

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/022-015: Preliminary Determination Pursuant to the Audit of the Comptroller's Office's (CO) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City 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 insure 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, the Equal Employment Practices Commission audited the Comptroller's Office's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Comptroller's Office's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The CO's EEO Policy in the new hire package did not include all of the protected classes. (Sect. I, Citywide EEOP)
2. The CO did not distribute the Section 55-A Program brochures. (Sect. IIB, Citywide EEOP)
3. The CO did not follow its own discrimination procedure, which is similar to the citywide procedure. (Comptroller's Employee Manual, EEOP, p.4)
4. The CO's internal complaint files did not contain a discrimination complaint intake form. (DCPIG, sect. 12(b))
5. Three of the six internal complaint files submitted did not contain a written notice of discrimination complaint to the respondent. (DCPIG, sect. 12(b))
6. Three of the six internal complaint files submitted did not include the investigators' interview notes.

7. The CO's "Confidential Written Reports" were not addressed to or signed by the agency head. (DCAS, DCPIG, 1993, Sect. 12(b))
8. The EEO officer's confidential written reports were not prepared in accordance with the DCPIG: i.e., divided into three sections entitled "Findings of Facts," "Discussion and Conclusion," and "Recommendation." (DCPIG, sect. 12(b))
9. None of the reports were labeled "confidential." (DCPIG, sect. 12(b))
10. The agency's EEO officer did not maintain a monthly EEO complaint log. (DCAS, DCPIG, 1993, Sect. 12(a))
11. The EEO officer did not maintain appropriate documentation of meetings and other communications regarding EEO program operational decisions.
12. The EEO officer did not analyze the agency's workforce data to determine if women and/or minorities are underrepresented in particular job categories. (Sect. IV, Citywide EEOP)
13. The CO has not provided structured interview training to personnel involved in the recruitment and hiring process. (Sect. IV, Citywide EEOP)

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Comptroller, William C. Thompson, Jr., formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, him response to these findings within thirty days of receipts of the letter indicating what corrective actions the Comptroller's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 25, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair