

## STATEN ISLAND BOROUGH PRESIDENT'S OFFICE

- Letter of Preliminary Determination      March 20, 2008
- Agency Response      April 25, 2008
- Letter of Final Determination      June 3, 2008
- Agency Response      September 8, 2008
- EEPC Response      September 17, 2008



## EMPLOYMENT PRACTICES COMMISSION

City of New York

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March 20, 2008

Honorable James P. Molinaro

President

Borough of Staten Island

120 Borough Hall

New York, New York 10301

Re: Resolution #08/03-014/ Preliminary Determination Pursuant to the Audit of the Staten Island Borough President's Office's (SIBPO) Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

Dear President Molinaro:

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..." The Staten Island Borough President's Office (SIBPO) is funded by the City of New York and is therefore considered a city agency 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 classes. This audit measures the SIBPO's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the Federal, State and City Human Rights Laws. All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the 2005 Citywide EEO Policy; and the Discrimination Complaint Procedures and Investigation Guidelines (DCPIG) issued by DCAS in 1993, and amended in 2001, and adopted by the SIBPO. The relevant sections of these guidelines and documents are cited in parenthesis, where applicable, at the end of each recommendation.

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

### **Scope and Methodology**

Audit methodology included an analysis of the SIBPO's EEO Policy, and a review of responses to an EEPC Document and Information Request Form. EEPC auditors also conducted an in-depth, on-site interview with the EEO officer.

A survey of 68 people employed by the SIBPO during the audit period was distributed to determine awareness of their rights and responsibilities under the agency's EEO Policy. Fourteen people (21%) responded. Significant survey findings are attached and discussed in the proceeding pages. (Appendix 1) The survey methodology was established by the EEPC with the assistance of an academic expert from the City University of New York.

### **Description of the Agency**

The Borough Presidents are the executive officials of each borough. The City Charter gives them authority to: work with the Mayor in preparing the annual executive budget submitted to the City Council and to propose borough priorities directly to the council; review and comment on major land use decisions and propose borough sites for city facilities within their respective boroughs; monitor and modify the delivery of city services within their boroughs; and engage in strategic planning for their borough.

### **Personnel Activity During the Audit Period**

During the audit period, 9 people were hired: 6 Caucasians, 2 African-Americans, and 1 Hispanic. Five of the hires were female. Seven people were promoted during the audit period: 6 Caucasians, and 1 African-American. Three of those promoted were female. (Appendix 4) The SIBPO reported that no employees were involuntarily separated during the audit period.

Between July 1, 2005 and June 30, 2007, the total number of SIBPO employees decreased by 2%, going from 47 to 46. There were percentage increases for African-Americans (6% to 13%) and Hispanics (3% to 4%). The percentage for females decreased slightly (55% to 52%). (Appendices 2 and 3)

## Discrimination Complaint Activity during the Audit Period

No internal or external discrimination complaints were filed during the period in review.

### PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

#### Plan Dissemination – Internally

The SIBPO is in compliance with the following requirements:

1. The SIBPO has adopted and modified the citywide EEO Policy (2005). The EEO Policy and addendums, which were submitted to the EEPC, were last distributed to employees in July 2004. It is also distributed at orientation sessions for new employees. The SIBPO provided a copy of the EEO Policy. In addition, 64% of the survey respondents said that they have a copy of the EEO Policy.

2. Although the EEO officer said that he does not recall if the EEO Policy Handbook, *“About EEO: What You May Not Know,”* was distributed, 79% of the survey respondents said that they have a copy of the EEO Policy Handbook. The Handbook is included in the new hire package and is distributed at new employee orientation sessions.

The SIBPO is in partial compliance with the following requirements:

1. According to the EEO officer, only a poster, “Ten Things You May Not Know About EEO,” is displayed on bulletin boards. The EEO Policy is not posted on bulletin boards or available on the Intranet. Corrective action is required.

Recommendation: The EEO Policy should be posted on bulletin boards at each agency site and on the agency’s intranet. (Sect. VC, Citywide EEOP)

2. According to the EEO officer, the EEO Policy was last distributed in 2004. Corrective action is required.

Recommendation: It is the Commission’s position that the SIBPO should distribute its EEO Policy to all employees at least annually.

3. The adopted and modified citywide EEO Policy does not contain the updated EEO officer’s contact information. Corrective action is required.

Recommendation: The adopted and modified citywide EEO Policy should be accompanied by a general hardcopy EEO policy statement or memo from the agency head that reiterates his commitment to EEO; and advises the employees of the name, location and telephone number of the EEO officer. This EEO policy statement or memo may be based on the Mayor’s January 31, 2005 policy statement and the model agency head statement posted on the DCAS website.

(March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy).

### **Plan Dissemination – Externally**

The SIBPO is in compliance with the following requirement:

There were no internal job vacancy notices issued during the audit period. However, two job advertisements submitted by the SIBPO (traffic/transportation consultant) were advertised in *The New York Times* and included the EEO tag line.

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

The SIBPO is in compliance with the following requirements:

1. The SIBPO's EEO Policy includes a "Reasonable Accommodation Procedure."
2. The EEO officer told the EEPC auditors that the SIBPO has provided reasonable accommodations to employees who have requested them. For instance, it provided a handicapped access bathroom door handle, vertical file rollers, and an ergonomic mouse and pad to persons with disabilities.
3. The Borough President offices occupy the first and ground floors (street access) of a five story building maintained by DCAS. The SIBPO submitted a completed EEPC accessibility checklist that indicates the SIBPO is accessible to, and usable by, persons with disabilities. The SIBPO has street accessible entrances, ramp access, wheelchair accessible elevators, bell and Braille in elevators. Only the men's bathroom on the ground floor has wide restroom stalls, grab bars, and low sink or bathroom fixtures. However, there is a public bathroom on the 3<sup>rd</sup> floor that is wheelchair accessible. Currently, no employee is confined to a wheelchair. In addition, 100% of the survey respondents said that the agency's facilities are accessible for persons with disabilities.
4. The SIBPO's EEO Policy is available on audiocassette for use by people with disabilities.

The SIBPO is not in compliance with the following requirements:

1. The EEO officer told the EEPC auditors that the SIBPO does not participate in the Section 55-A Program. Corrective action is required.

Recommendation: The agency should participate in the Section 55-A Program by obtaining and distributing Program brochures issued by the DCAS. (Sect. IIB, Citywide EEOP)

2. The EEO officer told the EEPC auditors that the SIBPO has not appointed a disability rights coordinator. Corrective action is required.

Recommendation: The SIBPO should officially appoint a disability rights coordinator—usually the EEO officer—and notify staff about that individual. (Sect. VB, Citywide EEOP)

## **EEO Complaint and Investigation Procedures**

The SIBPO is in compliance with the following requirement:

The SIBPO reported no internal discrimination complaints during the audit period. According to the EEO officer, if he receives any discrimination complaints, he will investigate the complaints according to the DCAS' standards.

The SIBPO is in compliance with the following requirements:

1. The EEO officer completed the basic training course for EEO professionals at the Department of Citywide Administrative Services (DCAS). He submitted a copy of his certificate of completion.
2. The EEO officer maintains a monthly discrimination complaint log.

The SIBPO is in partial compliance with the following requirement:

1. The SIBPO had a male EEO professional available for discrimination complaint intake and investigation during the entire audit period; a female EEO professional was available for the first half of the audit period, but resigned during the second half. That individual has not been replaced. Corrective action is required.

Recommendation: To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, the agency should appoint a person of a different gender than the EEO officer and provide that individual with appropriate EEO training. (Sect. VB, Citywide Policy)

## **EEO Training**

The SIBPO is not in compliance with the following requirement:

The EEO officer told the EEPC auditors that although EEO training was conducted prior to the audit period, there was no training conducted during and since the audit period. In addition, 79% of the survey respondents said that they did receive EEO training. The EEO officer told EEPC auditors that he plans to conduct follow-up EEO training in 2008. Corrective action is required.

Recommendation: The SIBPO should adhere to its plan to conduct follow-up EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)

## **EEO Officer Reporting Arrangement**

The SIBPO is in partial compliance with the following requirement:

1. According to the EEO officer, he reports to the Borough President's executive assistant and legal counsel on EEO matters--both of whom are direct reports to the agency head. Corrective action is required.

During the February 27, 2008 audit exit meeting, the counsel stated that the EEO officer does not report to the executive assistant but reports to the chief of staff who reports to the Borough President. The counsel also said the EEO officer should continue reporting to him. The organizational chart clearly shows that the environmental engineer (EEO officer) reports to the chief of staff, who report to the Deputy Borough President, who in turns reports to the Borough President. In addition, it is a conflict of interest for the EEO officer to report to the counsel on EEO matters.

Recommendation: The EEO officer should report to the agency head or a direct report—other than the general counsel—to the agency head. (Sect. VB, Citywide EEOP)

2. The EEO officer does not have regularly scheduled meetings with these individuals and does not maintain documentation of such meetings. Corrective action is required.

Recommendation: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.

The SIBPO is not in compliance with the following requirement:

The organization chart provided to EEPC does not show a reporting relationship between the EEO officer and the agency head or direct report to the agency head. Corrective action is required.

Recommendation: The SIBPO should revise its organization chart to show the reporting arrangement of the EEO officer. (Sect. VB, EEOP)

### **EEO Officer Responsibilities**

The SIBPO is in compliance with the following requirement:

The EEO officer told EEPC auditors that he devotes less than 5% of his time to EEO matters; the balance of his time is devoted to his duties as environmental engineer. He does not have any support staff as EEO officer, but does believe that he is given adequate resources to meet his obligations.

The SIBPO is not in compliance with the following requirement:

The EEO officer told EEPC auditors that he is not involved in developing job recruitment strategies and selecting recruitment media. Corrective action is required.

Recommendation: The agency head should direct the head of human resources to include the EEO officer in developing job recruitment strategies and selecting recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)

### **Selection and Recruitment**

The SIBPO is in compliance with the following requirement:

The EEO officer told EEPC auditors that he analyzed the 2006 agency's workforce data to determine if women and/or minorities are underrepresented in particular job categories. He found no underrepresentation of women or minorities.

The SIBPO is not in compliance with the following requirement:

Structured interview training was not provided to personnel involved in the recruitment and hiring process during the audit period. The SIBPO's personnel data indicated that 9 people were hired during the audit period. Corrective action is required.

Recommendation: The SIBPO should develop a plan to provide structured interview training to personnel involved in the job interviewing process. (Sect. IV, Citywide EEO Policy)

### **Job Performance/Advancement**

The SIBPO is not in compliance with the following requirement:

Thirty-six percent of the survey respondents said that they did not see the agency's job vacancy postings on agency bulletin boards prior to the application deadline. Fifty percent said that they did not remember.

Recommendation: The SIBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

## **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS**

1. The EEO Policy should be posted on bulletin boards at each agency site and on the agency's intranet. (Sect. VC, Citywide EEO Policy)
2. It is the Commission's position that the SIBPO should distribute its EEO Policy to all employees at least annually.
3. The adopted and modified citywide EEO Policy should be accompanied by a general hardcopy EEO policy statement or memo from the agency head that reiterates his commitment to EEO; and advises the employees of the name, location and telephone number of the EEO officer. This EEO policy statement or memo may be based on the Mayor's January 31, 2005 policy statement and the model agency head statement posted on the DCAS website. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)
4. The agency should participate in the Section 55-A Program by obtaining and distributing Program brochures issued by the DCAS. (Sect. IIB, Citywide EEO Policy)
5. The SIBPO should officially appoint a disability rights coordinator—usually the EEO officer—and notify staff about that individual. (Sect. VB, Citywide EEO Policy)

6. To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, the agency should appoint a person of a different gender than the EEO officer and provide that individual with appropriate EEO training. (Sect. VB, Citywide Policy)
7. The SIBPO should adhere to its plan to conduct follow-up EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)
8. The EEO officer should report to the agency head or a direct report—other than the general counsel—to the agency head. (Sect. VB, Citywide EEOP)
9. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.
10. The SIBPO should revise its organization chart to show the reporting arrangement of the EEO officer. (Sect. VB, EEOP)
11. The agency head should direct the head of human resources to include the EEO officer in developing job recruitment strategies and selecting recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)
12. The SIBPO should develop a plan to provide structured interview training to personnel involved in the job interviewing process. (Sect. IV, Citywide EEO Policy)
13. The SIBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

## **Conclusion**

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the SIBPO's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please specify these corrective actions in your response. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Ernest F. Hart, Esq.  
Chair

Staten Island Borough President's Office  
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?  
Yes (12)            No (2)
2. Is your agency's EEO Policy Statement or the Citywide EEO Policy Statement posted on your agency's bulletin boards?  
Yes (11)            No (3)
3. Were you given the EEO Policy Statement or the Citywide EEO Policy Statement?  
Yes (9)            No (1)            Do not remember (4)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?  
Yes (11)            No (3)
5. Do you agree with the principles of equal employment opportunity?  
Yes (13)            No (1)
6. Do you believe your agency practices equal employment opportunity?  
Yes (13)            No (1)

B. EEO COMPLAINTS

7. Do you know how to file an EEO complaint?  
Yes (9)            No (5)
8. If you had an EEO complaint, would you bring it to your agency's EEO Office?  
Yes (9)            No (1)            Undecided (4)
9. Would you prefer to file an EEO complaint with an office outside your agency?  
Yes (1)            No (7)            Undecided (6)
10. Did you ever file an EEO complaint with your agency's EEO Office? If No, please skip to question #14.  
Yes (0)            No (14)
11. What was the basis of the complaint?
 

Age (0)	Partnership Status (0)
Alienage or Citizen Status (0)	Predisposing genetic characteristic (0)
Arrest or Conviction Record (0)	Race (0)
Color (0)	Sexual Harassment (0)
Creed (0)	Sexual Orientation (0)
Disability (0)	Veteran's Status (0)
Gender (incl. gender identity) (0)	Victim of Domestic Violence, Stalking, and Sex Offenses (0)
Marital Status (0)	Other (0)
Military Status (0)	
National Origin (0)	

**SIBPO SURVEY RESULTS CONTINUED**

12. Were you satisfied with the manner in which your complaint was managed?  
Yes (0) No (0)
13. Was your manager or supervisor supportive of your right to file a complaint?  
Yes (0) No (0) Not Applicable (0)

**C. EEO TRAINING**

14. Did you receive EEO training? If No, please skip to question #16.  
Yes (11) No (3)
15. Did you find this training helpful?  
Very (1) Somewhat (7)  
Not really (1) Waste of time (2)

**D. JOB PERFORMANCE/ADVANCEMENT**

16. Did you see your agency's job postings for vacant positions on agency bulletin boards prior to the application deadline?  
Yes (2) No (5) Do not remember (7)

**E. AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES**

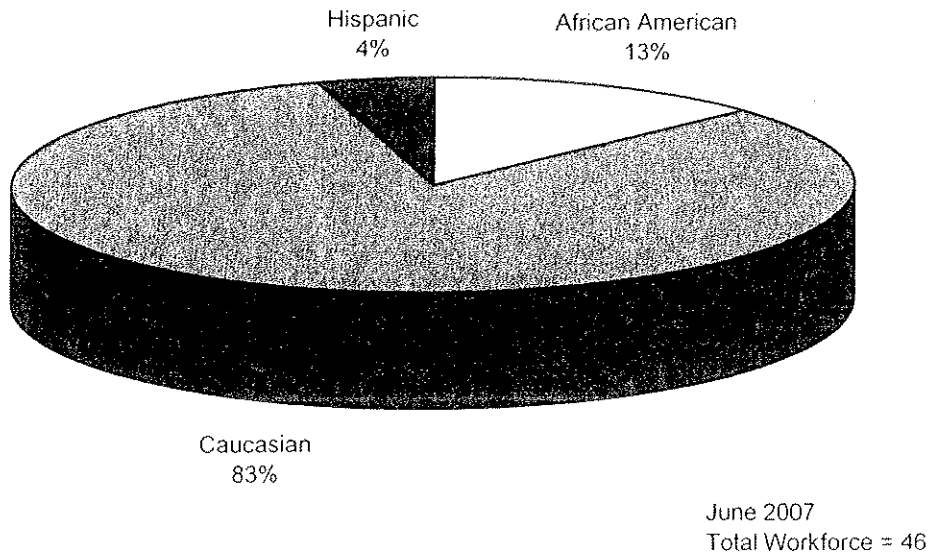
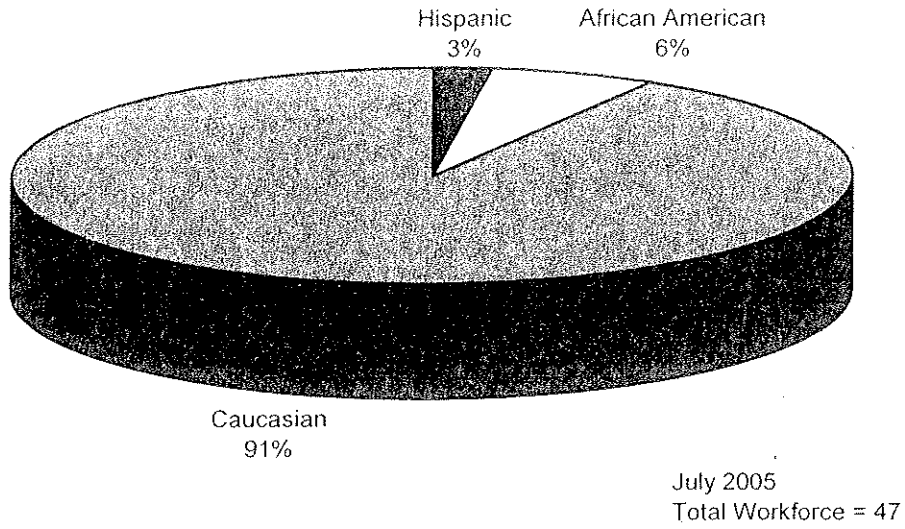
17. Are your agency's facilities accessible for persons with disabilities?  
Yes (14) No (0) Don't Know (0)
18. Did you ever ask for an accommodation for a physical or mental disability?  
If No, skip to question #28.  
Yes (0) No (14)
19. Did the agency accommodate you?  
Yes (0) No (0)

**OPTIONAL**

20. What is your race/ethnicity?  
Asian (0) Native American (0)  
Black (1) White (11)  
Hispanic (0) Other (1)
21. What is your gender?  
Male (7) Female (5)

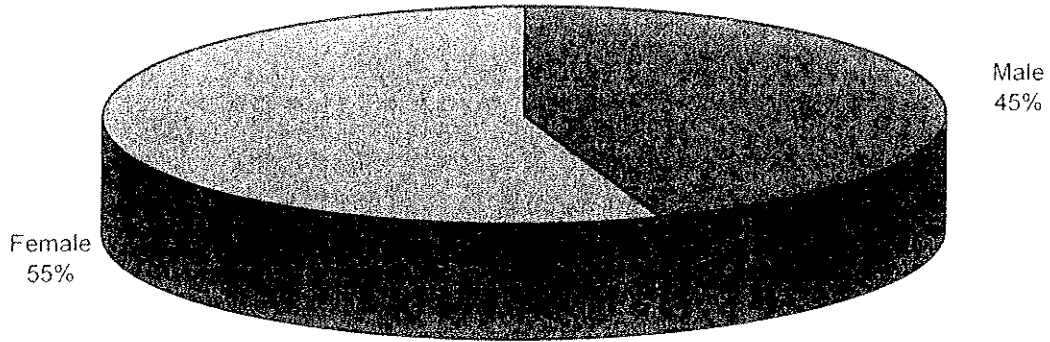
## Appendix - 2

### Staten Island Borough President's Office Workforce by Ethnicity

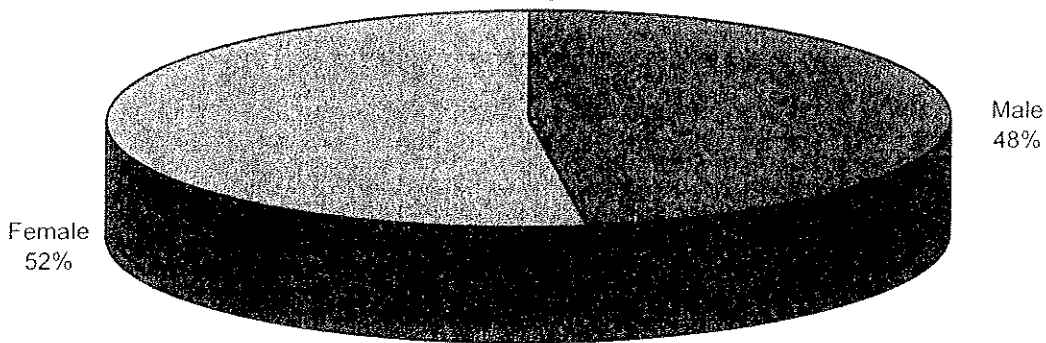


# Appendix - 3

## Staten Island Borough President's Office Workforce by Sex



July 2005  
Total Workforce = 47



June 2007  
Total Workforce = 46

## APPENDIX – 4

The following table indicates personnel activity during the audit period, July 1, 2005 to June 30, 2007

### Staten Island Borough President's Office

#### Hires by Sex and Ethnicity

Total Hires: 9

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
4	5	9	6	2	1	0	0	9

#### Promotions by Sex and Ethnicity

Total Promotions: 7

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
4	3	7	6	1	0	0	0	7

Source: Audit data supplied by Staten Island Borough President



CITY OF NEW YORK  
PRESIDENT  
OF THE  
BOROUGH OF STATEN ISLAND

9739

JAMES P. MOLINARO  
PRESIDENT

BOROUGH HALL, STATEN ISLAND, N. Y. 10301

April 25, 2008

Honorable Ernest F. Hart, Esq.  
Chair  
Employment Practices Commission  
of the City of New York  
40 Rector Street, 14<sup>th</sup> Floor  
New York, New York 10006

Re: Resolution # 08/03-014  
Preliminary Determination of Audit of the  
Staten Island Borough President's Office

Dear Chairperson Hart:

I am in receipt of your preliminary determination in the above noted matter and I have reviewed same with the appropriate members of my staff. First, I wish to thank you and your staff for your professionalism and your attention in making the audit process a quick and painless experience for myself and my staff. Your attention to detail, professional manner and prompt action in undertaking and completing the audit in a timely manner is greatly appreciated.

Before addressing your report and the issues discussed therein, I wish to provide you with some information regarding our office. During my service at Borough Hall, first as Deputy Borough President in the last administration and now as Borough President, the staff in the Borough President's Office has been reduced from almost one hundred and twenty employees to the our current staffing level of forty-six full time employees. At the same time our budgets have been repeatedly and drastically reduced. The needs of my constituents however have only grown. Despite all of the cuts in budget and in staff, I am proud to say that my office has continued to provide the same high level of support and diligence to the people of Staten Island. First and foremost, that is the goal of my administration, to provide real service and benefit to Staten Island, and I believe that my office and my staff have done and continue to do their best to serve the people of Staten Island.

In addition to these past budget and staffing cuts, I believe that it will be highly likely that additional budget cuts and staffing constraints will be imposed upon this office in the very near future. This anticipated future limitation, together with the real likelihood

that a few changes in staff will occur between this date and my leaving office at the end of next year, I believe that there will be few, if any, new hires by my office.

Finally, in keeping with Mayor Bloomberg's request to conserve and facilitate an eco-friendly office and city, I have requested that my staff carry out your proposed recommendations using email and electronic documents as much as possible. Even with only 46 full time employees at the Staten Island Borough President's Office, the hard copy distribution of EEO and Section 55-A policies would result in thousands of additional pages being copied and distributed to the individuals. I believe that this would be a waste of paper, toner and resources and not be in keeping with the Mayor's proposed 2030 plan and my own commitment to conservation.

I have reviewed and analyzed the findings of your audit staff and have reviewed the conclusion and recommendations contained in your letter of March 20, 2008, received by this office on March 25, 2008. In response to these findings I wish to advise you that steps have been taken by my office to address the issues and minor weaknesses raised by your staff. The steps we have taken are specified below:

**1. Distribution of EEO Policy**

In response to the recommendations of the Employment Practices Commission all of the staff of the Staten Island Borough President's Office will be provided with an email message directing them to the location of the SIBPO'S EEO Policy, which shall be conveniently located in a central staff directory on the office's main computer server. A copy of the message describing the location of the office's EEO policy shall also be conspicuously posted on a bulletin board located next to each "hand scan station", where employees must clock in and clock out each day.

**2. Distribution of EEO Policy Annually**

In response to the recommendations of the Employment Practices Commission, in the future all of the staff of the Staten Island Borough President's Office will be annually provided with an email message directing them to the location of the office's EEO Policy, which shall be conveniently located in a central staff directory on the office's main computer server. Additionally, the previously noted copy of the message describing the location of the office's EEO policy shall continue to be posted at the above noted locations.

**3. EEO Policy Statement by the Borough President**

As part of the email messages described above, the Staten Island Borough President shall include a statement of his commitment to the EEO Policy and shall

advise the employees of the Staten Island Borough President's Office of the name, location and telephone numbers of the two EEO officers for his office.

**4. Participation in the Section 55-A Program**

The Office of the Staten Island Borough President shall participate in the Section 55-A program and inform all staff of the office's participation by an email message directing them to the location of the electronic version of the DCAS Section 55-a Program Brochure, which shall be conveniently located in a central staff directory on the office's main computer server. A copy of the message describing the location of the office's Section 55-A Program shall also be conspicuously posted on a bulletin board located next to each "hand scan station", where employees must clock in and clock out each day.

**5. Appointment of a Disability Rights Coordinator**

The Staten Island Borough President has appointed Jillian Gambino as the disability rights coordinator for his office. A notice of the appointment, together with the location and contact information for the disability rights coordinator, has been made to all staff by email message. A copy of the message describing the appointment of Jillian Gambino as disability rights coordinator, as described herein, shall also be conspicuously posted on a bulletin board located next to each "hand scan station", where employees must clock in and clock out each day.

**6. Appointment of a Female EEO Officer**

The Staten Island Borough President has appointed Jillian Gambino as the female EEO officer for his office. The present male EEO officer, Nicholas Dmytryszyn, shall continue in his current capacity. A notice of the appointment, together with the location and contact information for both female and male EEO Officers, has been made to all staff by email message. A copy of the message describing the appointment of Jillian Gambino as the female EEO Officer, as described herein, shall also be conspicuously posted on a bulletin board located next to each "hand scan station", where employees must clock in and clock out each day.

A request has been made to the New York City Department for Citywide Administrative Service to secure a place for the newly appointed female EEO officer in the next available training cycle.

**7. Follow-up EEO Training**

In response to the Employment Practices Commission's recommendation, the staff of the Staten Island Borough President's Office has been in contact with the

staff of the New York City Department of Citywide Administrative Service to determine if such training is available through DCAS or through third party vendors and services. Once this information is obtained, the Office of the Staten Island Borough President shall schedule a follow-up EEO training for all office staff at a mutually convenient date to be scheduled within the next six months.

#### **8. EEO Officer Reporting**

As discussed at the closing conference with your staff, the EEO Officers for the Staten Island Borough President's Office perform several vital roles. The male EEO officer is also the Borough Environmental Engineer and in that capacity as the Environmental Engineer reports to the Chief of Staff and to the Office Counsel on matters involving legal questions. When wearing his hat as EEO officer, he reports to the Office Chief of Staff who is a direct report to the Borough President.

The recently appointed female EEO officer also acts as a Secretary and reports to the Deputy Borough President. In her capacity as female EEO officer, she reports directly to the Chief of Staff who is a direct report to the Borough President. This is the existing procedure in the office and will continue to be in future.

#### **9. Documentation of Meeting between EEO Officers and Direct Report to Agency Head**

It has been the policy of this office that meetings necessitated by an EEO complaint or other EEO issue between the EEO Officer and the Chief of Staff, be memorialized and documented when an issue or complaint arises. As no such issue or complaint has arisen during the audit period, no such documentation or memorial has been made. In response to the recommendation of the EPC staff, all meetings involving EEO matters between or among the EEO Officers, and/or the EEO Officers and the Chief of Staff shall be recorded and maintained for posterity.

#### **10. Revise Organizational Chart**

In response to the ECP staff's recommendation, the organizational chart for the Office of the Staten Island Borough President has been revised to reflect that the EEO Officers are to report to the Chief of Staff to the Borough President on all EEO matters. The EEO officers in their other capacities will, however, continue

to report on all other matters involving their other, (non EEO), duties as reflected in the previous organization table and as reflected in the revised organization chart.

**11. Head of Human Resources to include EEO Officer in Recruitment Strategies**

Pursuant to the recommendation of the EPC staff, the Staten Island Borough President has directed the head of human resources for the Staten Island Borough President's Office, by email message, that the EEO Officers for the office should be included in the development of all job recruitment strategies and the selection of recruitment media, including newspapers and other publications, where appropriate, in the future.

**12. Structured Interview Training**

In compliance with the recommendation of the ECP staff, the Staten Island Borough President's Office has been in contact with the New York City Department of Citywide Administrative Service to determine what training or courses are available for senior office personnel and human resources personnel in the job interviewing process. The materials or training to be provided by DCAS shall be disseminated to all senior staff and human resources personnel for mandatory review. All future hires in these positions by this office shall also be required to undertake such training in future.

**13. Posting of Job Vacancy Notices**

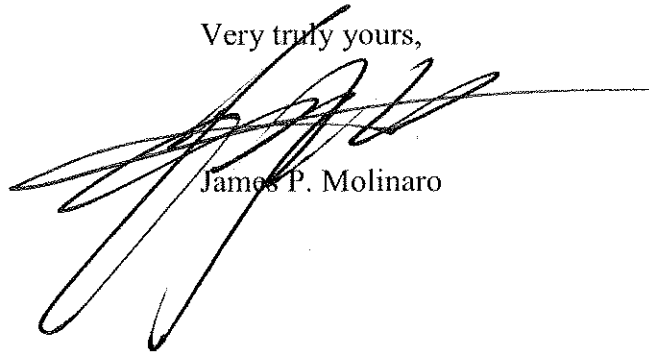
During the closing interview with the Employment Practices Commission staff, the question of job vacancies and postings was raised with the Staten Island Borough President and his staff. At the time, it was disclosed to the ECP staff that a binder was maintained in the Staten Island Borough President's Personnel Office of all job vacancies as they become available. This binder in the Personnel Office is located next to the sign-in/sign-out book for employees going on assignment and is accessible to all employees during normal business hours throughout the day. This does meet the requirements of the DCAS Personnel Service Bulletin and the recommendation by the ECP staff. Notwithstanding the foregoing actual compliance with the recommendation, the Staten Island Borough President's office shall advise all staff by email message of the continued existence and location of the jobs postings binder. In addition, a copy of the email message describing the continued existence and location of the binder shall be posted on the bulletin board located next to each "hand scan station", where employees must clock in and clock out each day.

Page 6  
April 25, 2008  
Chairperson Ernest F. Hart, Esq.

I believe that this addresses all issues raised in your audit report and provides the necessary information regarding our agency implementation plans and the incorporation of your recommendations. An email message to all staff noting the implementation of these recommendations and the Borough President's continued commitment to the office's Equal Employment Opportunity Program.

Once again thank you for your assistance in helping to pinpoint and rectify the issues raised and for your prompt resolution of this audit.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JPM', is written over a horizontal line. The signature is stylized and somewhat cursive.

James P. Molinaro

JPM:jwz



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14<sup>th</sup> Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.

*Chair*

Manuel A. Méndez

*Vice-Chair*

Angela Cabrera

Veronica Villanueva, Esq.

*Commissioners*

Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

June 3, 2008

Honorable James P. Molinaro

President

Borough of Staten Island

120 Borough Hall

Brooklyn, New York 10301

Re: Final Determination Pursuant to the Audit of the Staten Island Borough President's Office (SIBPO) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

Dear President Molinaro:

Thank you for your April 25, 2008 response to our February 13, 2008 Letter of Preliminary Determination pursuant to the audit of the Staten Island Borough President Office's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

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

### Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

### Recommendation #1

The EEO Policy should be posted on bulletin boards at each agency site and on the agency's intranet. (Sect. VC, Citywide EEOP)

Recommendation #2

It is the Commission's position that the SIBPO should distribute its EEO Policy to all employees at least annually.

Recommendation #3

The adopted and modified citywide EEO Policy should be accompanied by a general hardcopy EEO policy statement or memo from the agency head that reiterates his commitment to EEO; and advises the employees of the name, location and telephone number of the EEO officer. This EEO policy statement or memo may be based on the Mayor's January 31, 2005 policy statement and the model agency head statement posted on the DCAS website. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)

Recommendation #4

The agency should participate in the Section 55-A Program by obtaining and distributing Program brochures issued by the DCAS. (Sect. IIB, Citywide EEOP)

Recommendation #5

The SIBPO should officially appoint a disability rights coordinator—usually the EEO officer—and notify staff about that individual. (Sect. VB, Citywide EEOP)

Recommendation #6

To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, the agency should appoint a person of a different gender than the EEO officer and provide that individual with appropriate EEO training. (Sect. VB, Citywide Policy)

Recommendation #7

The SIBPO should adhere to its plan to conduct follow-up EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)

Recommendation #8

The EEO officer should report to the agency head or a direct report—other than the general counsel—to the agency head. (Sect. VB, Citywide EEOP)

Recommendation #9

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.

Recommendation #10

The SIBPO should revise its organization chart to show the reporting arrangement of the EEO officer. (Sect. VB, EEOP)

Recommendation #11

The agency head should direct the head of human resources to include the EEO officer in developing job recruitment strategies and selecting recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)

Recommendation #13

The SIBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

**Requires Clarification**

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

Recommendation #12

The SIBPO should develop a plan to provide structured interview training to personnel involved in the job interviewing process. (Sect. IV, Citywide EEO Policy)

Your Response

In compliance with the recommendation of the EEPC staff, the Staten Island Borough President's Office has been in contact with the New York City Department of Citywide Administrative Services to determine what training or courses are available for senior office personnel and human resources personnel in the job interviewing process. The materials or training to be provided by DCAS shall be disseminated to all senior staff and human resources personnel for mandatory review. All future hires in these positions by this office shall also be required to undertake such training in future.

EEPC Rationale

It is unclear from your response if all staff involved in the job interviewing process will receive structured interview training.


**Conclusion**

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

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

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

Sincerely,



Ernest F. Hart, Esq.  
Chair

CITY OF NEW YORK  
PRESIDENT  
OF THE  
BOROUGH OF STATEN ISLAND



JAMES P. MOLINARO  
PRESIDENT

BOROUGH HALL, STATEN ISLAND, N.Y. 10301

September 8, 2008

Honorable Ernest F. Hart, Esq.  
Chair  
Employment Practices Commission  
of the City of New York  
40 Rector Street, 14<sup>th</sup> Floor  
New York, New York 10006

*AMEB*

Re: Final Determination of Audit of the  
Staten Island Borough President's Office

Dear Chairperson Hart:

I am in receipt of your final determination in the above noted matter and I have reviewed same with the appropriate members of my staff. First, I wish to thank you and your staff for your professionalism and your attention in making the audit process a quick and painless experience for myself and my staff. Your attention to detail, professional manner and prompt action in undertaking and completing the audit in a timely manner is greatly appreciated.

Before addressing your report and the issues discussed therein, I wish to provide you with some information regarding our office. During my service at Borough Hall, first as Deputy Borough President in the last administration and now as Borough President, the staff in the Borough President's Office has been reduced from almost one hundred and twenty employees to the our current staffing level of forty-six full time employees. At the same time our budgets have been repeatedly and drastically reduced. The needs of my constituents however have only grown. Despite all of the cuts in budget and in staff, I am proud to say that my office has continued to provide the same high level of support and diligence to the people of Staten Island. First and foremost, that is the goal of my administration, to provide real service and benefit to Staten Island, and I believe that my office and my staff have done and continue to do their best to serve the people of Staten Island.

I am pleased that your consideration of my previous response to your Commission's preliminary determination resulted in your agreement on so many of the recommendations and resolved so many of the questions raised by your review of this

office. Specifically, I am pleased to learn that our response to your recommendations numbered 1 through 11 and 13 resolved those questions to your satisfaction.

I am sorry that my previous response to recommendation number 12 was not as clear as I had intended and that it left you with some additional concerns. According to your final determination "it is unclear from my response if all staff involved in the job interviewing process will receive structured interview training".

I am sure you are aware that the Office of the Staten Island Borough President is a small office with very limited hiring. All hiring is done by me, with input from and interviews conducted by the senior office personnel and our human resources personnel. In stating that our office's senior office personnel and human resources personnel would be given training, courses or materials available from the New York City Department of Citywide Administrative Services when those are made available to us, I intended to convey a response in accord with your recommendation.

To clarify, all senior personnel and human resources personnel, being all those staff involved in the job interviewing and hiring process, will receive structured training, courses and/or other information that we schedule and receive from the New York City Department of Citywide Administrative Services. I hope this response clarifies this issue to your satisfaction.

In follow-up to your other recommendations, please be advised as follows:

Recommendation #1

The EEO Policy has been posted on the agency's intranet and upon the bulletin boards at each employee electronic sign-in location in the office.

Recommendation #2

The EEO Policy will be distributed electronically to all employees at least annually.

Recommendation #3

I have distributed a general EEO Policy Statement by hardcopy to all employees of my office. A copy of said statement is enclosed herewith.

Recommendation #4

The Office of the Staten Island Borough President does participate in the Section 55-A program and has distributed brochures for said program to all employees by electronic means.

Recommendation #5

The Office of the Staten Island Borough President has appointed a disability rights coordinator.

Recommendation #6

The Office of the Staten Island Borough President has appointed a second EEO Officer, a person of different gender than the previously existing EEO Officer, and training for the new appointment has been scheduled with the New York City Department of Citywide Administrative Services.

Recommendation #7

The Office of the Staten Island Borough President will adhere to its plan to conduct EEO training of its personnel as such training is made available by the New York City Department of Citywide Administrative Services.

Recommendation #8

As previously communicated to your office the previously existing EEO Officer and the newly appointed EEO Officer of a different gender both report to the Staten Island Borough President's Chief of Staff, a direct report to the Borough President.

Recommendation #9

Documentation of all meetings between the EEO Officer and the Borough President's Chief of Staff or the Borough President regarding EEO decisions will be maintained.

Recommendation #10

The Office of the Staten Island Borough President has revised its Organizational Chart to show the reporting arrangement of the EEO Officers. See copy attached hereto.

Page 3  
September 8, 2008  
Chairperson Ernest F. Hart, Esq.

Recommendation #11

I have directed the head of human resources for the Office of the Staten Island Borough President to include both EEO Officers in developing job recruitment strategies and selecting recruitment media, including newspapers and other publications.

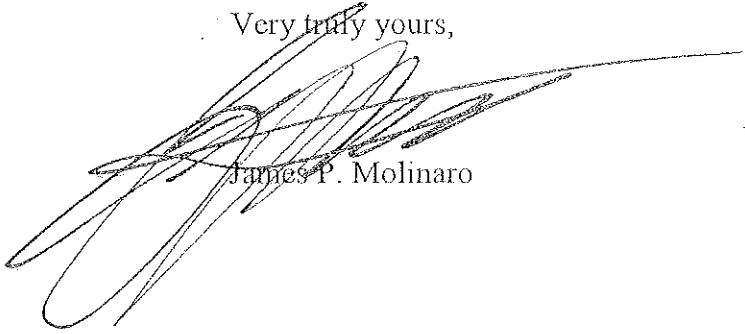
Recommendation #13

As previously disclosed to your office, the Office of the Staten Island Borough President has posted its job vacancy notices in a binder in a central location in the human resources and payroll administration offices.

I believe that this addresses all issues raised in your final determination and provides the necessary information regarding our agency implementation plans and the incorporation of your recommendations.

Once again thank you for your assistance in this matter.

Very truly yours,

  
James P. Molinaro

JPM:jwz  
enclosure



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

September 17, 2008

Honorable James P. Molinaro  
President, Borough of Staten Island  
120 Borough Hall  
Staten Island New York 10301

Re: Initiation of Audit Compliance

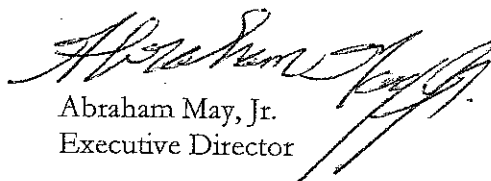
Dear President Molinaro:

Thank you for your September 8<sup>th</sup> Response to our June 3<sup>rd</sup> Final Determination Letter pursuant to our audit of your offices's Equal Employment Opportunity Program for the period of July 1, 2005 to June 30, 2007.

We have reviewed your response and we are prepared to initiate the City Charter-mandated audit compliance process. The Equal Employment Practices Commission's Counsel/Compliance Director Judith Garcia Quiñonez, or her designee, will contact your EEO Officers to initiate audit compliance.

We look forward to working with you and your EEO staff to ensure an effective Equal Employment Opportunity Program in the office of the Staten Island Borough President.

Sincerely,



Abraham May, Jr.  
Executive Director

c: Judith Garcia Quiñonez, Esq.  
Jillian Gambino, EEO Officer  
Nicholas Dmytryszyn, EEO Officer