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VIA EMAIL AND MAIL

April 5, 2016

Gary D. Gotlin, Esq.
Public Administrator
Office of the Richmond County Public Administrator
130 Stuyvesant Place, Suite 402
Staten Island, NY 10301

Re: Preliminary Determination: Audit, Evaluation and Monitoring of the Office of the Richmond Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Public Administrator Gotlin:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering July 1, 2012 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Office of the Richmond County Public Administrator, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates 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..."

The purpose of this audit and analysis is to evaluate the agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. 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. These standards are 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; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act; and its Accessibility Guidelines, and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology 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; 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* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine 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. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

¹ Corresponding audit/analysis standards are numbered throughout the document.



EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, 55-a Program Coordinators) and others involved in EEO program administration such

as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

To encourage response, the EEPC requests that the head or deputy of each agency send emails to employees and to supervisors/managers that provide links to our questionnaires.

Description of the Agency

The Public Administrator administers estates of deceased persons. There is a Public Administrator in every county in the City of New York. The Public Administrator's primary duty is to administer estates that would otherwise remain unadministered; to protect the decedent's property from waste, loss, or theft; to make appropriate burial arrangements when no close relative is available to make the decisions; to conduct thorough investigations to discover all assets; to liquidate assets at public sale or distribute assets to heirs; to pay the decedent's bills and taxes; and to locate persons entitled to inherit from the estate and ensure that the legal distributees receive their inheritance.

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in compliance with the standards for this subject area.

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ In 2014, the agency head issued a general EEO Policy memorandum which reiterated commitment to EEO and declared that the agency is *"an equal opportunity employer committed to compliance with federal, state, and local laws prohibiting employment discrimination. Employment decisions will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination on the basis of: Race, Color, Natural Origin, Alienage or Citizenship Status, Religion, or Creed, Gender (including 'gender identity'- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the*

legal sex assigned to the person at birth), Disability, Age (18 and over), Military Status, Prior Record of Arrest or Conviction, Marital Status, Partnership Status, Predisposing genetic characteristic, Sexual Orientation, Status as a victim or witness of domestic violence, sexual offenses and stalking.” The memorandum also advised employees of the name and contact information of the EEO professional; attached to the memorandum was the *Equal Employment Opportunity Policy: Standards and Procedures to be Utilized by City Agencies and Handbook*.

2. Distribute/Post a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency’s EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.
- ✓ The agency reported that—during the period in review—on the 15th day of January, March, June and December of each year, the following documents were distributed: a copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, the agency’s EEO Policy memorandum reiterating the agency head’s commitment to EEO, and the EEO policy handbook. The agency also reported that “*staff members are briefed on a quarterly basis and provided [with] verbal reminders of the policy changes*”. Additionally, the agency reported that it’s EEO Policy Statement and the Citywide EEO Policy is posted “*in a common file room accessible to all employees at all times.*”

II. EEO TRAINING FOR AGENCY:

Determination: The agency is compliance with the standards for this subject area.

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.
- ✓ On January 15, 2015 the Deputy Public Administrator (the agency’s principal EEO Professional) conducted EEO training for the agency. The training covered the details of the City’s EEO Policy (*Standards and Procedures to Be Utilized by City Agencies*), employee complaints, and EEO related questions from staff. The “*Equal Employment Opportunity Training: Office of Richmond County Public Administrator, Agency 945*” attendance sheet contained the names and signatures of all five staff members in attendance. Each staff member also received a copy of the “*Richmond County Public Administrators Equal Employment Program Anti-Discrimination Policy*”.

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

Determination: The agency is partial compliance with the standards for this subject area.

4. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ The agency reported that, during the period in review, the Deputy Public Administrator functioned as both the principal HR and EEO Professional. The agency also reported that there were no job openings or new hires in approximately eight (8) years; and that there were no opportunities for promotion within the agency. Due to the size of the agency, and employee retention, a review of statistical information was not conducted. Additionally, the agency reported no EEO complaints were filed during the period in review.
5. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ The agency reported that the Public Administrator and the Deputy Public Administrator were the only personnel involved in the recruitment and hiring process. The agency demonstrated that the Deputy Public Administrator completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service: Citywide Diversity and Equal Employment Opportunity, on September 23, 2008, and was trained to consider EEO laws and policies. Additionally, the agency has a uniform, structured interview guide to be followed when interviews are conducted.
6. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency reported no opportunities for promotion or hiring within the agency during the period in review. Furthermore, the agency reported that should an opportunity for promotion arise in the future, it would be "*open to all staff members and the best qualified candidate would be put in the position*".
7. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

NOTE: During the period in review, the agency did not conduct recruitment; therefore, no further analysis was conducted in this area.

8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, 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. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- The agency did not establish an applicant/candidate log or tracking system. **Corrective Action Required.**

Corrective Action 1: Establish an applicant/candidate log or tracking system which, at minimum, includes the *position, 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.* Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

Determination: The agency is **not in compliance with the standards for this subject area.**

9. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
 - The agency did not provide documentation that a professional was designated, with appropriate training, knowledge and familiarity with career opportunities in City government, to provide career counseling to employees upon request. **Corrective action is required.**

NOTE: The agency reported that, subsequent to the period in review, the Public Administrator was designated as the agency's Career Counselor.

Corrective Action #2: Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.

10. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.

- ✓ The agency reported that, once hired, employees receive documents describing their duties and responsibilities, along with the *EEO Policy Standards and Procedures to be Utilized by City Agencies*, the *Richmond County Public Administrator EEO Program*, and the regulations and law for local, state and federal agencies. The agency also reported that quarterly meetings took place wherein employees were reminded of, and provided with, the agency's EEO Policies as well as the EEO memorandum (see §I.2). The agency reported no opportunities for hiring within the agency during the period in review (see III.6). Additionally, the agency reported that there were no civil service positions; therefore, information concerning examinations was not distributed, and the 55-a program was not applicable. As mentioned previously (§III.4), during the period in review the Deputy Public Administrator functioned as both the principal Human Resources Professional as well as the EEO Professional.
- The agency did not provide documentation that all employees had access to information regarding performance evaluation standards and training opportunities. **Corrective action is required.**

Corrective Action #3: Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

Determination: The agency is in compliance with the standards for this subject area.

11. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported that it is committed to providing information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures, in any alternative format, to employees and applicants for employment with disabilities upon request.
12. Document reasonable accommodation requests and their outcomes.
- ✓ The agency reported that there were no requests for reasonable accommodation during the period in review. The agency's EEO Policy states, "[a]ll inquiries, complaints, requests, mediation efforts, investigations, requests for accommodation, and their outcomes will be documented by the EEO office."

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

Determination: The agency is in partial compliance with the standards for this subject area.

13. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
- ✓ The agency appointed the Deputy Public Administrator, as the principal EEO Professional, to implement EEO policies and standards within the agency. The Deputy Public Administrator completed the *Diversity and Equal Employment Basic Training*, administered by the Department of Citywide Administrative Service: Citywide Diversity and Equal Employment Opportunity, on September 23, 2008.
14. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
- ✓ The Deputy Public Administrator (principal EEO Professional) was the agency's sole EEO Professional during the period in review.
15. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
- ✓ The Deputy Public Administrator (agency's principal EEO Professional) reports directly to the Public Administrator in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities. This reporting relationship was reflected in the agency's organizational chart.
16. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
- The agency did not demonstrate that, during the period in review, it maintained appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel), and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program. **Corrective action required.**

Corrective Action #4: To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:

Determination: The agency is not in compliance with the standards for this subject area.

17. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

- The agency did not establish annual managerial/non-managerial performance evaluation programs. **Corrective action is required.**

Corrective Action #5: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

18. 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).

- The agency reported two (2) managers were employed by the agency during the period in review – the Public Administrator and the Deputy Public Administrator. The agency did not establish an annual managerial performance evaluation program, and therefore did not rate the Deputy Public Administrator on implementing EEO related responsibilities. **Corrective action is required.**

Corrective Action #6: 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).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

Determination: The agency is not in compliance with the standards for this subject area.

19. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- The agency did not submit Annual Plan of measures and programs to provide equal employment opportunity or quarterly reports on efforts to implement the plan. **Corrective action is required.**

² Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



Corrective Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

After implementation of the EEPC's corrective actions, if any:

The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion:

The agency has 7 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the *preliminary determination*.

(Optional Conference) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(No Response Option) If your agency does not respond to this preliminary determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this preliminary determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance monitoring period.



In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read "Nathan P. Conway". The signature is written over a horizontal line.

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in black ink, appearing to read "Charise L. Terry". The signature is written over a horizontal line.

Charise L. Terry, PHR
Executive Director

c: Michael Fusco, Esq., Principal EEO Professional

Appendix - 1

Office of the Richmond County Public Administrator

Statistical Profile of Agency Workforce
(End of audit period)

Statistical Profile of Agency Workforce

Number of Employees End of Audit Period	
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Male	<u>3</u>
Female	<u>2</u>

White	<u>5</u>
Black	—
Hispanic	—
Asian	_____
Native American	_____
Unknown	_____

Total # of Employees	<u>5</u>
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PUBLIC ADMINISTRATOR



RICHMOND COUNTY

GARY D. GOTLIN
COMMISSIONER
PUBLIC ADMINISTRATOR

MICHAEL J. FUSCO
DEPUTY PUBLIC ADMINISTRATOR

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April 19, 2016

FAX TO: NATHAN CONWAY (EEPC)
ATTENTION: AUDIT COORDINATOR (212)615-8931

RICHMOND COUNTY PUBLIC ADMINISTRATOR'S OFFICE
AUDIT PERIOD: JANUARY 1, 2013 – DECEMBER 31, 2015
PRELIMINARY DETERMINATION –EEPC AUDIT 2016

In response to your letter dated April 5, 2016, the following are responses to the Preliminary Determination:

EMPLOYMENT PRACTICES – Partial Compliance

Corrective Action 1:

When and if an employee is hired, we will establish an Applicant/Candidate log or tracking system.

CAREER COUNSELING – Not in Compliance

Corrective Action 2:

We will create a document indicating the identity and type of guidance available from the Career Counselor at least once per year. The Public Administrator was designated temporarily as the agency's Career Counselor. However, with only five employees, including the Public Administrator and Deputy Public Administrator, no one is professionally qualified to be a Career Counselor.

Corrective Action 3:

A copy of the performance evaluation standards listing the employee's job duties and responsibilities will be given to each employee hired so that the employee knows what is expected and how they will be appraised.

Training Opportunities – our agency consists of five employees including the Public Administrator and Deputy Public Administrator. Therefore, the issue of training opportunities is basically a moot point. We will train to the extent we can with EEO materials you supply to us to be handed out to all employees.

RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – EEO PROFESSIONALS
Partial Compliance**Corrective Action 4:**

In the future we shall keep documents of meetings and other communications between the agency head and EEO Officer regarding decisions that impact the administration and operation of the EEO Program.

RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION –
SUPERVISORS/MANAGERS – Not in Compliance**Corrective Action 5:**

We have established an annual managerial/non-managerial performance evaluation form. (Sample of Employee Performance Appraisal attached)

Corrective Action 6:

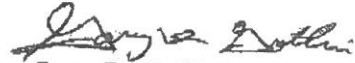
We have established a managerial performance evaluation form rating for EEO Officer (Deputy Public Administrator) on implementing EEO related responsibilities.

REPORTING STANDARD FOR AGENCY HEAD – Not in Compliance**Corrective Action 7:**

Given the size of our agency (five employees, including the Public Administrator and Deputy Public Administrator), we need to clarify what is expected in an Annual Plan or quarterly report.

We are very pleased to comply with the very important EEO rules and regulations and will certainly do our best to be sure that all staff are kept comprised of their responsibilities.

Very truly yours,



Gary D. Gotlin
Public Administrator

GDG:clg

Equal Employment Opportunity = Audit 2016



**Equal Employment
Practices Commission**

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

Charise L. Terry, PHR
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BY MAIL AND EMAIL

May 5, 2016

Gary D. Gotlin, Esq.
Public Administrator
Office of the Richmond County Public Administrator
130 Stuyvesant Place, Suite 402
Staten Island, NY 10301

RE: Final Determination #2016/945: Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Richmond County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

Dear Public Administrator Gotlin:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your April 19, 2016 response to our April 5, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs 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. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken. The assigned compliance-monitoring period is: June 2016 to November 2016.

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; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPC will issue a Determination of Compliance.

If no corrective actions remain: Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit 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 there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Michael Fusco, Principal EEO Professional

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans and Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable) to the EEPC's preliminary Determination, 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

Establish an applicant/candidate log or tracking system which, at minimum, includes the position, 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. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Agency Response: *When and if an employee is hired, we will establish an Applicant/Candidate log or tracking system. (Response pg. 2)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #1. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #2

Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.

Agency Response: *We will create a document indicating the identity and type of guidance available from the Career Counselor at least once per year. The Public Administrator was designated temporarily as the agency's Career Counselor. However, with only five employees, including the Public Administrator and Deputy Public Administrator, no one is professionally qualified to be a Career Counselor. (Response pg. 2)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #3

Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.

Agency Response: *A copy of the performance evaluation standards listing the employee's job duties and responsibilities will be given to each employee hired so that the employee knows what is expected and how they will be appraised.[...]We will train to the extent we can with EEO materials you supply to us to be handed out to all employees. (Response pg. 3)*

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action #3. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #4

To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

Agency Response: *In the future we shall keep documents of meetings and other communications between the agency head and EEO Officer regarding decisions that impact the administration and operation of the EEO Program. (Response pg. 3)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #4. Documentation which verifies implementation will be required during the compliance-monitoring period.

Corrective Action #5

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

Agency Response: *We have established an annual managerial/non-managerial performance evaluation form. (Response pg. 3)*

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action #5. Documentation that verifies implementation will be required during the compliance-monitoring period.

Corrective Action #6

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: We have established a managerial performance evaluation form rating for EEO Officer (Deputy Public Administrator) on implementing EEO related responsibilities. (Response pg. 3)

EEPC Response: The EEPC recognizes the agency's effort to implement corrective action #6. Documentation that verifies that the managerial performance evaluation form contains an EEO rating which ensures that managers make employment decisions in an equitable manner will be required during the compliance monitoring period.

Corrective Action #7

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Agency Response: Given the size of our agency (five employees, including the Public Administrator and Deputy Public Administrator), we need to clarify what is expected in an Annual Plan or quarterly report. (Response pg. 3)

EEPC Response: The EEPC will accept documentation that verifies implementation of corrective action #7. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION # 2016/945: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Richmond County Public Administrator's Employment Practices and Procedures from July 1, 2012 to December 31, 2015.

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 of the Office of the Richmond Public Administrator (RCPA) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Establish an applicant/candidate log or tracking system which, at minimum, includes the position, 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. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
2. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
3. Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.
4. Ensure the integrity and continuity of the EEO Program by maintaining appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
5. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

6. 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)
7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on April 19, 2016 with documentation of its efforts to rectify required corrective actions nos. 5 and 6; 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 April 26, 2016 which indicated that corrective action(s) nos. 1, 2, 3, 4, 5, 6 and 7 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

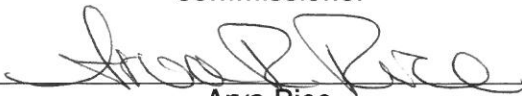
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved that the Commission will forward this Final Determination to Public Administrator Gary D. Gotlin of the Office of the Richmond County Public Administrator.

Approved unanimously on May 5, 2016.



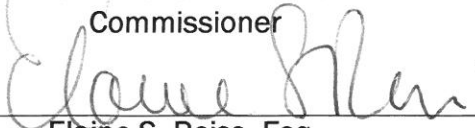
Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

PUBLIC ADMINISTRATOR

JUL 18 2016 PM 4:18



ANTHONY CATALANO, ESQ.
COMMISSIONER
PUBLIC ADMINISTRATOR

RICHARD A. LAROSA, ESQ.
CO-COUNSEL

RICHMOND COUNTY

MICHAEL J. FUSCO
DEPUTY PUBLIC ADMINISTRATOR

130 STUYVESANT PLACE, SUITE 402
STATEN ISLAND, NEW YORK 10301-2486

JAMES E. SAK, ESQ.
CO-COUNSEL

718-876-7228
FAX: 718-876-8377

July 11, 2016

Charise L. Terry, PHR
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

REFERENCE: EEPF FINAL DETERMINATION #2016/945
RICHMOND COUNTY PUBLIC ADMINISTRATOR
AUDIT PERIOD: JULY 1, 2012 TO DECEMBER 31, 2015

Dear Ms. Terry:

Thank you for your good wishes as I assume the position of Public Administrator for Richmond County. Please be assured of this agency's commitment to the EEO program, and to increasing equality of opportunity for municipal government employees and job applicants.

Through our Principal EEO Professional, Deputy Public Administrator Michael J. Fusco, I have received your correspondence dated May 5, 2016, in which you indicate that you conducted an audit of this agency's employment practices and procedures. Pursuant to that audit, you identify seven (7) corrective actions to be implemented during the compliance-monitoring period of June through November 2016.

While we are a small city agency, with five (5) employees on the city payroll, of which two (2) are appointees of the Surrogate, and only three are city hires subject to the EEO program's hiring regulations, we recognize the necessity of full and unequivocal compliance with all applicable standards. For that reason, I have decided to personally oversee this agency's compliance efforts.

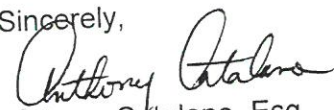
Specifically, the Office of the Richmond County Public Administrator will establish an applicant tracking spreadsheet to collect the data described in Corrective Action #1. We have not had the occasion to hire any employee in approximately ten (10) years, and I do not anticipate any openings in the near future. Nevertheless, when a hiring opportunity does present itself, we will have a system in place to track those who apply for the position. The form will be uploaded to your Automated Compliance-Monitoring System (TeamCentral). In addition, as agreed by my predecessor, we will upload a document designating, on an annual basis, the identity and type of guidance available from a Career Counselor, to comply with Corrective Action #2. To the extent you can provide us with a template for such a document, and direct us to training opportunities for the position of Career Counselor, your assistance would be greatly appreciated. As previously indicated, we have no one on staff who is currently qualified to serve as a Career Counselor.

With respect to Corrective Actions #3 and #5, we will upload a document describing the performance evaluation standards for each of the three (3) interested employees, as well as a program (with timetable) for probationary periods, assignments, incentives and training. Given the size of the agency, and the infrequency of openings, promotions are not a realistic incentive. As to #4, while discussions between the agency head and the EEO Professional are frequent and informal, I will establish a regular meeting schedule to discuss the administration and operation of the EEO Program. The meeting schedule will likewise be uploaded to TeamCentral.

As my predecessor indicated in his response to Corrective Action #6, we have established a managerial performance evaluation for the EEO Professional. The Deputy Public Administrator is rated, among other factors, on his ability to make employment decisions in an equitable manner. Finally, as to Corrective Action #7, we require clarification, and await the promised guidance from EEPC, as to an Annual Plan and quarterly reports.

I am available to discuss any and all of the points described above, and in your audit. I look forward to working together to ensure that the EEPC goals are met in a manner that recognizes the nature and composition of this agency. As we go forward, please do not hesitate to contact me directly.

Sincerely,



Anthony Catalano, Esq.
Public Administrator
Richmond County

AC:clg

File: EEO Final Determination 2016 PA Response

Cc: Marie Giraud, Esq. – EEPC Agency Attorney
Nathan P. Conway – EEO Program Analyst
Michael J. Fusco – EEO Officer Richmond County Public Administrator

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

RESOLUTION #2017AP/945NC-32: Determination of **Non-Compliance** by the Office of the Richmond County Public Administrator (RCPA) 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, 2012 – December 31, 2015.

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 Richmond County Public Administrator's (RCPA) Employment Practices and Procedures (EEPC) issued a Preliminary Determination letter, dated April 5, 2016, setting forth findings and the following required corrective actions:

1. Establish an applicant/candidate log or tracking system which, at minimum, includes the position, 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. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
2. Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.
3. Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.
4. Ensure the integrity and continuity of the EEO Program by maintaining appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
5. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
6. 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

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

based on merit and equal consideration, or treat others in an equitable and impartial manner)

7. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports¹ (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the RCPA submitted its response to the EEPC's Preliminary Determination letter, on April 19, 2016 with documentation of its efforts to rectify required corrective actions nos. 5 and 6; 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 May 5, 2016, which indicated that corrective actions nos. 1, 2, 3, 4, 5, 6 and 7 require compliance monitoring; and

Whereas, the RCPA submitted its response to the EEPC's final determination letter, on July 7, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from July, 2016 - December, 2016, with no extension of the monitoring period; and

Whereas, the agency did not implement corrective action nos.1, 2, 3, 4, 5, 6 and 7; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC informed Richmond County Public Administrator Anthony Catalano, Esq., by letter, dated December 28, 2016, that all of the corrective actions remained incomplete, informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

Whereas, over the course of the compliance monitoring period the EEPC sent email correspondence to the agency concerning implementation on the following dates: August 23, 2016; September 7, 2016; September 15, 2016; September 27, 2016; September 29, 2016; October 4, 2016; October 12, 2016; October 21; November 4, 2016; November 16, 2016; and December 28, 2016. Additionally, a conference call was conducted on December 2, 2016, wherein each corrective action, and requirement, was reviewed; and

Whereas, the RCPA submitted its last compliance report on January 13, 2017, which demonstrated that the RCPA implemented 1 of 7 required corrective actions; and

Whereas, despite the Commission's aforementioned efforts, as of the date of this Resolution, the RCPA has not implemented 6 of the 7 prescribed corrective actions; and

Whereas, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 6 of the 7 aforementioned recommendations have not been implemented to its satisfaction; and

¹ Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

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

Whereas, all of the EEPCC's recommended 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; and

Whereas, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

Be It Resolved, that the Office of the Richmond County Public Administrator did not implement 6 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved, that the Commission has adopted the Resolution to forward the Determination of Non-Compliance to Anthony Catalano, Esq., Public Administrator, Office of the Richmond County Public Administrator, formally informing him that the Office of the Richmond County Public Administrator is not in compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Richmond County Public Administrator has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Richmond County Public Administrator's employment practices and procedures; and


Be It Further Resolved, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the Office of the Queens County District Attorney's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Finally Resolved, that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of the Office of the Richmond County Public Administrator prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on February 16, 2017.



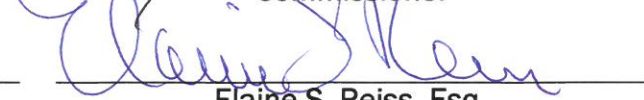
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
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Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
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253 Broadway
Suite 602
New York, NY 10007

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

BY MAIL AND EMAIL

February 16, 2017

Anthony Catalano Esq.
Public Administrator
Office of the Richmond County Public Administrator
130 Stuyvesant Place, Suite 402
Staten Island, NY 10301

Re: Resolution #2016AP/945NC-32: Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Office of the Richmond County Public Administrator's Employment Practices and Procedures from January 1, 2013 – December 31, 2015.

Dear Public Administrator Catalano:

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Section 832(c) authorizes this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action it prescribes for up to 6 months.

After reviewing the Monthly Compliance Reports submitted by the Office of the Richmond County Public Administrator (RCPA) for the past 6 months (July, 2016 - December, 2016, this Commission has determined that RCPA did not implement the following corrective actions:

Required Action #2: Re-distribute the identity/type of guidance available from the Career Counselor at least once each year.

Required Action #3: Ensure that all employees have access to information regarding performance evaluation standards and training opportunities.

Required Action #4: To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.



**Equal Employment
Practices Commission**

Required Action #5: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions; assignments, incentives and training.

Required Action #6: 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).

Required Action #7: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

In the letter dated January 24, 2017 the EEPC requested that your agency submit documentation, which demonstrates the implementation of the remaining corrective actions on or before Friday February 3, 2017 to avert issuance of a resolution determination of non-compliance. Accordingly, this Commission has issued the enclosed **Determination of Non-Compliance**, and will conduct a **follow-up audit within 1 year** to assess whether and how your agency has implemented the above-referenced corrective actions.

In addition, this serves as notification to the RCPA of this determination and that this Commission may also exercise the option to publish a report of the Commission's findings, as delineated in Section 832(c), Chapter 36 of the New York City Charter.

Sincerely,


Malini Cadambi Daniel
Commissioner

c: Michael Fusco, Principal EEO Professional