

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Cesar A. Perez, Esq.

Chair

Angela Cabrera

Malini Cadambi Daniel

Elaine S. Reiss, Esq.

Arva A. Rice

Commissioners

Abraham May, Jr.

Executive Director

Charise Hendricks, PHR

Deputy Director

Judith Garcia Quiñonez

Counsel

October 29, 2009

Robert Townsend
Executive Director
Financial Information Services Agency
450 West 33rd Street, 4th Floor
New York, NY 10001-2603

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

Dear Mr. Townsend:

Pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment by city agencies.

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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, women and other protected classes. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines 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..."

This letter contains the preliminary determinations of EEPC pursuant to its audit of compliance by the Financial Information Services Agency (FISA) during the twenty-four month period commencing January 1, 2006 and ending December 31, 2007. Requests for corrective actions and/or recommendations are included where the EEPC has determined that FISA has failed to comply in whole or in part with the City's EEO Policy.

All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the EEO Policy, which, in accordance with section 815 of the City Charter, holds agency heads responsible for the effective implementation of Equal Employment Opportunity. Therefore, the Financial Information Services Agency should incorporate these recommendations in its agency-specific EEO Plan. The relevant sections of the City's EEO Policy are cited in parenthesis at the end of each recommendation. In addition, this Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women.

The purpose of this audit is to evaluate the agency's compliance with the EEOP, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included analysis of the FISA's responses to an EEPC Document and Information Request Form. EEPC staff also analyzed Citywide Equal Employment Database System (CEEDS) data prepared by the Department of Citywide Administrative Services (DCAS) which determines underutilizations and concentrations of targeted groups within the agency's workforce. These designations represent imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. CEEDS data is critical in identifying underutilization in the city's workforce. Where underutilization is revealed within an agency's workforce, auditors determine whether an agency has undertaken reasonable measures for addressing underutilization.

At present, the CEEDS data requires updating in order for the underutilization analysis to provide an accurate measure of the employment practices of city agencies; the DCAS is currently updating this data. Upon completion, the EEPC will review the data and make supplemental recommendations pursuant to this audit, if necessary.

EEPC auditors also conducted in-depth, on-site interviews with FISA's EEO officer, two EEO counselors, the career counselor, agency counsel, and director of human resources.

A survey of 329 people employed by the FISA during the audit period was distributed. Eighty people (24%) responded. Survey findings are attached and discussed in the proceeding pages. (Appendix 1)

Description of the Agency

The Financial Information Services Agency (FISA) is a state of the art information technology services center with all the support facilities needed to provide City officials with Citywide financial and payroll information.

The FISA is headed by a three member board appointed by the Mayor, one member recommended by the Mayor, one member recommended by the Comptroller, and one member recommended by the other two members.

Personnel Activity During the Audit Period

According to data provided by the FISA, during the audit period, 103 people were hired: 44 Asians, 37 Caucasians, 11 Hispanics, 9 African-Americans, and 2 unknown. Of the individuals hired, 29 were female. 73 individuals were promoted during the audit period: 45 Caucasians, 13 African-Americans, 6 Hispanics, 8 Asians, and 1 Native American. Of the employees promoted, 29 were female. (Appendix 4)

The FISA reports that 11 full-time employees were involuntarily separated during the audit period: 7 Asians, 2 Caucasians, 1 African-American, and 1 Hispanic. Of the employees separated, 2 were female. Between January 2006 and December 2007, the total number of employees increased by 42 from 282 to 324. The number of African-American employees increased from 68 to 69, Hispanic employees increased from 28 to 34, and Asian employees increased from 41 to 66. Female employees decreased from 120 to 114. (Appendices 2 and 3)

Discrimination Complaint Activity During the Audit Period

During the audit period, five internal discrimination complaints were filed. The EEO Officer completed and issued reports for four of these complaints, each received an unsubstantiated determination. The remaining complaint is pending. Of the five complaints filed during the audit period, 2 were based on gender and 3 had multiple bases. One external complaint filed against the FISA during the audit period with the NYS Division of Human Rights received a no probable cause determination.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination – Internally

The FISA is in compliance with the following requirements:

1. The Citywide EEO Policy, Agency Head EEO Policy statement, EEO Policy Handbook and addendums, Discrimination Complaint form, Request for Mediation form, and Reasonable

Accommodation form were distributed to all new and current employees on July 28, 2006 and July 30, 2007. The citywide EEO policy, EEO policy statement, and EEO policy handbook, and FISA forms is distributed annually with paychecks and during EEO training sessions. The policies are also included in the FISA's new hire handbook which is given to all employees during orientation. In addition, 93% of the employees surveyed by the EEPC indicated they had received the EEO Policy Handbook.

2. The Citywide EEO Policy, EEO policy statement, and EEO policy handbook is posted on the agency's bulletin boards. The EEO officer continually checks and maintains the boards to ensure the EEO information is clearly posted and current. Employees are also directed to the DCAS website to access the policies. In addition, 94% of the employees surveyed said that the EEO policy statement is posted on the bulletin boards.

Plan Dissemination – Externally

The FISA is in compliance with the following requirement:

1. All five citywide job vacancy notices (Jr. Call center Agent, Business Objects Administrator, Web Application Developer, Application Support Analyst, and Systems Trainer) submitted by the agency indicate that the FISA is an equal opportunity employer. All three job advertisements (Peoplesoft Project Manager, Peoplesoft Tester/System Analyst/Business Analyst, and Assistant Executive Director for Procurement Services) that the FISA listed in the NY Times during the audit period indicate that the FISA is an equal opportunity employer.

EEO and Reasonable Accommodation for Persons with Disabilities

The FISA is in compliance with the following requirements:

1. The FISA participates in the Section 55-A program. There are currently two Section 55-A program participants.
2. The FISA's EEO training sessions includes a section on the 55-A program and the program brochure is included in the new hire packet.
3. The FISA has formally appointed a disability rights coordinator to handle reasonable accommodation requests. There were 6 reasonable accommodation requests made during the audit period.
4. The FISA has the EEO policy statement and the citywide EEO Policy Handbook in large print and audio formats for persons with disabilities. The EEO officer is aware that the policies are available in alternate formats from DCAS.
5. The FISA's response to the EEPC's accessibility for persons with disabilities checklist indicates that both the 4th and 10th floors of its office at 450 West 33rd Street, are accessible to, and useable by, persons with disabilities. There is a street accessible entrance, ramp

access, wheelchair accessible elevators, Braille and bell in elevators, wide stalls, grab bars, and low sink and bathroom fixtures in the restrooms.

Discrimination Complaint and Investigation Procedures

The FISA is in compliance with the following requirements:

1. The EEO officer maintains and updates a monthly log of discrimination complaints filed against the agency. During the audit period, 5 internal discrimination complaints were filed.
2. All of FISA's EEO professionals have attended the basic training course for EEO professionals conducted by the Department of Citywide Administrative Services (DCAS).
3. The FISA appointed three EEO representatives of both genders (female EEO officer, female EEO counselor, and male EEO counselor) to receive and investigate discrimination complaints.

The following section refers to the five latest internal discrimination complaint files (07-01, 07-02, 0703, 07-04, and 07-05) submitted by the FISA.

The FISA is not in compliance with the following requirements:

1. None of the confidential written reports in the complaint files were signed by the agency head. Corrective action is required.

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

2. All five complaint files do not contain investigation interview notes. Corrective action is required.

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

EEO Training

The FISA is in compliance with the following requirement:

The FISA has a plan to ensure all individuals who work within the agency are trained concerning EEO-related policies. The training curriculum was reviewed and approved by the DCAS Division of Citywide EEO and was based on the training standards outlined in the Citywide EEO Policy and DCAS' training curriculum. In August 2007, a total of 295 employees were trained: 73 managers and supervisors and 222 line employees. Since then, new employees have been trained on an ongoing basis. During our audit, the EEPC learned that managers/supervisors received computer-based EEO training in 2009.

Selection and Recruitment

The FISA is in compliance of the following requirements:

1. The FISA provided Structured Interview training in 2007 for twenty-five managers and supervisors who are involved in employment interviewing.
2. The EEO officer is involved in developing recruitment strategies and selecting recruitment media. She has selected minority-and women-owned organizations and vendors to distribute vacancy notices to.
3. As a part of their recruitment sourcing strategies, the FISA utilized an extensive list of vendors/contractors, colleges and universities and organizations, as well as the DCAS and the DOITT websites to post their job vacancies.

The FISA is not in compliance with the following requirement:

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

Recommendation: Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group, the FISA should conduct an adverse impact study. The FISA can use, and may modify, the Disparate Impact Analysis Program (an on-line Internet based application) recommended by DCAS/DCEEEO by accessing: <http://www.hr-software.net/EmploymentStatistics/DisparateImpact.htm> for this purpose. To the extent that adverse impact is discovered, the agency should determine whether the criteria being utilized are job-related or, if not, discontinue using those criteria.

Promotional Opportunities

The FISA is in compliance with the following requirements:

1. The agency's managerial performance evaluation form contains a rating for EEO.
2. The FISA formally appointed a career counselor. An agency-wide memo notifying employees of the name and telephone number of the counselor was distributed.

Supervisory Responsibility in EEO Plan Implementation

The FISA is not in compliance with the following requirement:

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

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

EEO Officer Reporting Arrangement

The FISA is in compliance with the following requirements:

1. The EEO officer reports to the agency head and meets with him on EEO matters. Documentation of these meetings is maintained.
2. The FISA submitted its EEO plans and quarterly reports to the EEPC for the period in review.

EEO Officer Responsibilities

The FISA is in compliance with the following requirements:

1. The EEO officer spends approximately 50% of her time on EEO matters. The remainder of her time is spent on her Director of Training and Education responsibilities.
2. The EEO officer meets with the EEO counselors periodically to review their work and keep them abreast of EEO developments. Documentation of these meetings is maintained.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The agency head should sign each confidential report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. Such sign off may be in written or electronic form. (Sect, VB, EEOP and DCPIG, sect. 12b)
2. Complaint files should contain thorough notes of words spoken and facts provided, excluding subjective assessment as close to verbatim as possible. (DCPIG, Sect. 12b)
3. Since the EEOP requires that city agencies assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group, the FISA should conduct an adverse impact study. In cases where adverse impact is determined, the FISA should evaluate the validity and relevancy of its selection criteria and develop strategies to eliminate such impact. The FISA can use, and may modify, the DCAS/DCEEO’s online internet based Disparate Impact Analysis application for this purpose. (Section IV, EEOP).

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

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

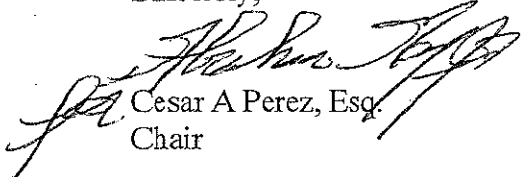
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the FISA's compliance with its Equal Employment Opportunity Policy, and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Cesar A Perez, Esq.
Chair

APPENDIX - 1

Financial Information Services Agency
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (71) No (9)
2. Is your agency's EEO Policy Statement posted on your agency's bulletin boards?
Yes (75) No (2)
3. Were you given the EEO Policy Statement?
Yes (70) No (1) Do not remember (9)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?
Yes (74) No (3)
5. Do you agree with the principles of equal employment opportunity?
Yes (76) No (3)
6. Do you believe your agency practices equal employment opportunity?
Yes (50) No (24)
7. Do you know what the City's Equal Employment Opportunity Policy (EEOP) is?
Yes (69) No (11)
8. Has your supervisor emphasized his/her commitment to the agency's EEO policies at any staff meeting during the past 8 months?
Yes (22) No (36) Do not remember (19)
9. When you started working at your agency, did you attend an orientation session?
If No, please skip to question #11.
Yes (58) No (10) Do not remember (12)
10. If hired within the past 12 months, did your orientation session include information on your rights and responsibilities under the EEO Policy?
Yes (14) No (0) Do not remember (11)

B. EEO COMPLAINTS

11. Do you know how to file an EEO complaint?
Yes (61) No (15)
12. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (39) No (25) Undecided (15)

FISA SURVEY RESULTS CONTINUED

13. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (38) No (22) Undecided (19)

14. Did you ever file an EEO complaint with your agency's EEO Office?
If No, please skip to question #18.
Yes (4) No (75)

15. What was the basis of the complaint?

Age (0)	Partnership Status (0)
Alienage or Citizen Status (0)	Predisposing genetic characteristic (0)
Arrest or Conviction Record (0)	Race (0)
Color (0)	Sexual Harassment (0)
Creed (0)	Sexual Orientation (0)
Disability (1)	Veteran's Status (0)
Gender (incl. gender identity) (1)	Victim of Domestic Violence, Stalking, and Sex Offenses (0)
Marital Status (0)	Other (2)
Military Status (0)	
National Origin (0)	

16. Were you satisfied with the manner in which your complaint was managed?
Yes (1) No (3)

17. Was your manager or supervisor supportive of your right to file a complaint?
Yes (1) No (2) Not Applicable (4)

C. EEO TRAINING

18. Did you receive EEO training? If No, please skip to question #20.
Yes (69) No (9)

19. Did you find this training helpful?
Very (22) Somewhat (36)
Not really (0) Waste of time (0)

D. JOB PERFORMANCE/ADVANCEMENT

20. Did you see your agency's job postings on agency bulletin boards for vacant positions prior to the application deadline?
Yes (59) No (10) Do not remember (7)

21. If you were employed at your agency for over one year, did you receive annual evaluations?
If No, skip to question #24.
Yes (22) No (54) Not employed for >1 year (0)

22. Did your evaluation contain recommendations for improving your job performance?
Yes (14) No (23)

FISA SURVEY RESULTS CONTINUED

23. Did your evaluation contain recommendations for career advancement with your agency?
Yes (7) No (31)

24. Do you know the name of the person in your agency who is responsible for providing career counseling?
Yes (33) No (43)

E. AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

25. Are your agency's facilities accessible for persons with disabilities?
Yes (56) No (3) Don't Know (15)

26. Did you ever ask for an accommodation for a physical or mental disability?
If No, skip to question #28.
Yes (5) No (68)

27. Did the agency accommodate you?
Yes (1) No (4)

OPTIONAL

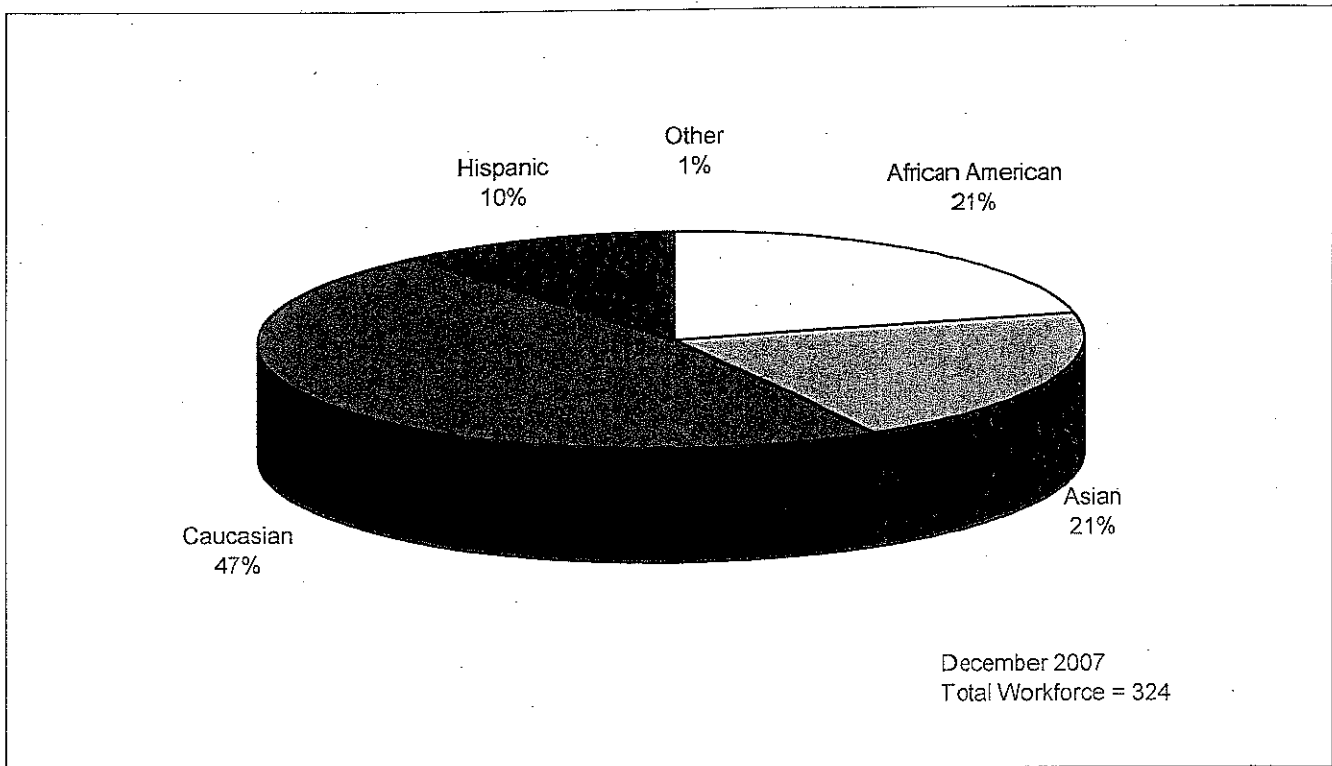
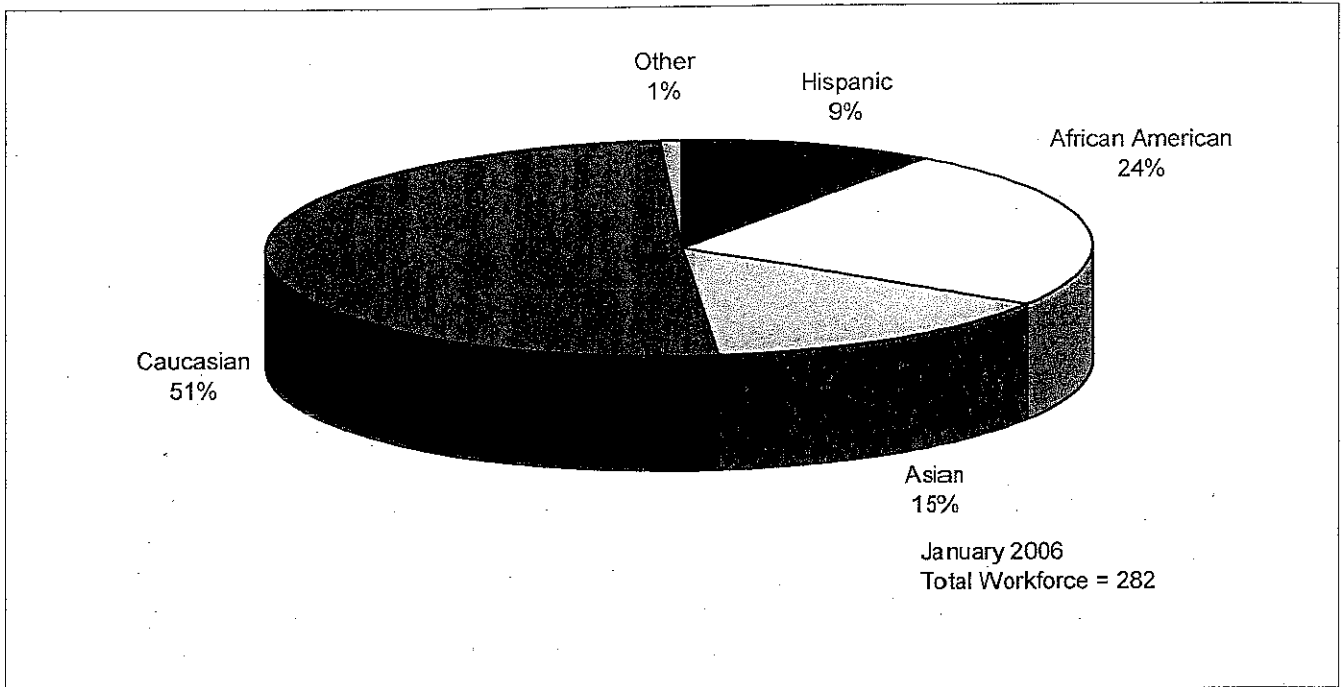
28. What is your race/ethnicity?
Asian (8) Native American (0)
Black (14) White (37)
Hispanic (2) Other (3)

29. What is your gender?
Male (46) Female (24)

Appendix - 2

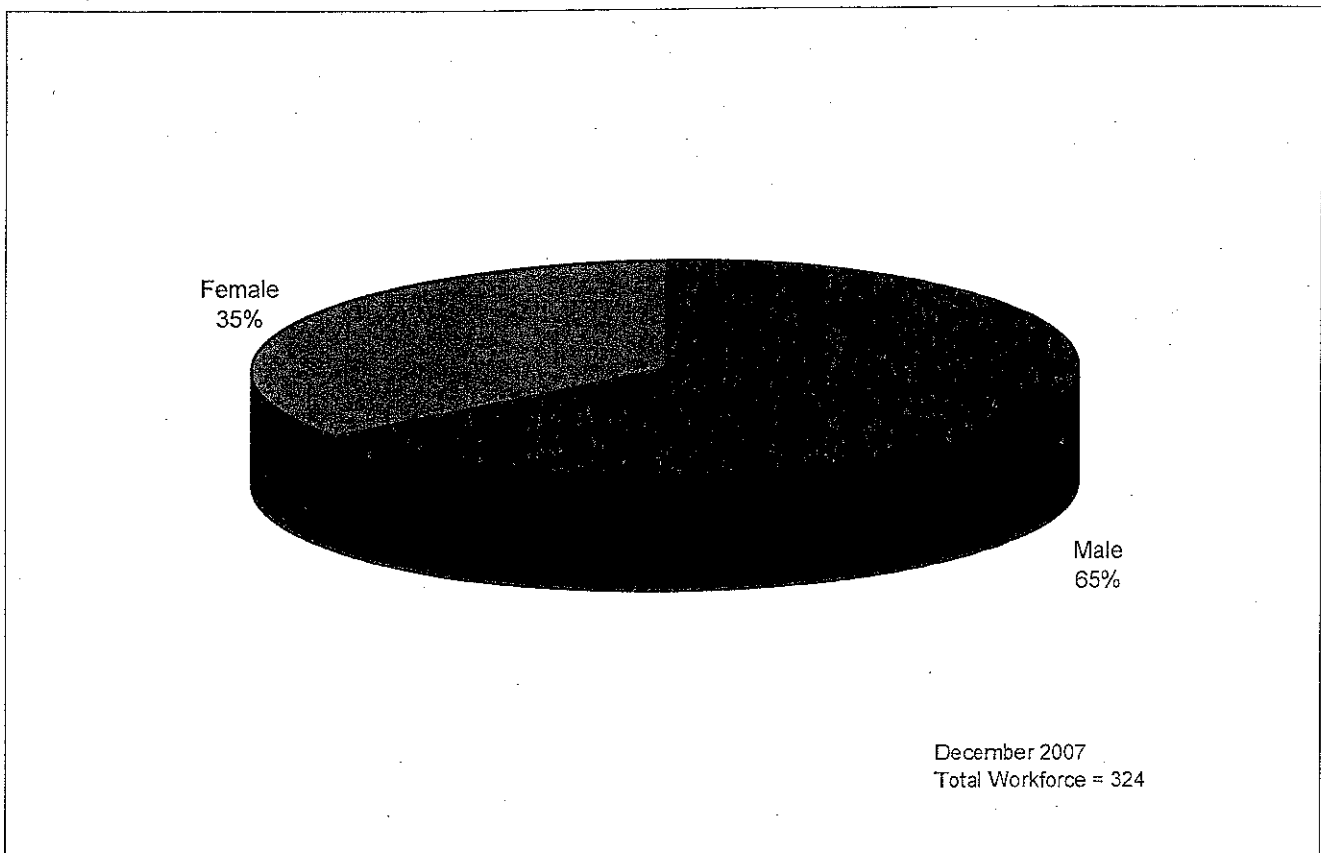
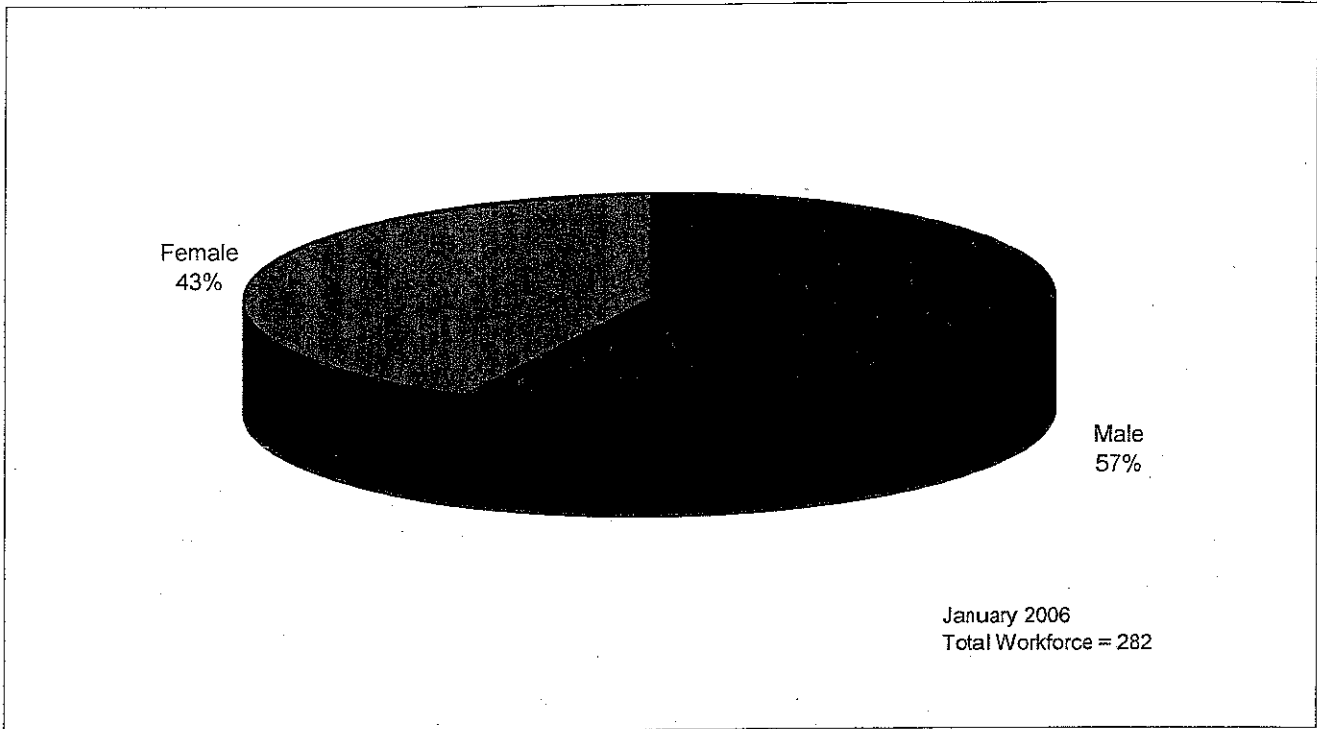
Financial Information Services Agency

Workforce by Ethnicity



Appendix - 3

Financial Information Services Agency Workforce by Sex



APPENDIX – 4

The following table indicates personnel activity during the audit period, January 1, 2006 to December 31, 2007

Financial Information Services Agency

Hires by Sex and Ethnicity

Total Hires: 103

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Other	Total
74	29	103	37	9	11	44	2	103

Promotions by Sex and Ethnicity

Total Promotions: 73

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American/ Unknown	Total
44	29	73	45	13	6	8	1	73