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September 11, 2017

Vikki Barbero
Chairperson
Manhattan Community Board No. 5
450 7th Avenue, Suite 2109
New York, NY 10123

Resolution #2017/213-345-C24: Determination Pursuant to Audit and Evaluation of Equal Employment Opportunity Program - Manhattan Community Board No. 5.

Dear Chairperson Barbero:

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, 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. 5, 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 Manhattan Community Board No. 5 on August 9, 2017. The completed questionnaire was received on August 22, 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

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

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 the agency followed the Manhattan Borough President's Office's (MBPO) EEO policy entitled, *Manhattan Borough President's Office Equal Employment Opportunity (EEO) Policy and Plan*.

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 of the county.

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 agency's front office bulletin board.
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.
- ✓ The agency 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 staff attended EEO training at the Manhattan Borough Presidents Office in October of 2014, and materials were distributed at the training.

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 of that County.

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.
- ✓ The agency reported that there were no discrimination complaints during the period in review.

The agency adopted the Office of the Manhattan Borough President's EEO policy which 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.
- ✓ During the period in review, the agency advertised one (1) vacant position: *Community Associate*. The job vacancy notice was posted at the Borough Presidents Office, as well as on the agency's website.



7. Community Boards must use the EEO tag line when advertising job vacancies.
- ✓ The aforementioned job vacancy notice included the EEO tag line: “The City of New York is an Equal Employment Opportunity Employer”.

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, at 450 7th Avenue, Suite 2109, NY, NY, 10123, were accessible to, and useable by, applicants/employees with disabilities via: street accessible entrance, wide restroom stall(s), wheelchair accessible elevators (s), and bells in elevator(s).

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.

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 naconway@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.

If your agency does not respond within 21 days and corrective action is required, the EEPCC 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 black ink, appearing to read "Nathan P. Conway".

Nathan P. Conway, EEO Program Analyst

Approved by,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

Attachment

- c: Gale A. Brewer, Borough President
- Wally Rubin, District Manager
- Erica Baptiste, EEO Officer, Office of the Manhattan Borough President
- Brian Lafferty, EEO Officer, Office of the Manhattan Borough President

Statistical Profile of Agency Workforce

Number of Employees End of Audit Period

Male	<u>2</u>
Female	<u>1</u>

White	<u>2</u>
Black	<u>1</u>
Hispanic	<u>0</u>
Asian	<u>0</u>
Native American	<u>0</u>
Unknown	

Total # of Employees	<u>3</u>
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*Statistical profile as reported by the agency.

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

RESOLUTION ##2017/213-345-C24: Determination of Compliance (No Corrective Action Required) pursuant to the Audit: Review, Evaluation and Monitoring of the Manhattan Community Board No. 5's Equal Employment Opportunity Program for compliance with Equal Employment Practices Commission's *Minimum Standards for Equal Employment Opportunity for Community Boards* from January 1, 2014 through June 30, 2017.

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 Manhattan Community Board No. 5's Equal Employment Opportunity Program; and

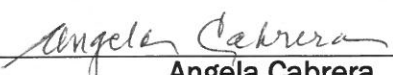
Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a determination whether any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved that, pursuant to the audit and analysis of the Manhattan Community Board No. 5'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:

Manhattan Community Board No. 5's EEO Program has established compliance with the EEPC's *Minimum Standards for Community Boards*. **No corrective action is required.**

Be It Finally Resolved, that the Commission approves issuance of this Determination of Compliance to Chairperson Vikki Barbero of the Manhattan Community Board No. 5.

Approved unanimously on September 28, 2017.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner