

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

MAR 21 2013 PM 3:11

John C. Liu
COMPTROLLER

Ricardo Elias Morales
First Deputy Comptroller

March 20, 2013

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

Re: Response to Final Determination Pursuant to the Audit of the Comptroller's Office (CO) Equal Opportunity Program from July 1, 2009 to June 30, 2012.

Dear Mr. Perez:

The Comptroller's Office has reviewed your February 21, 2013 Final Determination letter and appreciates your consideration of our February 8, 2013 response to your Preliminary Determination, dated December 18, 2012. Provided below and attached is the information and additional documentation requested in the Final Determination:

1. **Recommendation #3:** In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.

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

EEPC Response: We are pleased that the agency will notify the complainant and respondent in writing of a delay and note it in the complaint file. A copy of the notice of delay letter should be provided during the compliance monitoring period.

Response: Please see Attachment #1, sample Notice of Delay.

2. **Recommendation #4:** The agency head, or a direct report, should review the EEO Officer's report and promptly issue a written/electronic determination adopting, rejecting, or modifying the recommended action. The agency head or a direct report, should sign (in writing or electronically) each final determination to indicate that it has been reviewed and adopted.

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

EEPC Response: We are pleased that the agency has implemented a process for the agency head or a direct report to review and sign each complainant's final determination. Documentation of this process should be provided during the compliance monitoring period.

Response: The Agency will provide during the compliance period documentation that it has implemented the requested process. In addition, please see Attachment #2, documentation of the Agency Head's review of EEO Investigation Reports.

3. **Recommendation #5:** The agency's HR/Personnel division should use and maintain an applicant log – which, at minimum, includes the Position, Applicants' Names, Security or Identification Number, Ethnicity, Gender, Disability or Veteran Status, Interview Date, Interviewers' Names, Result, reason Selected/Not Selected, and Recruitment Source – for all discretionary appointments.

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

EEPC Response: We are pleased that the agency plans to collect requested information from all applicants. This information is germane to understanding the effectiveness of your agency's current recruitment strategies. Documentation and a time-frame for implementation of this action should be provided during the compliance monitoring period.

Response: We are attempting to expedite implementation of the E-Hire System in the agency, but do not have a commitment from the City that we will be able to do so or a specific timeframe. Accordingly, we will provide the Commission with additional information and documentation during the compliance monitoring period.

4. **Recommendation #11:** The agency head should direct managers and supervisors to emphasize their commitment to EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings should be documented.

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

EEPC Response: We are pleased that the First Deputy Comptroller has directed managers and supervisors to emphasize their commitment to the EEO policies during staff meetings and document these meetings. Please provide the number of Supervisors and Managers to whom this applies, and how the EEO office will track the implementation of this policy. We accept Attachment #6, memo to supervisory staff.

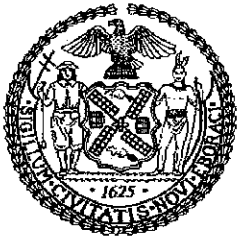
Response: The total number of supervisors and managers to which the First Deputy Comptroller's directive currently applies is 188. At least once a year, the Agency's EEO Officer will instruct these supervisors and managers to submit documentation indicating that they have discussed and emphasized the Agency's commitment to the EEO policies during staff meetings. The EEO Officer will collect and maintain documentation of these meetings.

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 Sharina Soriano, EEO Officer, if you have any questions or concerns.

Sincerely,



Ricardo Elias Morales
First Deputy Comptroller



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Sharina Soriano
EEO Officer

Attachment #1

CONFIDENTIAL

Complainant/Respondent
Home Address

RE: Notice of Delay
EEO Case # _____

Dear:

This letter is to inform you of the status of the above reference complaint which was filed with The Office of Equal Employment Opportunity (EEO) on (____ date ____).

Although there has been a delay due to: _____, the investigation into EEO Case # _____ is still on-going. You will be notified in writing once the investigation is concluded.

I may be contacted at (212) 669-3691 concerning any questions you may have in this matter.

Sharina Soriano
EEO Officer




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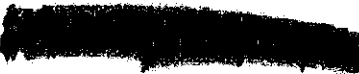
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Attachment #2


MEMORANDUM


To: Sharina Soriano, EEO Officer

From: Ricardo Elias Morales, First Deputy Comptroller 

Subject: EEO INVESTIGATION: 

Date: October 11, 2012

On October 2, 2012, I received your EEO Investigation Report for  dated September 24, 2012. I understand that the original file was misplaced and has since been reconstructed. I understand you have implemented an EEO Complaint Log and will ensure that all files will be maintained in a central repository.

In reviewing the Discrimination Complaint Intake Form,  noted in response to question 8 that she will file external complaints with local, state, and federal agencies within two weeks of filing the internal complaint. Were there any outside complaints filed? If so, what is the status of the complaints?



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MEMORANDUM

To: Ricardo Morales, First Deputy Comptroller
From: Sharina Soriano, EEO Officer (SS)
Subject: EEO Investigation: [REDACTED]
Date: October 18, 2012

This is in response to your memo dated October 11, 2012 regarding my EEO Investigation Report for [REDACTED]

Although in her original complaint dated August 14, 2009, [REDACTED] indicated that she would file an EEO complaint with the NYC Commission on Human Rights, NY State Division on Human Rights, NYC Mayor's Office, United States Equal Employment Opportunity Commission, and the United States Department of Labor, she did not do this.

In a subsequent telephone conversation with [REDACTED] on September 20, 2012, [REDACTED] confirmed that she did not file an EEO complaint with any of the above mentioned agencies or any other agency. [REDACTED] further indicated that she would not be pursuing this matter with any outside agency in the future.