



**Equal Employment  
Practices Commission**

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June 20, 2013

Cheryl Marrow  
Chairperson  
Bronx Community Board No. 9  
1967 Turnbull Avenue, Suite 7  
Bronx NY, 10473

Resolution #13/11-389: Determination Pursuant to Audit and  
Analysis of EEO Program - Bronx Community Board No. 9.

Dear Chairperson Marrow:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), 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, 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. 9, 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. 9 on February 20, 2013. The completed questionnaire was received on March 12, 2013. The following determination indicates where Community Board No. 9 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. 9, 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. 9 is in compliance with the following minimum standard:

- Community Board No. 9 has adopted the Bronx Borough President's Equal Employment Opportunity Policy.
- Community Board No. 9 has posted the Bronx Borough President's Equal Employment Opportunity Policy. It is displayed near the main entrance.
- Whenever appropriate, Community Board No. 9 consulted with the Bronx Borough President's EEO Officer for guidance on EEO matters.

**EEO Training for Agency**

Community Board No. 9 is in partial compliance with the following minimum standard:

- Community Board No. 9 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. 9 is in compliance with the following minimum standard:

- Community Board No. 9 follows the Discrimination Complaint Procedure of the Bronx Borough President's Office. There were no employment discrimination complaints made against Community Board No. 9 during the audit period.

## **Selection and Recruitment System**

Community Board No. 9 is in compliance with the following minimum standard:

- Community Board No. 9 posted job vacancies in its office and the Borough President's Office. The Community Board advertised one vacant Community Associate position during the audit period. The job vacancy was posted in its office and at the Bronx Borough President's Office.

Community Board No. 9 is not in compliance with the following minimum standard:

- Community Board No. 9 did not provide documentation showing the EEO tag line was used when advertising the above mentioned vacancy. Corrective action is required.

Corrective Action: Community Board No. 8 must use the EEO tag line when advertising job vacancies.

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

Community Board No. 9 is in compliance with the following minimum standard:

- Community Board No. 9 indicated that its facility (at 1967 Turnbull Avenue, Suite 7, Bronx NY, 10473) is accessible to and useable by employees/applicants for employment with disabilities via the following: wide restroom stall(s), wheelchair accessible elevator(s), ramp access, grab bars(s) in restroom(s), low sink(s) or bathroom fixture(s), and bell in elevator(s).

## **SUMMARY OF REQUIRED CORRECTIVE ACTIONS:**

1. Community Board No. 9 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.



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**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 [izuell@eepc.nyc.gov](mailto:izuell@eepc.nyc.gov). Your response should indicate (with attached 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: Francisco M. Gonzalez, District Manager  
Vivian Velez, EEO Officer, Bronx Borough President's Office

ATTACHMENT

**BRONX COMMUNITY BOARD 9's WORKFORCE COMPOSITION  
Beginning 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>1</u>

Gender/Ethnicity: END OF AUDIT PERIOD*						
Caucasian	African Am.	Hisp.	Asian	Native Am.	Total	# of Females
_____	<u>3</u>	_____	_____	_____	_____	<u>1</u>

\*Data not provided by the BX Community Board 9

## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #13/11-389:** Determination Pursuant to the Audit and Analysis of the EEO Program of Bronx Community Board No. 9 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. 9'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. 9'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. Community Board No. 9 must use the EEO tag line when advertising job vacancies.

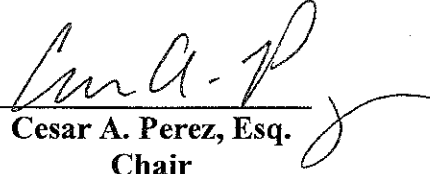
**Be It Finally Resolved**, that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this determination to Chairperson Cheryl Marrow.

Approved unanimously on June 20, 2013.

**Angela Cabrera**  
**Commissioner**

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

**Arva R. Rice**  
**Commissioner**

  
**Cesar A. Perez, Esq.**  
**Chair**