

PUBLIC ADMINISTRATOR NEW YORK COUNTY

- Letter of Preliminary Determination                      March 1, 2007
- Agency Response    April 9, 2007
- Letter of Final Determination                                      May 18, 2007



# 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*

Chereé A. Buggs, Esq.  
Angela Cabrera  
Veronica Villanueva, Esq.  
*Commissioners*

Abraham May, Jr.  
*Executive Director*

Eric Matusewitch, PHR, CAAP  
*Deputy Director*

March 1, 2007

Ethel J. Griffin  
New York County Public Administratrix  
31 Chambers Street, Room 311  
New York, New York 10007

Re: Resolution #07/04-941/Preliminary Determination Pursuant to the Desk Audit of the New York County Public Administrator's Office (NYCPA) 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 Ms. Griffin:

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 EEPD staff pursuant to its desk audit of compliance by the office of the New York County Public Administrator with the above Minimum Standards. A desk audit questionnaire (Attachment #1), consistent with the aforementioned standards, was forwarded to the NYCPA on July 21, 2006. An addendum was sent on September 22, 2006. The completed questionnaires were received on November 14, 2006. The following preliminary determinations indicate where the NYCPA 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 NYCPA'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 NYCPA has 11 employees: 5 females and 6 males. The racial breakdown of these employees is as follows: 4 Caucasians, 4 African Americans, and 3 Asians.

## **PRELIMINARY DETERMINATION**

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

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

The NYCPA is in compliance with the following minimum standard:

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

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

Although the NYCPA posted an agency-specific EEO Policy Statement, it did not distribute or post the Citywide EEO Policy during the audit period. On September 28, 2006 – after the audit period – the NYCPA distributed the citywide EEO policy, along with a memo from the agency head reiterating her commitment to EEO and listing the name and phone number of the EEO Officer. Corrective action is required.

1. Recommendation: The NYCPA should post the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) in its office.

### **EEO Policy Handbook Distribution**

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

During the audit period, the NYCPA 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 September 28, 2006, the NYCPA distributed the EEO Policy Handbook to its employees.

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

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

During the period in review, the NYCPA did not appoint an EEO Officer. On September 28, 2006, an EEO Officer was appointed. Employees were informed by the NYCPA's office manager and via the agency's bulletin board. The agency indicated, however, that this individual had not received appropriate EEO training prior to appointment. Corrective action is required.

2. Recommendation: The NYCPA 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 NYCPA is not in compliance with the following minimum standard:

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

3. Recommendation: The NYCPA 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 NYCPA should post the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) in its office.
2. The NYCPA 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 NYCPA should provide basic EEO training to all current and new employees.

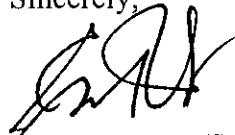
## **Conclusion**

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 New York County 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 New York County Public Administrator will implement these recommendations. Please forward your response within thirty days of receipt of this letter.

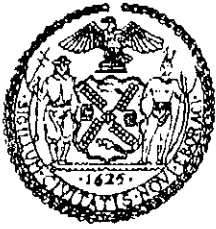
In closing, we want to thank you and your staff for your cooperation.

Sincerely,



Ernest F. Hart, Esq.  
Chair

Attachment  
c: Pat Fang



# Public Administrator

## County of New York

ETHEL J. GRIFFIN, *Commissioner*  
*Public Administratrix*

THOMAS R. PURCELL, *Deputy Commissioner*  
*Deputy Public Administrator*

14-11-06 11:00 0176

November 14, 2006

By Facsimile (212) 788-8652

Abraham May, Jr.,  
Executive Director  
Equal Employment Practices Commission  
City of New York  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: Desk Audit of Public Administrator's Office

Dear Mr. May:

Enclosed is the Desk Audit Questionnaire.

Sincerely,

Ethel J. Griffin

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

Agency Name NY COUNTY PUBLIC ADMINISTRATOR Agency Code 941

1. Number of employees 11

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/ceopol.shtml](http://www.nyc.gov/html/dcas/html/resources/ceopol.shtml).)

Yes  No

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

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

Yes  No

6. If yes, date policy last distributed to all employees 9/28/06

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. (attached)



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/dcass/html/resources/eoo\\_booklet.shtml](http://www.nyc.gov/html/dcass/html/resources/eoo_booklet.shtml).)

Yes  No

10. If yes, date last distributed to all employees 9/28/06

11. Has your agency posted the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) of 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 PAT FANG and date 9/28/06

14. How was staff informed? BULLETIN BOARD

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

Yes  No

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

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

Yes  No

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

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable

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

Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable

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

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.

COMMISSIONER ETHEL J. GRIFFIN  
PUBLIC ADMINISTRATOR 212-788-8450

26. Confirmation

The above information is true and accurate.

  
\_\_\_\_\_  
Agency Head

9/26/06  
\_\_\_\_\_  
Date

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

EEO Job Group	Ethnicity/gender						Total of Job Group*
	Caucasian	African Am.	Hisp.	Asian	Native Am.	Females	
001 Administrators	1	1				1	2
002 Managers							
003 Management Specialists							
004 Science Professionals							
005 Health Professionals							
006 Social Scientists							
007 Social Workers							
008 Lawyers							
009 Public Relations							
010 Technicians							
012 Clerical Supervisors				1		1	1
013 Clerical	3	3		2		3	8
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

## County of New York

ETHEL J. GRIFFIN, *Commissioner*  
*Public Administratrix*

THOMAS R. PURCELL, *Deputy Commissioner*  
*Deputy Public Administrator*

### New York County Public Administrator's Policy Statement

While the City of New York is an equal opportunity employer, this office is strongly committed to having a diverse workforce. I believe that we have fulfilled that commitment.

As stated by the Mayor, our policy is as follows:

1. Public Administrator employees should know about their rights to be free of biases and bigotry in the work place.
2. Supervisors should understand their obligation to prevent discrimination and to act on complaints which may arise.
3. Supervisors must maintain an environment in which all employees can work together as a team to accomplish their tasks.
4. The EEO Officer is Pat Fang, at (212) 788-8441.

This Office will strive to accomplish these goals.

A handwritten signature in cursive script, appearing to read "Ethel J. Griffin".

Ethel J. Griffin  
September 2006

EQUAL EMPLOYMENT PRACTICES COMMISSION  
ADDENDUM TO PUBLIC ADMINISTRATOR'S DESK AUDIT

Please answer the following additional questions pursuant to the EEPC's audit of your agency:

1) Which EEO Policy did your office use for the period starting January 1, 2005 and ending June 30, 2006?

The Citywide EEO Policy  The Public Administrator's EEO Policy

2) Did your office distribute this EEO Policy at any time during the period starting January 1, 2005 and ending June 30, 2006?

Yes  No

3) If yes, please list the dates of distribution.

9/28/06  
\_\_\_\_\_

4) Did your office distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums) at any time during the period starting January 1, 2005 and ending June 30, 2006?

Yes  No

5) If yes, please list the dates of distribution.

9/28/06  
\_\_\_\_\_

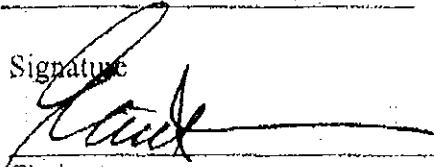
6) Did your office advertise vacancies at any time during the period starting January 1, 2005 and ending June 30, 2006?

Yes  No

7) Please provide a description of EEO related experience/training that has qualified your EEO Officer for his/her appointment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature

  
Chairperson

Please fax to the attention of Charise Hendricks at: (212) 788-8652.

Equal Employment Practices Commission  
Non-Mayoral Agency Desk Audit Questionnaire

Agency Name NY COUNTY PUBLIC ADMINISTRATOR Agency Code 941

AGENCY COMPOSITION

1. Total number of employees 11
2. For the ethnic/sexual composition of staff as of June 30, 2006, please complete the attached Workforce by EEO Job Group chart. (A description of the EEO job groups is also attached.)

EEO POLICY

3. Please indicate which of the following EEO policies your agency has ~~adopted~~ adopted. (Agency-specific policies must be consistent with the Citywide EEO Policy. The Citywide EEO Policy is available online at: [www.nyc.gov/html/dcas/html/resources/ceopol.shtml](http://www.nyc.gov/html/dcas/html/resources/ceopol.shtml).)

- Adopted the Citywide EEO Policy (2005)       Issued an Agency-specific EEO Policy       This agency has neither adopted nor issued an EEO policy

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

N/A

5. Please indicate the date(s) that the Citywide EEO Policy or your agency's EEO Policy was distributed to all current and new employees since January 1, 2005?

- Citywide EEO Policy (2005)       Agency-specific EEO Policy       This agency has not distributed an EEO policy

9/28/06  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

6. When distributing the EEO Policy, does your agency include a memo from the agency head reiterating his/her commitment to EEO and listing the EEO Officer's name /phone number?

- Yes       No       N/A (No policy)

If yes, please attach a copy.

ATTACHED

7. Has your agency:

: Posted the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy)?

: Posted your agency's EEO Policy Statement?

: This agency has not posted an EEO Policy Statement.

(?)

8. 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](http://www.nyc.gov/html/dcas/html/resources/eoo_booklet.shtml).)

: Yes. Date(s): 9/28/06

: No

**APPOINTMENT AND TRAINING OF EEO OFFICER**

9. Has your agency officially appointed an EEO Officer?

: Yes. Date: 9/28/06

: No

Name: DAT FANG

10. Please describe how staff was informed of the appointment. Attach relevant documentation.

OFFICE MANAGER

11. Please provide a description of EEO related experience/training that has qualified your EEO Officer for his/her appointment. Attach relevant documentation.

OFFICE MANAGER

**EEO TRAINING**

12. Has the agency provided EEO training to all current and new employees?

: Yes. Date(s): \_\_\_\_\_  No

13. Please provide a description of employee EEO training:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECRUITMENT**

14. Are job vacancy notices:

: Posted internally?  
(attach 3)

: Posted Citywide?  
(attach 3)

: There were no job vacancies during the period in review

15. Are all jobs:

: Advertised in Newspapers/ other publications (provide copies of the last 3 and indicate publication)

: There were no job vacancies during the period in review

16. Please describe any other EEO activities you have undertaken during the audit period.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONFIRMATION**

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

Carol J. Gueffier 788-8450

18. The above information is true and accurate.

Carol J. Gueffier  
Agency Head

11/14/06  
Date





Log - 9382  
5/1/07

# Public Administrator

## County of New York

ETHEL J. GRIFFIN, *Commissioner*  
*Public Administratrix*

THOMAS R. PURCELL, *Deputy Commissioner*  
*Deputy Public Administrator*

April 9, 2007

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

Re: Response to Resolution #08/04-941/ Preliminary Determination Pursuant to the Desk Audit of the New York County Public Administrator's Office (NYCPA) 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. Hart:

This letter is in response to the above referenced preliminary determination. The Desk Audit of the New York County Public Administrator represents the first of its kind by the Commission. We have taken appropriate actions to comply with the Commission's mandates. We are pleased to learn that the Commission's recommendations are procedural and not allegations of unfair employment practices.

The report noted three summary recommendations to the Public Administrator for corrective actions.

First, that we should post the Citywide EEO Policy Statement in the Office. We have implemented this recommendation.

The second and third recommendations involve training for a New York County EEO officer who in turn will train current and new employees. Our Office has contacted the Department of Citywide Administrative Services regarding such training and we expect to enroll our EEO officer in DCAS training beginning in May.

I recommend that the Equal Employment Practices Commission help small agencies conserve resources by establishing an "EEO Liaison Officer for Non-Mayoral Agencies with Less Than 15 Employees." Such an Officer would act as EEO Officer for small agencies, provide employee training, and assure that the relevant requirements are acted upon by the small agencies while conserving resources.

Very truly yours,



Commissioner Ethel J. Griffin

New York County Public Administrator



## 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*

Chereé A. Buggs, Esq.

Angela Cabrera

Veronica Villanueva, Esq.

*Commissioners*

Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

May 18, 2007

Ethel J. Griffin

New York County Public Administrator

31 Chambers Street, 3<sup>rd</sup> Floor

New York, NY 10007

Re: Initiation of Audit Compliance

Dear Public Administratrix Griffin:

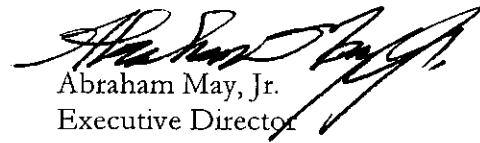
Thank you for your April 9th response to our March 1st Letter of Preliminary Determination pursuant to our audit of your agency's Equal Employment Opportunity Program from July 1, 2005 to June 30, 2006.

We have reviewed your letter and are pleased to see that none of your responses disagree with our recommendations. We are therefore prepared to initiate the City Charter-mandated audit compliance process. EEPC Counsel/Compliance Director Lisa Badner or her designee will contact your EEO officer to initiate audit compliance.

In response to your recommendation that the Commission "help small agencies conserve resources by establishing an 'EEO Liaison Officer for Non-Mayoral Agencies with Less Than 15 Employees'", this Commission has neither the resources nor the mandate under the City Charter to do this. However, we have made a similar recommendation, without success, to the Department of Citywide Administrative Services in the past. We will be glad to discuss this issue with you during the compliance period.

We look forward to working with you and your staff to ensure an effective Equal Employment Opportunity Program in the New York County Public Administrator's Office.

Sincerely,



Abraham May, Jr.  
Executive Director

c: Pat Fang, EEO Officer  
Lisa Badner, Esq., Counsel