



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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October 11, 2011

Mr. Gary D. Gotlin  
Public Administrator, Richmond County  
130 Stuyvesant Place, 4<sup>th</sup> Floor  
Staten Island, New York 10301

Re: Final Determination Pursuant to the Audit of the Richmond County Public Administrator and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2008 to December 31, 2010.

Dear Mr. Gotlin:

Thank you for your October 3, 2011 response to our September 9, 2011 Letter of Preliminary Determination pursuant to the audit of the Richmond County Public Administrator's Equal Employment Opportunity Policy from January 1, 2008 to December 31, 2010.

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

### **Agree**

We agree with your responses to the following EEPC recommendation.

#### Recommendation #2

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)

### **Requires Clarification**

For the following reason, hereafter identified as EEPC Rationale, we request clarification of your response to the following recommendations, which can be addressed in your response or during the City Charter-mandated compliance period:

Recommendation #1

The agency should designate at least one EEO professional of each gender to receive and investigate discrimination complaints. Each EEO professional should also be trained and authorized to investigate internal discrimination complaints. (Sect. VB, EEO and EEPC/Sect. 831, City Charter)

Your Response

Although we are sensitive to the needs of all employees, based on the size of our staff, we do not feel it would warrant two EEO Officers for five employees. At present we have one EEO Officer with zero complaints recorded. Should an employee be uncomfortable with the gender of the EEO Officer, we would propose contacting EEO directly to discuss the matter, and/or forward the issue to another agency within the City of New York who would be properly trained to deal with such issues. We would welcome your suggestions in this regard should the matter present itself.

EEPC Rational

It is unclear which "EEO" office an employee would contact if uncomfortable with the gender of the RCPA's EEO Officer. Although we agree with your intentions to forward such complaints to another city agency, we believe your agency should identify that agency/EEO representative prior to such an occurrence. We suggest you pursue an agreement with a local government agency (e.g., the Richmond County District Attorney or the Staten Island Borough President) to address this issue if the need arises.

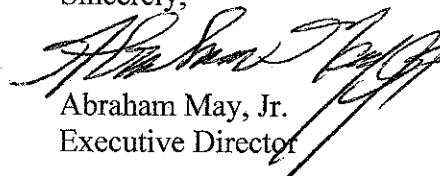
**Conclusion**

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Quiñonez will contact your EEO Officer in seven days to ascertain your intentions.

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

Sincerely,

  
Abraham May, Jr.  
Executive Director

Michael J. Fusco, EEO Officer  
Judith Garcia Quiñonez, Esq., Counsel/Compliance Director