

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

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Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
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February 21, 2014

Honorable Scott M. Stringer  
New York City Comptroller  
Municipal Building  
One Centre Street  
New York, NY 10007

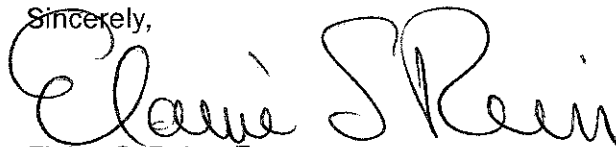
Re: Resolution #14/015C: Determination of Agency Compliance

Dear Comptroller Stringer:

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

On behalf of this Commission, I want to thank you and EEO Officer Sharina Soriano, for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Elaine S. Reiss, Esq.  
Commissioner

c: Sharina Soriano, EEO Officer  
Judith García Quiñonez, Esq., Deputy Director/Agency Counsel

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

**RESOLUTION #2014/015C-01:** Determination of **Compliance** (Monitoring Period Required) by the Office of the Comptroller with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2009 through June 30, 2012.

**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 which are 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 Comptroller's (CO) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 13, 2012, setting forth the following findings and required

1. Each complaint file should include a Discrimination Complaint Form or a complaint that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
2. The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file.
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.
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.

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.
6. The agency's HR/Personnel Officer should re-distribute the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
7. The agency head should appoint at least one EEO Representative of each gender to receive discrimination complaints and conduct investigations.
8. The agency should update its EEO policy to include the identity and contact information for the EEO professionals.
9. To ensure that all employees know the identity of the person responsible for handling reasonable accommodation requests, the agency should re-distribute and post – on its electronic bulletin boards, intranet site, and at each site where it conducts business – the name, location, and contact information of the Disability Rights Coordinator.
10. The agency's managerial performance evaluation form should be revised to include a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).
11. The agency head should direct managers and supervisors to emphasize their commitment to the 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.
12. Since the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the agency head should distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

**Whereas**, the CO submitted its response to the EEPC's preliminary determination letter, on February 8, 2013, with documentation of its actions to rectify required corrective actions #2, #6, #7, #8, #9, #10 and #11; 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 February 21, 2013, which agreed and accepted documentation for implementation of the aforementioned corrective actions, with corrective actions #1, #3, #4, and #5, remaining;

**Whereas**, the CO submitted its response to the EEPC's final determination letter, on March 20, 2013; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the implementation of the remaining corrective actions from June 2013 to November 2013 with no extension of the monitoring period;

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the CO submitted a copy of the agency head's memorandum to staff dated December 22, 2013, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his 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, regulations, policies and procedures which are 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 Comptroller has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved,**

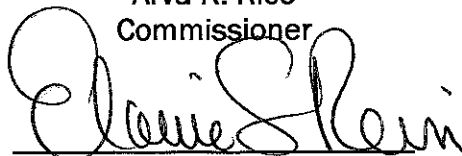
that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Comptroller Scott M. Stringer, the New York City Comptroller.

Approved unanimously on February 21, 2014.

Angela Cabrera  
Commissioner

Malini Cadambi Daniel  
Commissioner

Arva R. Rice  
Commissioner

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Elaine S. Reiss, Esq.  
Commissioner