

NYC
**Equal Employment
Practices Commission**

Cesar A. Perez, Esq.
Chair

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

Charise L. Hendricks, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Deputy Director/Agency Counsel

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

December 19, 2013

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

RE: Resolution #13/30-12: Final Determination Pursuant to the Audit and Analysis of the Financial Information Services Agency's Equal Employment Opportunity Program from January 1, 2011 to June 30, 2013

Dear Executive Director Townsend:

On behalf of the Equal Employment Practices Commission (EEPC), I want to thank the Financial Information Services Agency (FISA) for the December 5, 2013 response to our November 18, 2013 Preliminary Determination regarding the referenced audit and analysis.

As indicated in our Preliminary Determination, this Commission has adopted *Uniform Standards for EEPC Audits*¹ 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 municipal government employees and job applicants.

Our findings and required corrective actions are based on this Commission's audit methodology which includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration;

¹ 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; Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



**Equal Employment
Practices Commission**

responses to the *EEPC Employee Survey* and the *EEPC Supervisor/Manager Survey*; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted, when appropriate.

After reviewing your response, our Final Determination is as follows:

Monitoring Required

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

Corrective Action #1

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response:

FISA has recently increased its outreach efforts to reach out to underrepresented groups. We are in the process of adding additional groups that are included in the DCAS guide issued in September, as well as identifying other groups on our own. It should be noted that the technical nature of job openings and the lack of entry level titles will continue to impact the numbers.

EEPC Response:

The EEPC accepts the agency's response to corrective action #1. Implementation of this corrective action will be monitored.

Corrective Action #2

If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.



**Equal Employment
Practices Commission**

Agency Response:

FISA has reviewed the job vacancy specifications and competencies and found them to be current. FISA plans to contact a number of the additional groups that DCAS has identified, as well as identifying other groups on our own, and will do what it can within the confines of the civil service process. It should be noted that the technical nature of job openings and the lack of entry level titles will continue to impact the numbers.

EEPC Response:

The EEPC accepts the agency's response to corrective action #2. Implementation of this corrective action will be monitored.

Corrective Action #3

Ensure that the selection process avoids the appearance of bias, by delegating the responsibility for recording this information to an individual other than the hiring manager.

Agency Response:

FISA believes that the internal processes currently in place which include quarterly hiring reviews and annual reviews by Internal Audit, address this issue. Further, there is no evidence that any data has been recorded incorrectly. Given all of the circumstances, we believe it is both more practical and more effective to focus on results, as we are doing. It is unclear to us how this suggested change would improve those results.

EEPC Response:

The required corrective action is that the agency delegate the responsibility of recording and maintaining applicants'/ candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition) of each applicant, and recruitment source to an individual other than the hiring manager. Implementation of this corrective action will be monitored.

Corrective Action #4

Re-distribute the identity of the Career Counselor to remind employees of the identity and type of career guidance available.

Agency Response:

FISA will redistribute the identity of the Career Counselor to all employees and remind them of the services provided. In addition, this information will also reemphasize at biannual meetings with staff. We do believe however, that FISA employees who do not know the identity of the Career Counselor, do know how to obtain the name if these services are needed.



EEPC Response:

The EEPC accepts the agency's response to corrective action #4. Implementation of this corrective action will be monitored.

Corrective Action #5

Re-distribute the identity and responsibilities of the Disability Rights Coordinator to ensure that employees are aware of this information.

Agency Response:

FISA will redistribute the identity of the Disability Rights Coordinator to all employees and remind them of the services provided. In addition, this information will also be reemphasized at biannual meetings with staff. We do believe, however, that FISA employees who do not know the identity of the Disability Rights Coordinator, do know how to obtain the name if these services are needed.

EEPC Response:

The EEPC accepts the agency's response to corrective action #5. Implementation of this corrective action will be monitored.

Corrective Action #6

Establish and implement an annual managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Agency Response:

FISA currently reviews managers on an ongoing basis. EEO issues are dealt with proactively and escalated quickly. FISA will institute a formal evaluation of managerial performance of EEO.

EEPC Response:

The required corrective action is that the agency institute a formal annual evaluation program for managers. It is this Commission's position that every head of a city agency must establish and administer a formal performance evaluation program for managerial and non-managerial employees to be used during the probationary period and for promotions, assignments, incentives and training. Use of an annual performance evaluation system justifies an agency's actions regarding terms and conditions of employment (e.g. reasons for promotion, assignments, incentives, training and termination, etc.). Implementation of this corrective action will be monitored.



**Equal Employment
Practices Commission**

Corrective Action #7

Ensure that 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).

Agency Response:

FISA currently reviews managers on an ongoing basis. EEO issues are dealt with proactively and escalated quickly. FISA will institute a formal evaluation of managerial performance of EEO.

EEPC Response:

The EEPC accepts the agency's response to corrective action #7. It is this Commission's position that including an EEO rating as a component of the annual performance evaluation ensures managerial accountability and adherence to EEO policies and practices. Managers and supervisors are responsible for effectively implementing EEO-related policies and performing managerial or supervisory responsibilities in a non-discriminatory manner (i.e. making employment decisions based on merit and equal consideration and treating employees in an equitable and impartial manner). Implementation of this corrective action will be monitored

Conclusion

The Financial Information Services Agency has 7 corrective actions which require monitoring.

As the EEPC concludes its audit of your agency's EEO Program, Chapter 36 Section 832.c of the New York City Charter, as amended, requires: 1) the agency provides a written response within 30 days from the date of this letter and 2) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions. Your agency's compliance-monitoring period is scheduled for: January 2014 to June 2014.

If no corrective actions are remaining: Your agency is exempt from the aforementioned monitoring period. However, as a last step, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis 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 corrective actions are remaining: Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions. Upon your agency's completion of the final corrective action, and tender of the final memorandum, a *Determination of Compliance* will be issued.



**Equal Employment
Practices Commission**

If there are further questions regarding this Final Determination or the compliance process, please have the Principal EEO Professional call Judith Garcia Quiñonez, Deputy Director/ Agency Counsel at 212-615-8939.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perez".

Cesar A. Perez, Esq.
Chair

c: Steve Spindel, FISA, Principal EEO Professional
Charise L. Hendricks, PHR, EEPC Executive Director
Judith Garcia Quiñonez, EEPC Deputy Director/Agency Counsel