

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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January 25, 2007

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

Re: Resolution #07/01-945/Preliminary Determination Pursuant to the Desk Audit of the Office of the Richmond County Public Administrator (RCPA) and its Compliance with the Equal Employment Practices Commission's Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees for the Period Starting January 1, 2005 and ending June 30, 2006.

Dear Mr. Gotlin:

Pursuant to the New York City Charter, the Equal Employment Practices Commission (EEPC) is mandated 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, Section 831 (d)(2) and (5)).

The Charter defines city agency as "each city, county, borough, corporation, authority, or other governmental agency where the expenses 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.

Inasmuch as Public Administrator offices have small staffs-- the authorized permanent headcount is not more than 15 employees -- this Commission has determined that our standard audit procedure would be inappropriate. Therefore, this Commission has established a set of "Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees" (Minimum Standards).

The Standards provide that non-mayoral agencies must:

1. Adopt the Citywide EEO Policy (2005) or issue an agency-specific EEO Policy that is consistent with the Citywide EEO Policy.
2. Distribute the Citywide EEO Policy or the agency-specific EEO Policy to all current and new employees.
3. Attach to the Citywide EEO Policy or the agency-specific EEO Policy a memo from the agency head reiterating his or her commitment to EEO and listing the name and phone number of the EEO Officer.
4. Distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums) to all current and new employees.
5. Post the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) or the agency-specific EEO Policy Statement.
6. Appoint – and provide appropriate EEO training to – an EEO Officer, or designate an EEO professional from another City agency to administer the EEO Program.
7. Provide basic EEO training to all current and new employees.
8. Post all job vacancy notices internally and citywide.
9. Include the EEO tag line in all job recruitment literature.

This letter contains the preliminary determinations of the EEPC staff pursuant to its desk audit of compliance by the RCPA with the above Minimum Standards. A desk audit questionnaire (Attachment #1), consistent with the aforementioned standards, was forwarded to the RCPA on July 21, 2006. The completed questionnaire was received on August 4, 2006. An addendum was sent on September 22, 2006 and was returned on October 3, 2006. The following preliminary determinations indicate where the RCPA has complied and failed to comply, in whole or in part, with the Minimum Standards.

Recommendations for corrective actions included in this letter are consistent with the aforementioned Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees and the equal employment opportunity requirements of the Federal, State, and City laws.

Scope and Methodology

Audit methodology included an analysis of the RCPA's responses to 26 specific desk audit questions and 7 addendum questions.

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.

The RCPA has 5 employees: 3 Caucasian females and 2 Caucasian males.

PRELIMINARY DETERMINATION

Following are the preliminary determinations with the required corrective actions and recommendations, pursuant to the RCPA's compliance with the aforementioned minimum equal employment opportunity standards:

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

The RCPA is in partial compliance with the following minimum standard:

The RCPA has issued the Citywide EEO Policy (2005) along with an agency-specific EEO Policy Statement. The agency's EEO Policy Statement, however, does not contain an up-to-date list of "protected classes" under New York State and New York City Human Rights Laws. Specifically, the statement does not indicate that it is illegal to discriminate on the basis of military status, partnership status, predisposing genetic characteristic, gender identity, status as a victim of sex offenses and stalking, and status as a victim of domestic violence. Corrective action is required.

1. Recommendation: 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.

The RCPA is in compliance with the following minimum standard:

The RCPA continually posts its EEO Policy Statement and the Citywide EEO Policy Statement in its office.

EEO Policy and Handbook Distribution

The RCPA is in compliance with the following minimum standards:

Since the RCPA's EEO Policy Statement makes reference to the Citywide EEO Policy for the handling and investigation of discrimination complaints, the documents are jointly distributed. They were distributed to all current and new employees in 2005 and 2006.

The RCPA has attached a memo from the Public Administrator reiterating his commitment to EEO and listing the name and phone number of the EEO Officer.

The RCPA is in not in compliance with the following minimum standard:

The RCPA did not distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums), to its employees during the period in review.

The handbook, however, was distributed to all current and new employees in August, 2006 – after the audit period. No corrective action is required.

Appointment and Training of EEO Officer

The RCPA is in compliance with the following minimum standard:

The RCPA formally appointed an EEO Officer in August 2006. Staff was informed both orally and in writing of this appointment.

The RCPA is in partial compliance with the following minimum standard:

The RCPA's EEO Officer received in-house EEO training from the Public Administrator (which consisted of an overview of federal, city, and state EEO laws and the City of New York's Discrimination Complaint Procedure). It is important that EEO Officers receive uniform and documentable comprehensive EEO training. For this reason, the EEPD considers standard training for EEO professionals from the Department of Citywide Administrative Services or equivalent EEO training from another reputable organization appropriate. Corrective action is required.

2. Recommendation: 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.

Agency EEO Training

The RCPA is not in compliance with the following minimum standard:

The RCPA has not provided EEO training to all current and new employees. Corrective action is required.

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

Posting of Job Vacancies

No jobs were advertised during the period in review.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:

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

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

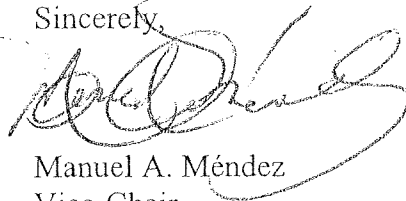
Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEPC's desk audit of compliance by the office of the Public Administrator with the minimum standards established by the Equal Employment Practices Commission, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to comply with the minimum standards established by the Equal Employment Practices Commission. As you indicated during the January 5, 2007 audit exit meeting, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response. 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,



Manuel A. Méndez
Vice-Chair

Attachment
c: Carol Lee Guinta, EEO Officer

Equal Employment Practices Commission
Non-Mayoral Agency Desk Audit Questionnaire
(Audit Period is January 1, 2005 through June 30, 2006)

Agency Name PUBLIC ADMINISTRATOR/RICHMOND Agency Code 945

1. Number of employees 5

2. Ethnic/sexual composition of staff as of June 30, 2006: 5

Please complete the attached Workforce by EEO Job Group chart. (A description of the job groups is also attached.)

3. Has your agency adopted the Citywide EEO Policy (2005) or issued an EEO Policy that is consistent with the Citywide EEO Policy? (The Citywide EEO Policy is available online at: www.nyc.gov/html/dcas/html/resources/eeopol.shtml.)

Yes No

4. If your agency has issued an EEO Policy, please attach a copy of that document.

5. Has your agency distributed the Citywide EEO Policy or your EEO Policy to all current and new employees?

Yes No

6. If yes, date policy last distributed to all employees AUGUST 2006

7. Has your agency attached to the Citywide EEO Policy or your EEO Policy a memo from the agency head reiterating his or her commitment to EEO and listing the name and phone number of the EEO Officer?

Yes No Not applicable

8. If yes, please attach a copy of that memo.

9. Has your agency distributed the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums) to all current and new employees? (The Handbook is available online at: www.nyc.gov/html/dcas/html/resources/eoo_booklet.shtml.)

Yes No

10. If yes, date last distributed to all employees AUGUST 2006

11. Has your agency posted the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) or your agency's EEO Policy Statement?

Yes No

12. Has your agency officially appointed an EEO Officer?

Yes No

13. If yes, name of EEO Officer Carol Lee Guinta and date AUGUST 2006

14. How was staff informed? MEMORANDUM and PERSONALLY

15. Has the EEO Officer received training from either DCAS or another appropriate organization of school (such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations)?

Yes No

16. If yes, please indicate date(s), name of organization or school, and provide a description of the training.

17. Has your agency provided EEO training to all current and new employees?

Yes No

18. If yes, please indicate date(s) and a description of the last training.

19. Has your agency posted all job vacancy notices internally?

Yes _____ No _____ Not applicable x

20. Has your agency posted all job vacancy notices citywide?

Yes _____ No _____ Not applicable x

21. If yes to either or both, please provide copies of the last three job vacancy notices.

22. Has your agency advertised job vacancies in newspapers or other publications?

Yes _____ No _____ Not applicable x

23. If yes, please provide copies of the last three job advertisements, indicating where they were placed.

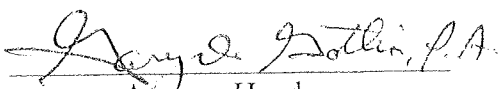
24. Please describe any other EEO activities your agency has undertaken during the audit period.

25. Name, title and telephone number of individual completing this document.

GARY D. GOTLIN, PUBLIC ADMINISTRATOR
(718) 876-7228

26. Confirmation

The above information is true and accurate.



Agency Head
Gary D. Gotlin
Public Administrator
Richmond County

8/3/06

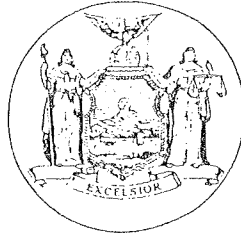
Date

Equal Employment Practices Commission
 Non-Mayoral Agency Desk Audit
 Workforce by EEO Job Group

EEO Job Group	Ethnicity/gender						Total of Job Group*
	Caucasian	African Am.	Hisp.	Asian	Native Am.	Female	
001 Administrators	2					1	2
002 Managers							
003 Management Specialists							
004 Science Professionals							
005 Health Professionals							
006 Social Scientists							
007 Social Workers							
008 Lawyers							
009 Public Relations							
010 Technicians							
012 Clerical Supervisors							
013 Clerical	3					2	3
014 Household Services							
015 Police Supervisors							
016 Fire Supervisors							
017 Firefighters							
018 Police & Detectives							
019 Guards							
020 Food Preparation							
021 Health Services							
022 Building Services							
023 Personal Services							
024 Farming							
025 Craft							
026 Operators							
027 Transportation							
028 Laborers							
029 Sanitation Workers							
030 Teachers							
031 Paraprofessional							

* Obtain Job Group total by adding all ethnic groups

PUBLIC ADMINISTRATOR



RICHMOND COUNTY

GARY D. GOTLIN
COMMISSIONER
PUBLIC ADMINISTRATOR

ARTHUR W. DECKER, ESQ.
COUNSEL

EVA-MARIE CUSACK, ESQ.
DEPUTY PUBLIC ADMINISTRATOR

130 STUYVESANT PLACE, SUITE 402
STATEN ISLAND, NEW YORK 10301-2486
(718) 876-7228
FAX (718) 876-8377

DATE: AUGUST 3, 2006

TO: MEMORANDUM TO ALL PUBLIC ADMINISTRATOR/RICHMOND COUNTY
EMPLOYEES - AGENCY #945

FROM: GARY D. GOTLIN

REFERENCE: EQUAL EMPLOYMENT OPPORTUNITY POLICY

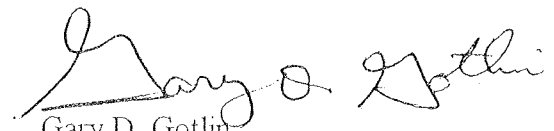
Attached is a copy of the following:

- (1) The City of New York - Equal Employment Opportunity Policy, including an addendum as well as other information regarding discriminating practices.
- (2) A copy of the posted Federal Equal Employment Opportunity Law.
- (3) A copy of the Public Administrator of Richmond County Equal Employment Opportunity Program for our office.

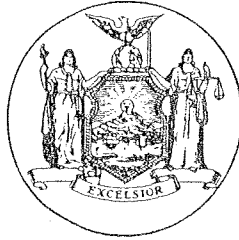
You are urged to take the time to read these documents carefully.

Your Equal Employment Opportunity Officer is Ms. Carol Lee Guinta. Please feel free to contact Ms. Guinta at (718) 876-7228 with any complaints you may have or information you may need.

Please note that this office is completely committed to all of the policies of the City of New York with respect to Equal Employment Opportunities.


Gary D. Gotlin
Public Administrator

PUBLIC ADMINISTRATOR



GARY D. GOTLIN
COMMISSIONER
PUBLIC ADMINISTRATOR

ARTHUR W. DECKER, ESQ.
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RICHMOND COUNTY

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PUBLIC ADMINISTRATOR OF
RICHMOND COUNTY
EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM

PUBLIC ADMINISTRATOR OF RICHMOND COUNTY

ANTI-DISCRIMINATION POLICY

The Public Administrator of Richmond County 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:

- Age
- Marital Status
- Alienage
- National Origin
- Color
- Prior Record of Arrest or Conviction
- Creed
- Race
- Disability
- Religion
- Sexual Orientation
- Gender

In addition to providing protections on the basis of the above categories, the Public Administrator will adhere to state and local laws designed for to protect persons who are discriminated against because they are perceived to be in a protected class.

Consistent with the law, reasonable accommodations will be made for persons with disabilities and for religious observance.

Anti-discrimination protections apply to all of the terms and conditions of employment, including, but not limited to:

- Recruitment
- Promotions
- Testing
- Training Opportunities
- Hiring
- Transfers
- Work Assignments
- Discipline
- Salary and Benefits
- Discharge
- Performance Evaluations
- Working Conditions

Where discrimination is suspected, employees are encouraged to use the City's complaint and investigation procedures. Any person found to be engaging in discriminatory conduct or practices will be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior.

Any employee or applicant who believes that s/he has been discriminated against should contact the Public Administrator agency EEO officer for consultation and/or to file a complaint.