



Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676. 2724 fax

November 29, 2018

Nicholas Siclari  
Chairperson  
Staten Island Community Board No. 1  
1 Edgewater Plaza, Room 217  
Staten Island, New York 10305

Re: Resolution #2018AP/225-491-(2018)C13: Determination Pursuant to Audit: Review, Evaluation and Monitoring of **Sexual Harassment Prevention and Response Practices of Staten Island Community Board No. 1** for the period July 1, 2017 to June 30, 2018.

Dear Chairperson Siclari:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the EEPC's findings and determinations pursuant to our analysis for the period covering July 1, 2017 to June 30, 2018.

Chapter 36, Section 831(d)(5) of the New York City Charter (Charter) empowers the EEPC to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants seeking employment. Charter Sections 831(d)(2) and 832(c) authorize the EEPC 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.

Staten Island Community Board No. 1, which may herein be referred to as "the agency," falls within the EEPC's purview under Charter Chapter 36, Section 831(a), 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. The EEPC has adopted *Uniform Standards for EEPC Audits*<sup>1</sup> 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 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 City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014* (Citywide EEO Policy); New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); New York State Civil Service Law §55-a; 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* require each agency to distribute the Citywide EEO Policy or its own EEO policy. 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.

### Scope and Methodology

The EEPC has established *Community Board Auditing Standards for Sexual Harassment Prevention and Response* (attached). The EEPC's audit methodology includes the collection and analysis of the documents, records, and data the agency provides in response to the *Sexual Harassment Prevention and Response Preliminary Interview Questionnaire (PIQ) for Community Boards*, which is based on these standards. The EEPC may conduct follow-up requests or discussions for clarity. The PIQ was sent to Staten Island Community Board No. 1 on October 1, 2018. The EEPC received Staten Island Community Board No. 1's completed questionnaire on October 19, 2018. The following determination indicates where the Community Board's District Office has or has not complied, in whole or in part, with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*.

### Description of the Community Boards

Community Boards are local representative bodies. Each Community Board is comprised of up to 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 support staff to administer its District Office, which works to resolve the service delivery problems of its residents and businesses. Community Boards also 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

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



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 EEPC'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 distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.

- The agency did not demonstrate that a policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment was distributed or posted during the period in review. **Corrective Action Required.**

NOTE: Subsequent to the period in review, on September 28, 2018, the Chairperson of Staten Island Community Board No. 1 issued a policy statement that reiterated commitment to the prevention of sexual harassment by stating, "*Community Board #1 is committed to the prevention of sexual harassment and to that end we have posted and distributed the Borough President's Policies against sexual harassment.*" The agency reported that a hard copy of the Chairperson's policy statement was distributed to each employee by the District Manager in September 2018 and was posted near the front door entrance of Staten Island Community Board No. 1.

2. Community Boards must follow, distribute, and post the Borough President's policy(ies) against sexual harassment.

- ✓ During the period in review, Staten Island Community Board No. 1 followed, distributed, posted and thereby adopted the policies against sexual harassment adopted by the Office of the Staten Island Borough President (Borough President). The agency reported that in May 2018, the District Manager of Staten Island Community Board No. 1 distributed to all staff, via hard copy, the Borough President's *Sexual Harassment Policy Statement*, dated May 2018. The Borough President's *Sexual Harassment Policy Statement* referenced and contained links to the following policies against sexual harassment adopted by the Staten Island Borough President: the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014* (EEO Policy); the City of New York's *EEO Policy Handbook: About EEO: What You May Not Know* (EEO Policy Handbook); and the *EEO Complaint Procedural Guidelines, City of New York 2016* (EEO Complaint Procedural Guidelines).

II. EEO TRAINING FOR AGENCY

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

3. Community Boards must ensure that all individuals who work within the Board receive training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities.
- ✓ In May 2018, the District Manager of Staten Island Community Board No. 1 distributed to all staff hard copies of the Borough President's *Sexual Harassment Policy Statement*, which included links to the Borough President's adopted policies against sexual harassment (see § 1.2). The aforementioned policies informed employees of their rights and responsibilities under city, state and federal laws pertaining to sexual harassment; and provided guidance on the prevention of sexual harassment.

NOTE: Subsequent to the period in review, all staff of Staten Island Community Board No. 1 completed the Department of Citywide Administrative Services' (DCAS) *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training. The training included a definition of sexual harassment; gave examples of appropriate and inappropriate fraternization; explained the laws prohibiting sexual harassment; explained how to file a complaint of sexual harassment; and explained what can be done to prevent sexual harassment. Certificates of completion from August and September 2018 demonstrated that all employees were trained on their rights and responsibilities related to sexual harassment and the prevention of sexual harassment.

III. COMPLAINT & INVESTIGATION PROCEDURES

Summary of Complaint Activity: Staten Island Community Board No. 1 reported no employment discrimination complaints were filed during the audit period.

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

4. Community Boards must ensure that all individuals who work within the Board receive information regarding the Borough President's complaint investigation procedures.
- ✓ In May 2018, Staten Island Community Board No. 1 distributed hard copies of the Borough President's *Sexual Harassment Policy Statement* to all employees (see § 1.2). All employees of Staten Island Community Board No. 1 received the Borough President's adopted complaint investigation procedures, *EEO Complaint Procedural Guidelines*, by way of reference in the Borough President's *Sexual Harassment Policy Statement*.
5. Community Boards must maintain a summary of annual complaint activity.

NOTE: Staten Island Community Board No. 1 reported no employment discrimination complaints were filed during the period in review. As compliance with the standard could not be meaningfully measured for the period in review, further evaluation of this area was impractical.

**IV. RESPONSIBILITY FOR IMPLEMENTATION**

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

6. Community Boards must direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
- ✓ Staten Island Community Board No. 1 posted the Borough President's *Sexual Harassment Policy Statement* near its front door entrance in May 2018. The Borough President's *Sexual Harassment Policy Statement* included the Borough President's EEO Officers' contact information and directed employees to utilize the Borough President's EEO Office to file a complaint by stating, "*The Staten Island Borough President's Office urges anyone covered by the NYC EEO Policy who believes he or she has been subjected to sexual harassment or any unwelcome sexual attention to report the conduct to... the agency EEO Officer[s]*".

NOTE: Subsequent to the period in review, in September 2018, the Chairperson of Staten Island Community Board No. 1 directed staff via policy statement that, "*Staff must report any incidents or suspension to the Borough President EEO Office... I am directing the District Manager to cooperate with the Borough President's EEO Officer to prevent, investigate or resolve issues of sexual harassment.*" Additionally, the agency reported that during a September 2018 meeting with the Chairperson, all employees of Staten Island Community Board No. 1 were directed to use the Borough President's Office to file internal complaints.

7. Community Board Chairpersons, or their designees, must consult and cooperate with the Borough President's principal EEO Professional on the prevention, investigation, and resolution of sexual harassment complaints.
- ✓ Because Staten Island Community Board No. 1 reported no employment discrimination complaints during the period in review, compliance with the standard could not be meaningfully measured.

NOTE: The agency reported that subsequent to the period in review, in September 2018, the Chairperson consulted with the Borough President's principal EEO Professional on the redistribution, in hard copy, of the Borough President's *Sexual Harassment Policy Statement* with the Chairperson's policy statement, which stated, "*I am directing the District Manager to cooperate with the Borough President's EEO Officer to prevent, investigate or resolve issues of sexual harassment.*"

**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 action(s) are required, pursuant to Charter Chapter 36, please respond to this Determination within 21 days from the date of this letter via mail or email to [wpeterson@eeepc.nyc.gov](mailto:wpeterson@eeepc.nyc.gov). Your response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective action(s).

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(s) are required, the EEPC will assign a monthly compliance monitoring period.*

Because the Community Boards are comprised of members appointed by the respective Borough Presidents, please forward a copy of your response to this Determination 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,

A handwritten signature in black ink, appearing to read "Menelik Allsop".

Menelik Allsop, EEO Program Analyst

Approved by,

A handwritten signature in black ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR  
Executive Director

Attachment

c: Joseph Carroll, District Manager  
James S. Oddo, Staten Island Borough President  
Anthony Esposito, Principal EEO Professional, Office of the Staten Island Borough President  
Marie Carmody-LaFrancesca, EEO Officer, Office of the Staten Island Borough President

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

**RESOLUTION# 2018AP/225-491-(2018)C13: Determination of Compliance (No Corrective Action Required)** pursuant to the Audit: Review, Evaluation and Monitoring of the Staten Island Community Board No. 1's Sexual Harassment Prevention and Response Practices for compliance with the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards* from July 1, 2017 through June 30, 2018.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter (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 (EEO) 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 Charter Chapter 36, Section 831(d)(2), the EEPC 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 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 EEPC conducted an audit and analysis of the Staten Island Community Board No. 1's Sexual Harassment Prevention and Response Practices; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), 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 Staten Island Community Board No. 1's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

Staten Island Community Board No. 1's EEO Program has established EEO compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*. **No corrective actions are required.**

EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Nicholas Siclari of Staten Island Community Board No. 1.

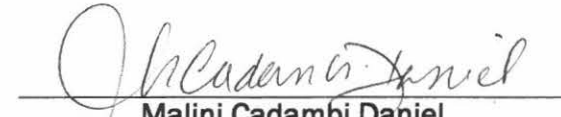
Approved unanimously on November 29, 2018.



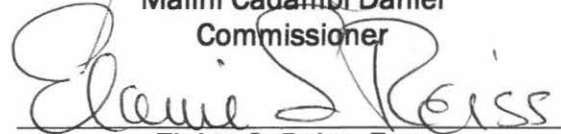
Angela Cabrera  
Commissioner



Arva Rice  
Commissioner



Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

# Determination of Compliance

is issued to

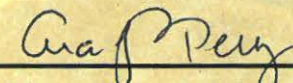
## Staten Island Community Board No. 1

for its compliance with the Equal Employment Practices Commission's Minimum Equal Employment Opportunity Standards for Community Boards from July 1, 2017 to this date.

On this 29<sup>th</sup> day of November in the year 2018,



Arva Rice, Commissioner



Charise L. Terry, PHR, Executive Director

In care of Chairperson Nicholas Siclari  
and District Manager Joseph Carroll