

## PUBLIC ADMINISTRATOR QUEENS COUNTY

- Letter of Preliminary Determination April 26, 2007
- Agency Response May 18, 2007
- Letter of Final Determination June 14, 2007



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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

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Ernest F. Hart, Esq.

*Chair*

Manuel A. Méndez

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Veronica Villanueva, Esq.

*Commissioners*

Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

April 26, 2007

Ms. Lois M. Rosenblatt  
Public Administrator, Queens County  
88-11 Sutphin Boulevard  
Jamaica, New York 11435

Re: Resolution #07/05-944/Preliminary Determination Pursuant to the Desk Audit of the office of the Queens County Public Administrator (QCPA) 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. Rosenblatt:

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 Queens County Public Administrator's Office with the above minimum standards. A desk audit questionnaire (Attachment #1), consistent with the aforementioned standards, was forwarded to the Queens County Public Administrator's Office on July 21, 2006. The completed questionnaire was received on July 31, 2006. An addendum, sent on September 22, 2006, was returned on December 6, 2006. The following preliminary determinations indicate where the Queens County Public Administrator's Office 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 QCPA'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 QCPA has 15 employees: 12 females and 3 males. (Eight of those individuals are City employees and 7 are non-City employees.) The racial breakdown of these employees is as follows: 12 Caucasians, 1 African American, and 2 Hispanics.

## **PRELIMINARY DETERMINATION**

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

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

The QCPA is in compliance with the following minimum standards:

The QCPA has adopted, and follows, the Citywide EEO Policy (2005).

The QCPA has distributed the Citywide EEO Policy to all current and new employees. The policy was distributed in both October 2003 and July 2006. Subsequent to the policy's distribution, the Public Administrator engaged all employees in a discussion concerning EEO and workplace discrimination.

The QCPA attached a memo from the Public Administrator reiterating her commitment to EEO and listing the name and phone number of the EEO Officer.

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

The QCPA did not distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums), to its employees during the period in review.

The handbook, however, was distributed to all current and new employees in July 2006- after the audit period. No corrective action is required.

### **Statement Posting**

The QCPA is in compliance with the following minimum standard:

The QCPA posts the Citywide EEO Policy Statement in its office.

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

The QCPA is in partial compliance with the following minimum standard:

The QCPA formally appointed an EEO Officer in January 1996. Staff was orally informed of the appointment. The EEO Officer, however, has not received EEO training.

1. Recommendation: The QCPA 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 QCPA is not in compliance with the following minimum standard:

The QCPA has not provided EEO training to all current and new employees.

2. Recommendation: The QCPA should provide basic EEO training to all current and new employees.

## **Posting of Job Vacancies**

No jobs were advertised during the period in review.

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

1. The QCPA 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.
2. The QCPA 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 EEPD's desk audit of compliance by the office of the Queens 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 Queens 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 'E. Hart', written in a cursive style.

Ernest F. Hart, Esq.  
Chair

Attachment

C: Susan B. Brown, EEO Officer



# Queens County Office of the Public Administrator

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**Lois M. Rosenblatt, Esq.**  
Public Administrator

**Susan B. Brown**  
Deputy Public Administrator

**Gerard J. Sweeney, Esq.**  
Counsel

July 27, 2006

31-07-06 ROVD 9080

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

Attention: Hon. Ernest Hart, Chair/Commissioner

RE: Desk Audit of Public Administrator's Office

Dear Commissioner Hart:

In accordance with your letter dated July 21, 2006, enclosed herewith please find Desk Audit Questionnaire for the Office of the Queens County Public Administrator as requested.

We look forward to your office's input into this Agency's EEO practices.

Very truly yours,

SUSAN B. BROWN  
DEPUTY PUBLIC ADMINISTRATOR  
SBB/enclousure

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

Agency Name Queens PA

Agency Code 944

1. Number of employees 15

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](http://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

6. If yes, date policy last distributed to all employees 7/27/06 + 10/20/03

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.

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/eo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/resources/eo_booklet.shtml).)

Yes  No

10. If yes, date last distributed to all employees 7/27/06

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 Susan B. Brown and date 1/96

14. How was staff informed? Verbally

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.

*Subsequent to the distribution of the EEO packet, we've conducted an active inter-office discussion concerning EEO and discrimination in the workplace with a positive outcome of opinion by the employees.*

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

*Susan B. Brown, Deputy P.A. 718/526-5037, ext. 19*

26. Confirmation

The above information is true and accurate.

*Rob Rosenblatt*

Agency Head

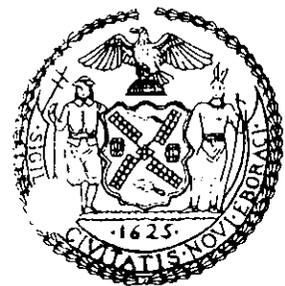
*7/27/06*

Date

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

EEO Job Group	Ethnicity/gender						Ethnicity/gender	
	Caucasian	African Am.	Hisp.	Asian	Native Am.	Female	Total of Job Group*	
001 Administrators	2					2	2	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	1
013 Clerical	1	1				2	2	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	8		2			7	10	7

\* Obtain Job Group total by adding all ethnic groups



# Queens County Office of the Public Administrator

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**Lois M. Rosenblatt, Esq.**  
Public Administrator

**Susan B. Brown**  
Deputy Public Administrator

**Gerard J. Sweeney, Esq.**  
Counsel

## MEMORANDUM

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To: All Employees  
From: Lois M. Rosenblatt, Esq., Public Administrator  
Re: Policy on Discrimination and Harassment  
Subject: Written Procedures and information  
Date: July 27, 2006

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Attached are *the City of New York's standards and procedures to be utilized by City Agencies*, (and addendum) and with regard to discrimination and harassment. Also attached is another handbook published by the City of New York Titled *About EEO: What you may not know (and addendum)*

This agency has a zero tolerance for discrimination in the workplace.

The EEO Officer of the Agency is Susan Brown at 718-526-5037 extension 19. If you feel that you cannot talk to Ms. Brown, you may communicate with me at 718-526-5037 extension 20.

Page 6 of the handbook described procedures for reporting violations, and page 9 of the handbook describes other places where complaints may be filed.

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  *No new employees.*

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

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

- 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  *same.*

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

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

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

Yes  No  *N/A*

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

*Duties were assumed when previous Deputy passed away.*  
\_\_\_\_\_  
\_\_\_\_\_

Signature

\_\_\_\_\_  
Chairperson

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



Log 9425 - 5/22/07  
Add File

# Queens County Office of the Public Administrator

**Lois M. Rosenblatt, Esq.**  
Public Administrator

**Susan B. Brown**  
Deputy Public Administrator

**Gerard J. Sweeney, Esq.**  
Counsel

May 18, 2007

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

Attention: Ernest F. Hart, Esq.  
Chair

RE: Resolution #07/05-944 Preliminary Determination – Desk Audit

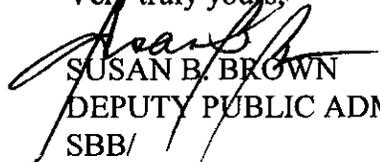
Dear Chairman Hart:

This is in response to your Commission's Preliminary Determination dated April 26, 2007. Please be advised that the Office of the Queens County Public Administrator has taken the following steps in accordance with your Recommendations with respect to the Appointment and Training of EEO Officer and Agency EEO Training:

I am in contact with Vincent Carroll, EEO Officer of the office of the Queens County District Attorney. Mr. Carroll has consulted with his EEO trainer, Jennifer Naiburg, and they are in the process of preparing their agency's next training seminar to be commenced over the course of the next two months and have agreed to include this office in their program. I have been informed by Mr. Carroll that he has communicated this information to your office.

Feel free to contact me if you require any additional information and/or documentation. Thank you for your courtesies.

Very truly yours,

  
SUSAN B. BROWN  
DEPUTY PUBLIC ADMINISTRATOR  
SBB/

cc: Hon. Lois Rosenblatt, Public Administrator  
Abraham May, Jr., Executive Director



# EQUAL EMPLOYMENT PRACTICES COMMISSION

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*Deputy Director*

June 14, 2007

Lois M. Rosenblatt, Esq.  
Queens County Public Administrator  
88-11 Sutphin Boulevard, Room 61  
Jamaica, NY 11435

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

Dear Ms. Rosenblatt:

Thank you for your May 18, 2007 response (signed by Deputy Public Administrator Susan B. Brown) to our April 26, 2007 Letter of Preliminary Determination pursuant to the desk audit of the Queens 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 (Minimum Standards) 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 EEPC recommendation, pending documentation that can be attached to your reply or provided during the compliance period:

### Recommendation #2

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

No Response

Recommendation #1

The QCPA 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.

Although your written response does not address this recommendation, Deputy Public Administrator Susan B. Brown informed EEPC Deputy Director Eric Matusewitch by phone on June 12, 2007 that the Queens County District Attorney's office will not administer (other than providing EEO training to the QCPA employees) your agency's EEO Program. Pursuant to the Commission's Minimum Standards, your agency should either obtain the EEO services of another government agency (such as the Queens Borough President) or provide the appropriate training to your EEO officer, who will in turn administer the EEO Program.

**Conclusion**

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure for a 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 decide 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 your EEO Officer 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: Susan B. Brown, Deputy Public Administrator, QCPA  
Lisa Badner, Esq., Counsel, EEPC