



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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September 9, 2011

Mr. Gary D. Gotlin

Public Administrator, Richmond County

130 Stuyvesant Place, 4<sup>th</sup> Floor

Staten Island, New York 10301

**Re: Resolution # 11/10-945:** Preliminary Determination Pursuant to the Audit of the Office of the Richmond County Public Administrator (RCPA) and its compliance with its Equal Employment Opportunity (EEO) Policy and Federal, State and City equal employment opportunity requirements for the period from January 1, 2008 to December 31, 2010.

Dear Mr. Gotlin:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines city agency as any "city, county, borough, or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." Public Administrator Offices are funded by the City of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members, women and other protected groups. This audit measures your office's compliance with its EEO Policy and Discrimination Complaint and Investigations

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

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

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

### **Scope and Methodology**

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

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

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

### **Description of the Richmond County Public Administrator**

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

### **Personnel Activity during the Audit Period**

According to workforce data provided by the agency, no personnel changes occurred during the audit period. (See Attachments 1- 1b) The agency currently has 5 Caucasian employees. Two of these employees are female.

## **Discrimination Complaint Activity during the Audit Period**

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

## **Legal Issues**

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

## **PRELIMINARY DETERMINATION**

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

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

The RCPA is in compliance with the following requirements:

1. The RCPA has issued the *Citywide Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies* (Citywide EEOP 2005) along with an agency-specific EEO Policy Statement. The RCPA's EEO Policy Statement indicates that the Citywide Discrimination Complaint and Investigation Procedures are used for complaint investigation.
2. The agency committed to distributing the EEO policy to all new employees by the EEO Officer upon hire, no new employees were hired during the audit period.
3. The agency head issued an EEO policy statement via memo to all employees. The statement reiterated his commitment to EEO, urged the importance of reading all EEO documents, and listed the name, phone number and location of the EEO Officer.
4. The RCPA continually posts its EEO Policy Statement and the Citywide EEO Policy Statement in the common file room -- an area accessible to all employees.

### **Appointment and Training of EEO Officer**

The RCPA is in compliance with the following requirements:

1. The Deputy Public Administrator -- who is a direct report to the agency head -- is the agency's EEO Officer. Key responsibilities include: educating and informing employees about the EEO policy and policy changes, investigating complaints made by employees, answering any EEO questions employees may have, distributing a copy of any updates to the policy, making sure the EEO policy is posted in the office at all times and including the EEO policy in the New Hire packet.

2. The EEO Officer completed the Department of Citywide Administrative Services, Office of Citywide EEO Basic Training for EEO Professionals in September 2008.

### **Agency EEO Training**

The RCPA is in compliance with the following requirements:

1. The agency provided basic EEO training in December of 2009 and 2010. The training curriculum covered the following topics: overview of EEO, protected class categories, prohibited conduct, reasonable accommodation, right to file a complaint, internal complaints, external complaints, complaint resolution, and mediation.

### **Complaint Intake and Investigation**

The RCPA is in partial compliance with the following requirements:

1. The RCPA uses the Citywide Discrimination Complaint and Investigation Procedures for complaint investigation.
2. The agency has appointed an EEO Officer for complaint intake and investigation.

The RCPA is in partial compliance with the following requirements:

1. Although the agency appointed an EEO Officer the agency did not designate a female EEO professional for complaint intake and investigation; therefore, persons of each gender are not available to receive and investigate discrimination complaints. Corrective action is required.

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

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

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

### **Reasonable Accommodations and EEO for Persons with Disabilities**

The RCPA is in compliance with the following requirements:

1. The agency follows the reasonable accommodations procedure that is included as an Addendum to *Equal Employment Opportunity Policy Standards and Procedures to Be*

*Utilized by City Agencies (2005).* In, addition the policy statement states that reasonable accommodations will be made for persons with disabilities and religious observance.

2. The agency's facility at 130 Stuyvesant place is accessible to applicants/employees with disabilities (e.g. facilities contain street accessible entrances, ramp access, wheelchair accessible elevators, bell and Braille in elevators, wide restroom stalls, grab bars in restroom, and low sink or bathroom fixtures).
3. The agency has appointed its EEO Officer as the Disability Rights and 55-A Coordinator -- responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities.

### **Posting of Job Vacancies**

There were no job vacancy notices for the audit period.

### **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:**

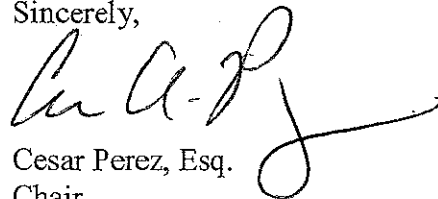
1. The agency should designate at least one EEO professional of each gender to receive and investigate discrimination complaints. Each EEO professional should also be trained and authorized to investigate internal discrimination complaints. (Sect. VB, EEOP and EEPC/Sect. 831, City Charter)
2. Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)

### **Conclusion**

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

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

Sincerely,



Cesar Perez, Esq.  
Chair

Attachment  
C: Michael J. Fusco, EEO Officer

## Attachment - 1

Statistical Profile of Agency Workforce  
Start and End of Audit Period

Agency Name: Office of Public Administrator of Richmond County

| #<br>Employees | Start of Audit Period:<br><u>January 1, 2008</u> | End of Audit Period:<br><u>December 31, 2010</u> |
|----------------|--|--|
|----------------|--|--|

|        |          |          |
|--------|----------|----------|
| Male   | <u>3</u> | <u>3</u> |
| Female | <u>2</u> | <u>2</u> |

|                  |          |          |
|------------------|----------|----------|
| Caucasian        | <u>5</u> | <u>5</u> |
| African American | <u>0</u> | <u>0</u> |
| Hispanic         | <u>0</u> | <u>0</u> |
| Asian            | <u>0</u> | <u>0</u> |
| Native American  | <u>0</u> | <u>0</u> |
| Unknown          | <u>0</u> | <u>0</u> |

|                         |          |          |
|-------------------------|----------|----------|
| Total #<br>of Employees | <u>5</u> | <u>5</u> |
|-------------------------|----------|----------|

Attachment - 1a

Workforce Composition by EEO Job Group

[illegible]



**ATTACHMENT - 1b**  
**CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY**  
**DATABASE SYSTEM (CEEDS) DESCRIPTION OF JOB**  
**GROUP CATEGORIES**

- 001 Administrators:** Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: Elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.
- 002 Managers:** Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: Assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.
- 003 Management Specialists:** Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.
- 004 Science Professionals:** Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.
- 005 Health Professionals:** Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.
- 006 Social Scientists:** Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.
- 007 Social Workers:** Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: Caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

- 008 **Lawyers:** Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: Attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.
- 009 **Public Relations:** Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: Technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.
- 010 **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: Health technicians (clinical laboratory, dental hygienists, health records, radiologic and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.
- 011 **Sales:** Not applicable.
- 012 **Clerical Supervisors:** Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: Chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.
- 013 **Clerical:** Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: Cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.
- 014 **Household Services:** Not applicable.
- 015 **Police Supervisors:** Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: Sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

- 016 **Fire Supervisors:** Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: Lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.
- 017 **Firefighters:** Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: Firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.
- 018 **Police and Detectives:** Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: Police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.
- 019 **Guards:** Occupations in which employees are entrusted with public safety and security. This category includes: School crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.
- 020 **Food Preparation:** Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: Cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.
- 021 **Health Services:** Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: Dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.
- 022 **Building Services:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: Custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.
- 023 **Personal Services:** Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: Housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.
- 024 **Farming:** Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: Herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

- 025 **Craft:** Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.
- 026 **Operators:** Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: Printing press operators, high pressure boiler operators, laundry workers and kindred workers.
- 027 **Transportation:** Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: Bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.
- 028 **Laborers:** Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: Skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.
- 029 **Sanitation Workers:** Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: Sanitation workers, debris removers and kindred workers.
- 030 **Teachers:** Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: Teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/ vocational counselors, education analysts, education officers, institutional instructors and kindred workers.
- 031 **Paraprofessionals:** Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: Administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.