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BY MAIL AND E-MAIL

April 3, 2017

Denise Keehan Smith
Chairperson
Queens Community Board No. 2
43-22 50th Street
Woodside, NY 11377

Re: #2017-208-432-C02: Determination Pursuant to Audit: Review
Evaluation and Monitoring of the Equal Employment Opportunity
Program – Queens Community Board No. 2.

Dear Chairperson Keehan Smith:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and determinations pursuant to our analysis for the period covering January 1, 2013 through December 31, 2016.

Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

Queens Community Board No. 2, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates 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 purpose of this audit and analysis is to evaluate the agency's EEO Program, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

The *Uniform Standards for EEPC Audits* requires each agency to distribute the Citywide EEO Policy or its own. As the Community Boards are comprised of members appointed by the respective Borough Presidents, under the *Minimum Equal Employment Opportunity Standards for Community Boards* the expectation is that a Community Board adopts and distributes the Borough President's EEO Policy. The Community Board may, however, adopt the Citywide EEO Policy.

Since this Commission is empowered to review the plans adopted by city agencies and to recommend actions which such agencies should consider including in their annual plans, the agency should incorporate the required corrective actions in its EEO Program and prospective Annual EEO Plans.

Scope and Methodology

Audit methodology included an analysis of the Community Board's responses to the EEPC's *Interview Questionnaire for Community Boards* (Attachment). The questionnaire was sent to Queens Community Board No. 2 on December 14, 2016. The completed questionnaire was received on January 4, 2017. The following determination indicates where the Community Board's District Office has or has not complied, in whole or in part, with our *Minimum Equal Employment Opportunity Standards for Community Boards*.

Description of the Community Boards

Community Boards have approximately fifty unsalaried members appointed by the Borough President in consultation with the City Council members who represent any part of the community board district. Each Community Board hires a full time, salaried District Manager and salaried

¹ Corresponding audit/analysis standards are numbered throughout the document.



support staff to administer its district office, which works to resolve the service delivery problems of its residents and businesses. Community Boards have an advisory role in zoning, land use

issues, community planning, the city budget process, and the coordination of municipal services. Any person who resides, does business, or has a professional or other significant interest in, the community is eligible for appointment to his/her Community Board.

DETERMINATION

Following are the corresponding audit standards for each subject area along with the EEPCC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

Determination: The agency is in compliance with the standards for this subject area.

1. Community Boards must follow the Borough President's Equal Employment Opportunity Policy.
 - ✓ During the period in review, Queens Community Board No. 2 followed the Queens Borough President's EEO policy entitled "*City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy*".

Subsequent to the period in review, in February 2017, the Office of the Queens Borough President established a new EEO policy entitled "*City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy*". The aforementioned policy, once received by Queens Community Board No. 2, was distributed to all employees who signed to confirm receipt on February 16 and 21, 2017.
2. Community Boards must post the Borough President's Equal Employment Opportunity Policy Statement in their offices.
 - ✓ During the period in review, the Queens Borough President's Equal Employment Opportunity Statement was posted in the conference room and main entrance of the agency's office.
3. Community Board Chairpersons, or their designees, must consult with the Office of the Borough President's Equal Employment Opportunity (EEO) Officer on all equal employment opportunity issues.
 - ✓ Community Board No. 2 reported no equal employment opportunity issues during the period in review.

II. EEO TRAINING FOR AGENCY:

Determination: The agency is in compliance with the standard for this subject area.

4. Community Boards must ensure that all individuals who work within the board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities.
- ✓ To ensure that employees were aware of EEO laws and their related rights and responsibilities under such laws, Community Board No. 2 reported that in 2011 and 2014, "The City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy" was read and distributed to all personnel and board members.

III. DISCRIMINATION /SEXUAL HARRASSMENT COMPLAINT & INVESTIGATION PROCEDURES:

Summary of Complaint Activity: Community Board No. 2 reported no employment discrimination complaints were filed during the audit period.

5. To file an internal complaint of discrimination, Community Board employees should use the Borough President's EEO Office.
- ✓ Queens Community Board No. 2 reported no EEO complaints were filed during the period in review. The agency's adopted EEO policy stated in part "any employee or applicant who believes that he or she has been discriminated against should contact one of the QBPO's [Queens Borough President's Office] Equal Employment Opportunity (EEO) officers for consultation and/or to file a complaint".

IV. SELECTION AND RECRUITMENT SYSTEM:

(See Attachment for Workforce Data Summary)

Community Board No. 2 reported it had no job vacancies during the audit period in review. No further analysis was conducted in this subject area.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/ APPLICANTS
FOR EMPLOYMENT WITH DISABILITIES:**

Determination: The agency is in compliance with the standards for this subject area.

6. Community Boards must assess whether facilities are accessible to and useable by applicants/employees with disabilities.



- ✓ Community Board No. 2 assessed its facilities located at 43-22 50th Street, Woodside, NY 11377, and determined it was accessible to and useable by applicants/employees with disabilities via: street accessible entrance, wide restroom stall(s), low sink(s) or bathroom fixture(s), wheelchair accessible elevator(s), bell in elevator(s) in its facilities.

SUMMARY OF REQUIRED CORRECTIVE ACTIONS:

Pursuant to the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, no corrective action is currently required.

CONCLUSION

If no corrective action is required, a *Determination of Compliance* is attached and no response is required.

If corrective actions are required, pursuant to Chapter 36 of the New York City Charter, please respond to this Determination within 21 days from the date of this letter via mail or email to reed@eeepc.nyc.gov. Your response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions.

Once your response is received, the EEPC will inform your agency in writing of its compliance status or assigned compliance-monitoring period. For action(s) not implemented, a monthly compliance-monitoring period will be assigned, where the EEPC will verify implementation of the prescribed corrective action(s). Upon your agency's completion of the final corrective action, a *Determination of Compliance* will be issued.

If your agency does not respond within 21 days and corrective action is required, the EEPC will assign a monthly compliance-monitoring period.

Since the Community Boards are comprised of members appointed by the respective Borough Presidents, please forward a copy of your response to the Office of the Borough President's EEO Officer.



In closing, thank you and your staff for the cooperation extended to the Equal Employment Practices Commission during the course of this audit.

Respectfully Submitted by,



Jamal M. Reed, EEO Program Analyst

Approved by,



Charise L. Terry, PHR
Executive Director

Attachment

c: Debra Markell Kleinert, District Manager, Queens Community Board No. 2
Lisa Atkins, Principal EEO Professional, Office of the Queens Borough President

Attachment: Statistical Profile of Agency Workforce
Beginning and End of Audit Period¹

Agency: 432 Queens Community Board No. 2

| # Employees | Beginning of Audit Period 01/01/2013 | End of Audit Period 12/31/2016 |
|----------------|---|-----------------------------------|
|----------------|---|-----------------------------------|

| | | |
|--------|---|---|
| Male | | |
| Female | 4 | 4 |

| | | |
|-----------------|---|---|
| White | 4 | 4 |
| Black | | |
| Hispanic | | |
| Asian | | |
| Native American | | |
| Unknown | | |

| | | |
|-------------------------|---|---|
| Total # of Employees | 4 | 4 |
|-------------------------|---|---|

¹ As reported by agency

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #2017-208-432-C02: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Queens Community Board No. 2's Equal Employment Opportunity Program for compliance with Equal Employment Practices Commission's *Minimum Standards for Equal Employment Opportunity for Community Boards* from January 1, 2013 through December 31, 2016.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized 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 and to make recommendations to city agencies to ensure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, the Equal Employment Practices Commission conducted an audit and analysis of the Queens Community Board No. 2's Equal Employment Opportunity Program; and

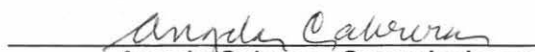
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a determination pursuant to Section 831(d) whether any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved, that pursuant to the audit and analysis of the Queens Community Board No. 2's EEO Program for compliance with this Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Queens Community Board No. 2's EEO Program has established compliance with the EEPC's *Minimum Standards for Community Boards*. **No corrective actions are required.**

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Denise Keehan Smith of the Queens Community Board No. 2.

Approved unanimously on March 30, 2017.




Angela Cabrera, Commissioner



Arva R. Rice, Commissioner



Malini Cadambi Daniel, Commissioner



Elaine S. Reiss, Esq., Commissioner



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BY MAIL AND E-MAIL

March 30, 2017

Denise Keehan Smith
Chairperson
Queens Community Board No. 2
43-22 50th Street
Woodside, NY 11377

Re: Resolution #~~2017-208-432-C02~~: Determination of Agency
Compliance

Dear Chairperson Keehan Smith:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Queens Community Board No. 2. This Commission has determined that the Queens Community Board No. 2 has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Debra Markell Kleinert, District Manager, for the cooperation extended to the EEPC.

Sincerely,

A handwritten signature in black ink, appearing to read "Arva R. Rice". The signature is fluid and cursive, with the first name "Arva" being more prominent.

Arva R. Rice
Commissioner

c: Debra Markell Kleinert, District Manager, QCB No. 2
Melinda Katz, Office of the Queens Borough President
Lisa Atkins, EEO Officer, Office of the Queens Borough President

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This
Determination of Compliance

is issued to

Queens Community Board No. 2

*compliance with Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity for
Community Boards from January 1, 2013 to this date.*

On this 30th day of March in the year 2017,



Arva R. Rice, Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Chairperson Denise Keehan Smith
and District Manager Debra Markell Kleinert*