



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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February 14, 2007

Gary D. Gotlin

Richmond County Public Administrator

130 Stuyvesant Place, Suite 402

Staten Island, NY 10301-2486

Re: Final Determination Pursuant to the Desk Audit of the Richmond County Public Administrator and its Compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less than 15 Employees from January 1, 2005 to June 30, 2006

Dear Commissioner Gotlin:

Thank you for your February 6, 2007 response to our January 25, 1997 Letter of Preliminary Determination pursuant to the desk audit of the Richmond County Public Administrator' office and its compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less than 15 Employees from January 1, 2005 to June 30, 2006.

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

Agree

We agree with your response to the following EEPC recommendation, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #2

The RCPA should provide appropriate EEO training (such as the 5-day basic training for EEO Professionals by the Department of Citywide Administrative Services or the EEO Studies Program of Cornell University's School of Industrial and Labor Relations) to its EEO Officer, or designate a trained EEO professional from another City agency to administer the EEO Program.

Partially Agree

We partially agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period.

Recommendation #1

The RCPA should update its EEO Policy Statement to include all the protected classes under the New York State and New York City Human Rights Laws.

Your Response

The RCPA has updated its EEO Policy Statement to include all the protected classes under the New York State and New York City Human Rights Laws. This updated version has been distributed to all employees and also posted in our office (copy enclosed).

EEPC Rationale

The RCPA's updated EEO Policy Statement does not fully reflect recent changes to the New York City and New York State Human Rights Laws. Specifically, that Policy does not list the following, updated protected classes: Gender (**including gender identity**); predisposing genetic characteristics (not "genetic predisposition or carrier status"); and status as a victim **or witness** of domestic violence, sexual offenses and stalking.

(See updated list of these protected classes on the Department of Citywide Administrative Services' website (www.nyc.gov/html/dcas/downloads/pdf/misc/eoo_policyaddendum.pdf)).

Recommendation # 3

The RCPA should provide basic EEO training to all current and new employees.

Your Response

The RCPA provided a basic EEO training session for all current employees on January 23, 2007. The updated version of the Public Administrator of Richmond County Equal Employment Opportunity Program was reviewed and discussed which incorporated the up-to-date list of all "protected cases." (This updated version was distributed to all employees on December 27, 2006). The contents of the City of New York EEO Policy, which was distributed to all employees on August 3, 2006, was also reviewed. Employees were again informed that the Office of the Richmond County Public Administrator is completely committed to all of the policies of the City of New York with respect to Equal Employment Opportunities. A copy of the New York State and Federal Equal Employment Opportunity Law Posters for 2007 has been posted in our office.

EEPC Rationale

After your EEO Officer receives the five-day training for EEO professionals from the Department of Citywide Administrative Services (DCAS), she should provide EEO refresher training to the RCPA employees based on the EEO training standards established by the DCAS.

Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance period not to exceed six months. However, you may respond in writing to this Final Determination prior to the initiation of audit compliance.

If you desire to issue a written response, please do so within thirty days. If you decide not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Lisa Badner or her designee will contact you to ascertain your intentions.

In closing, we thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Ernest F. Hart, Esq.
Chair

c: Carol Lee Guinta, EEO Officer