

PUBLIC ADMINISTRATOR BRONX COUNTY

- Letter of Preliminary Determination January 25, 2007
- Agency Response March 6, 2007
- Letter of Final Determination March 28, 2007
- Agency Response May 3, 2007
- EEPC Response May 15, 2007



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

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Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

January 25, 2006 [sic]

Mr. John Raniolo
Public Administrator, Bronx County
851 Grand Concourse
Bronx, New York 10451

Re: Resolution #07/02-942/Preliminary Determination Pursuant to the Desk Audit of the office of the Bronx County Public Administrator (BCPA) and its compliance with the Equal Employment Practices Commission's Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees for the period starting January 1, 2005 and ending June 30, 2006.

Dear Mr. Raniolo:

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

The Charter defines city agency as "each city, county, borough, corporation, authority, or other governmental agency where the expenses are paid in whole or in part from the city treasury." Public Administrator offices are funded by the City of New York and are therefore considered city agencies pursuant to Chapter 36, Section 831(a) of the New York City Charter.

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

The Standards provide that non-mayoral agencies must:

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

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

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

Scope and Methodology

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

Description of the Public Administrator Offices

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

The BCPA has 6 employees: 4 males and 2 females. The racial breakdown of these employees is as follows: 4 Caucasians and 2 Hispanics.

PRELIMINARY DETERMINATION

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

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

The BCPA is in compliance with the following minimum standards:

The BCPA has adopted the Citywide EEO Policy (2005).

The BCPA has posted the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) in its office.

The BCPA is not in compliance with the following minimum standards:

Although the BCPA distributed the Citywide EEO Policy, it did not distribute or post this policy during the audit period. On November 16, 2006 – after the audit period – the BCPA distributed the Citywide EEO Policy, but did not include a memo from the agency head reiterating his commitment to EEO and listing the name and phone number of the EEO Officer. Corrective action is required.

1. Recommendation: The BCPA should distribute a memo from the agency head reiterating his commitment to EEO and listing the name and phone number of the EEO Officer to all current and new employees.

EEO Policy Handbook Distribution

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

During the audit period, the BCPA did not distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums) to its current and new employees. Subsequently, on November 16, 2006, the BCPA distributed the EEO Policy Handbook to its employees. No corrective action is required.

Appointment and Training of EEO Officer

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

During the period in review, the BCPA did not appoint an EEO Officer. On November 15, 2006, an EEO Officer was appointed. Employees were verbally informed of the appointment. The agency indicated, however, that this individual had not received appropriate EEO training prior to appointment. Corrective action is required.

2. Recommendation: The BCPA should provide appropriate EEO training (such as the 5-day basic training for EEO Professionals by the Department of Citywide Administrative Services or the EEO Studies Program of Cornell University's School of Industrial and Labor Relations) to its EEO Officer, or designate a trained EEO professional from another City agency to administer the EEO Program.

Agency EEO Training

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

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

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

Posting of Job Vacancies

There were no job vacancies during the period in review.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:

1. The BCPA should distribute a memo from the agency head reiterating his commitment to EEO and listing the name and phone number of the EEO Officer to all current and new employees.
2. The BCPA should provide appropriate EEO training (such as the 5-day basic training for EEO Professionals by the Department of Citywide Administrative Services or the EEO Studies Program of Cornell University's School of Industrial and Labor Relations) to its EEO Officer, or designate a trained EEO professional from another City agency to administer the EEO Program.
3. The BCPA should provide basic EEO training to all current and new employees.

Conclusion

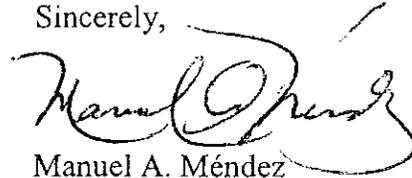
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEPC's desk audit of compliance by the office of the Public Administrator with the minimum standards established by the Equal Employment Practices Commission, we respectfully request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

determinations. Your response should indicate how the office of the Bronx County 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,

A handwritten signature in black ink, appearing to read "Manuel A. Méndez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Manuel A. Méndez
Vice-Chair

Attachment

c: Stephen Alfasi, EEO Officer

11/21/2006 11:13 0000000000

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

Agency Name Dave Public Administr

Agency Code 942

1. Number of employees 6

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

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

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

Yes No

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

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

Yes No Nov. 16, 2006

6. If yes, date policy last distributed to all employees Nov. 16, 2006

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

Yes No Not applicable

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

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

Yes No

10. If yes, date last distributed to all employees Nov. 16, 2006

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

Yes No

12. Has your agency officially appointed an EEO Officer?

Yes No

13. If yes, name of EEO Officer Steven Alfasi and date 11/15/06

14. How was staff informed? Verbally Nov. 16, 2006

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

Yes No

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

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

Yes No

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

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

Yes ___ No ___ Not applicable X

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

Yes ___ No ___ Not applicable X

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

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

Yes ___ No ___ Not applicable X

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

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

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

Steven L. Alfasi
Deputy Public Administrator

(718) 293-7660

26. Confirmation

The above information is true and accurate.

John Kaurto, BXP
Agency Head

11/16/06
Date

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

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

* Obtain Job Group total by adding all ethnic groups

PUBLIC ADMINISTRATOR

2007-1067
3/7/07



BRONX COUNTY

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JOHN RANICLO
PUBLIC ADMINISTRATOR

ESTATE OF:

STEVEN L. ALFASI
DEPUTY PUBLIC ADMINISTRATOR

FILE NO:

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

RE: Corrective Actions

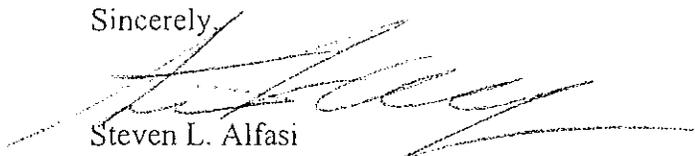
March 6, 2007

Dear Sir/Madam,

- 1) The Bronx County Public Administrator (BCPA) has entered into an agreement with Bronx Borough President's Office to provide EEO training to all current and new employees.
- 2) The BCPA has not as of yet been able to secure a trained EEO professional from another city agency to administer the EEO Program.

Please Advise.

Sincerely,


Steven L. Alfasi
Deputy Public Administrator



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Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

March 28, 2007

John Raniolo
Bronx County Public Administrator
851 Grand Concourse, Room 336
Bronx, NY 10451-2979

Re: Final Determination Pursuant to the Desk Audit of the Bronx County Public Administrator and its Compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less than 15 Employees from January 1, 2005 to June 30, 2006

Dear Mr. Raniolo:

Thank you for your March 6, 2007 response (signed by Deputy Public Administrator Steven L. Alfasi) to our January 25, 2007 Letter of Preliminary Determination pursuant to the desk audit of the Bronx County Public Administrator's office and its compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less than 15 Employees from January 1, 2005 to June 30, 2006.

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

Agree

We agree with your response to the following EEPD recommendation, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #3

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

Partially Agree

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

Recommendation # 1

The BCPA should distribute a memo from the agency head reiterating his commitment to EEO and listing the name and phone number of the EEO Officer, to all current and new employees.

Recommendation #2

The BCPA should provide appropriate EEO training (such as the 5-day basic training for EEO Professionals by the Department of Citywide Administrative Services or the EEO Studies Program of Cornell University's School of Industrial and Labor Relations) to its EEO Officer, or designate a trained EEO professional from another City agency to administer the EEO Program.

Your Response

The BCPA has not as of yet been able to secure a trained EEO professional from another city agency to administer the EEO Program.

EEPC Rationale

The Commission commends your efforts to obtain the EEO services from another city agency. However, since the two agencies you contacted (the Bronx Borough President and the Bronx District Attorney) are unwilling to provide such services, in lieu of another appropriate alternative, the Bronx County Public Administrator should provide appropriate EEO training to its EEO Officer (EEPC recommendation #2).

The EEO Officer will then administer the agency's EEO Program, which includes the distribution of a memo from the agency head to all current and new employees reiterating his commitment to EEO (EEPC recommendation #1).

Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance period not to exceed six months. However, you may respond in writing to this Final Determination prior to the initiation of audit compliance.

If you desire to issue a written response, please do so within thirty days. If you decide not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Lisa Badner or her designee will contact you to ascertain your intentions.

In closing, we 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

c: Steven L. Alfasi, EEO Officer

PUBLIC ADMINISTRATOR

9409
5/7/07



BRONX COUNTY

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JOHN RANIOLO
PUBLIC ADMINISTRATOR

ESTATE OF:

STEVEN L. ALFASI
DEPUTY PUBLIC ADMINISTRATOR

FILE NO:
May 3, 2007

Earnest F. Hart Esq.
Chair
Equal Employment Practices Commission
City of New York City
40 Rector Street, 14th Floor
New York, New York 10006

RE: Response to letter dated March 28,2007 concerning Final Determination Pursuant to Desk Audit

Dear Mr Hart:

This letter is in response to the EEPc rationale concerning the training of someone from this office. Please be advised that it would be an extreme hardship to require an individual from this office to attend a five day training session. There are only seven employees in this department, two of whom are the Public Administrator and the Deputy Public Administrator. Another three have been employees in this office for over fifteen years and another two are exempt employees. This office finds it very difficult due to its limited staff to cover the daily office functions when one of the employees is out ill or on vacation or serves on jury duty. To add an extra five days to an employee's absence is unsettling to the operations of this office. If the training session could possibly be on tape I would gladly take the tape home and take the training myself so as not to obstruct the operations of this office.

Accordingly, I implore the commission to consider a waiver with respect to the five day training requirement, or to have compliance considered either by the aforementioned tape viewing or by designating someone from your office to be the designated EEO officer.

Yours truly,

John Raniolo
Public Administrator
Bronx County



EQUAL EMPLOYMENT PRACTICES COMMISSION

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May 15, 2007

John Raniolo
Public Administrator, Bronx County
851 Grand Concourse
Bronx, New York 10451

Re: Your Response to the Commission's Letter of Final Determination Pursuant to the Desk Audit of the Bronx County Public Administrator and its Compliance with the Equal Employment Practice Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less Than 15 Employees from January 1, 2005 to June 30, 2006

Dear Mr. Raniolo:

Thank you for your May 3, 2007 response to the Commission's Letter of Final Determination.

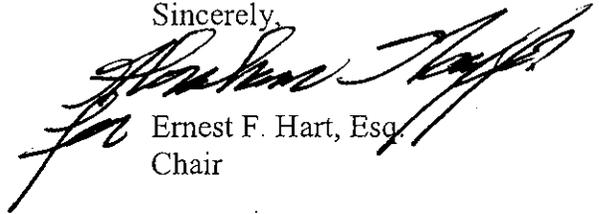
While we recognize that a key employee's absence can be disruptive to the operations of a small office, we have no choice but to reaffirm our recommendation--which is consistent with the Citywide EEO Policy--that your EEO officer attends the training for EEO professionals offered by the Department of Citywide Administrative Services (DCAS). An EEO program cannot be administered effectively without a trained EEO officer.

Other Public Administrators (with equally small staffs) have recently agreed to send their EEO officers to the DCAS training pursuant to our audits of their EEO programs. We therefore suggest that you contact the DCAS's Office of Citywide EEO and discuss structuring or scheduling this training in a way that may be less disruptive to your office.

Commission Counsel Lisa Badner or her designee will call your office shortly to initiate the City Charter-mandated compliance process.

We look forward to a mutually satisfactory compliance process.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest F. Hart". The signature is written in a cursive style and is positioned above the printed name.

Ernest F. Hart, Esq.
Chair

c: Lisa Badner, Esq.
Steven L. Alfasi, EEO Officer