

NYC
**Equal Employment
Practices Commission**

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June 20, 2013

Corey Johnson
Chairperson
Manhattan Community Board No. 4
330 W. 42 Street, Suite 2618
New York, NY 10036

Resolution #13/15-344: Determination Pursuant to Audit and
Analysis of EEO Program - Manhattan Community Board No. 4.

Dear Chairperson Johnson:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), we 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 audit and analysis of your agency's Equal Employment Opportunity (EEO) Program for the period covering January 1, 2009 through December 31, 2012.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 831(d)(2) provides that this Commission may, pursuant to an audit, make a determination that any plan, program, procedure, utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

Manhattan Community Board No. 4, 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* 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; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Equal Employment Opportunity Commission’s Instructions to Federal Agencies for EEO, Management Directive 715; and Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7). Recommendations for 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 Agency-Specific 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 Community Board No. 4 on February 20, 2013. The completed questionnaire was received on April 22, 2013. The following determination indicates where Community Board No. 4 has or has not complied, in whole or in part, with the *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



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community board district. Each Community Board hires a full time, salaried District Manager and salaried support staff to administer their 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.

For a workforce breakdown of Community Board No. 4, please see the attachment.

DETERMINATION

Following are this Commission's findings with required corrective actions:

Issuance, Distribution and Posting of EEO Policies

Community Board No. 4 is in compliance with the following minimum standards:

- Community Board No. 4 has adopted and Manhattan Borough President's Equal Employment Opportunity Policy. The Community Board's EEO policy was reiterated by the District Manager at annual staff meetings.
- Community Board No. 4 posted the Manhattan Borough President's Equal Employment Opportunity Policy in its office. It is posted on the front office bulletin board.
- Whenever appropriate, Community Board No. 4 consulted with the Manhattan Borough President's EEO Officer for guidance on EEO matters.

EEO Training for Agency

Community Board No. 4 is in partial compliance with the following minimum standard:

- Community Board No. 4 did not provide EEO training and/or a guide on EEO laws and related rights and responsibilities during the period in review.

NOTE: Although no training was provided during the audit period, on May 17 and June 3, 2013, employees received *Equal Employment Opportunity Training* provided by the Manhattan Borough President's Office. Therefore, no corrective action is required at this time.



Discrimination/Sexual Harassment Complaint and Investigation Procedures

Community Board No. 4 is in compliance with the following minimum standard:

- Community Board No. 4 follows the Discrimination Complaint Procedure of the Manhattan Borough President's Office. To file an internal complaint of discrimination, Community Board No. 4 employees use the Manhattan Borough President's EEO Office. No employment discrimination complaints were filed during the audit period.

Selection and Recruitment System

Community Board No. 4 is in compliance with the following minimum standard:

- When advertising vacancies Community Board No. 4 used the EEO tagline; *Manhattan Community Board No. 4 is an Equal Opportunity Employer.*

Community Board No. 4 is in partial compliance with the following minimum standard:

- Community Board No. 4 advertised one vacant position, Assistant District Manager, in 2009, but did not post the job vacancy in its office or at the Manhattan Borough President's Office. Corrective action is required.

Corrective Action: Community Board No. 4 must post job vacancies in their office and the Borough President's Office.

EEO and Reasonable Accommodations for Employees/Applicants for Employment with Disabilities

Community Board No. 4 is in compliance with the following minimum standard:

- Community Board No. 4 indicated that its facility (at 330 W. 42 Street, Suite 2618, New York, NY 10036) is accessible to and useable by employees/applicants for employment with disabilities via the following: street accessible entrance, wide restroom stall(s), wheelchair accessible elevator(s), grab bar(s) in restroom(s), low sink(s) or bathroom fixtures(s) and Bell in elevator(s).

SUMMARY OF REQUIRED CORRECTIVE ACTIONS:

1. Community Board No. 4 must post job vacancies in their offices and the Manhattan Borough President's Office.



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Conclusion

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

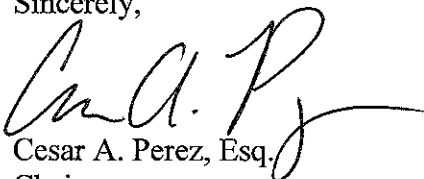
If corrective actions are required, pursuant to Chapter 36 of the New York City Charter, please respond to this Determination within 30 days from the date of this letter via mail or email to izuell@eepc.nyc.gov. Your response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions.

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. If your agency does not respond within 30 days, the EEPC will consider this Determination final.

Once your response is received, or this Determination becomes final, the EEPC will inform your agency in writing of its assigned compliance monitoring period wherein implementation of the steps your agency has taken or will take to implement the corrective actions will be monitored for 1 to 6 months. Upon your agency's completion of the final corrective action, a *Determination of Compliance* will be issued.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perez".

Cesar A. Perez, Esq.
Chair

Attachment

c: Robert J. Benfatto, District Manager
Ingrid Sotelo, EEO Officer, Manhattan Borough President's Office

ATTACHMENT

**MANHATTAN COMMUNITY BOARD 4's WORKFORCE COMPOSITION
Beginning and End of Audit Period***

Gender/Ethnicity: BEGINNING OF AUDIT PERIOD						
Caucasian	African Am.	Hisp.	Asian	Native Am.	Total	# of Females
<u>2</u>	—	<u>1</u>	—	—	<u>3</u>	<u>2</u>

Gender/Ethnicity: END OF AUDIT PERIOD						
Caucasian	African Am.	Hisp.	Asian	Native Am.	Total	# of Females
<u>1</u>	<u>1</u>	<u>2</u>	—	—	<u>4</u>	<u>3</u>

*Data provided by the MNHTN Community Board 4