



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

Dana T. Magee  
Chairperson  
Staten Island Community Board No. 2  
460 Brielle Avenue  
Staten Island, New York 10314

Re: Resolution #2018AP/225-492-(2018)C14: Determination Pursuant to Audit: Review, Evaluation and Monitoring of **Sexual Harassment Prevention and Response Practices of Staten Island Community Board No. 2** for the period July 1, 2017 to June 30, 2018.

Dear Chairperson Magee:

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. 2, 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. 2 on October 1, 2018. The EEPC received Staten Island Community Board No. 2's completed questionnaire on October 22, 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.
  - ✓ In May 2018, the Chairperson of Staten Island Community Board No. 2 distributed the Staten Island Borough President's *Sexual Harassment Policy Statement*, dated May 2018, as the Staten Island Community Board No. 2's policy statement. The Staten Island Borough President's *Sexual Harassment Policy Statement* reiterated commitment to the prevention of sexual harassment by stating: "[s]exual harassment is a form of employment discrimination prohibited by the EEO Policy and law... Sexual Harassment is strictly prohibited. Employees who violate this policy are subject to discipline, including termination." The agency reported that the District Manager distributed a hard copy of the Staten Island Borough President's *Sexual Harassment Policy Statement* to each employee in May 2018, and that the policy statement was posted to the Staten Island Community Board No. 2 bulletin board.
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. 2 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 Borough President's *Sexual Harassment Policy Statement* was posted to the Staten Island Community Board No. 2 bulletin board and hard copies were distributed to all staff by the District Manager (see § 1.1). The Borough President's *Sexual Harassment Policy Statement* referenced and contained links to the following policies against sexual harassment adopted by the 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).

NOTE: Subsequent to the period in review, in August 2018, the District Manager of Staten Island Community Board No. 2 redistributed the Borough President's *Sexual Harassment Policy Statement*, dated May 2018. Letters to acknowledge receipt of the Borough President's



*Sexual Harassment Policy Statement* were signed by the District Manager and the staff member that received the policy statement.

## 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. 2 distributed to all staff hard copies of the Borough President's *Sexual Harassment Policy Statement*, which referenced and 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. 2 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 2018 demonstrated 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. 2 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. 2 posted and distributed via hard copy, the Borough President's *Sexual Harassment Policy Statement* (see § 1.2). All staff of Staten Island Community Board No. 2 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. 2 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.
- ✓ In May 2018, the District Manager of Staten Island Community Board No. 2 distributed and posted the Borough President's *Sexual Harassment Policy Statement* (see § I.2). 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]*".
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. 2 reported no employment discrimination complaints were filed 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 August 2018, the Chairperson of Staten Island Community Board No. 2 consulted with the Borough President's principal EEO Professional to ensure that all staff completed DCAS' *Sexual Harassment Prevention* computer-based training (see § II.3), and that hard copies of the Borough President's *Sexual Harassment Policy Statement* were redistributed to all employees (see § I.2).

#### 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.



**Equal Employment  
Practices Commission**

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@eepc.nyc.gov](mailto:wpeterson@eepc.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 EEPCC 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 EEPCC 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 EEPCC will assign a monthly compliance monitoring period.*

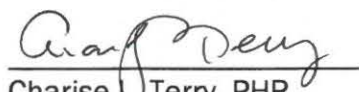
Because the Community Boards are comprised of members appointed by the respective Borough Presidents, please forward a copy of your response to this Determination to the Office of the Borough President's EEO Officer.

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,

  
Menelik Allsop, EEO Program Analyst

Approved by,

  
Charise L. Terry, PHR  
Executive Director

Attachment

c: Debra Derrico, 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/225-492-(2018)C14: Determination of Compliance (No Corrective Action Required)** pursuant to the Audit: Review, Evaluation and Monitoring of the Staten Island Community Board No. 2'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. 2'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,

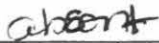
**Be It Resolved**, that pursuant to the audit and analysis of the Staten Island Community Board No. 2's EEO Program for compliance with the EEPC's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following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

Staten Island Community Board No. 2'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 Dana T. Magee of Staten Island Community Board No. 2.

Approved unanimously on November 29, 2018.



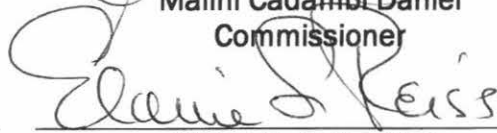
Angela Cabrera  
Commissioner



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. 2

*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 Dana T. Magee  
and District Manager Deborah Derrico*