



**Equal Employment
Practices Commission**

Cesar A. Perez, Esq.
Chair

Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
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May 9, 2013

Anthony Vitaliano
Chairperson
Bronx Community Board No. 11
1741 Colden Avenue
Bronx, NY 10462

Resolution #13/08-391: Determination Pursuant to Audit and
Analysis of EEO Program - Bronx Community Board No. 11.

Dear Chairperson Vitaliano:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), 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, 2008 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 or 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.

Bronx Community Board No. 11, 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



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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. 11 on February 20, 2013. The completed questionnaire was received on March 12, 2013. The following determination indicates where Community Board No. 11 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. 11, 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. 11 is in compliance with the following minimum standard:

- Community Board No. 11 has adopted the Bronx Borough President's Equal Employment Opportunity Policy. The EEO Policy, which included a complaint intake form, was distributed to staff.
- Community Board No. 11 has posted the Bronx Borough President's Equal Employment Opportunity Policy. It is displayed on a wall in the staff common area.

EEO Training for Agency

Community Board No. 11 is in partial compliance with the following minimum standard:

- Community Board No. 11 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, in March 2013, employees received *Citywide Diversity and Equal Employment Opportunity Computer Based Training*; therefore, no corrective action is required at this time.

Discrimination/Sexual Harassment Complaint and Investigation Procedures

Community Board No. 11 is in compliance with the following minimum standard:

- Community Board No. 11 follows the Discrimination Complaint Procedure of the Bronx Borough President's Office. No employment discrimination complaints were during the audit period.



Selection and Recruitment System

Community Board No. 11 is in compliance with the following minimum standard:

- Community Board No. 11 advertised for two vacant positions during the audit period: District Manager and Community Assistant. The Job Vacancy Notices were emailed to Board members, community organizations, and to elected officials (such as the Borough President's Office). The vacancy notices were also posted in the front window of the office and on Community Board 11's website. Both vacancies were also advertised in *The Bronx Times* Newspaper.

Community Board No. 11 is in partial compliance with the following minimum standard:

- Although the Job Vacancy Notice for District Manger contained the EEO tagline *The City of New York is an Equal Opportunity Employer* the Job Vacancy Notice for Community Assistant did not. Corrective action is required.

Corrective Action #1: When advertising job vacancies, Community Board No. 11 must indicate it is an equal opportunity employer.

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

Community Board No. 11 is in compliance with the following minimum standard:

- Community Board No. 11 indicated that its facility (at 1741 Colden Avenue, Bronx, NY, 10462) is accessible to and useable by employees/applicants for employment with disabilities via the following: street accessible entrance, wide restroom stall(s), grab bar(s) in restroom(s), and low sink(s) or bathroom fixture(s).

SUMMARY OF REQUIRED CORRECTIVE ACTIONS:

1. When advertising job vacancies, Community Board No. 11 must indicate it is an equal opportunity employer.

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 shsykes@eepc.nyc.gov. Your response should indicate (with attached



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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: Jeremy Warneke, District Manager
Vivian Velez, EEO Officer, Bronx Borough President's Office

ATTACHMENT

COMMUNITY BOARD'S WORKFORCE COMPOSITION: Start and End of Audit Period*

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

Gender/Ethnicity: END OF AUDIT PERIOD						
Caucasian	African Am.	Hisp.	Asian	Native Am.	Total	# of Females
<u>4</u>	—	—	<u>1</u>	—	<u>5</u>	<u>2</u>

*Data provided by the Community Board BXCB11.

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #13/08-391: Determination Pursuant to the Audit and Analysis of the EEO Program of Bronx Community Board No. 11 for Compliance with the Equal Employment Practices Commission's *Minimum Standards for Equal Employment Opportunity for Community Boards*.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City 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 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 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, the Equal Employment Practices Commission conducted an audit and analysis of the Community Board No. 11's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a determination pursuant to Section 831(d) that 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 Community Board No. 11's EEO Program for compliance with this Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, the Equal Employment Practices Commission hereby affirms and adopts the following determination:

1. When advertising job vacancies, Community Board No. 11 must indicate it is an equal opportunity employer.

Be It Finally Resolved, that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this determination to Chairperson Anthony Vitalino.

Approved unanimously on May 9, 2013.

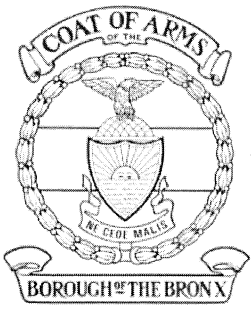
Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair



COMMUNITY BOARD 11
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BRONX, NY 10462
(718) 892-6262
www.nyc.gov/bxcb11

Borough President Ruben Diaz Jr.
Chairman Anthony Vitaliano
District Manager Jeremy Warneke

COMMITTEES

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- Economic Development*
- Education & Culture*
- Health & Social Services*
- Housing*
- Land Use*
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- Public Safety*
- Sanitation & Environmental Protection*
- Transportation*
- Youth Services*

December 27, 2013

Charise L. Hendricks, PHR, Executive Director
Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Dear Ms. Hendricks:


Please accept our apologies for not responding to the EEPC audit for the period of January 1, 2008 through December 31, 2012 for Community Board 11.

We were pleased that we have been found to meet most of the guidelines set forth in the audit. We were not pleased that one of the criteria listed in the audit fell through the cracks in the advertising for the filling of a vacancy in our office. We want to thank you for bringing this to our attention.

In the future all advertisements for vacant positions at Bronx Community Board 11 will indicate that we are an equal opportunity employer.

Should you have any questions please call me at the above number.

Sincerely,


Anthony Vitaliano, Chair
Community Board 11