



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Abraham May, Jr.

Executive Director

Charise Hendricks, PHR

Deputy Director

Judith Garcia Quiñonez

Counsel

October 6, 2011

Susan B. Brown

EEO Officer

Public Administrator, Queens County

88-11 Sutphin Boulevard


Jamaica, NY 11435

Re: Resolution #11/16-944: Preliminary Determination Pursuant to the Audit of the Office of the Queens County Public Administrator (QCPA) and its compliance with its Equal Employment Opportunity (EEO) Policy and Federal, State and City equal employment opportunity requirements for the period from January 1, 2008 to December 31, 2010.

Dear Ms. Brown:

Enclosed is the Preliminary Determination. The original was forward to Queens County Public Administrator, Ms. Louis M. Rosenblatt.

Sincerely,


Abraham May, Jr.
Executive Director



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October 6, 2011

Lois M. Rosenblatt

Public Administrator, Queens County

88-11 Sutphin Boulevard, Room 61

Jamaica, New York 11435

Re: **Resolution #11/16-944:** Preliminary Determination Pursuant to the Audit of the Office of the Queens County Public Administrator (QCPA) and its compliance with its Equal Employment Opportunity (EEO) Policy and Federal, State and City equal employment opportunity requirements for the period from January 1, 2008 to December 31, 2010.

Dear Ms. Rosenblatt:

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 and women. (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..." Public Administrator Offices are funded by the City of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter.

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 programs for minority group members, women and other protected groups. This audit measures your office's compliance with its EEO Policy and Discrimination Complaint and Investigations

Procedure as well as Commission policies and EEO standards expressed in the Federal, State and City Human Rights Laws.

This letter contains the preliminary determinations of the EEPC staff pursuant to its audit. All recommendations for corrective actions are consistent with both the audit's findings, the parameters set forth in the Public Administrator's EEO Policy and Discrimination Complaint and Investigation Procedures and the equal employment opportunity requirements of Federal, State, and City laws.

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

Scope and Methodology

Given that the Office of the Queens County Public Administrator's permanent headcount is 150 or less, this Commission considers it a small city agency. This Commission has established an audit methodology for small city agencies.

The audit methodology included an analysis of the Office of the Public Administrator's responses to the *Document and Information Request Form for Audit of Small City Agency* and responses to an electronic interview questionnaire sent to its EEO Officer. EEPC auditors also conducted a follow-up discussion/interview with the agency's EEO Officer when appropriate.

The following preliminary determinations indicate where the Office of the Public Administrator has or has not complied, in whole or in part, with its EEO Policy and Discrimination Complaint and Investigation Procedures as well as the equal employment opportunity requirements of Federal, State, and City laws.

Description of the Public Administrator Offices

A Public Administrator office is located in each of New York City's five counties. The Public Administrator's duty is to manage the estates of deceased persons in cases where no relatives exist. To this end, the Public Administrator makes burial arrangements, conducts investigations to discover assets, liquidates assets at public sale or distributes assets to heirs, protects the decedent's property, pays the decedent's bills and taxes, locates persons entitled to inherit from the estate, and ensures that such persons receive their inheritance.

Personnel Activity during the Audit Period

According to workforce data provided by the agency, the Queens County Public Administrator has 22 employees: 13 Caucasians, 6 African Americans, and 3 Hispanics. See Attachments 1-1b)

Discrimination Complaint Activity during the Audit Period

The agency reported that no discrimination complaints, internal or external, were filed during the period in review.

Legal Issues

The agency reported that no EEO-related judgments or settlements were made during the period in review or two years prior.

PRELIMINARY DETERMINATION

The Queens County Public Administrator's Office has adopted the Citywide Equal Opportunity Policy Standards and Procedures.

Following are the preliminary determinations with the required corrective actions and recommendations:

Issuance, Distribution, and Posting of Equal Employment Opportunity Policy Statement

The QCPA is in compliance with the following requirement:

1. The QCPA distributed the *Citywide Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies* (Citywide EEOP 2005) along with addenda. The policy and the handbook, *About EEO: What You May Not Know* was distributed to all new employees in the new hire packet.

The QCPA is not in compliance with the following requirements:

1. The agency head did not issue an EEO Policy statement reiterating his/her commitment to EEO and listing the name and phone number of the EEO Officer. Corrective action is required.

Recommendation: The agency should use the distribution of the EEO Policy as an opportunity to send a general *EEO Policy Statement* or *memo* that will reiterate the agency head's commitment to EEO, provide an electronic link to the EEO Policy, Handbook and/or addenda, and supply contact information for the agency's EEO professionals. (EEPC Section 831, City Charter)

2. The agency head did not post an EEO Policy statement reiterating his/her commitment to EEO and listing the name and phone number of the EEO Officer. Corrective action is required.

Recommendation: The agency should post -- on its electronic bulletin boards, intranet site, and at each site where it conducts business -- a current EEO Policy, and the agency head's general EEO Policy statement, if applicable. (EEPC Section 831, City Charter)

Appointment and Training of EEO Officer

The QCPA is in compliance with the following requirement:

1. The Deputy Public Administrator is also the agency's EEO officer. Key responsibilities include: educating and informing employees about the EEO policy and policy changes, investigating complaints made by employees, answering any EEO questions employees may have, and including the EEO policy in the New Hire packet.
2. The agency's EEO Officer received Basic Training for EEO Representatives conducted by DCAS in 2008 and EEO Computer based training in 2009.

The QCPA is in partial compliance with the following requirements:

1. Although, the agency has appointed an EEO Officer, its organization chart does not include this title or its reporting relationship. Corrective action is required.

Recommendation: Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)

Agency EEO Training

The QCPA is in compliance with the following requirements:

1. The agency's employees took a CLE course "EEO the Professional Workplace: Avoiding Sexual Harassment".

The QCPA is in partial compliance with the following requirements:

1. Although the agency's employees took a CLE course on sexual harassment, they did not receive comprehensive EEO-related training on the agency's EEO policies, and their rights/responsibilities under such policies. Corrective action is required.

Recommendation: To ensure that all individuals who work within the agency are trained concerning EEO-related policies, rights, and responsibilities the agency should provide EEO related training to all individuals who work within the agency. (EEPC/Sec 831, City Charter)

Complaint Intake and Investigation

The QCPA is in compliance with the following requirements:

1. A person of each gender is available for complaint intake/investigation. EEO Counselors of both genders are authorized to assist the EEO Officer in a complaint intake and investigation.

2. The agency follows the City of New York's discrimination complaint investigation procedure.

Reasonable Accommodations and EEO for Persons with Disabilities

The QCPA is in compliance with the following requirements:

1. The agency follows the reasonable accommodations procedure that is included as an Addendum to the *City of New York Equal Employment Opportunity Policy: Standards and Procedures to Be Utilized by City Agencies (2005)*.
2. The agency's facility at 88-11 Sutphin Blvd, 6th Floor, Jamaica NY 11435 is accessible to applicants/employees with disabilities (e.g. facilities contain street accessible entrances, ramp access, wheelchair accessible elevators, bell and Braille in elevators, wide restroom stalls, grab bars in restroom, and low sink or bathroom fixtures). In addition, 17 of the agency's work stations were accessible to persons with disabilities.
3. The agency has appointed its EEO Officer as the Disability Rights and 55-A Coordinator -- responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities.

Posting of Job Vacancies

There were no job vacancies during the audit period.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:

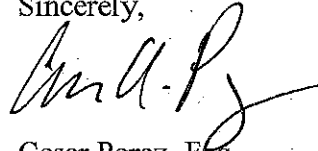
1. The agency should use the distribution of the EEO Policy as an opportunity to send a general *EEO Policy Statement* or *memo* that will reiterate the agency head's commitment to EEO, provide an electronic link to the EEO Policy, Handbook and/or addenda, and supply contact information for the agency's EEO professionals. (EEPC Section 831, City Charter)
2. The agency should post -- on its electronic bulletin boards, intranet site, and at each site where it conducts business -- a current EEO Policy, and the agency head's general EEO Policy statement, if applicable. (EEPC Section 831, City Charter)
3. Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)
4. To ensure that all individuals who work within the agency are trained concerning EEO-related policies, rights, and responsibilities the agency should provide EEO related training to all individuals who work within the agency. (EEPC/Sec 831, City Charter)

Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEPC's audit of compliance by the Office of the Queens County Public Administrator, we respectfully request your response to the aforementioned preliminary determinations. Your response should indicate how the Office of the Queens County Public Administrator will implement these recommendations. Please forward your response within thirty days of receipt of this letter.

In closing, we want to thank you and your staff for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cesar Perez', written in a cursive style.

Cesar Perez, Esq.
Chair

Attachment

Attachment - 1

Statistical Profile of Agency Workforce
Start and End of Audit Period

Agency Name: Queens County Public Administrator - 944

# Employees	Start of Audit Period: January 1, 2008	End of Audit Period: December 31, 2010
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Male	<u>5</u>	<u>8</u>
Female	<u>13</u>	<u>14</u>

Caucasian	<u>11</u>	<u>13</u>
African American	<u>3</u>	<u>6</u>
Hispanic	<u>4</u>	<u>3</u>
Asian	<u>0</u>	<u>0</u>
Native American	<u>0</u>	<u>0</u>
Unknown	<u>0</u>	<u>0</u>

Total # of Employees	<u>18</u>	<u>22</u>
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