



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

**Charise L. Terry, PHR**  
Executive Director

**Judith Garcia Quiñonez, Esq.**  
Executive Agency Counsel/  
Director of Learning and  
Development

**Jennifer Shaw, Esq.**  
Executive Agency Counsel/  
Director of Compliance Monitoring

**253 Broadway**  
**Suite 602**  
**New York, NY 10007**

212. 615. 8939 tel.  
212. 676. 2724 fax

## **BY MAIL AND EMAIL**

December 21, 2018

**Anthony Catalano**  
Public Administrator  
Richmond County Public Administrator  
130 Stuyvesant Place, Suite 402  
Staten Island, NY 10301

Follow-up Audit Regarding Previous Non-Compliance: Review, Evaluation, and Monitoring of the Office of the Richmond County Public Administrator's Employment Practices and Procedures for the period from July 1, 2017 to June 30, 2018

Dear Public Administrator Catalano,

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the EEPC's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period from July 1, 2017 to June 30, 2018.

Chapter 36, Section 831(d)(5) of the New York City Charter (Charter) empowers the EEPC to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants seeking employment. Charter Sections 831(d)(2) and 832(c) authorize the EEPC 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.

The Office of the Richmond County Public Administrator, which may herein be referred to as "the agency," falls within the EEPC's purview under Charter Chapter 36, Section 831(a), 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. The EEPC has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state, and local laws, and regulations, policies and procedures 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, and regulations, procedures and policies including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014* (Citywide EEO Policy); New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); New York State Civil Service Law §55-a; 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

The EEPC's audit methodology includes the collection and analysis of the documents, records, and data the agency provides in response to the document and information request; responses to the *EEPC Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans*, *Quarterly EEO Reports*, and analysis of *Citywide Equal Employment Database System* (CEEDS) reports.

The EEPC 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.) EEPC 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 to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, the EEPC's EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

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, and 55-a Program Coordinators) and others involved in EEO program administration, such as the Principal Human Resources Professional, are given a three-week deadline to complete and return the PIQ. The EEPC's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate. The PIQ was

---

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



sent to the Office of the Richmond County Public Administrator on October 2, 2018. After the Office of the Richmond County Public Administrator did not provide responses to the PIQ by the October 23, 2018 deadline, it was sent again on November 8, 2018. The Office of the Richmond County Public Administrator was given an additional two weeks to complete it, but the EEPC did not receive PIQ responses by the November 23, 2018 deadline, or thereafter.

### **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 primary duty of the Public Administrator's 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. At the end of the period in review, the CEEDS Report: *Work Force Composition Summary*, for the Office of the Richmond County Public Administrator, attached as Appendix 1, indicated an agency headcount of 5 including the Public Administrator and Deputy Public Administrator.

### **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. A note is indicated where the application of a standard was impractical due to the agency's size and structure.

#### **I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:**

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

1. Issue a general EEO Policy statement or memorandum annually 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.

➤ The agency did not demonstrate that it issued an EEO Policy statement annually. Corrective action required.

**Corrective Action #1:** Issue a general EEO Policy statement or memorandum annually 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.

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 EEO laws – for use by managers, supervisors, and legal,

human resources and EEO professionals, which included, or attached 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 did not demonstrate that it distributed or posted an EEO Policy that conformed to city, state and federal EEO laws for use by managers, supervisors, and legal, human resources and EEO professionals. Corrective action required.

**Corrective Action #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 EEO 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.

## **II. EEO TRAINING FOR AGENCY:**

**Determination:** The agency is in non-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.

- The agency did not demonstrate the establishment and implementation of an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, received 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. Corrective action required.

**Corrective Action #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.

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

**Determination:** The standards for this subject area are not applicable to the agency.

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when positions become available or where the agency may otherwise use discretion in hiring.

NOTE: This standard is not applicable due to the agency's size and structure.

5. Ensure that 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 employment opportunities and determine what, if any, actions are required to correct deficiencies. (e.g. underutilization or adverse impact).

NOTE: This standard is not applicable due to the agency's size and structure.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon a particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

NOTE: This standard is not applicable due to the agency's size and structure.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, determine the usefulness of the selection procedures (criteria, practices, and patterns) and their relevancy to measuring suitability for the job and advertise in minority- or female-oriented media outlets; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and hire qualified candidates.

NOTE: This standard is not applicable due to the agency's size and structure.

8. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job- related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented media outlets, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

NOTE: This standard is not applicable due to the agency's size and structure.

9. 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).

NOTE: This standard is not applicable due to the agency's size and structure.

10. Promote employees' awareness of opportunities for advancement and transfer within the agency by: administering incentive programs; publicizing promotions, including promotions into, or changes in, the managerial ranks; and/or using other methods to communicate internal opportunities.

NOTE: This standard is not applicable due to the agency's size and structure.

11. Ensure that employees are considered internally for career enhancement, development opportunities and transfer by: encouraging and providing training, development or mentorship programs to improve their performance and skills; establishing internal talent pools via cross-training, cross divisional assignments, job transfers, and/or job rotation; and identifying internal successors with applicable knowledge/skills/abilities.

NOTE: This standard is not applicable due to the agency's size and structure.

12. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

NOTE: This standard is not applicable due to the agency's size and structure.

13. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names or identification number, race/ethnicity, gender, disability, veteran status, interview date, interviewers' names, result (or disposition), reason selected/not selected* for each applicant, and *recruitment source*. (For employers that collect protected status criteria via visual observation: Minimize the risk that an applicant's protected status may play a role in his/her hire by having someone other than the final decision-maker conduct the visual observation.)

NOTE: This standard is not applicable due to the agency's size and structure.

#### **IV. CAREER COUNSELING:**

**Determination:** The standards for this subject area are not applicable to the agency.

14. Designate a professional (may be referred to as the Career Counselor) with 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.



NOTE: This standard is not applicable due to the agency's size and structure.

15. Assign the Human Resources Professional (or designee) the responsibilities to ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities, job postings, and Career Counseling (including the identity of the Career Counselor); and to inform and involve the principal EEO Professional in the 55-a program and/or efforts to employ, promote or accommodate qualified individuals with disabilities.

NOTE: This standard is not applicable due to the agency's size and structure.

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

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

16. Utilize the Section 55-a Program, which allows City agencies to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis.

NOTE: This standard is not applicable due to the agency's size and structure.

17. Ensure that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio recording and/or Braille) upon request to employees and applicants for employment with disabilities.

- The agency did not demonstrate that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures were made available in appropriate alternative formats upon request to employees and applicants for employment with disabilities. Corrective action required.

**Corrective Action #4:** Ensure that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio recording and/or Braille) upon request to employees and applicants for employment with disabilities.

18. Document reasonable accommodation requests and their outcomes.

- The agency did not demonstrate that reasonable accommodation requests and their outcomes were documented. Corrective action required.

**Corrective Action #5:** Document reasonable accommodation requests and their outcomes.

**VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:**

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

19. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
- ✓ During the period in review, the Deputy Public Administrator served as the agency's Principal EEO Professional.
- The agency did not demonstrate that the principal EEO Professional was trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints. Corrective action required.

**Corrective Action #6:** Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

20. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
- The agency did not demonstrate that the responsibilities of the principal EEO Professional were competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations. Corrective action required.

**Corrective Action #7:** Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

21. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
- The agency did not demonstrate that the principal EEO Professional was assigned the responsibility of supervising the activities of EEO professionals, and ensuring that: the policies against sexual harassment and complaint procedures were distributed/posted at all agency locations; employees/managers received sexual harassment prevention



training; EEO-related policies were made available in alternative formats upon request; managers, supervisors and human resource professionals received guidance on issues pertaining to sexual harassment; and allegations of sexual harassment were promptly investigated. Corrective action required.

**Corrective Action #8:** Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

22. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ During the period in review, the agency's principal EEO Professional, the Deputy Public Administrator, reported directly to the agency head.

23. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures.

➤ The agency did not demonstrate that documentation was maintained regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures. Corrective action required.

**Corrective Action #9:** Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures.

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

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

24. 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 demonstrate that it established and administered an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training. Corrective action required.

**Corrective Action #10:** Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

25. Ensure 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).

**NOTE:** This standard is not applicable due to the agency's size and structure.

**VIII. REPORTING STANDARD FOR AGENCY HEAD:**

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

26. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports<sup>2</sup> on efforts to implement the Plan within 30 days following each quarter. Include a breakout of EEO and sexual harassment complaint activity in each quarterly report.

- The agency did not submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity. Corrective action required.

**Corrective Action #11:** Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity.

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

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

**Conclusion**

**The agency has eleven (11) 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.

---

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



*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. The EEPC is aware that a new Public Administrator will be appointed in 2019. In light of this, the deadline for the agency's response, typically 14 days, is extended to 90 days from the date of this 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 90 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 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 "Pratima Doodnauth", written over a horizontal line.

Pratima Doodnauth, EEO Research Specialist

Approved by,

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

Charise L. Terry, PHR  
Executive Director

c: Michael Fusco, Principal EEO Professional, Richmond County Public Administrator

## **Appendix- 1**

Public Administrator Richmond County  
Workforce Composition Summary  
4th Quarter of Fiscal Year 2018  
(End of Audit Period)

PAGE: 292  
REPORT: EBEPR210

WORK FORCE COMPOSITION SUMMARY  
AGENCY 945 PUBLIC ADMINISTRATOR RICHMOND COUNTY

[illegible][illegible]

# PUBLIC ADMINISTRATOR

**EDWINA FRANCES MARTIN, ESQ.**  
**COMMISSIONER**  
**PUBLIC ADMINISTRATOR**



**VINCENT ARGENZIANO**  
**DEPUTY**  
**PUBLIC ADMINISTRATOR**

## RICHMOND COUNTY

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

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

March 21, 2019

**Re: EEO Officer Vincent Argenziano**

To The Equal Employment Practices Commission:

I am writing today to inform you on my intentions to do all that is necessary to uphold the agency's commitment to our EEO Policy.

As part of our commitment, I have appointed Vincent Argenziano, Richmond County Deputy Public Administrator, as EEO Officer to ensure that the policies against sexual harassment and complaint procedures are distributed; employees and managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

In our first EEO Policy meeting, I affirmed my commitment to the position and assured the EEO Officer that he will be granted the resources needed to adequately perform his duties. This includes time and funding for continuing education and development.

If you have any further questions, please do not hesitate to contact me directly.

Sincerely,

Edwina Frances Martin  
Commissioner  
Public Administrator





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

Charise L. Terry  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Director of Learning and Development

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676.2724 fax

## BY MAIL AND EMAIL

April 15, 2019

Edwina Frances Martin Esq.  
Public Administrator  
Office of the Richmond County Public Administrator  
130 Stuyvesant Place, Suite 402  
Staten Island, NY 10301

Re: Resolution #2018AP/229-945-(2019)  
Office of the Richmond County Public Administrator  
Evaluation of Employment Practices and Procedures  
Audit Period: July 1, 2017 to June 30, 2018  
Determination: **FINAL**

Dear Public Administrator Martin:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for your March 21, 2019 response to our December 21, 2018 evaluation and Preliminary Determination and for the continued cooperation extended to our staff.

### Purpose

Chapter 35, Sections 815(a) (15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any 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 prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Office of the Richmond

## County Public Administrator's Employment Practices and Procedures.

As the Office of the Richmond County Public Administrator falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards<sup>1</sup> to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Office of the Richmond County Public Administrator's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

### Next Steps

**The assigned compliance-monitoring period is: May 1, 2019 to October 31, 2019. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.**

***If corrective actions remain:*** Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Office of the Richmond County Public Administrator has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Office of the Richmond County Public Administrator will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Office of the Richmond County Public Administrator is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

***Final Memorandum:*** Upon the Office of the Richmond County Public Administrator's implementation of the final corrective action, if any, the EEPC requires that the Office of the Richmond County Public Administrator submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

***If no corrective actions remain:*** In lieu of a response to this Final Determination, the Office of the Richmond County Public Administrator must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Office of the Richmond County Public Administrator will be exempt from the abovementioned compliance-monitoring period.

---

<sup>1</sup> The EEPC's Uniform Standards for Auditing Municipal Entities and Minimum Standards for Community Boards are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

**Conclusion**

This is the EEPC's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at [jshaw@eeepc.nyc.gov](mailto:jshaw@eeepc.nyc.gov) or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry  
Executive Director

c: Vincent Argenziano, Principal EEO Professional  
Enclosed: TeamCentral Agency Manual

**FINAL DETERMINATION**

Entity response indicating progress of its efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data the agency provided; the *EEPC Preliminary Interview Questionnaires* (PIQ) 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 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<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Agree**

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

**Corrective Action #1:** Issue a general EEO Policy statement or memorandum annually 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.

**Agency Response:** The agency stated, in a March 21, 2019 email to all staff from the principal EEO Professional, that "[T]he Richmond County Public Administrator is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national 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, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and familial status.

As this office continues its commitment to this policy, Vincent Argenziano has been appointed EEO Officer\*. Please be aware that all questions, concerns or issues should be directed to our EEO Officer Vincent Argenziano [email address]. For more information on Equity & Inclusion you can visit: <https://www1.nyc.gov/site/dcas/agencies/equity-and-inclusion.page>

For other OCEI Resources, you can visit:

<https://www1.nyc.gov/site/dcas/agencies/equity-and-inclusion-resources.page>

\*The responsibilities of the EEO Officer include ensuring that: the policies against sexual harassment and complaint procedures are distributed; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

<sup>2</sup> Excerpts are italicized.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #1. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #1 has been implemented.

**Corrective Action #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 EEO 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.

Agency Response: The agency stated in their response that: “[a] *link to the electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies has been emailed out on 3/21/2019...*

<http://www.nyc.gov/html/dcas/downloads/pdf/misc/eeo.pdf>”.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. The agency's Deputy Public Administrator, who serves as the agency's principal EEO Professional, emailed all staff the *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies* (Citywide EEO Policy) on March 21, 2019. The email stated that the “[T]he Richmond County Public Administrator is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national 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, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and familial status.” It also identified the principal EEO Professional along with his contact information and included a link to the Citywide EEO Policy, which included a policy against sexual harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations and links to the websites of the federal, state and city agencies that enforce laws against discrimination. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #2 has been implemented.

**Corrective Action #4:** Ensure that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio recording and/or Braille) upon request to employees and applicants for employment with disabilities.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: “•All materials regarding EEO-related rights are available to be printed in large print font upon request. •All materials regarding EEO-related rights are available for audio reading through Adobe Reader's Read Out Loud. •Upon request, Braille can be accommodated.”

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #4. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #4 has been implemented.

**Corrective Action #5:** Document reasonable accommodation requests and their outcomes.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: *"A new spreadsheet was created to track any reasonable accommodation requests that are made."* As evidence of this, the spreadsheet entitled *Reasonable Accommodation Request Log* was provided. It contained the following fields: *Reference #, First Name, Last Name, Work Email, Date of Request, Manner of Request, Details of Request, Status, Completion date, Notes Regarding Request and Additional Comments.*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #5. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #5 has been implemented.

**Corrective Action #7:** Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: *"On March 21, 2019, the Commissioner and EEO Officer engaged in their first biannual update meeting. Part of that meeting included a discussion regarding the time and resources the EEO Officer would be allotted to perform the duties. The Commissioner affirmed her commitment to the policy and will allow for time and funding for continuing education and development."* To further reinforce this, the agency head sent a statement to the EEPC dated March 21, 2019: *"I affirmed my commitment to the position and assured the EEO Officer that he will be granted the resources needed to adequately perform his duties. This includes time and funding for continued education and development."*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #7. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #7 has been implemented.

**Corrective Action #8:** Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Agency Response: The agency's principal EEO Professional emailed all staff the Citywide EEO Policy on March 21, 2019. This email identified the principal EEO Professional, provided his contact information, and specified the role of the principal EEO Professional as follows: *"The responsibilities of the EEO Officer include ensuring that: the policies against sexual harassment and complaint procedures are distributed; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats upon request; managers, supervisors and human resource professionals*



*receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.”*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #8. The EEPC accepts the agency's response and documentation provided as confirmation that corrective action #8 has been implemented.

### **Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

**Corrective Action #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.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement *“As part of our commitment to EEO and non-discrimination, the Richmond County Public Administrator requires training for all current employees and new hires. •All employees must annually complete Department Citywide Administrative Services (DCAS) Computer Based Training on Sexual Harassment Prevention and EEO Training; •All employees must biennially complete DCAS Computer Based Training on the Power of Inclusion; •All new employees must complete all three within their first 3 months.”*

The agency further supplied two (2) *Agency Training Reports* from the Department of Citywide Administrative Services (DCAS) indicating that all five (5) of the agency's employees completed the training on *Sexual Harassment Prevention* and four (4) out of five (5) completed *EEO Training*. A third agency tracking spreadsheet, *RichmondPA- Power of Inclusion Training*, was submitted as evidence of completion of completion of *Power of Inclusion* training by all five (5) employees.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #3. To demonstrate compliance, provide the DCAS *Agency Training Report* or certificates of completion for the *Power of Inclusion* training completed by the agency's employees.

**Corrective Action #6:** Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: *“Newly appointed EEO Officer Vincent Argenziano is set to attend both Building an Inclusive Culture: Understanding Unconscious Bias, as well as Reasonable Accommodations Procedural Guidelines classes on May 8, 2019.”* The agency also provided training spreadsheets indicating that the principal EEO Professional completed training on *Sexual Harassment Prevention*, *EEO*, and *Power of Inclusion* in 2019.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #6. The EEPC will monitor the agency to ensure the principal EEO Professional's completion of the scheduled EEO trainings and training in complaint investigation procedures.

Corrective Action #9: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: *"EEO Officer Vincent Argenziano and Commissioner Edwina Frances Martin plan to meet biannually for general update meetings regarding EEO policy in the agency. This will be supplemented with update meetings varying based on the volume of requests and complaints. All meeting will be documented. The first of these meetings took place March 21, 2019 to discuss and finalize the EEPC Annual Plan as well as affirm her commitment to allowing me the time and resources to adequately perform the role."*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #9. Please provide documentation of a meeting(s) between the agency head and the principal EEO Professional (e.g. meeting minutes, agenda, etc.), and resulting directives or decisions that impact the administration and operation of EEO programs, policies, or procedures.

Corrective Action #10: Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.

Agency Response: The agency stated, in its March 21, 2019 response to the EEPC's Preliminary Determination: *"An annual Employee Performance Appraisal is administered by the Commissioner annually."* The agency supplied evidence of this by providing a sample of its *Managerial Employee Performance Appraisal Form*. This form contains a section titled *EEO Compliance* as one of the ten *Core Proficiencies* upon which employees will be evaluated.

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #10. Please submit evidence of implementation of the performance evaluation program or a policy/timeframe indicating when the program will be implemented.

Corrective Action #11: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Agency Response: The agency supplied, in its March 21, 2019 response to the EEPC's Preliminary Determination, the following statement: *"EEPC Annual Plan Attached in email."* [A copy was provided of the *Richmond County Public Administrator, Diversity and Equal Employment Opportunity Plan, Fiscal Year 2019*.]

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #11. The document submitted entitled *Richmond County Public Administrator: Diversity and Equal Employment Opportunity Plan, Fiscal Year 2019* does not appear to be the agency's final *Annual Plan* as it was missing the agency head's signature and the *EEO Contacts* in the appendix was incomplete. The EEPC will monitor the agency to ensure that the *Annual Plan* is finalized.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.**  
**2018AP/229-945-(2019)**  
**Office of the Richmond County Public Administrator**  
**Public Administrator Edwina Frances Martin, Esq.**  
**Employment Practices and Procedures**  
**DETERMINATION: FINAL**

**SYNOPSIS**

<b>Corrective Action(s):</b>	Total: 11		
<b>Period Audit Covered:</b>	July 1, 2017 to June 30, 2018		
<b>Preliminary Determination Issued:</b>	December 21, 2018	<b>Response Received</b>	March 21, 2019
<b>Final Determination Issued:</b>	April 15, 2019	<b>Response Due</b>	May 15, 2019
<b>Compliance-Monitoring :</b>	Required		May 1, 2019 to October 31, 2019

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Office of the Richmond County Public Administrator's Employment Practices and Procedures; and

**Whereas**, pursuant to the audit, review, and evaluation of the Office of the Richmond County Public Administrator's Employment Practices and Procedures, the EEPC issued a Preliminary Determination, dated April 15, 2019, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a general EEO Policy statement or memorandum annually 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.

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 EEO 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.
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.
4. Ensure that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio recording and/or Braille) upon request to employees and applicants for employment with disabilities.
5. Document reasonable accommodation requests and their outcomes.
6. Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
7. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
8. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures.

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

11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Whereas**, within a three month deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on April 15, 2019, which indicated that the following areas required corrective action: no(s). 3, 6, 9 10, and 11; and

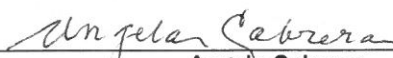
**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from May 1, 2019 to October 31, 2019, to determine whether the entity eliminated areas of non-compliance, if any; and


**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity is required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and


**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on May 15, 2019, the entity is required to issue a response to the EEPC's Final Determination; Now Therefore,

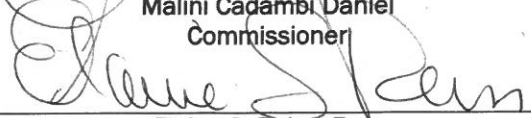
**Be It Resolved**, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Public Administrator Edwina Frances Martin, Esq. of the Office of the Richmond County Public Administrator to assign compliance-monitoring.

Approved unanimously on April 18, 2019.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva R. Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

# PUBLIC ADMINISTRATOR

EDWINA FRANCES MARTIN, ESQ.  
COMMISSIONER  
PUBLIC ADMINISTRATOR



VINCENT ARGENZIANO  
DEPUTY  
PUBLIC ADMINISTRATOR

## RICHMOND COUNTY

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

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

May 14, 2019

Equal Employment Practices Commission  
City of New York  
40 Rector Street, 14<sup>th</sup> Floor  
New York, New York 10006

Re: Resolution #2018AP/229-945-(2019)  
Office of the Richmond County Public Administrator  
Evaluation of Employment Practices and Procedures  
Audit Period: July 1, 2018 to June 30, 2018

Dear Commissioners,

In response to the below items listed under the *Monitoring Required* section, please see the actions taken to meet these requirements as well as the supplemental documents of proof.

**Corrective Action #3 EEPD Response:** The EEPD recognizes the agency's commitment to implement corrective action #3. To demonstrate compliance, provide the DCAS *Agency Training Report* or certificates of completion for the *Power of Inclusion* training completed by the agency's employees.

**RCPA Response:** All employees have completed DCAS Computer Based Training on the Power of Inclusion. Please see attached DCAS Agency Training Report.

**Corrective Action #6 EEPD Response:** The EEPD recognizes the agency's commitment to implement corrective action #6. The EEPD will monitor the agency to ensure the principal EEO Professional's completion of the scheduled EEO trainings and training in complaint investigation procedures.

**RCPA Response:** In lieu of attending *Building an Inclusive Culture: Understanding Unconscious Bias* and *Reasonable Accommodations Procedure Guidelines* classes, Vincent Argenziano attended a more comprehensive DCAS Onboarding Training: *Essential Training for New EEO Personnel*. This two day training took place on April 26, 2019 and May 3, 2019 and was run by Silvia Montalban, Chief Citywide Equity & Inclusion Officer, and Amber Lewis, Director of Investigation and Compliance.



**Corrective Action #9 EEPC Response:** The EEPC recognizes the agency's commitment to implement corrective action #9. Please provide documentation of a meeting(s) between the agency head and the principal EEO Professional (e.g. meeting minutes, agenda, etc.), and resulting directives or decisions that impact the administration and operation of EEO programs, policies, or procedures.

**RCPA Response:** The first EEO Meeting between Edwina Frances Martin, the Agency Head, and Vincent Argenziano, the principal EEO Professional, on March 21, 2019. The minutes for this meeting are attached.

**Corrective Action #10 EEPC Response:** The EEPC recognizes the agency's commitment to implement corrective action #10. Please submit evidence of implementation of the performance evaluation program or a policy/timeframe indicating when the program will be implemented.

**RCPA Response:** The performance evaluation program was first implemented in 2016, with the first evaluations completed in December 2016. The program will continue and the yearly review will be done next in December 2019. As evidence that it has been implemented, I have attached a review that took place in December 2018 with the employee's information redacted.

**Corrective Action #11 EEPC Response:** The EEPC recognizes the agency's commitment to implement corrective action #11. The document submitted entitled *Richmond County Public Administrator: Diversity and Equal Employment Opportunity Plan, Fiscal Year 2019* does not appear to be the agency's final *Annual Plan* as it was missing the agency head's signature and the *EEO Contacts* in the appendix was incomplete. The EEPC will monitor the agency to ensure that the *Annual Plan* is finalized.

**RCPA Response:** The *Richmond County Public Administrator: Diversity and Equal Employment Opportunity Plan, Fiscal Year 2019* has now been signed by the Commissioner and the EEO Contacts Appendix has been updated to reflect the correct contact. Please see the attached plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edwina', with a stylized flourish extending to the right.

Edwina Frances Martin, Esq.

Public Administrator

# PUBLIC ADMINISTRATOR

EDWINA FRANCES MARTIN, ESQ.  
COMMISSIONER  
PUBLIC ADMINISTRATOR



VINCENT ARGENZIANO  
DEPUTY  
PUBLIC ADMINISTRATOR

## RICHMOND COUNTY

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

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

### MEMORANDUM

To: All Employees  
From: Edwina Frances Martin, Commissioner  
Date: August 26, 2019  
RE: EEPAC Audit Final Action

In response to the recently concluded EEPAC Audit of the Richmond County Public Administrator, we have strengthened our positions on equal employment practices and procedures. These included increased training requirements for all staff and our EEO officer, set bi-annual meetings with the Commissioner to discuss policy, a self-assessment of the practices of the office and a new Diversity and Equal Employment Opportunity plan.

The Richmond County Public Administrator affirms its commitment as an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national 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, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and familial status.

Please be aware that all questions, concerns or issues should be directed to our EEO Officer Vincent Argenziano [VArgenziano@richmondpa.nyc.gov]\*. For more information on Equity & Inclusion you can visit: <https://www1.nyc.gov/site/dcas/agencies/equity-and-inclusion.page>  
For other OCEI Resources, you can visit: <https://www1.nyc.gov/site/dcas/agencies/equity-and-inclusion-resources.page>.

*\*The responsibilities of the EEO Officer include ensuring that: the policies against sexual harassment and complaint procedures are distributed; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.*

Sincerely,

Edwina Frances Martin, Esq.  
Public Administrator

**RESOLUTION NO.**  
**2018AP/233-945-(2019)C30**  
**Office of the Richmond County Public Administrator**  
**Public Administrator Edwina Frances Martin, Esq.**  
**Employment Practices and Procedures**  
**DETERMINATION: COMPLIANCE**

**SYNOPSIS**

<b>Corrective Action(s)</b>	Total: 11		
<b>Period Audit Covered</b>	July 1, 2017 to June 30, 2018		
<b>Preliminary Determination Issued</b>	December 21, 2018	Response Received	March 21, 2019
<b>Final Determination Issued</b>	April 15, 2019	Response Received	May 14, 2019
<b>Compliance-Monitoring</b>	Required	May 1, 2019 to October 31, 2019 without extension	

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Office of the Richmond County Public Administrator's Employment Practices and Procedures; and

**Whereas**, pursuant to the audit, review, and evaluation of the Office of the Richmond County Public Administrator's Employment Practices and Procedures, the EEPC issued a Preliminary Determination, dated December 21, 2018, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a general EEO Policy statement or memorandum annually 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.
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 EEO 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.
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.
4. Ensure that information regarding employee EEO-related rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio recording and/or Braille) upon request to employees and applicants for employment with disabilities.
5. Document reasonable accommodation requests and their outcomes.
6. Ensure the principal EEO Professional is trained regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
7. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.
8. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of EEO programs, policies or procedures.
10. Establish and administer an annual managerial/non-managerial performance evaluation

program to be used for probationary periods, promotions, assignments, incentives and training.

11. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on April 15, 2019, which indicated that the following areas required corrective action: no(s). 3, 6, 9, 10, and 11; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from May 1, 2019 to October 31, 2019, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on May 14, 2019, the entity issued a response to the EEPC's Final Determination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the Office of the Richmond County Public Administrator was monitored until August 5, 2019; and

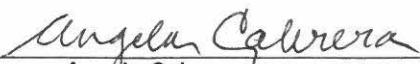
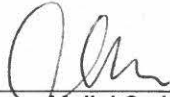

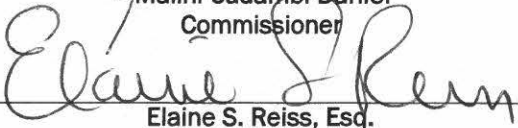
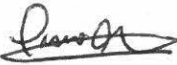
**Whereas**, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Public Administrator submitted a copy of a memorandum to staff dated August 26, 2019, which recognized the EEPC's audit and reiterated commitment to the Office of the Richmond County Public Administrator's equal employment practices; Now Therefore,

**Be It Resolved**, that the Office of the Richmond County Public Administrator has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

**Be It Resolved**, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Public Administrator Edwina Frances Martin, Esq. of the Office of the Richmond County Public Administrator.



Approved unanimously on September 12, 2019.

 _____ Angela Cabrera Commissioner	 _____ Malini Cadambi Daniel Commissioner
 _____ Arva R. Rice Commissioner	 _____ Elaine S. Reiss, Esq. Commissioner
 _____ Sasha Neha Ahuja Chair	





Sasha Neha Ahuja  
Chair

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

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Director of Learning and Development

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

## BY MAIL AND EMAIL

September 12, 2019

Edwina Frances Martin Esq.  
Public Administrator  
Office of the Richmond County Public Administrator  
130 Stuyvesant Place, Suite 402  
Staten Island, NY 10301

Re: Resolution # 2018AP/233-945-(2019)C30  
DETERMINATION: Compliance

Dear Public Administrator Martin:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and Principal EEO Professional Vincent Argenziano, for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is fluid and cursive.

Elaine S. Reiss, Esq.  
Commissioner

C: Principal EEO Professional Vincent Argenziano, Office of the  
Richmond County Public Administrator



This

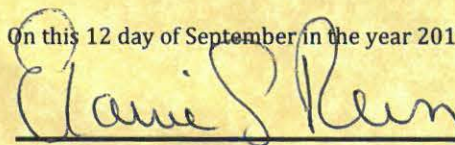
# Determination of Compliance

is hereby issued to

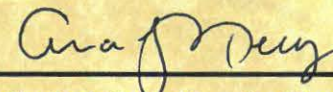
Office of the Richmond County Public Administrator

for successful implementation of ~~11~~ of ~~11~~ required corrective action(s),  
thereby achieving compliance with the Equal Employment Practices Commission's  
Evaluation of Employment Practices and Procedures  
from July 1, 2017 to this date.

On this 12 day of September in the year 2019,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, Executive Director

In care of Public Administrator Edwina Frances Martin, Esq.  
and Principal EEO Professional Vincent Argenziano