



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/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND E-MAIL

April 14, 2017

Stephen A. Kullhanek
Queens Community Board No. 3
82-11 37th Avenue Suite 606
Jackson Heights, NY 11372

Re: #2017/433: Determination Pursuant to Audit: Review Evaluation and Monitoring of the Equal Employment Opportunity Program – Queens Community Board No. 3.

Dear Chairperson Kullhanek:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), 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. 3, 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. 3 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*.

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



**Equal Employment
Practices Commission**

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 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 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 follow the Borough President's Equal Employment Opportunity Policy.
- ✓ During the period in review, Queens Community Board No. 3 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 (under the same name). The aforementioned policy, once received by Queens Community Board No. 3, was distributed to all employees who signed to confirm receipt on February 22, 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 Policy Statement was posted in the break room of the Queens Community Board No. 3.
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.
- ✓ Queens Community Board No. 3 reported no equal employment opportunity issues occurred 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.
- ✓ Queens Community Board No. 3 reported that during the period in review, to ensure that all individuals who work within the board were aware of EEO laws and their related rights and responsibilities under such laws, the *City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy*, (which included a *Sexual Harassment Policy, Disabilities Policy, Anti-Retaliation Policy, EEO Complaint and Investigation Procedures, Reasonable Accommodation Procedures* and *55-a Program* information), was distributed as part of the on-boarding process.

III. DISCRIMINATION /SEXUAL HARRASSMENT COMPLAINT & INVESTIGATION PROCEDURES:

Summary of Complaint Activity: Community Board No. 3 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. 3 reported no EEO complaints were filed during the period in review. The agency's adopted EEO policy stated in part that "*any employee or applicant who believes that he or she has been discriminated against should contact one of the QBPO's (Queens Borough Presidents 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)

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

6. Community Boards must post job vacancies in their offices and the Borough President's Office.
- ✓ Queens Community Board No. 3 advertised two job vacancies during the period in review: *Community Service Aide* and *Office Assistant*. Each job vacancy notice was posted in their offices and the Queens Borough Presidents Office. The *Office Assistant* job vacancy notice was also advertised in the *Queens Courier* newspaper.



7. Community Boards must use the EEO tag line when advertising job vacancies.
- ✓ The job vacancy notices, posted at the agency's office and the Queens Borough President's Office, contained the EEO tag line "*The Queens Community Board and the City of New York is an [sic] Equal Opportunity Employer.*"
 - The *Office Assistant* job vacancy advertisement in the *Queens Courier* newspaper did contain an EEO tag line. **Corrective action required.**

Corrective Action #1: The Community Board must use the EEO tag line when advertising job vacancies.

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.

8. Community Boards must assess whether facilities are accessible to and useable by applicants/employees with disabilities.
- ✓ Community Board No. 3 assessed its facilities located at 82-11 37th avenue Suite 606, Jackson Heights, New York 11372 and determined it was accessible to and useable by applicants/employees with disabilities via street accessible entrance, wide restroom stall(s), wheelchair accessible elevator(s), grab bar(s) in restroom(s) braille in elevators, and a bell in the elevator(s).

SUMMARY OF REQUIRED CORRECTIVE ACTIONS:

Pursuant to the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, one (1) corrective action is currently required.

1. The Community Board must use the EEO tag line when advertising job vacancies.

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 jreed@eepc.nyc.gov. Your response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions.



**Equal Employment
Practices Commission**

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 Reed, EEO Program Analyst

Approved by,

Charise L. Terry, PHR
Executive Director

Attachment

- c: Giovanna A. Reid, District Manager, Queens Community Board No. 3
- Lisa Atkins, Principal EEO Professional, Office of the Queens Borough President



Attachment: Statistical Profile of Agency Workforce
 Beginning and End of Audit Period*

Agency: Queens Community Board No. 3

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

Male	1	1
Female	4	4

White	1	1
Black	2	2
Hispanic	2	2
Asian		
Native American		
Unknown		

Total # of Employees	5	5
---------------------------------	---	---

*as reported by QCB#3



COMMUNITY BOARD No. 3, Q.

82-11 37th Avenue, Suite 606
Jackson Heights, New York 11372
Telephone: (718) 458-2707
Fax: (718) 458-3316
www.CB3QN.NYC.GOV
COMMUNITYBOARD3@NYC.RR.COM

PHILIP PAPAS, Chairman
GIOVANNA A. REID, District Manager

MELINDA KATZ, Borough President
MELVA MILLER, Deputy Borough President

Shiv Dass - First Vice-Chairperson
Renetta English - Second Vice-Chairperson
Laverne Nimmons - Treasurer
Lisa Mesulam - Secretary
Stephen Kulhanek - Past Chair

Charise L. Terry
Executive Director
EEPC'
253 Broadway, Suite 602,
New York, NY 10007

Re: 2017/433

Dear Ms. Terry,

We are in receipt of EEPC Audit findings, one corrective action was identified that the "Community Board must use the EEO tag line when advertising job vacancies."

Kindly note that the advertiser modified the advertisement, with the intent to reduce the cost of employment announcement

In order to implement the corrective action, the following step will be taken:

Community Board 3 will ensure that all internal and outside advertisements will contain the EEO tag.

Thank you for bringing this important issue to our attention.

Sincerely,

Philip R. Papas
Chairman
Community Board3

C. Jamal Reed

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

RESOLUTION #2017/210-433-C11: Determination of **Compliance** (Monitoring Period Not Required) by Queens Community Board No. 3 with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 through December 30, 2016.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission 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 insure 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 EEPD 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, pursuant to its audit and analysis of the Queens Community Board No. 3 (QCB3) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Determination dated April 14, 2017, setting forth the following required corrective action:

1. The Community Board must use the EEO tag line when advertising job vacancies.

Whereas, the QCB3 submitted its response to the EEPC's Determination on May 5, 2017 with a commitment to institute the required corrective action; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 25, 2017 which agreed and accepted documentation for implementation of the aforementioned corrective actions and no corrective actions were remaining; and

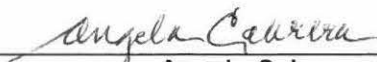
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that Queens Community Board No. 3 has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Chairperson of the Philip Papas.

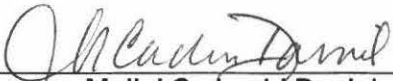
Approved unanimously on May 25, 2017.



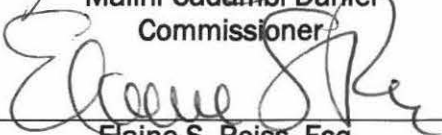
**Angela Cabrera
Commissioner**



**Arva Rice
Commissioner**



**Malini Cadambi Daniel
Commissioner**



**Elaine S. Reiss, Esq.
Commissioner**

NYC
**Equal Employment
Practices Commission**

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/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND E-MAIL

May 25, 2017

Philip Papas
Chairperson
Queens Community Board No. 3
82-11 37th Avenue Suite 606
Jackson Heights, New York 11372

Re: Resolution #2017/210-433-C11: Determination of Agency
Compliance

Dear Chairperson Papas:

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. 3. This Commission has determined that the Queens Community Board No. 3 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 Giovanna A. Reid, District Manager, for the cooperation extended to the EEPC.

Sincerely,



Arva R. Rice
Commissioner

c: Giovanna A. Reid, District Manager, QCB No. 3
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

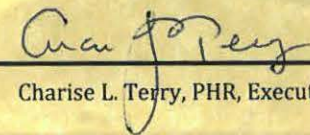
Queens Community Board No. 3

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 25th day of May in the year 2017,



Arva Rice, Commissioner



Charise L. Tejry, PHR, Executive Director

*In care of Chairperson Philip R. Papas and
District Manager Giovanna A. Reid*