in review and on January 8, 2018, the agency emailed all employees its January 1, 2018 *Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Policy and Procedures* (2018 EEO Policy). The aforementioned deficiencies in the 2017 EEO Policy were not resolved in the 2018 EEO Policy.

**Corrective Action 1:** Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

## II. EEO TRAINING FOR AGENCY:

**Determination:** The agency is in compliance with the standards for this subject area.

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training

on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

- ✓ Section VI of Part One of the Employee Manual stated that “*periodic EEO trainings*” will be conducted “[t]o ensure that all managers, supervisors and all other employees are aware of their rights and responsibilities.” The agency’s training records indicated that during the period in review, 193 new employees completed the agency’s EEO training during new employee orientation, and four (4) existing employees completed the Department of Citywide Administrative Services (DCAS) Citywide Training Center (CTC) EEO computer-based training. Topics reflected on slides from the orientation and computer-based EEO trainings included the definition of sexual harassment, prevention of sexual harassment and discrimination complaint and investigation procedures.
- The agency did not ensure that all existing employees were trained on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.  
Corrective Action Required.

NOTE: Subsequent to the period in review, in June 2018, 32 two-hour instructor-led sexual harassment prevention training sessions were conducted. Sign-in sheets confirm that all employees completed the training. Course materials indicate that the following topics were covered: the definition of sexual harassment, prevention of sexual harassment and discrimination complaint and investigation procedures.

### III. COMPLAINT & INVESTIGATION PROCEDURES

**Summary of Complaint Activity:** The Office of the New York City Comptroller reported a total of 3 internal and 0 external complaints filed during the period in review. In response to the EEPCC's request, the agency submitted the last three, completed internal complaint files, Nos. 2016/001, 2016/003 [sic] and 2016/004. The following findings are based on the examination of these complaint files as well as documents and forms submitted; wherever applicable, the agency’s policies and procedures were used to measure compliance with the standard.

**Determination:** The agency is in partial compliance with the standards for this subject area.

4. Include in the complaint file a completed *Complaint Intake Form*, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.
- ✓ Each EEO complaint file (2016/001, 2016/003 and 2016/004), included a completed *Equal Employment Opportunity Discrimination Complaint Intake Form* that captured the facts, dates, identified the respondent(s) and provided the essence of the circumstances which gave rise to the complaint. The *Equal Employment Opportunity Discrimination Complaint Intake Form* specifically asked complainants, “[w]hat is the alleged basis of discrimination ... [p]lease give the name, title, and division of the person(s) you believe discriminated against you ... [p]lease describe what happened to you which you believe is unlawful discrimination. Please indicate

*the date(s), location and nature of the incident(s). Please use extra pages if necessary.*” The complaint intake form also asked, “[a]re there any documents that contain information supporting the conduct described above?”

5. Provide the option to file a complaint anonymously.
  - ✓ The complaint investigation procedures in Section D.1 of the 2017 EEO Policy provided the option to file a complaint anonymously, by stating, “[e]mployees who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephoning or writing to the EEO Officer. In such cases the EEO Officer will provide counseling and take such follow-up action as may be appropriate and possible, given the constraints of investigating an anonymous complaint.”
6. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
  - ✓ The respondents to each of the EEO complaints were served a notice of the complaint that informed them of their right to respond to the allegations and to be accompanied by a representative of his/her choice. EEO complaint files 2016/001, 2016/003 and 2016/004 each included a copy of the notices served to the respective respondent.
7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.
  - ✓ Because none of the EEO complaints were withdrawn, terminated or resolved by agreement of the parties or the EEO Office, the agency’s 2017 EEO Policy was used to measure compliance with this standard. The 2017 EEO Policy stated, “[a] complaint may be withdrawn at any time by the complainant.”
    - The 2017 EEO Policy did not specify the procedure to be followed when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. Corrective Action Required.

NOTE: Sections D.4.c, D.4.d and D.5 of the 2018 EEO Policy contained procedures to be followed when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. Section D.4.c and D.4.d. of the agency’s 2018 EEO Policy stated that “*the EEO Officer should inform all parties in writing of the outcome of the investigation*” and that “[a] complaint may be withdrawn at any time by the complainant. Withdrawal of a complaint must be made or confirmed in writing.” Section D.5 of the agency’s 2018 EEO Policy stated, “[i]f the parties agree to a resolution during mediation, a resolution agreement will be drafted and provided to the parties and the referring EEO Officer. The resolution agreement will resolve the pending EEO complaint. All resolution agreements are subject to approval by the General Counsel... A party may withdraw from mediation at any



*time. The EEO Office may also terminate the mediation process if it deems that the effort has been unproductive. The EEO Office must inform all parties to the complaint, in writing, of the termination of mediation. The notice must also inform the parties that the EEO Office will resume its investigation of the complaint."*

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.
    - ✓ Each EEO complaint file (2016/001, 2016/003 and 2016/004) included handwritten and typed notes (via memorandum to files) of words spoken and facts provided during each interview.
  9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.
    - ✓ The conclusive reports for EEO complaints 2016/001, 2016/003 and 2016/004 were issued within 90 days of the date the complaints were filed.
  10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.
    - ✓ Because the conclusive reports for EEO complaints 2016/001, 2016/003 and 2016/004 were issued within 90 days, the complaint procedures in the agency's 2017 EEO Policy were used to measure compliance with this standard.
- NOTE: The agency's 2017 EEO Policy did not include procedures for circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days (see §I.2 for associated corrective action).
11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.
    - ✓ EEO complaint files 2016/001, 2016/003 and 2016/004 each contained a conclusive confidential report that included sections titled *Background, Summary of Complaint, Scope and Method of Investigation, Statements, Discussion, and Recommendation*. Each report was signed by the First Deputy Comptroller (as designated by the agency head in the agency's EEO complaint procedures).
  12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

- ✓ The agency reported that its EEO complaint files were secured in file cabinets within the locked EEO Office, and delivered to the agency head, General Counsel and EEO professionals, by hand or email upon their request.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

- ✓ EEO complaint files 2016/001, 2016/003 and 2016/004 contained a memorandum from the First Deputy Comptroller to the principal EEO Professional stating, *"I have read and reviewed the final report and agree with your findings."* Section E. *Concluding the Internal Complaint Investigation* of the 2017 EEO Policy established that *"[t]he EEO Officer will issue a written decision on the EEO complaint and recommend corrective action if there is a finding of a violation of the Comptroller's EEO Policy. The Comptroller will review the EEO Officer's report and promptly issue a determination in writing adopting, rejecting, or modifying the recommended action."*

NOTE: The agency's 2018 EEO Policy formalized the agency's designation of the First Deputy Comptroller as an approved direct report of the agency head responsible for the principal investigator's conclusive report. Section 4.c *Concluding the Internal Complaint Investigation* of the agency's 2018 EEO Policy established that, *"[a]t the conclusion of the investigation, the EEO Officer will prepare a confidential written report on the complaint investigation and submit it to the First Deputy Comptroller for review... The First Deputy Comptroller must sign each written report and indicate that it has been reviewed and whether the determination and recommendation, if any, is adopted, rejected or modified."*

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

- ✓ EEO complaint files 2016/001, 2016/003 and 2016/004 each contained copies of the notices to the complainant and respondent of the outcomes of their investigation. In addition, the complaint procedures in the 2017 EEO Policy outlined in Section 5.c that *"[u]pon completion of the investigation, the EEO Officer will advise the complainant and any person named as a party to the complaint as to the outcome of the investigation."*

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

- ✓ EEO complaint files 2016/001, 2016/003 and 2016/004 each contained copies of a written determination (via the principal EEO Professional's conclusive report), outcomes, and corrective actions taken as a result.



16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
- ✓ Because EEO complaint files 2016/001, 2016/003 and 2016/004 were not transferred because of the filing of an external complaint, the agency's EEO complaint investigation procedures was used to measure compliance with this standard. The EEO complaint investigation procedures outlined in the 2017 EEO Policy stated, "[t]he EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint."
17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
- ✓ The agency's complaint tracking log identified *Complainant, Complaint number, Date Received, Comments, Findings, Date*. The *Comments* field captured the issues and the bases of the complaints and *Findings* field captured the outcome of the investigation.
    - The agency's complaint tracking log did not provide for the capture of the location, status, or the name(s) of the respondent(s). Corrective Action Required.

**Corrective Action 2:** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.

18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
- ✓ The job description of the General Counsel established that the Office of the General Counsel served as advisor to the agency head and was responsible for all legal matters related to the work and operation of the agency, which included identifying and determining appropriate responses to sexual harassment complaints. Emails from April 2016, June 2017 and December 2017 documented that the General Counsel, principal EEO Professional and Principal Human Resources Professional collaborated to review, revise and implement the agency's EEO Policy and Policy Statement to stay current with the City of New York's EEO Policy and applicable legislative updates.

Because the agency reported no external complaints, the agency's 2017 EEO Policy was used to measure compliance with this standard that the General Counsel and principal EEO Professional collaborate during internal and external EEO and sexual harassment complaint investigations. Section D.3 of the 2017 EEO Policy stated “[i]n certain cases, an internal EEO investigation may be conducted by the EEO Officer in conjunction with the General Counsel’s Office and its Disciplinary Officer, or by the General Counsel’s Office alone. In addition, there may be exceptional circumstances under which an investigation may be conducted by another individual or entity, as deemed prudent by the General Counsel’s Office.” In addition, Section F of the 2017 EEO Policy established that “[t]he General Counsel will be responsible for handling external complaints ... [and] the EEO Officer will cooperate with the General Counsel with respect to the ultimate resolution of the complaint.”

#### **IV. ANNUAL REVIEW OF PRACTICES, POLICIES AND PROGRAMS**

**Determination:** The agency is in compliance with the standards for this subject area.

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
- ✓ Email communications between the principal EEO Professional, Principal Human Resources Professional, and General Counsel documented their 2016 and 2017 collaborative reviews and updates to the agency’s EEO Policy. Memoranda to file from meetings in 2016, between the principal EEO Professional and Deputy Comptroller for Administration, indicated that EEO complaints and reasonable accommodation requests were reviewed quarterly. Email exchanges between the principal EEO Professional, Principal Human Resources Professional and General Counsel documented their collaboration in the revision of the agency’s EEO Policy Statement and Employee Manual to clarify the roles of the EEO Officer and EEO Counselors.

NOTE: Subsequent to the period in review, in January 2018, the principal EEO Professional collaborated with the Principal Human Resources Professional to create and conduct an employee survey to assess employees’ knowledge of sexual harassment. In response to the survey’s results, in June 2018, the agency provided agency-wide instructor-led sexual harassment prevention trainings (see §II.3 for information regarding the contents of the training).

**V. RESPONSIBILITY FOR IMPLEMENTATION - EEO PROFESSIONALS**

**Determination: The agency is in compliance with the standards for this subject area.**

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
- ✓ The principal EEO Professional at the start of the period in review (and through March 24, 2017) completed the following DCAS CTC trainings: *Diversity and Equal Employment Opportunity Basic Training* for EEO professionals (November 2011), *Training on Effective Complaint Investigations and How to Handle Challenging Situations* (May 2012), *Conflict Resolution: Achieving Best Practices* (October 2012), *Everybody Matters* (February 2014), *Equal Employment Opportunity Computer Based Training* (September 2015), *Building an Inclusive Culture: Understanding Unconscious Bias Train-the-Trainer* (October 2015), *Structured Interviewing and Unconscious Bias Train-the-Trainer* (October 2015), *LGBT: Are You Ready for the "T" - Creating an Inclusive Culture for Transgender* (November 2015), *Workplace Realities: Responding to People with Disabilities (Disability Etiquette)* (May 2016), and *LGBTQ: The Power of Inclusion* (April 2017). The principal EEO Professional also completed the Practicing Law Institute training *Internal Investigations 2013* (June 2013).

The interim EEO Officer (March 27, 2017 through December 27, 2017) completed the following DCAS CTC trainings: *55-a Disabled Veteran Outreach Initiative - WebEx Conference* (June 2017), *Workplace Gender Transition Guidelines Webinar* (June 2017), and *Reasonable Accommodation Procedural Guidelines* (September 2017).

The current principal EEO Professional (appointed December 28, 2017) completed DCAS CTC's two day *EEO Investigative Workshop* (November 2017), and the course summary and objectives were to "review the City's Equal Employment Opportunity (EEO) Policy and its obligations under federal, state and city anti-discrimination laws, policy and procedures; ... the role of the EEO Officer and other agency partners in relation to the City's EEO responsibilities and obligations ... the City's EEO Complaint Procedural Guidelines and develop participants' skills in EEO complaint handling and investigations."

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
- ✓ The agency responded affirmatively to the EEOC's preliminary interview question that the responsibilities of the principal EEO Professional were competently discharged by providing *dedicated EEO-related support staff* (EEO Counselors) (see §V.22); *training* (to the principal EEO Professional and EEO Counselors) *on EEO-related laws, policies, procedures and EEO analytics subsequent to appointment* (see §V.20 and §V.22 for training details); and an *annual performance appraisal of EEO-related responsibilities which included feedback/recommendations* for each manager and supervisor to establish an agency-wide

managerial commitment to EEO (see §VI.27 and §VI.28 for EEO commitment and performance evaluation details). In addition, employees were advised by the 2017 EEO Policy that the EEO Office consisted of the principal EEO Professional and two (2) part-time EEO Counselors; and that the EEO Counselors were available to provide information regarding reasonable accommodations and filing internal EEO complaints.

22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures and their responsibilities under the EEO Policy.

- ✓ During the period in review, the agency's headcount was 773 employees in 16 bureaus (departments) and at a single location. The EEO Office consisted of a principal EEO Professional and two (2) part-time EEO Counselors (*Deputy Director of Labor Investigations* and *Procurement Analyst*). Names and contact information for the EEO Professionals were included in the agency's 2017 EEO Policy and Employee Manual.

Section B of the 2017 EEO Policy advised that EEO Counselors were trained "...to serve as liaisons between this [EEO] Office and federal, state, and city equal employment and human rights offices." The EEO Counselor/*Deputy Director of Labor Investigations* completed DCAS CTC Diversity and EEO Basic Training for EEO Professionals (June 2013), DCAS CTC Everybody Matters Computer Based Training (August 2014), and *Internal Investigations 2013 (Practicing Law Institute - June 2013)*. The other EEO Counselor/*Procurement Analyst* completed the following DCAS CTC trainings: *Diversity and EEO Basic Training* for EEO Professionals (May 2017), *Everybody Matters* (November 2017), *Reasonable Accommodations Guidelines* (October 2017), *Structured Interviewing and Unconscious Bias* (December 2017), and *Workplace Gender Transition Guidelines Webinar* (June 2017).

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- ✓ Emails from April 2016, June 2017 and December 2017 documented the regular collaboration of the principal EEO Professional, General Counsel and Principal Human Resources Professional in revising the agency's EEO Policy and Policy Statement to stay current with the City of New York's EEO Policy and applicable legislative updates. The EEO Policy Statement and Employee Manual were also revised in 2017; differences between versions at the start in the period in review and the May 2017 Employee Manual and the July 2017 EEO Policy Statement documented the revisions.

NOTE: The EEO Policy Statement and Employee Manual were also revised as evident in the differences between the 2017 policy and the versions issued in January 2018.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment

and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- ✓ The duties and responsibilities of the principal EEO Professional were outlined in the *EEO Officer* job description, which included serving as a subject matter expert for supervisors and employees regarding EEO and reasonable accommodations policy and procedures; maintaining and preparing EEO statistical data and agency reports; conducting confidential EEO discrimination and complaint investigations (see §III); active participation in the planning, development and delivery of EEO training programs (see §II.3 and §IV.19); and collaboration with other City agencies/DCAS to implement diversity and inclusion best practices.

During the period in review, the principal EEO Professional supervised the activities of the agency's EEO Professionals (see §V.21 and V.22) and ensured that the agency's annual EEO Policy and Employee Manual (which contained provisions against sexual harassment and complaint procedures) were posted electronically to the agency's intranet site accessible by all employees (see §I.2) and capable of being viewed in large print. The principal EEO Professional ensured that all employees received sexual harassment prevention training (see §II.3 and §IV.19) and that EEO complaints, including allegations of sexual harassment, were promptly investigated by adherence to the complaint investigation procedures outlined in the agency's annual EEO Policy (see §I.2, §III and §III.9).

In addition and subsequent to the period in review, all employees, including managers, supervisors and human resource professionals were emailed the 2018 EEO Policy and informed that "[s]hould you have specific questions concerning this policy, please contact our EEO Officer."

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
- ✓ The agency's organization chart indicated that the principal EEO Professional directly reported to the agency head. In addition, the agency reported that the principal EEO Professional had the necessary authority and independent judgment to fulfill EEO responsibilities, including the latitude to schedule meetings directly with the Comptroller.
26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.



- ✓ Representative memoranda to file were provided from two (2) meetings in 2016 between the Deputy Comptroller for Administration (a direct report to the agency head) and the principal EEO Professional which demonstrated that directives and operational decisions that impacted the EEO program were documented and maintained by the principal EEO Professional.

#### **VI. RESPONSIBILITY FOR IMPLEMENTATION – MANAGERS**

**Determination: The agency is in compliance with the standards for this subject area.**

27. Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
- ✓ The Employee Manual communicated the expectation that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures, by stating in Section VI of Part One that, “[m]anagers and supervisors are directed to make all employment decisions in accordance with the Office of the Comptroller’s EEO Policy, and to ensure compliance with the policy in their areas of responsibility...To ensure that all managers, supervisors and all other employees are aware of their rights and responsibilities, the Office of the Comptroller will conduct periodic EEO trainings.”
28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ The agency’s managerial performance evaluation form contained a rating for EEO, and stated, “[t]ask and Standards (For All Who Supervise Staff)...Task: Managing workforce: Provides employees with direction, guidance, support and evaluation in order to meet work goals. Standards:...[e]mphasizes commitment to the agency’s EEO Policy & Procedures to staff during the appraisal period. Follows and reinforces awareness of the agency’s rules and procedures as stated in the Employee Manual, including ethical standards and codes of conduct.”

#### **VII. REPORTING STANDARD FOR AGENCY HEAD:**

**Determination: The agency is in non-compliance with the standards for this subject area.**

29. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>3</sup> on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.
- The agency did not submit to the EEPCC Annual Plans of measures and programs to provide equal employment opportunity. Corrective Action Required.

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<sup>3</sup> Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.



**Corrective Action 3:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**After implementation of the EEPC's corrective actions, if any:**

1. Distribute a memorandum from the agency head informing employees of any changes implemented in the agency's policies and procedures against sexual harassment pursuant to the EEPC's audit, and re-emphasizing the agency head's commitment to the EEO program and the prevention of sexual harassment.

**Final Action:** Distribute a memorandum from the agency head informing employees of the EEPC's audit and any changes implemented in the agency's policies and procedures against sexual harassment pursuant to the EEPC's audit, and re-emphasizing the agency head's commitment to the EEO program and the prevention of sexual harassment.

**Conclusion**

**The agency has 3 required corrective action(s) at this time.**

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

*Optional Response to preliminary determination:* If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

*(Optional Conference)* During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

*(No Response Option)* If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

*Mandatory Response to Final Determination:* Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.



In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully submitted by,

A handwritten signature in blue ink that reads "William Peterson".

William Peterson, EEO, Employment and Labor Relations Analyst

Approved by,

A handwritten signature in blue ink that reads "Charise L. Terry".

Charise L. Terry, PHR  
Executive Director

c: Diane Jones Randall, Principal EEO Professional

## **Appendix - 1**

Office of the New York City Comptroller  
CEEDS Report: *Work Force Composition Summary*  
2<sup>nd</sup> Quarter of Fiscal Year 2018  
(End of Audit Period)

RUN DATE: 01/03/18  
 RUN TIME: 14:40:13.7

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
 WORK FORCE COMPOSITION SUMMARY  
 AGENCY 015 OFFICE OF THE COMPTROLLER

PAGE: 25  
 REPORT: EBEP210

QUARTER 2 YEAR 2018

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
41038	FIRST DEPUTY COMPTROLLER	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
41039	SECOND DEPUTY COMPTROLLER	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
41044	SPECIAL DEPUTY COMPTROLLER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
41095	COMPTROLLER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
95611	INVESTMENT MANAGER (COMPTR	12	1	1	2	0	1	3	5	2	1	0	0	0	0	28
95612	DIRECTOR OF INVESTMENTS (C	3	0	1	0	0	0	0	0	0	1	0	0	0	0	5
EEO JOB GROUP TOTAL.....:		17	1	2	2	0	1	5	5	2	2	0	0	0	0	37
		45.94	2.70	5.41	5.41	0.00	2.70	13.51	13.51	5.41	5.41	0.00	0.00	0.00	100.00	

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06311	DIRECTOR OF AUDITS (CO)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
10001	ADMINISTRATIVE ACCOUNTANT	3	2	1	1	0	1	8	6	1	1	0	0	0	0	24
10003	ADMINISTRATIVE GRAPHIC ART	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
10009	ADMINISTRATIVE BUSINESS PR	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2
10010	ADMINISTRATIVE MANAGEMENT	3	1	1	0	0	0	5	1	2	1	0	0	0	0	14
10015	ADMINISTRATIVE ENGINEER	10	2	2	0	0	0	2	0	0	1	0	0	0	0	17
1002F	ADMINISTRATIVE COMMUNITY R	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	2	0	0	1	0	0	0	1	1	0	0	0	0	0	5
10033	ADMINISTRATIVE PUBLIC INFO	1	1	1	0	0	1	3	1	1	0	0	0	0	0	9
10035	ADMINISTRATIVE SUPERVISOR	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
10041	ADMINISTRATIVE PUBLIC RECO	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10044	ADMINISTRATIVE CLAIM EXAMI	8	3	2	2	0	1	11	2	5	0	0	0	0	0	34
10050	COMPUTER SYSTEMS MANAGER	9	1	2	3	0	0	1	1	0	0	0	0	0	0	17
10053	ADMINISTRATIVE CITY PLANNE	9	0	0	1	0	1	3	0	0	1	0	0	0	0	15
10074	COMPUTER OPERATIONS MANAGE	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2
12707	PENSION INVESTMENT ADVISOR	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
13198	RESEARCH AND LIAISON COORD	9	3	0	0	0	0	1	2	3	1	0	0	0	0	19
13201	ADMINISTRATIVE ASSISTANT T	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
13229	CONFIDENTIAL ASSISTANT TO	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
13240	EXECUTIVE ASSISTANT TO THE	1	0	0	0	0	0	1	0	0	0	0	0	0	0	2
34202	CONSTRUCTION PROJECT MANAG	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
40546	PRINCIPAL INVESTMENT OFFIC	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
60837	ASSISTANT TO THE COMPTROLL	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82976	ADMINISTRATIVE PROCUREMENT	0	0	0	0	0	0	2	1	2	0	0	0	0	0	5
82994	ADMINISTRATIVE LABOR RELAT	1	0	0	0	0	0	1	1	0	0	0	0	0	0	3
83008	ADMINISTRATIVE PROJECT MAN	5	0	0	5	0	0	0	1	0	1	0	0	0	0	12
95005	EXECUTIVE AGENCY COUNSEL	10	1	0	2	0	0	7	2	2	2	0	0	0	0	26

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EEO JOB GROUP TOTAL.....: 75 15 9 16 0 4 50 20 22 9 0 0 0 220  
 34.09 6.82 4.09 7.27 0.00 1.82 22.73 9.09 10.00 4.09 0.00 0.00 0.00 100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
06710	ASSISTANT BUDGET ANALYST (	0	0	0	0	0	1	1	0	0	1	0	0	0	3
06711	BUDGET ANALYST (COMPTROLLE	2	0	0	1	0	0	0	1	1	1	0	0	0	6
1002A	ADMINISTRATIVE STAFF ANALY	2	0	0	2	0	0	1	3	0	1	0	0	0	9
1002C	ADMINISTRATIVE MANAGER NON	2	0	0	0	0	0	3	12	2	1	0	1	0	21
1002D	ADMINISTRATIVE STAFF ANALY	2	0	0	0	0	0	1	2	1	1	0	0	0	7
1002E	ADMINISTRATIVE STAFF ANALY	0	1	0	1	0	0	1	0	0	0	0	0	0	3
12158	PROCUREMENT ANALYST	0	0	0	0	0	0	1	1	1	3	0	0	0	6
12626	STAFF ANALYST	1	0	0	2	0	0	2	1	0	3	0	0	0	9
12627	ASSOCIATE STAFF ANALYST	2	1	0	0	0	0	1	0	2	1	0	0	0	7
13395	STRATEGIC INITIATIVE SPECI	0	0	0	0	0	0	1	0	0	0	0	0	0	1
22427	ASSOCIATE PROJECT MANAGER	3	0	0	3	0	0	0	0	0	0	0	0	0	6
40501	MANAGEMENT AUDITOR TRAINEE	0	0	0	0	0	0	0	0	0	1	0	0	0	1
40502	MANAGEMENT AUDITOR	10	12	3	8	0	0	13	15	5	19	0	0	0	85
40510	ACCOUNTANT	12	7	5	10	0	0	6	9	4	16	0	4	0	73
40925	INVESTMENT ANALYST	4	2	0	1	0	1	0	6	1	5	0	0	0	20
54740	CONFIDENTIAL STRATEGY PLAN	0	1	0	0	0	0	1	0	0	1	0	0	0	3
60860	BUSINESS PROMOTION COORDIN	2	2	4	3	0	0	4	3	2	2	0	0	0	22
8297A	ADMINISTRATIVE PROCUREMENT	0	1	1	1	0	0	0	2	2	1	0	0	0	8
EEO JOB GROUP TOTAL.....:		42	27	13	32	0	2	36	55	21	57	0	5	0	290
		14.49	9.31	4.48	11.03	0.00	0.69	12.41	18.97	7.24	19.66	0.00	1.72	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
13621	COMPUTER ASSOCIATE (OPERAT	2	3	1	4	0	0	0	1	1	1	0	0	0	13
13631	COMPUTER ASSOCIATE (SOFTWA	0	0	0	0	0	0	0	0	0	2	0	0	0	2
13632	COMPUTER SPECIALIST (SOFTW	1	0	0	1	0	0	2	1	1	2	0	0	0	8
13644	CERTIFIED IT ADMINISTRATOR	0	0	1	0	0	0	0	0	0	0	0	0	0	1
13651	COMPUTER PROGRAMMER ANALYS	0	0	1	1	0	0	0	1	0	1	0	0	0	4
20246	TELECOMMUNICATIONS ASSOCIA	0	0	0	0	0	0	1	0	0	0	0	0	0	1
40610	STATISTICIAN	0	0	0	0	0	0	0	0	1	0	0	0	0	1
60910	RESEARCH ASSISTANT	0	0	0	0	0	0	0	0	1	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		3	3	3	6	0	0	3	3	4	6	0	0	0	31
		9.68	9.68	9.68	19.35	0.00	0.00	9.68	9.68	12.90	19.35	0.00	0.00	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 006 SOCIAL SCIENTISTS

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TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
40910	ECONOMIST	1	0	1	0	0	0	2	1	0	1	0	0	0	6
EEO JOB GROUP TOTAL.....:		16.66	0.00	16.67	0.00	0.00	0.00	33.33	16.67	0.00	16.67	0.00	0.00	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
30087	AGENCY ATTORNEY	1	0	0	0	0	0	2	0	0	3	0	0	0	6
EEO JOB GROUP TOTAL.....:		16.67	0.00	0.00	0.00	0.00	0.00	33.33	0.00	0.00	50.00	0.00	0.00	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
13615	COMPUTER SERVICE TECHNICIA	2	0	0	0	0	0	0	0	0	0	0	0	0	2
13616	SUPERVISING COMPUTER SERVI	0	0	1	0	0	0	0	0	0	0	0	0	0	1
13620	COMPUTER AIDE	0	1	1	0	0	0	0	4	0	0	0	0	0	6
20113	ENGINEERING TECHNICIAN	0	0	0	0	0	0	1	0	0	0	0	0	0	1
30726	CLAIM SPECIALIST	10	5	1	1	0	0	6	12	1	1	0	1	0	38
31105	INVESTIGATOR	0	1	0	0	0	0	0	0	0	0	0	0	0	1
31113	FRAUD INVESTIGATOR	0	0	1	0	0	0	0	0	1	1	0	0	0	3
31118	ASSOCIATE FRAUD INVESTIGAT	0	0	0	0	0	1	0	0	0	0	0	0	0	1
31133	CONFIDENTIAL INVESTIGATOR	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		22.24	12.96	7.41	1.85	0.00	1.85	14.81	29.63	3.70	3.70	0.00	1.85	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
10124	PRINCIPAL ADMINISTRATIVE A	1	3	4	1	0	0	4	13	5	1	0	0	0	32
EEO JOB GROUP TOTAL.....:		3.10	9.38	12.50	3.13	0.00	0.00	12.50	40.63	15.63	3.13	0.00	0.00	0.00	100.00



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AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
1022A	LEGAL SECRETARIAL ASSISTAN	0	1	0	0	0	0	0	5	1	0	0	0	0	0	7
10251	CLERICAL ASSOCIATE	2	2	0	0	0	0	4	8	10	5	0	0	0	31	
10252	SECRETARY	0	0	0	0	0	0	0	3	1	1	0	0	0	5	
11702	OFFICE MACHINE AIDE	2	0	0	0	0	0	0	1	0	0	0	0	0	3	
12889	ASSISTANT SECRETARY TO THE	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
12899	SECRETARY TO THE COMPTROLL	0	0	0	0	0	0	1	0	0	0	0	0	0	1	
40526	BOOKKEEPER	0	0	1	0	0	0	1	0	3	4	0	0	0	9	
60215	PUBLIC RECORDS AIDE	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
EEO JOB GROUP TOTAL.....:		4	4	1	0	0	0	7	17	15	10	0	0	0	58	
		6.90	6.90	1.72	0.00	0.00	0.00	12.07	29.31	25.86	17.24	0.00	0.00	0.00	100.00	

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 022 BUILDING SERVICES

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
80609	CUSTODIAN	0	2	0	0	0	0	0	0	0	0	0	0	0	2
90644	CITY CUSTODIAL ASSISTANT	0	3	2	0	0	1	0	0	0	0	0	0	0	6
EEO JOB GROUP TOTAL.....:		0	5	2	0	0	1	0	0	0	0	0	0	0	8
		0.00	62.50	25.00	0.00	0.00	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 027 TRANSPORTATION

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
91279	SUPERVISOR OF MOTOR TRANSP	0	1	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	1	0	0	0	0	0	0	0	0	0	0	0	1
		0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 015 OFFICE OF THE COMPTROLLER  
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10209	COLLEGE AIDE	0	1	3	0	0	0	0	1	1	2	0	0	0	8
12749	STAFF ANALYST TRAINEE	1	0	0	1	0	0	0	3	0	0	0	1	0	6
56056	COMMUNITY ASSISTANT	0	0	2	0	0	0	0	0	0	0	0	0	0	2
56057	COMMUNITY ASSOCIATE	0	1	0	0	0	0	1	4	1	0	0	1	0	8

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56058 COMMUNITY COORDINATOR	1	0	2	0	1	0	0	1	1	0	0	0	0	6
EEO JOB GROUP TOTAL.....:	2	2	7	1	1	0	1	9	3	2	0	2	0	30
	6.67	6.67	23.33	3.33	3.33	0.00	3.33	30.00	10.00	6.67	0.00	6.67	0.00	100.00
-----														
AGENCY TOTAL.....:	158	68	46	59	1	9	118	139	74	93	0	8	0	773
	20.45	8.80	5.95	7.63	0.13	1.16	15.27	17.98	9.57	12.03	0.00	1.03	0.00	100.00

## **Appendix - 2**

Office of the New York City Comptroller  
*Equal Employment Opportunity Policy*  
July 6, 2017

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

### **A. Equal Employment Opportunity Policy Statement**

The Comptroller's Office is an Equal Employment Opportunity (EEO) employer and strongly committed to a workplace that maintains fair employment practices for all of its employees.

In accordance with a variety of federal, state, and local laws, the Comptroller's Office prohibits discriminatory employment actions against and treatment of its employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity"—which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age, military status, prior record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, unemployment status, consumer credit history, salary history (effective as of October 31, 2017), or status as a victim or witness of domestic violence, sex offenses or stalking.

The Comptroller's Office also prohibits harassment, forms of which include, but are not limited to, the use of vulgar or sexual language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment. This includes aiding, abetting, inciting, compelling, or coercing any of the above outlined conduct, or creating a hostile work environment based on any protected characteristic.

Some offensive acts or remarks may violate this Policy, even if they are not so severe that they violate federal, state, or local discrimination laws. The Comptroller's Office may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

This Policy extends to conduct that occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site business-related social function, City vehicle, or facility where City government business is being conducted and discussed.

### **B. EEO Contacts**

The employees listed below have been trained to act as EEO Counselors and to serve as liaisons between this Office and federal, state, and city equal employment and human rights offices. Employees who have questions about this Policy may contact these individuals (or the General Counsel's Office).

#### **Ingrid Sotelo, Interim Acting EEO Officer**

Office Location: Room 517

Telephone: (212) 669-8977

Email: [isotelo@comptroller.nyc.gov](mailto:isotelo@comptroller.nyc.gov)

**Jose Quiroz, EEO Counselor**

Office Location: Room 1122

Telephone: (212) 669-3909

Email: jquiroz@comptroller.nyc.gov

**Sherry Williams-Nisbett**

EEO Counselor

Office Location: Room 701

Telephone: (212) 669-7384

Email:swillia@comptroller.nyc.gov

**C. Reasonable Accommodation Requests**

Employees who believe they need a reasonable workplace accommodation for disability, pregnancy and breast-feeding, religion, or based on status as a victim of domestic violence, a sex offense or stalking may make such requests to his or her manager or supervisor or directly to the EEO office.. The EEO Officer will advise the employee of the application procedures required for each request, and work with the employee’s manager or supervisor to determine whether the requested accommodation is reasonable and can be granted, consistent with relevant law.

Where an employee or job applicant has requested an accommodation in accordance with these procedures, and the Comptroller’s Office has either declined to provide the accommodation or, in the employee or applicant’s view, is taking too long to address the request, the employee or applicant may submit an appeal to the Comptroller or his designee. Such appeal must include copies of all documentation previously provided to the Comptroller’s Office.

Within 10 business days of receipt of an appeal, the Comptroller or his designee shall review all related documentation, standards, procedures, and potential accommodations; meet and/or consult with the employee or applicant, the EEO Officer, and any office representative that the Comptroller or his designee deems necessary; evaluate the reasonableness of the accommodation request; and consult with the General Counsel’s Office regarding the requirements of the law.

Within 15 business days of receipt of the appeal, the Comptroller or his designee shall issue a written determination granting or denying the accommodation request; if granted, the written determination will specify what accommodation shall be provided, and, where necessary, direct the appropriate agency representative to implement such accommodation promptly. The EEO Officer shall monitor implementation of the reasonable accommodation.

**D. Procedures for Internal EEO Complaints**

**1. Reporting**

An employee who believes that the Comptroller’s Office Policy has been violated may report the incident orally or in writing to the EEO Officer or an EEO Counselor, who will assist the employee in determining whether the conduct or decision is appropriate for the complaint process.

Employees who wish to discuss a possible violation of this Policy without revealing their identity to anyone besides the EEO Officer or Counselor may do so. In such cases, the EEO Officer or Counselor will provide counseling and take such follow-up action as may be appropriate and possible, given the restraints of anonymity.

Employees may request to meet with the EEO Officer or Counselor either before or after office hours, or during the employee's lunch period. If the meeting takes place entirely on the employee's own time, the employee need not advise a manager or supervisor of the meeting, or obtain the consent or approval of a manager or supervisor. If an employee requests to meet with an EEO representative during work hours, the employee should obtain approval from a manager or supervisor to leave his or her work assignment. An employee need not disclose the purpose for or details of the meeting with an EEO representative. The EEO representative can arrange to meet with an employee at outside premises where appropriate and/or necessary in order to ensure confidentiality. If necessary, EEO representatives will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities to facilitate access to EEO services.

## **2. Mediation**

Mediation is a voluntary, informal, and confidential process that provides an opportunity for parties to come to a mutual agreement and resolution. It is an alternative to the more formal complaint process and may be utilized to quickly resolve EEO claims without a full investigation.

Before electing to file a formal internal complaint, employees may request mediation to address any EEO concern. Mediation may also be requested by a supervisor or manager, if it becomes apparent that an employee has an EEO issue. Mediation may also be declined by any party. The EEO Officer will determine whether the complaint is appropriate for mediation.

If mediation is unsuccessful or if any party elects to terminate the mediation process, the EEO Officer will so notify the parties in writing, and the employee has the right to proceed with a formal complaint requesting an internal investigation.

## **3. Formal Internal Complaint and Investigative Process**

Any employee who chooses to file a formal internal complaint with the agency EEO Officer must do so within one year of the complained-of conduct.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action. Any person who is the subject of an EEO complaint will have an opportunity to respond in writing.

In certain cases, an internal EEO investigation may be conducted by the EEO Officer in conjunction with the General Counsel's Office and its Disciplinary Officer, or by the General Counsel's Office alone. In addition, there may be exceptional circumstances under which an investigation may be conducted by another individual or entity, as deemed prudent by the



General Counsel's Office.

Any person who is interviewed during the course of an EEO investigation—including individuals making complaints, persons against whom complaints have been made, and witnesses—has a right to be accompanied by a representative of their choice. It is preferable that the EEO Officer or an EEO Counselor have advance notice that the person who is being interviewed will be bringing a representative.

#### **4. Retaliation Prohibited**

It is a violation of the Comptroller's Office EEO Policy to retaliate against or harass any person who asserts rights regarding employment discrimination by: (1) opposing discriminatory practices in the workplace; (2) complaining about prohibited conduct; or (3) participating in any way in the complaint, investigation, or reasonable accommodation processes. It is also a violation of this Policy to retaliate against or harass someone because of his or her association with such an individual.

#### **5. False Accusations as Grounds for Discipline**

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### **6. Withdrawing Complaints**

A complaint may be withdrawn at any time by the complainant. The EEO Officer then has discretion to either close the investigation at that time, or continue to investigate and advise the agency of any corrective action that should be taken notwithstanding the withdrawal of the complaint.

### **E. Concluding the Internal Complaint Investigation**

The EEO Officer will issue a written decision on the EEO complaint and recommend corrective action if there is a finding of a violation of the Comptroller's EEO Policy. The Comptroller will review the EEO Officer's report and promptly issue a determination in writing adopting, rejecting, or modifying the recommended action.

Any employee found to have engaged in conduct or practices in violation of the Comptroller's EEO Policy may be subject to discipline, including but not limited to a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements.

## **F. Filing Discrimination Complaints Externally**

Employees have the right to file a complaint with the New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, and any other federal, state, or local administrative agency that enforces laws against discrimination (known as an “external complaint”).

When a person exercises his or her right to file an external complaint based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the General Counsel, who will be responsible for any further handling of the matter. The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint.

The General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed). After transfer of the complaint to the General Counsel, the EEO Officer will cooperate with the General Counsel with respect to the ultimate resolution of the complaint. In addition, the New York City Law Department serves as the Comptroller’s Office’s counsel if litigation ensues.

## **G. Confidentiality**

All complaints, investigations, requests for accommodations, and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, pregnancy and breast-feeding, religion, or based on status as a victim of domestic violence, a sex offense or stalking. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

## **Appendix - 3**

Office of the New York City Comptroller  
Section VI of Part One  
*Employee Manual, Rules and Procedures*  
April 2011 Edition with Updates

## **VI. EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

### **Equal Opportunity Policy Statement**

The Office of the Comptroller is an Equal Employment Opportunity (“EEO”) employer. The Comptroller has a strong commitment to maintaining fair employment practices for all of its employees.

### **Federal, State and Local laws prohibit employment discrimination based on:**

- Age
- Alienage or Citizenship Status
- Color
- Creed
- Disability
- Gender or Gender Identity
- Genetic Predisposition
- Retaliation
- Perceived status of any of the above categories
- Military Status
- Marital Status
- National Origin
- Prior record of arrest or conviction
- Race
- Religion
- Sexual Orientation
- Being a victim of domestic violence, a sex offense or stalking
- Citizenship

### **These laws prohibit discrimination that affects:**

- Hiring
- Assignments
- Working Conditions
- Salary and benefits
- Promotions of employment
- Evaluations
- Training
- Transfers
- Discipline
- Termination
- Any other terms and conditions

### **The EEO Officer**

The Comptroller's EEO Officer is responsible for handling all EEO complaints. The EEO Officer reports directly to the Comptroller. This individual serves as a liaison between the Agency, the Department of Citywide Administrative Services, minority and women's organizations, and community action groups; prepares the annual EEO reports, and is responsible for the implementation and application of the EEO Plan. The EEO Officer can be reached at 212-669-3691.

### **The EEO Counselors**

A number of employees of the Office of the Comptroller have been trained to act as EEO Counselors and to serve as liaisons to the EEO Officer. EEO Counselors must immediately report to the EEO Officer, without exception, any complaints, incidents, or allegations of employment discrimination of which they become aware, regardless of how they become aware of them.

### **Federal, State and Local Laws prohibit the following types of discrimination:**

1. Discriminatory treatment of employees in hiring, assignments, working conditions, salary and benefits, evaluation, promotion, training, transfer, discipline, termination, and any other term or condition of employment.
2. Policies that have a disproportionate impact on a group protected by law, unless they are justified by business necessity.
3. Failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious observance.

4. Harassment. Harassment of any kind, including sexual harassment, may rise to the level of discrimination.

For purposes of this EEO Policy, whenever the term discrimination is used, harassment is included.

All employees are directed to comply with both the letter and the spirit of these laws. The Office of the Comptroller is committed to providing a cordial, professional, and collegial work environment where all individuals are treated with respect and dignity. Employees must not act toward, or communicate with others, including non-employees, verbally, visually, physically, or through electronic communications (including, but not limited to, e-mail, Citymail, and the Internet) in a way that is discriminatory.

This Policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace such as any field location, off-site business-related social function, City vehicle or facility where City Government business is being conducted and discussed. In addition, employees are prohibited from aiding, abetting, inciting, compelling or coercing any person present in a City facility, whether or not an employee of the Comptroller's Office, from engaging in any conduct prohibited by this policy.

Our objective is to provide an atmosphere that promotes equal employment opportunities. We expect that all relationships among individuals in the office will be business-like and free of bias, prejudice and harassment. Employees should not endure insulting, degrading, or exploitive treatment. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. Managers and supervisors are directed to make all employment decisions in accordance with the Office of the Comptroller's EEO Policy, and to ensure compliance with the policy in their areas of responsibility.

Accordingly, managers and supervisors must immediately report to the EEO Officer or one of the EEO counselors, without exception, any complaints, incidents, or allegations of employment discrimination of which they become aware, regardless of how they become aware of them. This means that whether a manager or supervisor observes acts of discrimination directly, learns of them indirectly, or receives a complaint about discrimination, the information must be reported to the EEO Officer or one of the EEO counselors. Failure to do so may subject the manager or supervisor to disciplinary action. To ensure that all managers, supervisors and all other employees are aware of their rights and responsibilities, the Office of the Comptroller will conduct periodic EEO trainings.

If any employee believes that s/he has been discriminated against by a manager, supervisor, or another employee, or a non-employee s/he deals with in the course of his or her job, the employee should contact the EEO Officer or an EEO Counselor. The EEO Officer has the authority to recommend that disciplinary and/or corrective action be taken against any employee who has committed an unlawful discriminatory act and/or has violated this EEO Policy.

All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or individuals who are necessary to implement reasonable accommodations. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about a particular matter.

No employee may retaliate against any person for filing a discrimination complaint, cooperating in an investigation concerning discrimination, or for opposing discrimination. It is also a violation of this policy to retaliate against or harass someone because of his/her association with such an individual. Any such retaliation is unlawful and will be cause for disciplinary action.

### **1. Issues Related to Disabilities**

Discrimination against an individual based upon that individual's actual or perceived disability, record or history of disability, or that individual's relationship or association with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by the Office of the Comptroller. For the purpose of this policy, a disability is: 1) a physical, medical, mental or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment. Discrimination is prohibited with respect to job application procedures, hiring, advancement, discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

The Office of the Comptroller will provide reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship. Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, or disruptive, or would change the nature or operation of the office's business. The requirement to provide reasonable accommodations applies to disabilities that are known or should have been known to the employer.

The Office of the Comptroller can request medical documentation for proof of disability if the disability is not obvious, as long as the request is job-related and consistent with business necessity.

The EEO Officer is responsible for ensuring that The Office of the Comptroller is in compliance with all federal, state, and local laws regarding people with disabilities, including, but not limited to: the federal Americans with Disabilities Act, and the New York State and City Human Rights Laws. Anyone who believes that s/he needs an accommodation for a disability or who believes that he or she has been discriminated against because of a disability may contact the EEO Officer or an EEO Counselor to file a complaint.

By law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work and accommodation required. Furthermore, medical information may be provided: 1) to first aid and safety personnel, if the disability might require emergency treatment; 2) to government officials investigating the agency's compliance with applicable laws; 3) to workers' compensation offices in accordance with the Workers' Compensation Law; and 4) for insurance purposes.

## **2. Sexual Harassment**

Sexual harassment is a form of discrimination which is prohibited by law. Unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance, or creating a hostile, intimidating, or offensive work environment.

Sexual harassment may include a range of subtle or not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- ✓ Unwanted sexual advances or propositions, or subtle or overt pressure for sexual favors
- ✓ Sexual jokes, innuendo, verbal abuse of a sexual nature, or graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- ✓ Leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures
- ✓ Display in the workplace of sexually suggestive objects, images, or pictures
- ✓ Other physical, verbal, visual, or written conduct, including use of electronic communications (which includes, but is not limited to e-mail, Citymail, and the Internet), of a sexual nature

Employees must also be aware that excluding or separating other employees of a particular gender from participating in business or work-related social activities or discussions in order to avoid allegations of sexual harassment is itself sex discrimination and is therefore unlawful.

## **3. Discrimination Complaint Procedure**

The purpose of this procedure is to handle all complaints of discrimination promptly and fairly. Employees are urged to follow this procedure immediately whenever they have a complaint concerning discrimination in the office. Effective use of this procedure should provide an equitable and timely resolution of the complaint.

### **When to File a Complaint**

You should file a complaint if you believe that you are being discriminated against by a manager or supervisor, regardless of his or her identity or position, another employee, or a non-employee you deal with in the course of your job, because of:

- Age
- Alienage or Citizenship Status
- Color
- Creed
- Disability
- Gender or Gender Identity
- Genetic Predisposition
- Retaliation
- Perceived status of any of the above categories
- Military Status
- Marital Status
- National Origin
- Prior record of arrest or conviction
- Race
- Religion
- Sexual Orientation
- Being a victim of domestic violence, or sex offense or stalking
- Citizenship

We urge any employee who witnesses or knows of the existence of discrimination to report it to the EEO Officer or one of the EEO Counselors.

#### **4. How to File an EEO Complaint**

An individual wishing to file an EEO complaint may contact the EEO Officer, or one of the EEO Counselors. The employee has a right to meet privately with the EEO Officer or an EEO Counselor during office hours to discuss the complaint. Employees should obtain approval for leaving their work assignments in order to meet with the EEO Officer or EEO Counselor during working hours; however, employees are not required to inform their supervisor of the subject of the meeting. Supervisors may not unreasonably deny permission to attend the meeting.

Alternatively, at the employee's request, arrangements may be made to hold the meeting before or after office hours, or during the employee's lunch period. Arrangements can be made to meet with the employee at premises outside of the Office of the Comptroller where necessary, in order to ensure confidentiality.

Employees who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephoning or writing to the EEO Officer. In such cases the EEO Officer will provide counseling and take such follow-up action as may be appropriate and possible, given the constraints of investigating an anonymous complaint. Employees should understand that the cooperation of witnesses may be needed if any disciplinary or corrective action is to be taken to rectify a problem of discrimination.

If a complaint is filed against a non-employee, the EEO Officer will provide counseling and take such follow-up action as may be appropriate and possible, given the constraints of investigating a complaint against a non-employee.

Where an individual chooses to file a complaint with the EEO Officer or one of the EEO Counselors, that complaint must be filed within one year of the event which is the subject of the complaint.

#### **5. What Happens When a Complaint Is Filed**

All EEO complaints will be handled under the direction of the EEO Officer. The EEO Officer and the EEO Counselors will treat the complaint and the investigation confidentially to the greatest extent possible. This means that information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint, and except as is otherwise required by law.

An employee in a non-managerial title who is the subject of an investigation has the right to be accompanied to an interview conducted in the course of an investigation by a representative of his or her choice.

##### **a. Counseling:**

The EEO Officer or Counselor will interview the complainant to find out the details of the complaint, and will discuss with the complainant the options for handling the complaint. These may include: (1) further actions the employee should take on his or her own behalf, (2) mediation by the EEO Officer, (3) investigation by the EEO Officer, and (4) filing a formal complaint with an outside agency. If it appears that the complaint does not involve an EEO problem, the EEO Officer or Counselor may refer the employee to other personnel for assistance.

##### **b. Mediation:**

In appropriate cases, and with the consent of both parties, the EEO Officer will attempt to mediate a complaint with the goal that the parties will voluntarily agree to a resolution of the matter involved. The employee filing the complaint may file a written request for mediation.



### **c. Investigations:**

An investigation will be conducted by the EEO Officer. In appropriate cases, the investigation will be conducted in conjunction with the General Counsel's Office. Investigations may result in a recommendation that corrective and/or disciplinary action be taken. If it is determined that disciplinary and/or corrective action is appropriate, any such measures will be taken in compliance with applicable provisions of law, rules, regulations and collective bargaining agreements. Disciplinary action may include, but is not limited to reprimand, fine, suspension without pay, demotion in grade or title, and/or dismissal. Corrective action may include, but is not limited to training, counseling, reassignment, and/or withholding of a promotion or discretionary pay increase. Upon completion of the investigation, the EEO Officer will advise the complainant and any person named as a party to the complaint as to the outcome of the investigation.

The Office of the Comptroller will make every effort to complete its investigations and to notify the complainant and the named parties of the outcome of the investigation within 90 days. However, this time frame may not be achievable in all cases, particularly in complex investigations.

### **6. Withdrawing a Complaint**

If a complaint is withdrawn, the EEO Officer may find it appropriate to end the investigation at that time. However, prior to making the determination to end the investigation, the EEO Officer must assess whether evidence has been found which may require the Agency to take corrective action to address illegal or inappropriate conduct. If there is such evidence, the EEO Officer will continue the investigation until s/he is prepared to recommend whether the Agency should take action.

### **7. Retaliation**

It is unlawful to retaliate against or harass any person for filing an internal or external discrimination complaint, cooperating in an investigation of discrimination, or for opposing harassment or discriminatory practices in the workplace. Any employee who engages in such retaliation shall be disciplined. Any person who believes that s/he is being retaliated against for any of these reasons should file a complaint, as explained above.

### **8. Other Places Where a Complaint of Discrimination May Be Made:**

Any employee or applicant for employment who believes that s/he has experienced discrimination has a right to file a formal complaint with various federal, state or local agencies, several of which are listed below. A person does not give up this right when s/he files a complaint with the Office of the Comptroller.

Note: There are statutory deadlines for filing complaints with each of these agencies. An employee who wishes to file an external complaint is advised to contact the appropriate agency in order to find out about the deadline applicable to his or her complaint. The following federal, state and local agencies enforce laws against discrimination:

- ✓ **NEW YORK CITY COMMISSION ON HUMAN RIGHTS**  
40 Rector Street, 10th Floor  
New York, New York 10006  
(212) 306-7450    [www.nyc.gov/cchr](http://www.nyc.gov/cchr)

✓ **NEW YORK STATE DIVISION OF HUMAN RIGHTS**

One Fordham Plaza, 4<sup>th</sup> Floor (Headquarters)  
Bronx, New York 10458  
(718) 741-8400 [www.dhr.state.ny.us](http://www.dhr.state.ny.us)  
TTY/TDD (718) 741-8300

or

55 Hansen Place, Room 304 (Regional)  
Brooklyn, New York 11217  
(718) 722-2856

or

20 Exchange Place, 2nd Floor (Regional)  
New York, NY 10005  
(212) 480-2522

or

163 West 125th Street, 4th Floor (Regional)  
New York, NY 10027  
(212) 961-8650

✓ **UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

New York District Office  
33 Whitehall, 5<sup>th</sup> Floor  
New York, New York 10004  
(800) 669-4000 [www.eeoc.gov](http://www.eeoc.gov)  
TTY/TDD (800) 669-6820

When a person exercises his or her right to file a complaint with a federal, state or local administrative agency (known as an “external complaint”) based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the Agency General Counsel, who will be responsible for any further handling of the matter. The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint. The Agency General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed but prior to the completion of the Agency’s internal EEO procedures). The transfer of the complaint to the Agency General Counsel’s Office should in no way preclude the EEO Officer from cooperating with the General Counsel’s Office with respect to the ultimate resolution of the complaint.

## **9. Reasonable Accommodations**

The Comptroller's Office may be required to provide reasonable accommodations, when requests are made in connection with disabilities, religion and/or to accommodate individuals who are victims or witnesses of domestic violence, sex offense(s) or stalking. An accommodation will be provided (with proper medical documentation or other documentation supporting the request) unless providing such accommodation would impose undue hardship on the agency. Any staff member requesting a reasonable accommodation should complete a Request for Reasonable Accommodation Form. The form is available on the Office's Intranet site and from the Agency's Disability Rights Coordinator, Sharina Soriano. She can be reached at (212) 669-3691 and her office is located in room 639. Mrs. Soriano is available to assist job applicants or employees in completing the form. All requests for reasonable accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved.

## **10. Career Counseling**

The Comptroller's Office is committed to providing employees with career counseling about the availability of civil service jobs. The Office's Career Counselor is Amedeo D'Angelo, Assistant Comptroller for Administration. Any employee interested in obtaining such counseling should call Mr. D'Angelo at (212) 669-2223, or e-mail him at [adangel@comptroller.nyc.gov](mailto:adangel@comptroller.nyc.gov). The Comptroller's Office will, on a yearly basis, remind employees of the availability of career counseling and the identity of the agency's Career Counselor, and will promptly notify employees of any change in the identity of the agency's Career Counselor.

## **11. Conclusion**

All of the employees of the Office of the Comptroller should familiarize themselves with this policy so that they can understand what their responsibilities are, what conduct is prohibited and what remedies are available to them. If an employee has any questions regarding the policy, he or she should contact the EEO Officer/Disability Rights Coordinator or the General Counsel's Office.

## **12. EEO Counselors**

The employees listed below have been trained to act as EEO Counselors and to serve as liaisons between their offices/bureaus and the Office of Equal Employment Opportunity (EEO).

Sharina Soriano is the EEO Officer in the Comptroller's Office.

Office location: Room 639  
Phone: x3691  
Email: [ssorian@comptroller.nyc.gov](mailto:ssorian@comptroller.nyc.gov)

Jose Quiroz, EEO Counselor

Office location: Room 1122  
Phone: x3909  
Email: [jquiroz@comptroller.nyc.gov](mailto:jquiroz@comptroller.nyc.gov)

Annabelle Walters, EEO Counselor

Office location: Room 1122  
Phone: x3926  
Email: [awalter@comptroller.nyc.gov](mailto:awalter@comptroller.nyc.gov)

## **Appendix - 4**

Office of the New York City Comptroller  
*Equal Employment Opportunity, Anti-Discrimination, and Anti-  
Harassment Policy and Procedures*  
January 1, 2018

OFFICE OF THE NYC COMPTROLLER  
EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION, AND ANTI-  
HARASSMENT POLICY AND PROCEDURES  
(January 1, 2018)

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This Anti-Discrimination and Anti-Harassment Policy (“the Policy”) is based on the Comptroller’s commitment to providing a workplace that maintains fair employment practices and reflects the community in which we work and live. The Comptroller’s policy of holding all employees—at every level of seniority—accountable for keeping our workplace free from discrimination and harassment is central to ensuring that we provide equal employment opportunities for everyone in our workforce and for those seeking to join our team, no matter what. This is a reflection of the Comptroller’s commitment to strive to do what is right.

### **A. Equal Employment Opportunity Policy Statement**

The Comptroller’s Office is an equal employment opportunity employer that will not tolerate discrimination or harassment of any kind against employees and applicants for employment on the basis of actual or perceived age, race, color, national origin, immigration status, religion/creed, gender (including gender identity or expression or transgender status), disability, pregnancy, status as a current or former military service member, arrest or conviction record, marital or partnership status, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, unemployment status, consumer credit history, salary history (effective as of October 31, 2017), status as a victim/survivor of domestic violence, sex offenses, or stalking, or other non-merit based factors (collectively “protected status”). This Policy is intended to implement this commitment.

It is also Comptroller’s Office policy that none of its employees or job applicants will suffer retaliation or harassment for raising good faith complaints of discrimination, opposing discrimination, participating in any way in an employment discrimination investigation or lawsuit, or engaging in any other protected activity.

Consistent with local, state, and federal laws governing reasonable accommodations, the Comptroller’s Office will endeavor to accommodate specific needs to allow employees and applicants to apply for a job, perform the duties of a job, or enjoy equal benefits and privileges of employment that are enjoyed by similarly situated employees.

Any employee or applicant who believes they have been subject to discrimination, retaliation, or harassment should contact the Office’s Equal Employment Opportunity (“EEO”) Officer<sup>1</sup> or the Office of the General Counsel. The Comptroller’s Office will provide a prompt, thorough, and impartial investigation into any report of an alleged violation of this Policy. Immediate and proportionate corrective action will be taken if it is determined that discrimination has occurred.

### **B. Application of this Policy**

- This Policy applies to *all* aspects of employment with the Comptroller’s Office, including recruitment and hiring practices, promotions, discipline, termination,

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<sup>1</sup> The Comptroller appoints an EEO Officer to assist with the implementation of this Policy, standards, and procedures. The agency EEO Officer and other personnel, including EEO counselors, investigators, liaisons, etc., are referred to in this Policy as “EEO office” or “EEO representatives.”

performance evaluations, work assignments, compensation, benefits and all other personnel actions that affect the terms, conditions, and privileges of an individual's employment or potential employment with this agency.

- The protections of this Policy apply to conduct that occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site meeting, off-site office social function, City vehicle, or facility where official business is being conducted on behalf of the Comptroller's Office.
- The protections of this Policy apply to conduct motivated by the protected characteristic of other persons with whom an employee is associated. For example, this Policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious, or national origin group, or persons who have a disability.
- This Policy applies to *all* employees of the Comptroller's Office, including supervisors and other management personnel, interns, and job applicants.
- Any employee who violates this Policy is subject to discipline, up to and including termination.

## **C. Prohibited Employment Practices**

### **1. Discriminatory Employment Decisions**

This Policy prohibits making employment decisions based on a person's protected status.

This Policy applies to *all* aspects of employment with this Office, including recruitment and hiring practices, promotions, discipline, termination, performance evaluations, work assignments, compensation, benefits and all other personnel actions that affect the terms, conditions, and privileges of an individual's employment or potential employment with this Office. This means employees may not discriminate when it comes making decisions about granting breaks, approving leave, assigning work stations, or setting any other term or condition of employment, no matter how small.

### **2. Retaliation**

This Policy prohibits retaliating against (or punishing) any employee of the Comptroller's Office or job applicant for asserting his or her rights to be free from employment discrimination. Asserting these EEO rights is called "protected activity," and it can take many forms. Examples of activities that are protected against retaliation include the following:

- opposing discriminatory practices in the workplace
- raising good faith complaints of discrimination
- being a witness in an EEO complaint, investigation, or lawsuit
- cooperating in an EEO investigation

- refusing to follow orders where there is a good faith belief that doing so would result in discrimination
- resisting sexual advances or intervening to protect others
- requesting a reasonable accommodation

It is also a violation of this policy to retaliate against or harass someone because of his or her association with individual who engages in protected activity.

Engaging in protected activity does not automatically shield an employee from all discipline and adverse employment action. Employees may be disciplined for misconduct based on non-retaliatory and non-discriminatory reasons that would otherwise result in such consequences. In addition, knowingly making a false accusation of discrimination or knowingly providing false information in the course of an investigation of a complaint, is conduct that may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

### **3. Harassment**

Harassment based on any protected characteristic will not be tolerated under this Policy. This Policy also prohibits harassing someone because they have complained about discrimination, filed a charge of discrimination, or testified or participated in any way in an employment discrimination investigation, proceeding, or lawsuit. Sexual harassment (unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature) is also unlawful and prohibited by the Policy (see below).

Harassment is unwelcome conduct based on a person's race, color, religion, sex, national origin, age, disability, genetic information, or any other protected characteristic that creates an intimidating, hostile, or abusive working environment or unreasonably interferes with an employee's job performance. Harassment can take the form of threats, intimidation, coercion, violence, or other offensive conduct, such as slurs, derogatory comments, offensive jokes, epithets or name calling, physical assaults or threats, and interference with work performance.

Harassment can occur in a variety of circumstances. The complainant does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful harassment may occur without economic injury to, or discharge of, the complainant. The harasser can be the complainant's supervisor, a supervisor in another area, a co-worker, or someone who is not a Comptroller's Office employee, such as a vendor or client.

Harassment outside of the workplace may also violate this policy if there is a link with the workplace. For example, if a supervisor harasses an employee during an out-of-office meeting or while on a work-related trip.

Employees are urged to report acts of harassment to the appropriate agency officials as outlined in the Procedures section below.



#### **4. Sexual Harassment**

This Policy prohibits sexual harassment and harassment based on gender or any other related protected status.

Sexual harassment will not be tolerated. Sexual harassment is a form of gender-based discrimination. It is predatory sexual behavior in which a person targets another person with unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature. Such conduct will violate this policy when (1) the conduct creates a hostile or offensive work environment or (2) granting sexual favors is either explicitly or implicitly a term or condition of employment or is used as the basis for employment decisions (such as the target being fired or demoted for refusing to acquiesce).

A broad range of behavior may be considered sexual harassment if it is unwelcome. Harassment can be verbal, physical, or pictorial/graphic and can include jokes, innuendo, pressure for dates, sexual touching, subtle or direct propositions for sexual favors, or other sexually suggestive remarks, pictures, or gestures.

The harasser can be a man or a woman, or of any gender identity, and sexual harassment may involve individuals of the same or different gender(s). The complainant does not have to be the person at whom the offensive conduct is directed, but anyone affected by the conduct.

Employees are urged to report acts of sexual harassment to the appropriate agency officials as outlined in the Procedures section below.

#### **5. Reasonable Accommodation (General)**

This Policy prohibits the denial of accommodations for disabilities, pregnancy or childbirth, religious practices, or status as a victim/survivor of domestic violence, sex offense, or stalking that do not create an undue hardship for the Office.

Any employee of this Office or job applicant has a right to request an accommodation for a (1) disability, for (2) pregnancy, childbirth, or related medical condition, (3) religious practice, or (4) status as a victim/survivor of domestic violence, sex offenses, or stalking. Employees of the Office may make such requests to his or her manager or supervisor or directly to the EEO Officer.

A request for a reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who receives the request. In all instances, the agency EEO Officer should be notified of the request in order to facilitate discussions, research appropriate accommodations, and assist in the resolution of the matter.

An accommodation is a change in the workplace (or in the ways things are usually done) to allow a person with a special need to apply for a job, perform the duties of a job, or enjoy equal benefits and privileges of employment.

Consistent with local, state, and federal laws, this Office will reasonably accommodate such requests to help a person apply for a job, perform the duties of a job, or enjoy equal benefits and privileges of employment that are enjoyed by similarly situated employees, unless doing so would impose an undue hardship on the agency's operations.

Additional information about and examples of accommodations that may be provided are described below in the "Requesting a Reasonable Accommodation" section of the Policy.

## **D. Procedures**

### **1. Reporting Violations**

Anyone who believes they have been subjected to, or who has witnessed, any conduct or actions that violates this Policy is urged to report the matter immediately. The employee may report the matter to their direct supervisor or manager, to a next level supervisor, or to any other manager—up to and including the Comptroller—with whom the employee feels comfortable discussing the matter. Reports may also be made to the EEO Office or the Office of the General Counsel.<sup>2</sup> The employee should not wait until the action the employee believes is a violation of this Policy becomes severe or pervasive.

Reports may be made orally or in writing. Any person who receives such a report must notify the EEO Officer promptly. Where the report is taken orally, the person who received the report shall promptly make a written record of it and provide it to the EEO Officer.

The identity of an individual who submits a report (either of discrimination/harassment experienced or observed) will be kept confidential to the extent possible consistent with a thorough and impartial investigation. Anyone who wishes to report a violation without revealing their identity may do so by writing to the EEO Officer. Anonymous reports will be treated the same as identified complaints, to the extent possible given the restraints anonymity can impose on robust fact-finding.

Supervisors and managers are required under the Policy to promptly notify the EEO Officer if they observe, become aware of, or suspect that a violation of the Policy has occurred.

The Comptroller's Office will provide a prompt, thorough, and impartial investigation into any report of an alleged violation of this Policy and, where appropriate, take appropriate corrective action.

### **2. Meeting with the EEO Office**

Employees may request to meet privately with the EEO Officer or Counselor during their office hours. An employee seeking to meet with an EEO representative during the employee's scheduled

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<sup>2</sup> See "EEO Office Contacts" section below.

work hours must obtain prior permission for from his or her appropriate supervisor. Such requests must be granted as a matter of right, but the supervisor may determine a reasonable time for the employee to meet with an EEO representative consistent with the operational needs of their units. The employee is not required to disclose to the supervisor or anyone the reason for the employee's visit to the EEO Office.

If appropriate or preferred by the employee, the meeting between the employee and the EEO representative may be scheduled before or after office hours, or during the employee's lunch break or personal time. Employees do not need to notify their manager or obtain the manager's approval if the meeting takes place on the employee's own time.

To facilitate access to EEO services, the EEO Officer or Counselor will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities.

The EEO Officer or Counselor will assist any individual who believes they have been subjected to discrimination or harassment in violation of this Policy to determine options that are available and appropriate to the complained of conduct, including mediation, filing a formal internal EEO discrimination complaint with the agency, and/or interim relief.

### **3. Filing An EEO Discrimination Complaint**

Anyone who claims discrimination in violation of this policy has one year from the time the alleged discriminatory incident(s) occurred to file a complaint with the Comptroller's Office EEO Officer ("internal complaint"). Complaints may also be filed with a Civil Rights enforcement agency, such as the Equal Employment Opportunity Commission (EEOC), NYS Department of Human Rights, or NYC Commission on Human Rights, subject to that agency's filing requirements and applicable statute of limitations ("external complaint"), discussed below.

Employees who wish file a formal complaint must complete an "Equal Employment Opportunity (EEO) Discrimination Complaint Intake" form, available on the agency's intranet. Upon receiving a complaint, the EEO Office will schedule, by email or letter, an initial intake interview with the complainant, if known, for purposes of assessing the allegations in the complaint.

The EEO Officer will review all complaints to determine whether the allegations raised, if true, are sufficient to establish a case of discrimination under the Policy, that the complaint is timely, and that the EEO Office is responsible for investigating the complaint.

### **4. Internal EEO Investigations**

When appropriate, an internal EEO investigation will be conducted by the EEO Officer in conjunction with the Office of the General Counsel or by the General Counsel's Office alone. In addition, there may be exceptional circumstances under which an investigation may be conducted

by another individual or entity, as deemed appropriate by the General Counsel's Office. Investigations will be completed within 90 days from the date the complaint was filed.

**a. Right to be Accompanied by a Representative**

Any person who is interviewed during the course of an EEO investigation has the right to be accompanied by a representative of their choice. This includes individuals who make complaints, persons against whom complaints were made, or witnesses. It is preferable that the EEO Office receive advance notice that the person who is being interviewed will be bringing a representative. The representative may not respond on behalf of the party being interviewed or interfere with the interview.

**b. Obligation to Cooperate**

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action.

**c. Concluding the Internal Complaint Investigation**

At the conclusion of the investigation, the EEO Officer will prepare a confidential written report on the complaint investigation and submit it to the First Deputy Comptroller for review. If there is a finding of a violation of this Policy, the EEO Officer must determine the most appropriate action to be taken in light of the facts and circumstances and make a written recommendation to the First Deputy Comptroller.

The First Deputy Comptroller must sign each written report and indicate that it has been reviewed and whether the determination and recommendation, if any, is adopted, rejected or modified. After review of the report by the First Deputy Comptroller, the EEO Officer should inform all parties in writing of the outcome of the investigation.

Any employee found to have engaged in conduct or practices in violation of this Policy may be subject to discipline, including but not limited to a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements.

**d. Withdrawing Complaints**

A complaint may be withdrawn at any time by the complainant. Withdrawal of a complaint must be made or confirmed in writing. The EEO Officer must determine whether the agency should nonetheless take corrective action to address inappropriate conduct. If the EEO Officer determines that corrective action is required, it may be necessary for the EEO Officer to continue the investigation or recommend action to remedy inappropriate behavior.

**5. Mediation**

Mediation is a voluntary approach to dispute resolution in which the parties try to resolve the dispute themselves on mutually agreeable terms, with the help of a trained third party mediator. The EEO Officer may recommend mediation at the consultation or complaint intake stage, or anyone involved in the complaint may request mediation, subject to the approval of the EEO Officer. Mediation may also be requested by a supervisor or manager if it becomes apparent that an employee has an EEO issue.

Requests for mediation must be made in writing and should be directed to the EEO Officer. The EEO Officer will determine whether the complaint is appropriate for mediation. Mediation may be declined by any party.

The EEO Officer may choose to conduct the mediation internally within the agency, or externally through entities that provide mediation services. Mediation efforts should not exceed 45 days from the start of mediation. The EEO Officer may extend the mediation for good cause. While mediation continues, the 90-day period for completion of the investigation is suspended.

If the parties agree to a resolution during mediation, a resolution agreement will be drafted and provided to the parties and the referring EEO Officer. The resolution agreement will resolve the pending EEO complaint. All resolution agreements are subject to approval by the General Counsel. Any resolution agreement requiring agency action or approval will only become effective subject to agency approval. If a resolution is not reached, the matter is returned to the EEO Officer and the 90-day investigative period resumes. The EEO Officer may also determine if an agreement has been violated and if so, whether to refer it for further mediation or declare the agreement void.

A party may withdraw from mediation at any time. The EEO Office may also terminate the mediation process if it deems that the effort has been unproductive. The EEO Office must inform all parties to the complaint, in writing, of the termination of mediation. The notice must also inform the parties that the EEO Office will resume its investigation of the complaint.

## **6. Requesting a Reasonable Accommodation**

Employees have a right to request a workplace accommodation for a disability; pregnancy, childbirth, or a related medical condition; religion; or based on status as a victim/survivor of domestic violence, a sex offense or stalking.

Such requests may be made orally or in writing. Requests for accommodation can be made to the EEO Officer, agency personnel supervising the application process, or the employee's immediate manager and supervisor. Employees may complete a *Request for Reasonable Accommodation* form, which is available on the Office intranet. Where the request is made orally, it shall be documented by that person who receives the request.

The EEO Officer will advise the requestor of the application procedures required for each request, and work with the employee's manager or supervisor to determine whether the requested accommodation is reasonable and can be granted, consistent with relevant law.

The EEO Officer, agency personnel supervising the application process, and managers and supervisors involved in the process shall provide reasonable assistance (such as help in completing forms) to an individual requesting an accommodation. Additionally, if a reasonable accommodation is requested to facilitate an individual's ability to apply for employment, the agency staff supervising the application procedures may be required to assist the applicant in completing the application process.

Accommodations will be provided unless doing so would impose an "undue hardship" on the operations of the Comptroller's Office. "Undue hardship" means an action requiring significant difficulty or expense when considered in light of numerous factors.<sup>3</sup> These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

Undue hardship is determined on a case-by-case basis. If a particular accommodation would be an undue hardship, the Comptroller's Office will try to identify another accommodation that will not pose such a hardship to its operations.

#### **a. Disabilities**

An employee or job applicant with a disability who requests a reasonable accommodation to enable him or her to apply for a job, satisfy the essential functions of the job, or enjoy the rights in question may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer. For the purpose of this Policy, a disability means any physical, medical, mental or psychological impairment or a history or record of such impairment.

The Comptroller's Office will accommodate an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the agency. A reasonable accommodation for a disability might include, for example, providing a ramp for a wheelchair user; modifying a work schedule; providing or modifying equipment or devices; providing a reader or interpreter for a blind or deaf employee or applicant; providing leave; or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate the Civil Service Law, Personnel Rules and Regulations, or other applicable laws, regulations, and collective bargaining agreements.

If a job applicant with a disability needs an accommodation (such as a sign language interpreter) to apply for a job, the Office will generally provide the accommodation unless it would cause undue hardship to the agency.

By law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and

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<sup>3</sup> This Policy uses the same definition of "undue hardship" that is provided in the Americans with Disabilities Act (ADA). 29 C.F.R. § 1630.2(p).

maintained on separate forms, and in separate medical files, apart from other personnel data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work and accommodations required. Furthermore, medical information may be provided: (1) to first-aid and safety personnel, if the disability might require emergency treatment; (2) to government officials investigating the agency's compliance with applicable laws; (3) to workers' compensation offices in accordance with Workers' Compensation Law; and (4) for insurance purposes.

#### **b. Religious Accommodations**

An employee or applicant requesting reasonable accommodations for religion may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer.

The Comptroller's Office will make reasonable accommodations for the sincerely held religious beliefs of employees and job applicants, including the observance of the Sabbath and other holy days, unless doing so would cause undue hardship on the agency's business operations. A reasonable accommodation for religion may be allowing flexible arrival and departure times, flexible work breaks, use of lunch time in exchange for early departure, staggered work hours, and other means to enable an employee to make up time lost due to the observance of religious practice, provided the accommodation would not actually infringe on the rights of co-workers or deprive another employee of a job preference or other benefit guaranteed under a collective bargaining agreement.

Employees who require time off from work for a religious observance on a particular day or a portion of that day will be accommodated. Employees must adhere to agency guidelines for Leave for Religious Observance, as detailed in the Employee Handbook.

#### **c. Pregnancy**

An employee or job applicant requesting reasonable accommodations due to pregnancy, childbirth, or a related medical condition may make such requests to her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer.

Reasonable accommodations may include bathroom breaks; leave for a period of disability arising from pregnancy, childbirth, or related medical conditions; breaks to facilitate increased water intake; periodic rest for those who stand for long periods of time; and assistance with manual labor, among other things.

#### **d. Victim/Survivor of Domestic Violence, Sex Offenses, or Stalking**

An employee or applicant requesting a reasonable accommodation for due to their status as a victim/survivor of domestic violence, sex offenses, or stalking may make such requests to their

manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer.

“Victim/survivor of domestic violence” means an person who has been subjected to acts or threats of violence, not including acts of self-defense, committed: (i) by a current or former spouse of the employee, (ii) by a person with whom the employee shares a child in common, (iii) by a person who is cohabitating with or has cohabitated with the employee, (iv) by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the employee, or (v) by a person who is or has continually or at regular intervals lived in the same household as the employee.

“Victim of sex offenses or stalking” means an employee who is the victim of acts that would constitute violations of the applicable sections of the New York Penal Law.

Within a reasonable period of time after the employee has requested an accommodation, the employee may be required to provide certification that they are a victim/survivor of domestic violence, sex offenses, or stalking. A person may satisfy the certification requirement by providing documentation from an employee, agent, or volunteer of a victim/survivor services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual seeking a reasonable accommodation, or that individual’s family or household member, has sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for accommodation.

The Comptroller’s Office will reasonably accommodate the needs of an individual who is a victim/survivor of domestic violence, sex offenses, or stalking as defined by the law to enable such person to satisfy the essential requisites of their job, provided that the person’s status as such is known, or should have been known, by the agency.

### **E. Filing External Complaints**

Employees have the right to file a complaint with the New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, and any other federal, state, or local administrative agency that enforces laws against discrimination (known as an “external complaint”).

When a person exercises their right to file an external complaint based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the General Counsel, who will be responsible for any further handling of the matter.

The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint.



The General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed). After transfer of the complaint to the General Counsel, the EEO Officer will cooperate with the General Counsel with respect to the ultimate resolution of the complaint. In addition, the New York City Law Department serves as the Comptroller's Office's counsel if litigation ensues.

#### **F. Making False Accusations**

Knowingly making a false accusation of discrimination or knowingly providing false information in the course of an investigation of a complaint, is conduct that may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### **G. Sanctions for Violations**

Any employee who retaliates against any individual who submits a report or provides information regarding a report will be disciplined appropriately.

Any employee who engages in discriminatory or harassing conduct that violates this policy will be disciplined appropriately, even if the offending conduct does not violate a law prohibiting discrimination.

All discipline will be taken in accordance with applicable Civil Service Laws and collective bargaining agreements.

#### **H. Confidentiality**

All complaints, investigations, requests for accommodations, and records will be handled, to the extent possible and practical, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion, status as victims/survivors of domestic violence, sex offenses, or stalking, and pregnancy, childbirth, or a related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

#### **I. EEO Office Contacts**

The employees listed below have been trained to act as EEO Counselors and to serve as liaisons between this Office and federal, state, and city equal employment and human rights offices.

Diane Jones Randall, EEO Officer  
Room 639  
(212) 669-3692  
eeo@comptroller.nyc.gov

Jose Quiroz, EEO Counselor  
Room 1122  
(212) 669-3909  
jquiroz@comptroller.nyc.gov

Sherry Williams-Nisbett, EEO Counselor  
Room 701  
(212) 669-7384  
swillia@comptroller.nyc.gov



CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

ALAINA GILLIGO  
FIRST DEPUTY COMPTROLLER

EXECUTIVE OFFICE

October 2, 2018

Charise L. Terry, PHR  
Executive Director  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

Re: Response to Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices January 1, 2016 to December 31, 2017

Dear Executive Director Terry:

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.

**Corrective Action 1:** Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* -- or an agency Policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

**Response:** Please note that there is a copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* posted in the Office of Human Resources. In addition, our Agency policy is found in our Employee Handbook as well as a stand-alone document on the Agency's intranet which is available to all employees.

Please note that the Complaint Investigation Procedures in the Handbook state "The Office of the Comptroller will make every effort to complete its investigations and to notify the complainant and the named parties of the outcome of the investigation within 90 days. However, this time frame may not be achievable in all cases, particularly in complex investigations." (See previously submitted Binder 3, page 94)

The Policy and Handbook also explain the Procedures followed at the commencement and conclusion of every investigation. (See previously submitted Binder 3)

A "Notice of Delay" was issued to all affected parties when investigations were unable to conclude within 90 days. (See previously submitted Binder 10, pages 64, 250, 254-257)

The EEO policy and Employee Handbook explain that "Investigations will be completed within 90 days from the date the complaint was filed." (See previously submitted Policies and Handbooks in Binder 3).

The Agency has added a statement to the Policy Procedures to let employees know that complainants and respondents will receive notification when the investigation cannot commence immediately and when a report cannot be issued within 90 days, and that a reason for the delay and a timeframe for completion will be included in the complaint file. This statement has been inserted in *Section D. Procedures, 4. Internal EEO Investigations* and uploaded to the Agency's website. [See attached file "Equal Employment Opportunity, Anti-Discrimination, and Anti-Harassment Policy and Procedures\_UPDATE\_October 1 2018"]

*The final investigative report must be completed and the parties must be notified of the outcome within 90 calendar days from the date the complaint was filed with the EEO Office, unless the time period is extended by the EEO Office for good cause, with written notice to the parties and memorialized in the investigative file and/or the complaint tracking system. The EEO Office must document the reason for the delay, and project a time frame for the completion of the report.*

Regarding the inaccurate external agency address listed in the Handbook: The last time our Employee Handbook included contact information for the external agency was in the 2011 edition. The address was not included in subsequent editions of the Employee Handbook, but we did include it in the 2018 Sexual Harassment Policy. In both instances, we used the address obtained from the DCAS template. We have now updated the address of the NYC Commission on Human Rights in the 2018 Office of the New York City Comptroller Policy Statement Against Sexual Harassment. The corrected address is 22 Reade St., New York, NY 10007. [See attached file: "Sexual Harassment Policy Statement\_UPDATE\_October 1 2018"]

**Corrective Action 2:** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.

**Response:** The current complaint log template is attached. [See attached file: EEO Complaint Log\_2018] We've added fields that allow the agency to track:

- Date Received
- Complainant Name
- Complaint Number
- Bureau
- Respondent Name(s)
- Basis of Complaint
- Location of Complaint
- Comments (issues)
- Findings (outcome)
- Date Concluded
- Status (open, under investigation, closed)
- Length of time elapsed in EEO complaint process
- Info for Trend Analysis



**Corrective Action 3:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Response:** Based on guidance from DCAS, it is our understanding that annual EEO plans will now be requested of non-mayoral agencies. Previously, DCAS only directed mayoral agencies to prepare an annual plan for review; non-mayoral agencies did not receive this same directive. Notwithstanding this, our office has consistently been proactive in our efforts to mitigate and prevent all types of discrimination in the Agency.

Although we did not submit an Annual Plan of measures and programs to provide equal employment opportunity or information about plan implementation, we evaluate our approach to equal employment opportunity on a regular basis. As you can see from the attachments previously submitted in connection to other areas of this audit the First Deputy Comptroller, Deputy Comptroller for Administration, General Counsel, and EEO Officer routinely discuss reporting trends as well as best practices for prevention. On the HR side, we also look at hiring practices. Each of these ongoing actions form our assessment of those areas in need of improvement and how we can best continue to educate all employees of their rights and responsibilities.

As an example, given the agency commitment to the prevention of sexual harassment and taking into account the societal attention most recently given to sexual harassment, notwithstanding our lack of sexual harassment complaints we felt it necessary to engage the employees in a climate survey. This survey evaluated employee feelings/beliefs about sexual harassment. Once the responses were received and reviewed, we sought out a vendor to conduct an in-person training for all covering many of the items from the survey to address employee feedback. In the same vein, we review our office policies and procedures in an effort to make them more employee-friendly and easily understood.

We not only address and assess issues as they arise but also anticipate how they might best be prevented and make efforts to provide employees with as much detailed information as possible. Moving forward, we will of course produce and provide the EEPC with our formalized Annual Plan. The EEPC can expect to receive a copy of this Annual Plan in October; we are awaiting the city-wide standardized template from DCAS.

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 Diane Jones Randall, EEO Officer, if you have any questions or concerns.

Sincerely,



Alaina Gilligo  
First Deputy Comptroller



**Angela Cabrera**  
**Malini Cadambi Daniel**  
**Elaine S. Reiss, Esq.**  
**Arva R. Rice**  
Commissioners

**Charise L. Terry, PHR**  
Executive Director

**Judith Garcia Quiñonez, Esq.**  
Executive Agency Counsel

**Jennifer Shaw, Esq.**  
Executive Agency Counsel/  
Director of Compliance

**253 Broadway**  
**Suite 602**  
**New York, NY 10007**

212. 615. 8939 tel.  
212. 676. 2724 fax

**BY MAIL AND EMAIL**

October 4, 2018

Alaina Gilligo  
First Deputy Comptroller  
Office of the New York City Comptroller  
1 Centre Street, Suite 530  
New York, NY 10007

RE: Audit Resolution **#2018AP/224-015-(2018)**: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices from January 1, 2016 to December 31, 2017.

Dear First Deputy Comptroller Gilligo:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), thank you for your October 2, 2018 response to our September 18, 2018 Preliminary Determination, and for the cooperation extended to our staff during the course of this audit. Consistent with the powers and duties of agency heads set forth in New York City Charter, this Commission requires the agency head to issue the response to this Final Determination.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards<sup>1</sup> to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures that are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

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<sup>1</sup> Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a and the equal employment opportunity requirements of the New York City Charter.



Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

The assigned compliance-monitoring period is: **NOVEMBER 2018 TO APRIL 2019**. Implementing all the corrective actions prior to the conclusion of the six months is highly encouraged and will serve to shorten the compliance monitoring period.

**If corrective actions remain:** Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation that supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPC will issue a *Determination of Compliance*.

**If no corrective actions remain:** Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional contact Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at [jshaw@eepc.nyc.gov](mailto:jshaw@eepc.nyc.gov) or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

  
Charise L. Terry, PHR  
Executive Director

C: Diane Jones Randall, Principal EEO Professional

Enclosed: TeamCentral Agency Manual

**FINAL DETERMINATION**

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC* document and information request; the *EEPC Preliminary Interview Questionnaires (PIQ)* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans* and *Quarterly EEO Reports*; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Agree**

Regarding your responses to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

**Corrective Action #1**

Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response: “[...] *The Agency has added a statement to the Policy Procedures to let employees know that complainants and respondents will receive notification when the investigation cannot commence immediately and when a report cannot be issued within 90 days, and that a reason for the delay and a timeframe for completion will be included in the complaint file. This statement has been inserted in Section D. Procedures, 4. Internal EEO Investigations and uploaded to the Agency's website.*” (Agency Response pg. 2)

EEPC Response: The EEPC accepts the agency's response and documentation provided as confirmation that corrective action **#1** has been implemented. The revised EEO Policy Procedures contains uniform and responsive procedures for investigating EEO complaints that include notification to the complainant and respondent when a complaint investigation could not commence immediately and where a conclusive report could not be issued within 90 days, and that a reason for the delay and a projected timeframe for completion of the report be included in the complaint file.

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<sup>2</sup> Excerpts are italicized.



**Corrective Action #2**

Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.

Agency Response: “[...] We’ve added fields [to the agency’s complaint log template] that allow the agency to track: Date Received; Complainant Name; Complaint Number; Bureau; Respondent Name(s); Basis of Complaint; Location of Complaint; Comments (issues); Findings (outcome); Date Concluded; Status (open, under investigation, closed); Length of time elapsed in EEO complaint process; [and] Info for Trend Analysis.” (Agency Response pg. 2)

EEPC Response: The EEPC accepts the agency’s response and documentation provided as confirmation that corrective action #2 has been implemented. The agency provided a copy of its expanded complaint log template, which was revised to identify the location, status, length of time elapsed in the complaint investigation process, the issues and bases of the complaints, complainant and respondent(s), and other information necessary to analyze complaint activity to identify trends.

**Monitoring Required**

The agency’s implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

**Corrective Action #3**

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Agency Response: “[...] Moving forward, we will of course produce and provide the EEPC with our formalized Annual Plan. The EEPC can expect to receive a copy of this Annual Plan in October; we are awaiting the city-wide standardized template from DCAS.” (Agency Response pg. 3).

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #3. Please submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Thank you and your staff for your continued cooperation.

**EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK**

**RESOLUTION #2018AP/224-015-(2018):** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices from January 1, 2016 through December 31, 2017.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized 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, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit of the Office of the New York City Comptroller's (NYC Comptroller) Sexual Harassment Prevention and Response Practices, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated September 18, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.
3. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter on October 2, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC considered the agency's response and issued a Final Determination on October 4, 2018, which agreed and indicated that corrective action(s) no. 3 requires compliance monitoring; and

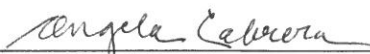
**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from November 2018 through April 2019, to determine whether it implemented the remaining required corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of its implementation of such corrective actions; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**, that the Commission approves issuance of this Final Determination to New York City Comptroller Scott M. Stringer.

Approved unanimously on October 25, 2018.



Angela Cabrera  
Commissioner

Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



NOV 2 2018 PM 2:19

**ALAINA GILLIGO**  
FIRST DEPUTY COMPTROLLER

CITY OF NEW YORK  
**OFFICE OF THE COMPTROLLER**  
SCOTT M. STRINGER

EXECUTIVE OFFICE

October 26, 2018

Charise L. Terry, PHR  
Executive Director  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

Re: Response to Audit Resolution #2018AP/224-015-(2018), Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the New York City Comptroller's Sexual Harassment Prevention and Response Practices from January 1, 2016 to December 31, 2017.

Dear Executive Director Terry:

The Comptroller's Office has reviewed your October 4, 2018 Final Determination letter and appreciates your consideration of our October 2, 2018 response to your Preliminary Determination, dated September 18, 2018. Provided below is the Agency's plan to deliver the documentation requested in the Final Determination.

**Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

**Corrective Action #3**

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Agency Response:** "[...] Moving forward, we will of course produce and provide the EEPC with our formalized Annual Plan. The EEPC can expect to receive a copy of this Annual Plan in October; we are awaiting the city-wide standardized template from DCAS." (Agency Response pg. 3).

**EEPC Response:** The EEPC recognizes the agency's commitment to implement corrective action #3. Please submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

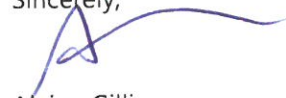
Charise L. Terry, PHR  
Executive Director  
NYC Equal Employment Practices Commission

October 26, 2018  
Page 2 of 2

**Agency Response:** The standardized city-wide template from DCAS was expected in early October, but was not disseminated until today. In light of the DCAS delay, the Comptroller's Office will deliver the Annual Plan at the end of November and well in advance of the compliance monitoring period deadline.

The Comptroller's Office looks forward to cooperating fully with your staff during the compliance monitoring period and would like to thank the Commission for its valuable recommendations. Please do not hesitate to contact Diane Jones Randall, EEO Officer, if you have any questions or concerns.

Sincerely,



Alaina Gilligo  
First Deputy Comptroller





CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

**ALAINA GILLIGO**  
FIRST DEPUTY COMPTROLLER

EXECUTIVE OFFICE

MEMORANDUM

December 14, 2018

TO: All Employees

FROM: Alaina Gilligo  
First Deputy Comptroller

A handwritten signature in blue ink, appearing to be 'Alaina Gilligo', written over the printed name.

RE: Equal Employment Practices Commission Audit of the Office of the New York City Comptroller

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The New York City Equal Employment Practices Commission (EEOC) recently conducted an audit and evaluation of the Comptroller's Office Sexual Harassment Prevention and Response Practices, consistent with its New York City Charter mandated responsibility to audit the employment practices, policies and procedures of every City agency once every four years. The EEOC conducts audits to ensure each agency's compliance with federal, state and local laws, regulations, policies, and procedures designed to increase equality of opportunity for City employees and job applicants.

The EEOC found the Comptroller's Office was substantially in compliance with the law and policies and of twenty-nine (29) areas of review, found one (1) for corrective action. The Agency was asked to, and has, documented its Equal Employment Opportunity Annual Plan in a formatted template to satisfy both EEOC and DCAS requirements.

We hereby reaffirm our commitment to the Agency's Equal Employment Opportunity program and the prevention of sexual harassment. We take this opportunity to reaffirm our agency's strong commitment to maintaining a workplace and employment practices free from unlawful discrimination and harassment for all our employees and applicants for employment. We are firmly committed to preventing discrimination and sexual harassment by ensuring that all employees are aware of their rights and obligations under the Equal Employment Opportunity policy and by encouraging a work environment that tolerates and appreciates differences among employees. We thank you for sharing this commitment.

**EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK**

**RESOLUTION #2018AP/226-015-(2018)C24:** Determination of Compliance (Monitoring Period Required) by the Office of the New York City Comptroller with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 through December 31, 2017.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized 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 (EEO) for minority group members and women, and to make recommendations to city agencies to ensure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Charter Chapter 36, Section 831(d)(2), the EEPC has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state, and local laws, and regulations, policies, and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Office of the New York City Comptroller's (NYC Comptroller) EEO Program, the EEPC issued a Preliminary Determination letter, dated September 18, 2018, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify, in addition to the aforementioned fields, the location, status, the name(s) of the respondent(s), and other information necessary to analyze complaint activity to identify trends.
3. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Whereas**, the NYC Comptroller submitted its response to the EEPC's Preliminary Determination letter, on October 2, 2018, with documentation of its actions to rectify required corrective actions nos. 1 and 2; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC considered the agency's response and issued a Final Determination letter on October 4, 2018, which agreed and accepted documentation for implementation of the aforementioned corrective actions, and indicated corrective action no. 3 required compliance monitoring; and

**Whereas**, the NYC Comptroller submitted its response to the EEPC's Final Determination letter on October 31, 2018; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC monitored the agency's implementation of the remaining corrective action from November 2018 through December 2018, with no extension of the monitoring period; and

**Whereas**, at the EEPC's request pursuant to Charter Section 815.a.(15), the NYC Comptroller submitted a copy of the First Deputy Comptroller's memorandum to staff dated December 14, 2018, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and


**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state, and local laws, and regulations, policies and procedures designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government. Now Therefore,

**Be It Resolved**, that the Office of the New York City Comptroller has implemented the required corrective actions deemed necessary to ensure compliance with the EEPC's equal employment opportunity standards and the requirements of Charter Chapters 35 and 36.

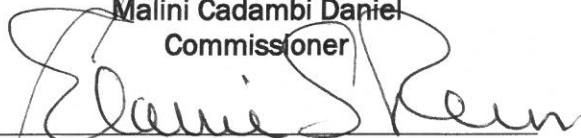
**Be It Resolved**, that the EEPC will forward this Determination of Compliance to the New York City Comptroller Scott M. Stringer of the Office of the New York City Comptroller.

Approved unanimously on December 17, 2018.

  
\_\_\_\_\_  
**Angela Cabrera**  
Commissioner

  
\_\_\_\_\_  
**Arva R. Rice**  
Commissioner

  
\_\_\_\_\_  
**Malini Cadambi Daniel**  
Commissioner

  
\_\_\_\_\_  
**Elaine S. Reiss, Esq.**  
Commissioner



**NYC**  
**Equal Employment  
Practices Commission**

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

December 17, 2018

Scott M. Stringer  
Comptroller  
Office of the New York City Comptroller  
1 Centre Street, Room 517  
New York, NY 10007

Re: Resolution #2018AP/226-015-(2018)C24: Determination of  
Agency Compliance

Dear Comptroller Stringer:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I want to inform you that the EEPC has issued the attached Determination of Compliance to the Office of the New York City Comptroller. The EEPC has determined that the Office of the New York City Comptroller has implemented the required corrective actions it deemed necessary for ensuring a fair and effective affirmative employment program of equal opportunity as required by the EEPC's equal employment opportunity standards and Chapters 35 and 36 of the New York City Charter.

On behalf of the EEPC, I want to thank you, First Deputy Comptroller Alaina Gilligo, and EEO Officer Diane Jones Randall for the cooperation extended to the EEPC.

Sincerely,  


Elaine S. Reiss, Esq.  
Commissioner

c: First Deputy Comptroller, Alaina Gilligo  
Diane Jones Randall, Principal EEO Professional



EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

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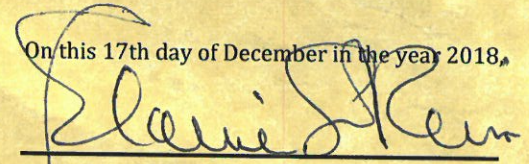
# Determination of Compliance

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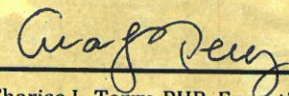
## Office of New York City Comptroller

for successfully implementing 3 of 3 required corrective actions pursuant to the Equal Employment Practices Commission's Sexual Harassment Prevention and Response Practices Audit from January 1, 2016 to this date.

On this 17th day of December in the year 2018,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

In care of New York City Comptroller Scott M. Stringer  
and Principal EEO Professional Diane Jones Randall