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May 22, 2014

Andre T. Mitchell  
Chairperson  
Brooklyn Community Board No. 5  
127 Pennsylvania Avenue 2<sup>nd</sup> Floor  
Brooklyn, NY 11207

Re: Determination Pursuant to Audit and Evaluation of Equal Employment Opportunity Program - Brooklyn Community Board No. 5

Dear Chairperson Mitchell:

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, 2009 through December 31, 2013.

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.

Brooklyn 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*<sup>1</sup> 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 Community Board No. 5 on March 20, 2014. The completed questionnaire was received on April 28, 2014. 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*.

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

## 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.
  - ✓ Community Board No. 5 has adopted the Brooklyn Borough President's EEO Policy.
2. Community Boards must post the Borough President's Equal Employment Opportunity Policy Statement in their offices.
  - ✓ Community Board No. 5 posted the Brooklyn Borough President's EEO Policy on the bulletin board of its main 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.
  - ✓ In accordance with the Borough President's EEO Policy, whenever appropriate, Community Board No. 5 consulted with the Brooklyn Borough President's Office for guidance on EEO matters.



## II. EEO TRAINING FOR AGENCY:

Determination: The agency is not in compliance with the standard for this subject area.

4. Community Boards must ensure that all individuals employed within the board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities.
  - Community Board No. 5 did not provide documentation that all individuals employed within the board, including managers and supervisors, received training and/or a guide on EEO laws and their related rights and responsibilities. In addition, the Brooklyn Borough President's office could not verify that Community Board No. 5 received EEO training during the audit period. **Corrective action is required.**

**Corrective action:** Ensure that all individuals employed within the Community Board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities. Documentation of training must be maintained.

## III. DISCRIMINATION /SEXUAL HARRASSMENT COMPLAINT & INVESTIGATION PROCEDURES:

Summary of Complaint Activity: Community Board No. 5 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.
  - ✓ Community Board No. 5 follows the Discrimination Compliant Procedure of the Brooklyn Borough President's Office. To file an internal complaint of discrimination, employees of Community Board No. 5 use the Brooklyn Borough President's EEO Office.

## IV. SELECTION AND RECRUITMENT SYSTEM:

(See Attachment for Workforce Data Summary)

Community Board No. 5 reported that there were no job vacancies during the audit period; therefore, no assessment was made regarding this subject area.



**Equal Employment  
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**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.

6. Community Boards must assess whether facilities are accessible to and useable by applicants/employees with disabilities.
  - ✓ Community Board No. 5 assessed its facility (127 Pennsylvania Avenue 2<sup>nd</sup> Floor, Brooklyn, New York 11207) and indicated that it is accessible to, and useable by, employees/applicants for employment with disabilities via the following: street accessible entrance, ramp access, wide restroom stall(s), grab bar(s) in restroom(s), and low sink(s) or bathroom fixture(s).

**SUMMARY OF REQUIRED CORRECTIVE ACTIONS:**

1. Ensure that all individuals employed within the Community Board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities. Documentation of training must be maintained.

Pursuant to the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, 1 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 [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.

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.*



**Equal Employment  
Practices Commission**

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 "Ilacia N. Zuell".

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Ilacia N. Zuell, EEO Program Analyst

Approved by,

A handwritten signature in black ink, appearing to read "Charise L. Hendricks".

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Charise L. Hendricks, PHR  
Executive Director

Attachment

c: Candida Ruiz, District Manager  
Ama Dwimoh, Principal EEO Professional, Office of the Brooklyn Borough President

ATTACHMENT

**COMMUNITY BOARD 5'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>2</u>	<u>2</u>	—	—	<u>4</u>	<u>3</u>

Gender/Ethnicity: END OF AUDIT PERIOD						
Caucasian	African Am.	Hisp.	Asian	Native Am.	Total	# of Females
—	<u>2</u>	<u>2</u>	—	—	<u>4</u>	<u>3</u>

\*Data provided by the Community Board