



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 EMAIL

September 6, 2017

James Clynes
Chairperson
Manhattan Community Board No. 8
505 Park Avenue, Suite 620
New York, NY 10022

Determination Pursuant to Audit and Evaluation of Equal Employment Opportunity Program - Manhattan Community Board No. 8.

Dear Chairperson Clynes:

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, 2014 through June 30, 2017.

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.

Manhattan Community Board No. 8, 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*. The questionnaire was sent to Manhattan Community Board No. 8 on August 9, 2017. The completed questionnaire was received on August 10, 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 support staff to administer its district office, which works to resolve the service delivery problems

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



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.
 - ✓ Manhattan Community Board No. 8 followed the Manhattan Borough President's (MBPO) EEO policy entitled, *Manhattan Borough President's Office Equal Employment Opportunity (EEO) Policy and Plan*. The Borough President distributed the EEO Policy and EEO Policy Statement to Manhattan Community Board members and staff on August 6, 2014. The agency reported all employees were informed of the EEO Policy during orientation.

NOTE: Subsequent to the period in review, on August 21, 2017, the Manhattan Borough President's EEO Officer distributed its new EEO Policy via email to all Community Board members and staff.
2. Community Boards must post the Borough President's Equal Employment Opportunity Policy Statement in their offices.
 - ✓ During the period in review, the Manhattan Borough President's Equal Employment Opportunity Policy Statement was posted on the front bulletin board of Manhattan Community Board No. 8 and the District Manager'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.
 - ✓ Manhattan Community Board No. 8 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.
- ✓ The agency reported that all employees were informed of the EEO Policy during orientation, which included information on their rights and responsibilities. A copy of the EEO Policy was posted in the District Manager's office and on the front bulletin board in the office.

NOTE: Subsequent to the period in review, on August 21, 2017, the Manhattan Borough President's EEO Officer distributed its new EEO Policy via email to all Community Board members and staff.

III. DISCRIMINATION /SEXUAL HARRASSMENT COMPLAINT & INVESTIGATION PROCEDURES:

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

5. To file an internal complaint of discrimination, Community Board employees should use the Borough President's EEO Office.
- ✓ Manhattan Community Board No. 8 reported no employment discrimination complaints were filed during the period in review.

The Manhattan Community Board No. 8 adopted the Office of the Manhattan Borough President's EEO policy that stated, "[a]nyone who believes that he or she has been subjected to any action, decision or harassment in violation of this policy, or who witnesses others being subjected to improper conduct is urged to promptly report the incident(s) to his or her supervisors or manager, to MBPO personnel supervising the application, testing and interviewing process, or directly to an EEO Officer." (Pg. 5, 2014.) Contact information for the EEO Officers was included in the EEO policy.

IV. SELECTION AND RECRUITMENT SYSTEM:

(See Attachment for Workforce Data Summary)

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

6. Community Boards must post job vacancies in their offices and the Borough President's Office.
- ✓ Manhattan Community Board No. 8 advertised two (2) vacant positions during the period in review for *Community Associate*. Job vacancy notices were posted at the Borough President's office, indeed.com, monster.com, nyc.gov and *The Chief* newspaper.
 - The agency did not demonstrate that job vacancy notices were posted in their office. **Corrective action required.**



Corrective Action #1: Post job vacancy notices in the agency's office.

7. Community Boards must use the EEO tag line when advertising job vacancies.
- ✓ The aforementioned job vacancy notices for *Community Associate* contained the EEO tagline "*The City of New York is an Equal Opportunity Employer*".

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.
- ✓ The agency reported its facilities, located at 505 Park Avenue, Suite 620, New York, NY 10022, were accessible to and useable by applicants/employees with disabilities via: street accessible entrance, wheelchair accessible elevator(s), Braille in elevator(s), bell in elevator(s), wide restroom stall(s) and grab bar(s) in restroom(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 post job vacancies in their offices.

CONCLUSION

If no corrective action is required, a *Determination of Compliance* will be issued by the Commission at its next meeting 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 wbpeter@eepc.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 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.



**Equal Employment
Practices Commission**

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,

A handwritten signature in blue ink that reads "William Peterson".

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in black ink that reads "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

Attachment

- c: Latha Thompson, District Manager
- Gail Brewer, Manhattan Borough President
- Erica Baptiste, EEO Officer, Office of the Manhattan Borough President
- Brian Lafferty, EEO Officer, Office of the Manhattan Borough President

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

Agency: 348 Manhattan Community Board No. 8

# Employees	Beginning of Audit Period 01/01/2014	End of Audit Period 6/30/2017
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Male	2	1
Female	2	2

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

Total # of Employees	4	3
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¹ As reported by agency

Nicholas Viest
Chair

Latha Thompson
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com - Website
info@cb8m.com - E-Mail

The City of New York Manhattan Community Board 8

September 27, 2017

Charise L. Terry, Esq.
Executive Director
NYC Equal Employment
Practice Commission
253 Broadway, Ste. 602
New York, NY 10007

Determination Pursuant to Audit and Evaluation of Equal Employment Opportunity Program –
Manhattan Community Board 8

Dear Ms. Terry:

I am responding to the Commission's findings and determinations pursuant to the audit and analysis of our agencies Equal Employment Opportunity (EEO) Program for the period covering January 1, 2014 through June 30, 2017.

The Commission found that Manhattan Community Board 8 was not in compliance with the following minimum standard:

- The Community Board must post job vacancies in their offices. Corrective action is required.

Corrective Action: Post job vacancy notices in the agency's office.

Our response: All job notices have and will be posted in the board office as required by the NYC Equal Employment Practices Commission. I have attached a photograph of the job notice which is posted on the bulletin board located in the front of the board office.

Thank you for bringing this discrepancy to our attention.

Sincerely,

A handwritten signature in black ink that reads "Latha Thompson".

Latha Thompson
District Manager

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

RESOLUTION #2017/214-348-C27: Determination of Compliance (Monitoring Period Required) by Manhattan Community Board No. 8 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, 2014 through June 30, 2017.

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 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, pursuant to its audit and analysis of the Manhattan Community Board No. 8 (MCB No. 8) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Determination dated September 6, 2017, setting forth the following required corrective action:

1. The Community Board must post job vacancies in their office.

Whereas, the MCB No. 8 submitted its response to the EEPC's Determination on September 27, 2017 with a commitment to institute the required corrective action;

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 October 26, 2017 which agreed and accepted documentation for implementation of the aforementioned corrective action and no corrective actions were remaining;

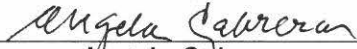
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that Manhattan Community Board No. 8 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 Nicholas Viest of the Manhattan Community Board No. 8.

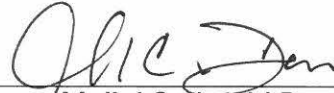
Approved unanimously on October 26, 2017.



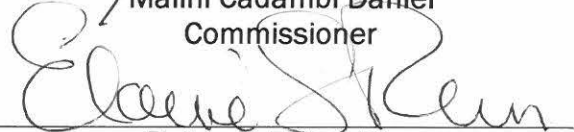
Angela Cabrera
Commissioner

Absent

Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner

NYC
**Equal Employment
Practices Commission**

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Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

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

October 26, 2017

Nicholas Viest
Chairperson
Manhattan Community Board 8
505 Park Avenue, Suite 620
New York, NY 10022

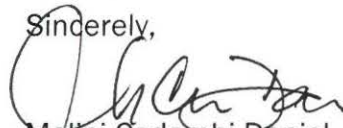
Re: Resolution #2017/214-348-C27: Determination of Agency
Compliance

Dear Chairperson Viest:

On behalf of the members of the Equal Employment Practices Commission (EEOC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Manhattan Community Board No. 8. This Commission has determined that the Manhattan Community Board No. 8 has implemented the required corrective action 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 Latha Thompson, District Manager, for the cooperation extended to the EEOC during the compliance-monitoring period.

Sincerely,



Malini Cadambi Daniel
Commissioner

c: Latha Thompson, District Manager, MCB No. 8
Gail Brewer, Manhattan Borough President
Erica Baptiste, EEO Officer, Manhattan Borough President's Office
Brian Lafferty, EEO Officer, Manhattan Borough President's Office

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

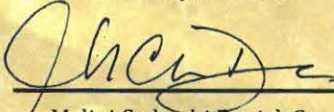
Determination of Compliance

is issued to

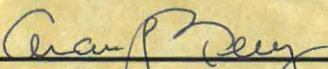
Manhattan Community Board No. 8

compliance with Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity for Community Boards from January 1, 2014 to this date.

On this 26th day of October in the year 2017,



Malini Cadambal Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Chairperson Nicholas Viest
and District Manager Latha Thompson*