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**BY MAIL AND EMAIL**

April 25, 2019

Yidel Perlstein  
Chairperson  
Brooklyn Community Board No. 12  
5910 13th Avenue  
Brooklyn, NY 11219

Re: Brooklyn Community Board No. 12  
Evaluation of Sexual Harassment Prevention and Response Practices  
Audit Period: January 1, 2018 to December 31, 2018  
Determination: **PRELIMINARY**

Dear Chairperson Perlstein:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2018 to December 31, 2018.

**Purpose**

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any 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 prescribed.

The Brooklyn Community Board No. 12, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for 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 subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope**

The EEPC has adopted uniform standards for auditing municipal entities<sup>1</sup> and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

### *Policy and Plan Requirements*

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

### **Methodology**

The EEPC communicates with EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQ) for Community Boards. All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the Brooklyn Community Board No. 12 on February 11, 2019; the completed PIQ(s) were returned on February 25, 2019. Supporting documentation was attached. Additional requests for information were made on February 28, 2019, March 14, 2019 and March 28, 2019.

The following determination indicates where the Brooklyn Community Board No. 12 has or has not complied, in whole or in part, with the established Standards.

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

## Description of the Agency

Community Boards are local representative bodies. Each of the 59 Community Boards is comprised of up to 50 unsalaried members, appointed by the Borough President in consultation with the City Council Members who represent any part of the Board district. The Boards play an advisory role in zoning and other land-use issues, in community planning, in the city budget process, and in the coordination of municipal services. Any person with a residence, business, professional or other significant interest in a given area is eligible for appointment to the Community Board serving that area. Each Board hires a full time District Manager and other staff to run a district office that receives and works to resolve residents' service delivery problems. In addition to the Chairperson, Brooklyn Community Board 12 (BkCB12) had a headcount of 3 at the conclusion of the audit period, which consisted of 1 District Manager, 1 Community Coordinator, and 1 Community Assistant.

## PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

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. Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.

➤ BkCB12 did not distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment. **Corrective Action Required.**

**NOTE:** Subsequent to the period in review, and a teleconference with the EEPC, a memorandum from the Chairperson of BkCB12, attached as Appendix 1, was distributed to employees via email on April 23, 2019, which stated, "[p]lease be advised that our office is an equal opportunity employer and all our employment decisions are based on merit and not on any type of discrimination" and "[f]urthermore, we do not tolerate sexual harassment, or harassment of any kind, in our workplace."

2. Follow, distribute and post the Borough President's policy(ies) against sexual harassment.

✓ On May 31, 2018, the Chief Administrative Officer/Deputy EEO Officer from the Office of the Brooklyn Borough President emailed all employees of BkCB12 the *Office of the Brooklyn Borough President's Equal Employment Opportunity Policy* (EEO Policy), attached as Appendix 2, which contained the following sections pertaining to sexual harassment: Section A2, *Types of Prohibited Conduct*, which stated, "[t]he policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic", definitions of workplace harassment and sexual harassment in Section B, procedures for investigating discrimination/sexual harassments complaints in Section D, and the names and telephone numbers of the EEO professionals at the Office of the Brooklyn Borough President in Section D2.

## II. Agency-wide Training

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

3. Ensure that all individuals who work within the board receive training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities.

✓ Training records indicated that all BkCB12 employees completed the Department of Citywide Administrative Services' *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* training between July and August of 2018. Additionally, employees were notified of their rights and responsibilities pertaining to sexual harassment via the EEO Policy, which was distributed by email on May 31, 2018 (see §I.2).

## III. Complaint and Investigation Procedures

**Summary of Complaint Activity:** The agency reported 0 internal and 0 external complaints were filed during the period in review.

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

4. Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.

✓ On May 31, 2018 all employees received information regarding the Borough President's complaint investigation procedures, which was provided in Section D of the EEO Policy (see §I.2). Section D of the EEO Policy contained the following: *Reporting Violations, Filing an Internal Complaint or Seeking Assistance, Meeting with the EEO Officer, Investigation of Complaints, Other Places Where Complaints may be Filed, and Withdrawing Complaints*. Furthermore, included in the Appendices of the EEO Policy was a *Discrimination Complaint Form* (Appendix A), *Request for Mediation Form* (Appendix B), and *Sexual Harassment Policy Statement* (Appendix G). The EEO Policy stated, "complaints of sexual harassment will be handled under the New York City Equal Employment Opportunity Policy and Procedures" and directed employees via electronic links to the City of New York's *Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies*, the City of New York's *EEO Policy Handbook: About EEO: What You May Not Know*, and the City of New York's *EEO Complaint Procedural Guidelines* as additional sources of information.

5. Maintain a summary of annual complaint activity.

**NOTE:** BkCB12 reported no employment discrimination complaints were filed during the period in review. As compliance with the standard could not be meaningfully measured for the period in review, further evaluation of this area was impractical.

## IV. Responsibility for Implementation

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

6. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to

file an internal complaint.

✓ On May 31, 2018, all BkCB12 employees received the Brooklyn Borough President's *Equal Employment Opportunity Policy Statement* (Policy Statement) and EEO Policy via email from the Borough President's Chief Administrative Officer/Deputy EEO Officer. The Policy Statement instructed the community boards to use the Borough President's EEO Office to file a complaint. It stated, "*I encourage all agency employees and the 18 Brooklyn Community Boards to access the available resources within the BP's Office to address any issues and/or complaints of illegal discrimination.*" Additionally, Section D2 of the EEO Policy informed employees that they "*may file an internal EEO complaint in writing or orally or receive assistance with an EEO matter by contacting either [EEO Professionals]*", and in Section D3(a) employees were informed that "*persons who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephone or in writing to the EEO Officer.*" The EEO Policy contained the names, phone numbers, and titles of the EEO professionals within the Office of the Brooklyn Borough President (see §1.2).

7. Community Board Chairpersons, or their designees, must consult and cooperate with the Borough President's principal EEO Professional on the prevention, investigation, and resolution of sexual harassment complaints.

✓ An email dated May 31, 2018, from the Chief Administrative Officer/Deputy EEO Officer of the Office of the Brooklyn Borough President communicated to BkCB12 employees that they should read and familiarize themselves with the attached EEO Policy. Subsequently, BkCB12 posted the EEO Policy on the wall in the office of BkCB12 for all employees to access (see §1.2).

## **V. Reporting Standard for Agency Head**

**Determination: The agency is required to comply with the standards for this subject area.**

8. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

**FINAL ACTION:** Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

### **Summary of Corrective Actions:**

**The Brooklyn Community Board No. 12 has 1 required corrective action(s) at this time. This includes the aforementioned final action.**



## Conclusion

Pursuant to Charter Chapter 36, the Brooklyn Community Board No. 12 has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

*Optional Response to Preliminary Determination:* If submitted, the Brooklyn Community Board No. 12's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the Preliminary Determination.

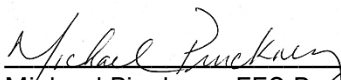
*(Optional Conference)* If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Brooklyn Community Board No. 12's implementation of the prescribed corrective action(s).

*(No Response Option)* If the Brooklyn Community Board No. 12 does not respond to this Preliminary Determination within 14 days, it will become the EEPC's Final Determination.

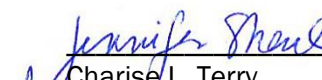
*Mandatory Response to Final Determination:* Following this Preliminary Determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Brooklyn Community Board No. 12 must submit a response, signed by the agency head, to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

  
Michael Pinckney, EEO Program Analyst

Approved by,

  
Charise L. Terry  
Executive Director

c: Barry Spitzer, District Manager  
Ama Dwimoh, Esq., EEO Officer, Office of the Brooklyn Borough President  
Melody Ruiz, EEO Officer, Office of the Brooklyn Borough President  
William B. Peterson, Manager, Labor Relations Analysis and Audit

## **Appendix - 1**

Brooklyn Community Board No. 12  
Community Board12 Equal Employment Opportunity & Sexual  
Harassment Policy Memorandum  
April 23, 2019





## **Appendix - 2**

Brooklyn Community Board No. 12  
EEO Policy  
May 30, 2018



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**ERIC L. ADAMS**

President

May 30, 2018

Dear Employees:


The Equal Employment Opportunity Policy (“Policy”) of the Brooklyn Borough President’s Office (“Agency” or “BP’s Office”) reflects on the federal, state and local laws that prohibit discrimination in the workplace. I am committed to ensuring that all employees are aware of their rights and obligations under this Policy.

As Borough President, I reaffirm this Agency’s strong commitment to maintain fair employment practices for all employees and job applicants. The implementation of the enclosed Policy in preventing discrimination is one of my highest priorities and has my full support. Sexual Harassment is a form of employment discrimination prohibited by the EEO Policy and law. The Policy provides that all employment decisions be made on the basis of equal opportunity and not on the basis of age, alienage, color, creed, disability, gender, marital status, national origin, prior arrest or conviction (except as otherwise provided in Article 23A of the New York State Correction Law), race, religion or sexual orientation.

I support a work environment that tolerates and appreciates differences among our diverse staff. All employees are required to maintain an atmosphere that appreciates that diversity reflected in our staff and to comply with the letter and the spirit of this Policy. Managers and supervisors are directed to make all employment decisions in accordance with this Policy and to ensure compliance in their areas of responsibility. I encourage all agency employees and the 18 Brooklyn Community Boards to access the available resources within the BP’s Office to address any issues and/or complaints of illegal discrimination.

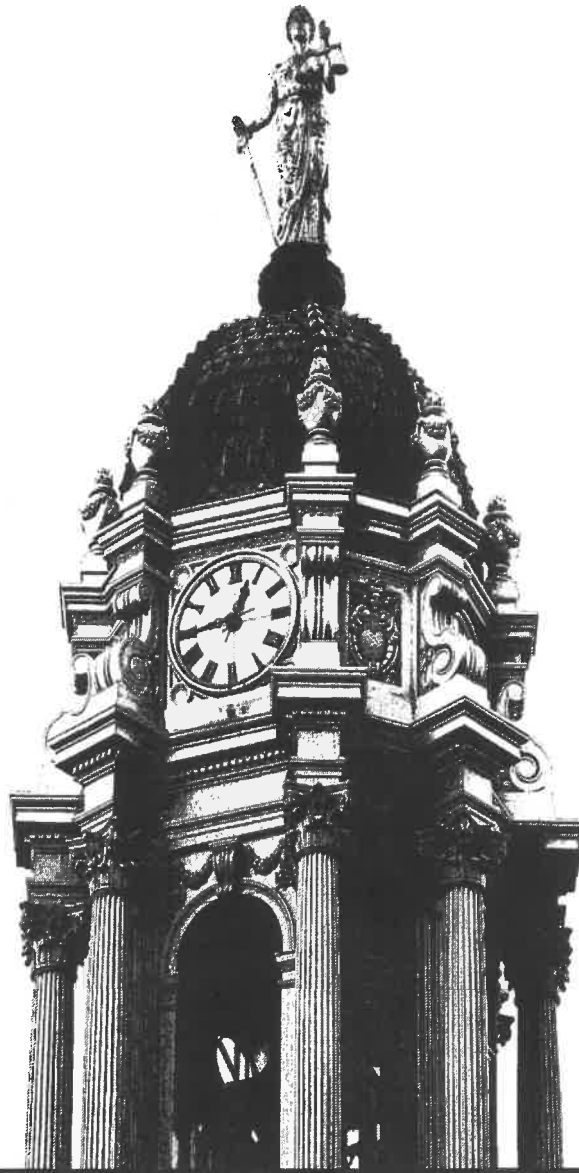
Employees may find additional EEO resources by accessing the City of New York’s website at [www.nyc.gov/html/dcas/html/about/eo.shtml](http://www.nyc.gov/html/dcas/html/about/eo.shtml). Please contact Ama Dwimoh, Melody Ruiz, Richard Bearak or Tameisha Honeygan at the telephone numbers listed in the Policy, to address any issues and complaints of illegal discrimination.

Respectfully,

  
Eric L. Adams



# CITY OF NEW YORK



BROOKLYN BOROUGH PRESIDENT

**ERIC L. ADAMS**

EQUAL EMPLOYMENT OPPORTUNITY POLICY

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**Borough President's Office EEO Counselor**  
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**OFFICE OF THE BROOKLYN BOROUGH PRESIDENT  
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

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## A. Equal Employment Opportunity Policy

Equal Employment is the assurance of equality and fairness for all in the workplace.....

The Borough President's Office is an equal opportunity employer committed to compliance with federal, state, and city laws prohibiting discrimination based on your actual or perceived membership in a protected group. Employment decisions at the BP's Office will be made on the basis of merit, fitness and quality of opportunity and without unlawful discrimination on the basis of: actual or perceived race; color; national origin; alienage or citizenship status; religion or creed; gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth); disability; age (18 and over); military status; prior record of arrest or conviction;<sup>1</sup> marital status; partnership status;<sup>2</sup> and caregiver status<sup>3</sup>; genetic information or predisposing genetic characteristic;<sup>4</sup> sexual orientation; status as a victim or witness of domestic violence, sex offenses or stalking;<sup>5</sup> unemployment status,<sup>6</sup> and consumer credit history. (NYC Human Rights Law § 8-107 (24)(a))

### 1. Applicability

Everyone who works or seeks employment within the BP's Office is covered by federal, state, and local employment laws, and this Policy. This includes all current employees, paid and unpaid interns,<sup>7</sup> volunteers, consultants and job applicants.

This Policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin, or disability), but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin, or disability, etc., of other persons with whom they are associated. For example, this Policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious, or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious, or national origin group is prohibited. Additionally, name discrimination or name stereotyping based on an individual's gender identity, expression, or sexual orientation is prohibited. (Local Law No. 3 (2002); NYC Admin. Code § 8-102 (23) (III) (1)) These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, which violate this Policy.

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<sup>1</sup> Some employment actions motivated by the reasons listed are permitted by law, such as where an employer may deny employment on the basis of an applicant's prior record of conviction, if there is a direct relationship between one or more of the applicant's criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (*See* Correction Law, Art. 23-A, Section 752.)

<sup>2</sup> "Partnership status" was added as a protected class under NYC's Human Rights Law on October 3, 2005.

<sup>3</sup> The term "predisposing genetic characteristic" was adopted on August 30, 2005 to streamline the terms "genetic predisposition" and "carrier status" in the previous version of the New York State Human Rights Law

<sup>4</sup> "Status as victim of sex offenses or stalking" was added as a protected class under the City Human Rights Law on December 22, 2003.

<sup>5</sup> "Unemployment status" was added as a protected class under NYC's Human Rights Law on June 11, 2013.

<sup>6</sup> "The prohibition of discrimination" against interns was added in the New York City's Human Rights Law on April 15, 2014

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3 NYC Human Rights Law § 8-107 (1)(3)(b)

Where discrimination is suspected, employees are encouraged to use the Agency's complaint and investigation procedures. Any person found to be engaging in discriminatory conduct or practices may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures that may eliminate illegal or inappropriate behavior. Additionally, the BP's Office shall take steps to address the impact that any unlawful discrimination has had on the complainant. The Agency may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

Any employee or applicant who believes that they have been discriminated against should contact the EEO Officer, Deputy EEO Officer or one of the EEO Counselors for consultation and/or to file a complaint. All complaints will be handled confidentially.

## 2. Types of Prohibited Conduct

Decisions and practices based on an individual's protected status (e.g., race, religion, age, and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions, or privileges of an individual's employment or potential employment with the BP's Office are prohibited by this Policy. This includes unlawful decisions, actions, and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge, or any other application or selection process relating to employment.

The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic. Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

This Policy prohibits conduct which unreasonably interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment, or creates an abusive working environment based on any protected characteristic.

This Policy also prohibits the denial of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking that do not create an undue hardship (*see Key Terms*).

Some offensive acts or remarks may violate this Policy even if they are not so severe that they violate federal, state, or local discrimination laws.

This Policy also prohibits any employee from aiding, abetting, inciting, compelling, or coercing any person present in the BP's Office, whether or not that person is an employee of the BP's Office, from engaging in any conduct prohibited by this Policy, including, but not limited to, conduct that creates a hostile work environment based on any protected characteristic.

## **B. Specific Protections**

The following sections are provided to enable individuals to understand the unique definitions, issues, rights, and responsibilities under this Policy, pertaining to sexual harassment and discrimination based on disability, religion, retaliation, and status as a victim of domestic violence, sex offenses, or stalking.



## 1. Hostile Work Environment

Anyone in the workplace can commit this type of harassment: a supervisor or manager; co-worker; or even a non-employee. Factors of a hostile work environment include: whether the conduct was verbal or physical or both; how frequently it was repeated; whether conduct was hostile, intimidating, abusive or offensive; whether the alleged harasser was a coworker or a manager or supervisor; whether others join in perpetrating the harassment; or whether the harassment was directed at more than one person.

## 2. Workplace Harassment

Harassment is any unwelcome verbal or physical conduct based actual or perceived membership in a protected group, or participation in protected EEO activity that is sufficiently offensive to alter the conditions of the victim's employment.

This standard is met when conduct: unreasonably interferes with an employee's job performance; creates an intimidating, hostile, abusive, or offensive working environment; or creates an abusive working environment based on any protected characteristic.

An example of misconduct is: a female complains about the vulgar language and jokes that routinely fill the break-room, her male co-workers tell her to, "lighten up and get used to it, because that's how the boys behave."

### a. Sexual Harassment

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government created guidelines which define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."<sup>8</sup>

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching. For full Sexual Harassment Policy refer to Section G of appendix.

### b. Prevention of Harassment

All employees and job applicants are encouraged to avoid initiating or participating in any behavior that may be misconstrued as possible harassment, including the following types of behavior:

- Verbal (unwelcome comments, yelling, offensive jokes or stories)
- Visual (offensive pictures, photos, cartoons, posters, calendars, magazines or objects)
- Physical (unwelcome touching, hugging, kissing, stroking, ogling or suggestive gestures)
- Written (unwelcome letters, notes or emails of a personal nature).

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<sup>8</sup> Code of Federal Regulations, Title 29, Section 1604.11.

Additionally, employees are encouraged to:

- Avoid sexual, racial, ethnic, cultural, age/disability related jokes, epithets, comments, and emails
- Respect a person's wishes when they indicate that conduct or attention is not welcome
- Clearly inform those engaging in offensive behavior that you find it objectionable
- Report behavior that you believe qualifies as harassment

### 3. Disabilities

Discrimination against a person based on that person's actual or perceived disability, record of disability, or relationship with a person with a disability is prohibited by federal, state, and local laws, and will not be tolerated by the BP's Office. For the purpose of this Policy, a disability is: 1) a physical, medical, mental, or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment.

One example of a record of such impairment is a history of cancer that is currently in remission. An example of a relationship with a person having a disability includes not only having a family member with a disability, but also having a cooperative or supportive relationship at work (such as assisting a colleague with a disability).

In addition to taking aggressive actions against discrimination towards persons with disabilities, the BP's Office will take appropriate action to encourage employment and promotional opportunities for, qualified applicants and employees with disabilities.

Anyone believing they have been discriminated against on the basis of disability should contact the EEO Officer for a consultation.

The Agency will make reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations creates an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, perform their jobs, or enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

#### a. 55-a Program

Section 55-a of the New York State Civil Service Law permits the Agency to convert civil service lines to non-competitive civil service positions for people who can perform the job in question as needed by the Agency, but who are certified as having a disability.

### 4. Religion

This Policy prohibits adverse employment actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility, or other adverse actions because of a person's actual or perceived creed, religious affiliation, religious beliefs, observances, or practices. Additionally, depending on the circumstances, the BP's Office will try to reasonably accommodate the religious observances, beliefs, or practices of an employee or applicant, unless the accommodation creates an undue hardship.

## 5. Domestic Violence, Sex Offenses, or Stalking

The New York City Human Rights Law prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law.

## 6. Sex, Gender, and Sexual Orientation

The New York City Human Rights Law prohibits discrimination on the basis of an individual's sex, gender, gender identity, and sexual orientation. This includes failing to use an individual's preferred name, title, and pronouns, refusing to allow individuals to utilize single-sex facilities and programs consistent with their gender, sex stereotyping, imposing different uniforms or grooming standards based on sex or gender, providing employee benefits that discriminate based on gender, and considering gender when evaluating requests for accommodations<sup>9</sup>.

The BP's Office currently has gender neutral facilities in Borough Hall that are opened for use. (See appendix for the locations of the facilities) You are not obligated to disclose your identity, show any form of documentation, or provide your reason for using these facilities to any persons in the office<sup>10</sup>.

The New York City Commission on Human Rights currently recognizes and protects 31 gender identities. (See appendix for gender identities.)

### **Courtesy 101 (According to the NYC Commission on Human Rights)<sup>11</sup>:**

- If you don't know what pronouns to use, ask. Be polite and respectful; if you use the wrong pronoun, apologize and move on.
- Respect the terminology a transgender person uses to describe their identity.
- Don't make assumptions about a transgender person's sexual orientation.

## 7. Anti-Retaliation Policy

It is unlawful to retaliate against or harass any person for filing an EEO discrimination complaint, seeking a reasonable accommodation for a disability or religious observance, or for cooperating in the investigation of an EEO complaint. Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation, or reasonable accommodation processes are strictly prohibited.

Examples of behavior that are protected against retaliation under this Policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation; and/or seeking a reasonable accommodation.

Behaviors which may be considered retaliatory include, but are not limited to: threats; reprimands; negative evaluations; harassment; refusal to hire; denial of promotion or job benefits; demotion; suspension; discharge; negative references to prospective employers; or other actions affecting the terms, conditions, or privileges of employment.

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<sup>9</sup> Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102.

<sup>10</sup> Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102 (III)(2)

<sup>11</sup> [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID\\_Card2015.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID_Card2015.pdf)

Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate such illegal or inappropriate behavior. The BP's Office will not tolerate any such retaliation.

If an employee or applicant for employment believes they are being harassed or retaliated against after consulting with the EEO Officer, filing a discrimination complaint, seeking a reasonable accommodation for a disability or religious observance, or cooperating in the investigation of a complaint, they are encouraged to also report this behavior to the EEO Officer for investigation and other action.

## **C. Diversity**

The BP's Office promotes equal employment opportunities and diversity and inclusion by continuing effective measures or implementing new strategies and programs (i.e., preventive, corrective and risk management strategies in areas such as recruitment, training, selection, promotion, and policy dissemination standards) that prevent, diminish, or eliminate barriers to equal opportunity employment.

### **1. Minimum Standards**

The BP's Office is committed to ensuring fair employment practices and promoting a workplace that values its employees in support of the City's diversity and inclusion strategy. This commitment holds managers, supervisors, and EEO Officers accountable for ensuring that the Agency does not discriminate against employees, paid or unpaid interns, or job applicants, and supporting the diversity and inclusion initiatives of the Agency.

The BP's Office will assess recruitment efforts to determine whether such efforts adversely impact any particular group and what recruitment sources yield a diverse pool of qualified candidates. Specifically:

- The BP's Office is committed to ensuring that appropriate diversity, inclusion, and equal opportunity employer messaging are included in job postings
- The BP's Office will ensure that the manner in which candidates are selected for employment does not have any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, the agency head will determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method. Methods which diminish adverse impact will be preferred over those with greater impact, provided that the agency's job-related aims are not compromised by using the method with a diminished impact. Examples of selection methods which may diminish adverse impact include race/ethnicity-neutral and gender-neutral questions in interview materials and assembling interview panels that reflect gender, race and ethnic diversity.
- The BP's Office is committed to ensuring that all new employees are advised of this Policy, their rights and responsibilities under it, discrimination complaint and investigation procedures, and the reasonable accommodations procedures.
- The BP's Office is committed to reviewing and retaining information, on a regular basis, about personnel actions, discretionary hiring, applicants, promotions, demotions, transfers, rates of pay, terms of compensation, and selection for training or apprenticeship as required by federal, state, and local law, and/or the City's official records retention schedule.

## 2. Agency Head

The Agency head will ensure that the agency does not discriminate against employees or applicants for employment as prohibited by federal, state and local laws. The Agency head will also ensure that legal, human resources, and EEO personnel, managers, and supervisors: 1) receive a copy of this Policy (including any addenda); 2) are trained in EEO laws and procedures; and 3) know how to carry out their responsibilities under this Policy.

In order to meet the Agency's obligations under this Policy and other federal, state and local laws, and to achieve the goals of the Agency's Diversity and EEO Plan, the agency head must appoint a trained EEO Officer whose responsibility it will be to implement this Policy.

### **D. Procedures**

#### 1. Reporting Violations

Anyone who believes that they have 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 their manager or supervisor or consult with the EEO officer orally or in writing within one year of occurrence.

Managers and supervisors who receive or observe EEO complaints must notify the EEO Officer. Managers and supervisors should also encourage individuals who believe that this policy has been violated to consult with an EEO Officer. Where the report is taken orally, the EEO Officer shall document the report.

Discrimination may include actions by an employee, paid or unpaid intern, volunteer, consultant, or independent contractor of the Agency because of actual or perceived protected status. The EEO Officer will assist the employee or applicant to determine whether the issue they have raised is appropriate for resolution through the complaint process. Employees will not be retaliated against for consulting with the EEO Officer about a suspicion of discrimination, for filing a complaint, or cooperating in an investigation. If any employee knowingly makes a false accusation of discrimination or provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### 2. Filing an Internal Complaint or Seeking Assistance

You may file an internal EEO complaint in writing or orally or receive assistance with an EEO matter by contacting either (complaint form is included in the Appendix):

**Ama Dwimoh, Esq.**  
**(718) 802-3894**  
**EEO Officer**

**Melody Ruiz**  
**(718) 802-4095**  
**Deputy EEO Officer**

**Richard Bearak**  
**(718) 802-4057**  
**EEO Counselor**

**Tameisha Honeygan**  
**(718) 802-3812**  
**EEO Counselor**

### 3. Meeting with the EEO Officer

An employee has a right to meet privately with an EEO Officer during office hours. However, the employee should obtain approval from a manager or supervisor in order to leave their work assignment. An employee need not disclose to the manager or supervisor the purpose for, or details of, the meeting with the EEO officer. Reasonable leave requests to meet with the EEO Officer during work hours cannot be denied by managers and supervisors. Managers and supervisors shall allow employees to meet with the EEO Officer at the earliest practicable time consistent with the operational needs of their units.

The EEO Officer will interview the person seeking assistance to determine whether the person should receive assistance in the form of counseling, whether mediation would be appropriate, whether a complaint of discrimination should be filed and investigated, or whether a formal complaint with an external administrative agency should be filed.

At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period. The EEO Officer will arrange to meet with an employee at outside premises where necessary in order to ensure confidentiality. In addition, a person needing a sign language interpreter for a meeting concerning an EEO matter may request that the EEO Officer provide one. This also applies to alternate forms of effective communication to ensure persons with disabilities have access to EEO services.

Any person who is interviewed during the course of an EEO investigation has a right to be accompanied by a representative of his or her choice, provided the EEO Officer is given advance notice, including the representative's title or position.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action. Any person who is the subject of a complaint will have an opportunity to respond in writing.

#### a. Anonymous Complaints

Persons who wish to discuss a problem concerning discrimination without revealing their identity may do so by telephone or in writing to the EEO Officer. In such cases the EEO Officer will provide counseling and take such follow-up action as may be appropriate and possible given the restraints of anonymity. Anonymous complainants should be aware that it might be necessary for the EEO Officer to investigate the alleged discriminatory behavior and to take or recommend action to remedy unlawful behavior on behalf of the Agency, even if the anonymous complainant wishes to withdraw their complaint.

#### b. Confidentiality

All EEO matters will be handled under the supervision of the EEO Officer, in consultation with the Counsel's Office when appropriate. The EEO Officer will treat complaints and other information provided by employees confidentially. This means that information obtained from a person who seeks the assistance of the EEO Officer will not be discussed with other personnel except as necessary to investigate and resolve a complaint.

### c. Mediation

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint should be resolved, and may be declined by either party involved. The person seeking assistance may file a written request for mediation. This is an alternative that may quickly resolve complaints without a full investigation. All requests for mediation should be made to the EEO Officer (a copy of the Request for Mediation form is included in the Appendix).

When a request for mediation has been made, the EEO Officer shall attempt to help the parties resolve the matter in dispute. During this process, the EEO Officer shall consult with the person who filed the request, the person named in the request, and other persons as appropriate.

If the parties agree to a resolution of the situation and any action needed to resolve the matter has received all necessary approvals, the EEO Officer shall prepare a written report confirming the resolution. The report shall be signed by all parties, and copies shall be given to all parties.

A request for mediation may be withdrawn at any time by the person who initiated it. If this occurs, the EEO Officer shall, in writing, inform all parties involved that the request was withdrawn. Mediation may also be terminated by any party to the mediation. If this occurs, the EEO Officer shall, in writing, inform the other party or parties that the mediation has been terminated. In the event that the mediation does not result in a resolution, the EEO Officer will provide the parties with a written statement informing the parties of the complainant's right to an investigation of the allegation.

The EEO Officer may terminate the mediation process if they deem that efforts at mediation have been unproductive. In such event, the EEO Officer shall provide the parties with a written statement confirming the termination. The statement shall inform the person who sought mediation of their right to file a complaint of discrimination. Where efforts to mediate complaints are unsuccessful, complaints will be investigated by the EEO Counsel.

### 4. Investigation of Complaints

Any person may file a written or oral complaint of discrimination with the EEO Officer at any time within one year of the date of occurrence of the subject of the complaint (a copy of the Complaint of Discrimination form is included in the Appendix).

The EEO Officer may also determine that another form of communication, such as a telephone call, a letter, or when a person who has a disability which precludes their completion of the complaint form seeks to file a complaint, should be handled as a complaint. In such event, the EEO Officer shall complete the Complaint of Discrimination form. Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of their choice.

A person who has been named as the respondent in the discrimination complaint shall receive a copy of the complaint and shall have the opportunity to respond in writing.

If the EEO Officer concludes on the basis of the investigation that a violation of anti-discrimination laws or this Policy has occurred, the EEO Officer shall recommend appropriate corrective action to the Borough President in a confidential written report.

The Borough President will review the EEO Officer's report and take any corrective action that deemed appropriate. Any person found to have engaged in conduct or practices in violation of this Policy may be subject to discipline which may include a formal reprimand, suspension, probation, demotion, transfer, termination, fine, or any other measures permitted by law, rules and regulations, and/or collective bargaining agreements. In addition to implementing such disciplinary action, the agency may take other steps necessary to address the impact that any violation of this Policy has had on the complainant or within the Agency. The EEO Officer will advise all parties in writing of the outcome of the complaint.

#### 5. Other Places Where Complaints may be Filed

Any person who believes they have experienced discrimination has a right to file a formal complaint (known as an "external complaint") with several federal, state or local agencies, some of which are listed below. A person does not give up this right when they file a complaint with the Agency's EEO Officer. The following federal, state, and local agencies enforce laws against discrimination:

<b>Agency Name</b>	<b>Address and Telephone</b>
New York City Commission on Human Rights	40 Rector Street, 10th Floor, New York, NY 10006 (212) 306-5070  275 Livingston Street, 2nd Floor, Brooklyn, NY 11217 (718) 722-3130
New York State Division of Human Rights	163 West 125th Street, 4th Floor, New York, NY 10027 (212) 961-8650 / (212) 961-8999 (TTY)  55 Hanson Place, Room 1084, Brooklyn, NY 11217 (718) 772-2385
United States Equal Employment Opportunity Commission	New York District Office 33 Whitehall Street, 5th Floor, New York, NY 10004 (800) 669-4000 / (800) 669-6820 (TTY)
Office of Citywide EEO	1 Centre Street, 17th Floor, New York, NY 10007 (212) 669-8648

In addition to filing with the agencies listed above, a person with a complaint alleging discrimination based on disability may file with:

<b>Agency Name</b>	<b>Address and Telephone</b>
U. S. Department of Justice Disabilities Rights Section	950 Pennsylvania Avenue, N.W., Washington, DC 20530 (800) 514-0301 / (800) 514-0383 (TTY)
NYS Justice Center for the Protection of People with Special Needs	161 Delaware Avenue, Delmar, NY 12054 (518) 549-0200

**Please Note:** There are statutory deadlines for filing complaints with each of these agencies. The deadline in some instances is as short as 180 days. Therefore, to preserve your rights, if you believe you have been discriminated against and wish to file a complaint with an external agency, promptly contact the appropriate agency or a private attorney for further guidance. Information about how to contact these agencies as well as additional information on other agencies can be found in the New York City EEO Policy Handbook.



When a person exercises their right to file an external complaint based on or related to the same facts and circumstances of an internal complaint, the EEO Officer will transfer the matter to the EEO Counsel, who will be responsible for any further handling of the matter. The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint. The EEO Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before, at the same time, or after the internal complaint was filed). After transfer of the complaint, the EEO Officer will cooperate with the EEO Counsel with respect to the ultimate resolution of the complaint.

## 6. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint unless it is anonymous. Withdrawal of a complaint must be made or confirmed in writing. In most cases, the EEO Officer will find it appropriate to end the investigation when the complaint is withdrawn. However, prior to making the determination to end the investigation, the EEO Officer must assess whether evidence has been found which requires the Agency to take corrective action to prevent or eliminate an illegal or inappropriate situation. If there is such evidence, the EEO Officer will continue the investigation until they is prepared to recommend whether the agency should take corrective action. In either event, the EEO Officer shall notify the respondent in writing that the complainant has withdrawn the complaint. The EEO Officer shall also notify the parties whether the investigation has been terminated or is continuing.

## E. Requests for Reasonable Accommodations

### 1. Introduction

A reasonable accommodation is .....

The BP's Office will make reasonable accommodations when requests are made in connection with disabilities, religion, and/or to accommodate individuals who are victims of domestic violence, sex offenses, or stalking, unless providing such accommodations create undue hardship (*see* Key Terms) for the Agency. The reasonable accommodations process shall be flexible and interactive. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Requests for reasonable accommodations are not subject to any time limitations.

Some examples of accommodations which have been found reasonable for certain employers, under certain circumstances, include: job restructuring; making facilities physically accessible to and usable by persons with disabilities; modifying work schedules; providing or modifying equipment or devices; and providing auxiliary aides and services.

The requirement to provide reasonable accommodations applies to disabilities that are known, or should have been known, to the Agency. Where the need for accommodations is not apparent, the EEO Officer or the involved manager or supervisor may ask an employee, paid or unpaid intern, or job applicant to provide documentation in support of their request. The EEO Officer shall notify individuals who request reasonable accommodations whether the request has been granted. Where a request for reasonable accommodations is impracticable, the EEO Officer will seek to implement appropriate alternative reasonable accommodations.

## 2. Steps for Making a Request for Reasonable Accommodations

Step 1: An employee or applicant for employment can submit a request for reasonable accommodations to a manager, supervisor or to the EEO Officer responsible for the initial consultation. If the request is made to a manager or supervisor, they must contact the EEO Officer within a three day period. The EEO Officer will facilitate discussions, research appropriate accommodations, and assist in the resolution of the matter.

A request for reasonable accommodations may be made in writing or orally (a Reasonable Accommodation Request Form is included in the Appendix). Where the request is made orally, it shall be documented by the EEO Officer. The manager, supervisor, or EEO Officer supervising the application process shall assist applicants in completing the form where requested.

If reasonable accommodations are requested to facilitate an individual's ability to apply for employment, the EEO Officer or Agency personnel supervising the application process may be required to assist the applicant in completing the application.

Where reasonable accommodations can be readily implemented, it shall be. In more complex situations, the EEO Officer or Agency personnel supervising the application process will proceed to Step 2.

Step 2: The EEO Officer or Agency personnel supervising the application process should analyze the position to determine its purpose and essential functions (*see* Key Terms).

Step 3: The EEO Officer must contact the requestor within 10 business days of the request to confirm receipt of the request and discuss possible resolutions. At that time, the EEO Officer may request additional information to determine if an individual's impairment is a "disability" under the Americans with Disabilities Act or the Rehabilitation Act of 1973, or to determine what would be effective reasonable accommodations.

Step 4: Where the requested accommodations create an undue hardship, the EEO Officer will work with other Agency personnel to try to implement appropriate alternative reasonable accommodations. The reasonable accommodations process is flexible and interactive to ensure that the best resolution for each situation is found. The EEO Officer shall notify individuals who request reasonable accommodations whether the request has been granted. The general time frame for processing a request (and implementing the accommodation, if approved) is 30 business days from the initial request.

## 3. Specific Aspects of Certain Types of Requests

### a. Disabilities

By law, all documentation and information concerning the medical condition or history of an individual requesting reasonable accommodations for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personal data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work or required accommodations. Furthermore, medical information may be provided to: 1) first-aid and safety personnel, if the disability might require emergency treatment; 2) government officials investigating the Agency's compliance with applicable laws; 3) Workers' Compensation offices in accordance with Workers' Compensation Law; and 4) for insurance purposes.

b. Victims of Domestic Violence, Sex Offenses, or Stalking

An employee or applicant requesting reasonable accommodations for domestic violence, sex offenses or stalking may make such requests to their manager, supervisor, agency personnel supervising the application process, or directly to the EEO Officer. The EEO Officer may require a person requesting a reasonable accommodation to provide certification that the person is a victim of domestic violence, sex offenses, or stalking. The person requesting reasonable accommodations shall provide a copy of such certification to the agency within a reasonable period after the request is made. A person may satisfy the certification requirement by providing: documentation from an employee, agent, or volunteer of a victim services organization; an attorney, member of the clergy, medical provider, or other professional service provider from whom the individual seeking a reasonable accommodation, or that individual's family or household member, has sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for reasonable accommodations.

c. Pregnancy

An employee or applicant requesting reasonable accommodations due to pregnancy and those who suffer medical conditions related to pregnancy, childbirth, or a related medical condition may make such requests to their manager, supervisor or the EEO Officer. Such reasonable accommodations may include bathroom breaks; leave for a period of disability arising from pregnancy, childbirth, or related medical conditions; breaks to facilitate increased water intake; periodic rest for those who stand for long periods of time; and assistance with manual labor, among other things.

d. Religion

A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect their religious observances, beliefs, or practices. Examples of such accommodations include: flexible arrival and departure times, and/or leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; and modifying workplace practices, policies, and/or procedures.

e. Sex, Gender, Sexual Orientation

An employee or applicant requesting reasonable accommodations for their sex, gender, or sexual orientation may make such requests to their manager supervisor, agency personnel supervising the application process, or directly to the EEO officer. Individuals have the right to use single-facilities, such as bathrooms, and participate in single-sex programs, consistent with their gender, regardless of their sex assigned at birth, anatomy, medical history, appearance, or sex indicated on their identification<sup>12</sup>. An individual is not required to provide proof of their gender in order to access the appropriate single-sex program or facility<sup>13</sup>. It is also prohibited to consider gender when evaluating requests for accommodations for disabilities, or other requests for changes to the terms and conditions of one's employment, participation in a program, or use of a public accommodation, which may include additional medical or personal leave or schedule changes<sup>14</sup>.

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12 Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102 (III)(2)

13 Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102 (III)(2)(c)

14 Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102 (III)(6)

#### 4. Effective Communication and Other Assistance

The EEO Officer shall be responsible for ensuring effective communication between all involved parties at every stage of the reasonable accommodations process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. The EEO Officer shall also be responsible for providing such other reasonable assistance requested by employees, paid and unpaid interns, and job applicants throughout the reasonable accommodations and appeals processes.

#### 5. Confidentiality

All Agency personnel must respect employee confidentiality. All documentation and information concerning the medical condition or history of an employee requesting accommodations must be collected on forms separate from other personnel-related forms and must be maintained by the EEO Officer in separate medical files. The information shall be treated as confidential medical records, except to the extent that: 1) the EEO Officer, manager, supervisor, or first-aid and safety personnel need to be informed about work restrictions or reasonable accommodations; 2) first-aid and safety personnel need to be informed if the disability may require emergency treatment; and 3) government officials investigating compliance with law.

EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion, status as victims of domestic violence, sex offenses or stalking, and pregnancy, childbirth, or a related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

#### 6. Appeals to the Agency Head

Where an employee or applicant has requested reasonable accommodations consistent with this policy and has not been provided with those accommodations, an appeal may be made to the Borough President. Within 10 business days of receipt of the appeal, the Borough President or designee shall:

- a. Obtain from the EEO Officer and review all documentation relating to the request for reasonable accommodations;
- b. Meet with the manager, supervisor, or EEO Officer and the job applicant or employee;
- c. Consult with the EEO Officer;
- d. Review the essential job functions, job-related limitations involving the job applicant's or employee's disability, and potential accommodations;
- e. Evaluate the reasonableness of the employee, paid or unpaid intern, job applicant, or manager/supervisor preferences, giving primary consideration to the employee's preferences; and
- f. Consult with the Mayor's Office for People with Disabilities.

Within 15 business days of receipt of the appeal, the Borough President shall issue a written determination on the request for reasonable accommodations, specifying what accommodations shall be provided, if any, and directing the manager or supervisor to implement such accommodations promptly. The EEO Officer shall monitor implementation of the reasonable accommodations.

## 7. Discrimination

This reasonable accommodations procedure is intended to ensure equal employment opportunities for employees with disabilities, but shall not impede the right of any employee to file a complaint with the EEO Officer, an appropriate federal oversight agency under the Americans with Disabilities Act, the Rehabilitation Act of 1973, the State Division of Human Rights, the New York City Commission on Human Rights, or any other federal, state, or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

## 8. Further Guidance

Throughout the reasonable accommodation process, employees, paid or unpaid interns, or job applicants may seek guidance by consulting with the EEO Officer, Ama Dwimoh (718) 802-3894, the Deputy EEO Officer, Melody Ruiz (718) 802-4095, the EEO Counselor, Richard Bearak (718) 802-4057, the EEO Counselor, Tameisha Honeygan (718) 802-3812 or by calling the Mayor's Office for People with Disabilities at (212) 788-2830 (voice) or (212) 788-2838 (TTY).

## 9. Additional Sources of Procedural Information

The Guidelines for the Implementation of the City's Discrimination Complaint Procedures may be found online at: [http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaintprocedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaintprocedures.pdf)

The City's Reasonable Accommodation Policy and Procedure may be found online at: [http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_reasonableaccommodation.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf)

## **F. Key Terms**

- *Essential functions* are duties that are fundamental to a position including, among others, those for which the position exists, those that only a limited number of employees are available to perform, or those that cannot be delegated. Evidence of what constitutes an essential function may include, but is not limited to: the employer’s judgment; written job descriptions, if any; the amount and/or proportion of time spent performing the function; the consequences of not requiring a function; the terms of a collective bargaining agreement; the work experience of the incumbents; the position exists to perform the function; a limited number of employees are available to whom the function can be assigned; whether the function is so highly specialized that it must be held by an employee selected for the ability to perform that function; and/or other relevant evidence.
  
- A *qualified applicant* or *employee* is an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of that position.
  
- *Reasonable accommodations* are modifications or adjustments to the application process, work environment, or to the manner or circumstances under which a position is customarily performed, that promote equal employment opportunity for an individual with a disability. Reasonable accommodations enables a qualified applicant or employee with a disability to be considered for a position or to perform its essential functions, or to enjoy benefits and privileges of employment that are equal to those enjoyed by similarly situated employees without disabilities. Accommodations are not reasonable if they impose an undue hardship on the employer.
  
- *Undue hardship* exists when a course of action is significantly difficult, unduly costly, extensive, substantial, or disruptive, or would fundamentally alter/change the nature or operation of the Agency’s business.

# Appendices

- A. Discrimination Complaint Form
- B. Request for Mediation Form
- C. Reasonable Accommodation Form
- D. Directory of Gender Neutral Facilities at Brooklyn Borough Hall
- E. 31 Genders Protected by the NYC Commission on Human Rights
- F. Examples of Prohibited Conduct
- G. NYC Department of Citywide Administrative Services - Sexual Harassment Policy Statement

# COMPLAINT OF DISCRIMINATION

DO NOT WRITE IN THIS SPACE
COMPLAINANT
vs.
RESPONDENT
CASE NO _____
DATE FILED _____

*Please print the following information:*

Name \_\_\_\_\_

Civil Service Title \_\_\_\_\_

Office Title \_\_\_\_\_

Division \_\_\_\_\_

Your Supervisor \_\_\_\_\_

*What is the alleged basis of discrimination? (Check all which apply)*

Age \_\_\_\_\_

Marital/Partnership Status \_\_\_\_\_

Alienage or Citizenship Status \_\_\_\_\_

Military Status \_\_\_\_\_

Caregiver Status \_\_\_\_\_

Color \_\_\_\_\_

National Origin \_\_\_\_\_

Consumer Credit History \_\_\_\_\_

Prior Record of Arrest or Conviction \_\_\_\_\_

Race \_\_\_\_\_

Genetic Predisposition \_\_\_\_\_

Disability \_\_\_\_\_

Religion or Creed \_\_\_\_\_

Sexual Orientation \_\_\_\_\_

Gender (Including Gender Identity) \_\_\_\_\_

Status as a Victim of Domestic Violence, Sex Offender or Stalking \_\_\_\_\_

Retaliation for filing/assisting in investigation of complaint \_\_\_\_\_

Please give name, title and division of the person(s) you believe discriminated against you.

When did the alleged discrimination occur?



**Where did it happen?**

**Were there witnesses to the discrimination?**

**(If yes, please give the name, title and division where any witness is employed on the attached sheet marked confidential.)**

**Did you report this incident to anyone? If so, please state the name, title and division of the person to whom you reported it.**

**Have you filed a complaint about the alleged discrimination with any of the following City, State, or Federal agencies? If so, please state the date and number of the complaint.**

**New York City Commission on Human Rights**

**New York State Division of Human Rights**

**NYS Justice Center for the Protection of People with Special Needs**

**United States Equal Employment Opportunity Commission**

**United States Department of Law**

**United States Department of Justice Disabilities Rights Section**

**Office of Citywide Equal Employment Opportunity**

**Mayor's Office for People with Disabilities**

**Describe the incident that you believe constitutes unlawful discrimination. Please use extra pages if necessary.**

**I certify that I have read the above complaint, that it is true to the best of my knowledge, information, and belief, and that I have read the attached Policy concerning my rights to file a complaint with federal, state, or local civil rights enforcement agencies.**

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**Complainant's Signature**

**Date**

**REQUEST FOR MEDIATION**  
**OFFICE OF THE**  
**BROOKLYN BOROUGH PRESIDENT**

**Believing that I have a valid complaint of discrimination and desiring to resolve that complaint, if possible without resorting to formal investigation, I respectfully request that the agency EEO Officer attempt to mediate my complaint in accordance with the City of New York's Discrimination Complaint Procedures and the guidelines implementing those procedures.**

\_\_\_\_\_  
NAME OF COMPLAINANT OR AUTHORIZED AGENT

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT OR AUTHORIZED AGENT

\_\_\_\_\_  
DATE

**WITNESSED BY:**

\_\_\_\_\_  
NAME OF EEO OFFICER

\_\_\_\_\_  
SIGNATURE OF EEO OFFICER

\_\_\_\_\_  
DATE

## REQUEST FOR REASONABLE ACCOMMODATIONS

The Brooklyn Borough President's Office will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment and the employment process, unless providing such accommodations would impose an undue hardship. This form shall be made available to and used by all applicants and employees requesting reasonable accommodations, in conjunction with the Agency's Reasonable Accommodations Policy and Procedure.

**INSTRUCTIONS:** Applicants should complete Sections I and II and submit this form to the agency staff supervising the applicant process. Current employees should complete Section I and III and submit this form to their immediate supervisors. Supervisors receiving requests for reasonable accommodations should complete Section IV, return one copy of the completed form to the applicant or employee requesting the accommodations, and immediately forward a second copy of the form to the agency's EEO Officer. The EEO Officer should complete and update Section V as appropriate. Agency supervisory staff and/or the EEO Officer shall assist applicants or employees in completing this form as requested.

**Section I – This section should be completed by both applicants and current employees.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone/Cell Phone Number: \_\_\_\_\_

Accommodations Requested (\_\_\_\_ additional sheets attached): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section II – Complete this section only if you are a job applicant.**

Position/Title applied for: \_\_\_\_\_

Agency or Unit (if known): \_\_\_\_\_

Location of Position (if known): \_\_\_\_\_

Job Vacancy Number (if known): \_\_\_\_\_

**Section II – (for job applicants only) – continued**

Part(s) of employment process for which reasonable accommodations are requested (e.g., application, examination, or interview):

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Agency Contact Person (if known): \_\_\_\_\_

Date of Examination/Interview: \_\_\_\_\_

**Section III – Complete this section only if you are an employee (even if you are currently on leave):**

Position/Title: \_\_\_\_\_

Agency/Unit: \_\_\_\_\_

Location: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**Section IV – To be completed by agency staff supervising the employment application process or supervising an employee requesting reasonable accommodations.**

Supervisor – Name and Title: \_\_\_\_\_

---

Agency/Unit: \_\_\_\_\_

Location: \_\_\_\_\_

Phone: \_\_\_\_\_

Date Request Received: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_



**DIRECTORY OF GENDER NEUTRAL FACILITIES IN  
BROOKLYN BOROUGH HALL**

The Borough Hall gender neutral bathroom is located immediately upon entering the Tourism area on the ground level.

## **31 GENDERS PROTECTED BY THE NYC COMMISSION ON HUMAN RIGHTS<sup>15</sup>**

1. Agender
2. Androgyne
3. Androgynous
4. Bi-Gendered
5. Butch
6. Crossdresser
7. Drag King
8. Drag Queen
9. Female-to-Male
10. Femme
11. Femme Queen
12. FTM
13. Gender Bender
14. Gender Blender
15. Gender Fluid
16. Gender Gifted
17. Genderqueer
18. Hijra
19. Male-to-Female
20. Man
21. MTF
22. Non-Binary Transgender
23. Non-Op
24. Pangender
25. Person of Transgender Experience
26. Third Sex
27. Trans
28. Trans Person
29. Transexual/Transsexual
30. Two-Spirit
31. Woman

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<sup>15</sup> [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID\\_Card2015.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID_Card2015.pdf)



## EXAMPLES OF PROHIBITED CONDUCT

- Stating microaggressions regarding an individual's actual or perceived membership of a protected class. These statements may seem harmless or even complementary but they can be perceived as perpetuating a stereotype or can be discriminatory.
  - **Example:** "You speak so articulately!", "Where are you really from?", "Oh, I'm surprised you listen to (insert genre of music/artist) because you're (insert protected class here).", etc.
- Using slang terms that are offensive to one's protected class. Some terms may be common place terms; however, they can be perceived to be offensive to some. Be mindful of language and speech in the work place.
  - **Example:** "The weather is so bi-polar today! One moment, it is raining and the next, it is sunny." (can be offensive to those who have bipolar disorders); "\_\_\_\_\_ is my spirit animal." (the term "spirit animal" is often used in commonplace language but it is discriminatory against indigenous religions and beliefs.)
- Failing to use an individual's preferred name, title, and pronoun. One's preferred name should be used in spite of outward appearances and what is written on legal documents.
  - **Example:** Using feminine pronouns, name, and titles to address someone who is perceived as female but identifies as male. (using Ms. instead of Mr.)
- Inquiring why an individual is using a certain restroom.
  - **Example:** Asking why an individual is using the male restroom or the gender neutral restroom when they are perceived as female.
- Stating accurate statements about coworkers that could create a hostile, abusive, or offensive environment.
  - **Example:** The United States District Court for the Southern District of New York has held that stating accurate statements about a co-worker's past employment as a sex worker creates a hostile environment for the individual. (Nash v. New York State Executive Dept., 96 Civ. 8354 (LBS), 1999 U.S. Dist. LEXIS 16066 (S.D.N.Y. Oct. 20, 1999))

## SEXUAL HARASSMENT POLICY STATEMENT

The City of New York is an equal opportunity employer. The City's Equal Employment Opportunity ("EEO") Policy prohibits employment discrimination based on race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation, uniformed service or alienage or citizenship. Everyone City employee – paid or unpaid, permanent or temporary, managerial or non-managerial -- is protected from unlawful discrimination by the EEO policy and by federal, state, and local anti-discrimination laws. The EEO Policy and anti-discrimination laws protect those who seek to work for the City, as well.

Sexual harassment is a form of employment discrimination prohibited by the EEO Policy and law. All Office of the Brooklyn Borough President employees should be familiar with the EEO Policy's protections against sexual harassment. The EEO Policy incorporates the protection provided by federal, state and local laws and implements them by providing for disciplinary sanctions to be imposed on employees who engage in sexual harassment.

Federal guidelines define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." Under the New York City Human Rights Law, verbal or physical conduct that treats a person "less well" because of gender is unlawful.

Sexual harassment may involve individuals of the same or different genders. A broad range of conduct by supervisors and co-workers may constitute sexual harassment, including, but not limited to, making remarks or gestures or displaying pictures that are sexually suggestive; engaging in verbal banter, abuse or harassment of a sexual nature; requesting -- directly or subtly -- sexual favors; and subjecting another person to unwelcome touching, patting, pinching or other contact.

**Sexual harassment is strictly prohibited. Employees who violate this policy are subject to discipline, including termination. Persons who violate this policy may also be subject to civil damages or criminal penalties.**

The City's policy prohibiting sexual harassment does not forbid consensual social relationships between employees. But it does prohibit gender-based conduct that is unwanted or creates an intimidating and hostile work environment.

Managers, supervisors and human resources personnel must promptly notify the agency EEO Officer in writing, either via email or a memorandum, if they receive a complaint alleging sexual harassment or if they observe, learn about, or suspect that any violation of the Policy has occurred. Managers and supervisors should encourage subordinates to consult with the EEO Officer.

The Office of the Brooklyn Borough President urges anyone covered by the NYC EEO Policy who believes he or she has been subjected to sexual harassment or any unwelcome sexual attention to report the conduct to a supervisor or manager or to the agency EEO Officer, who is **Ms. Ama Dwimoh**, who may be contacted at **(718) 802-3894 – Office or (917) 608-2991 – Cell.** It is important to report all concerns about sexual harassment or inappropriate sexual conduct to the EEO Officer or a supervisor or manager as soon as possible.

Complaints of sexual harassment will be handled under the New York City Equal Employment Opportunity Policy and Procedures. See links below:

1. EEO Policy - <http://www.nyc.gov/html/dcas/html/about/eeopol.shtml>.
2. About EEO Handbook (companion booklet to the EEO Policy)  
[http://www.nyc.gov/html/dcas/html/about/eo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/about/eo_booklet.shtml)
3. EEO Complaint Procedural Guidelines  
[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaintprocedu res.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaintprocedu res.pdf)

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible.

No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of the complaint. Retaliation or harassment is unlawful and subject to disciplinary action.



Vacant  
Chair

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Charise L. Terry  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Director of Learning and  
Development

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

253 Broadway  
Suite 602  
New York, NY 10007

212. 615. 8939 tel.  
212. 676.2724 fax

## BY MAIL AND EMAIL

May 15, 2019

Yidel Perlstein  
Chairperson  
Brooklyn Community Board No. 12  
5910 13th Avenue  
Brooklyn, NY 11219

Re: Resolution #2019AP/230-482-(2019)  
Brooklyn Community Board No. 12  
Evaluation of Sexual Harassment Prevention and Response Practices  
Audit Period: January 1, 2018 to December 31, 2018  
Determination: **FINAL**

Dear Chairperson Perlstein:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: April 25, 2019  
No Response Received.

### Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any 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 prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices.

As the Brooklyn Community Board No. 12 falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards<sup>1</sup> to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Brooklyn Community Board No. 12's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

### **Next Steps**

**The assigned compliance-monitoring period is: June 1, 2019 to July 31, 2019. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.**

***If corrective actions remain:*** Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Brooklyn Community Board No. 12 has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Brooklyn Community Board No. 12 will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Brooklyn Community Board No. 12 is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

***Final Memorandum:*** Upon the Brooklyn Community Board No. 12's implementation of the final corrective action, if any, the EEPC requires that the Brooklyn Community Board No. 12 submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

***If no corrective actions remain:*** In lieu of a response to this Final Determination, the Brooklyn Community Board No. 12 must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Brooklyn Community Board No. 12 will be exempt from the abovementioned compliance-monitoring period.

### **Conclusion**

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<sup>1</sup> The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

This is the EEPc's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at [jshaw@eepc.nyc.gov](mailto:jshaw@eepc.nyc.gov) or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry  
Executive Director

c: Barry Spitzer, District Manager  
Ama Dwimoh, Esq., EEO Officer, Office of the Brooklyn Borough President  
Melody Ruiz, EEO Officer, Office of the Brooklyn Borough President  
William B. Peterson, Manager, Labor Relations Analysis and Audit

**FINAL DETERMINATION**

A response indicating progress of Brooklyn Community Board No. 12's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires (PIQs)* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the *Annual EEO Plans* and *Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

**FINAL ACTION:**

Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.

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<sup>2</sup> Excerpts are italicized.



**RESOLUTION NO.  
2019AP/230-482-(2019)  
Brooklyn Community Board No. 12  
Chairperson Yidel Perlstein  
Sexual Harassment Prevention and Response Practices  
DETERMINATION: FINAL**

**SYNOPSIS**

<b>Corrective Action(s):</b>	<b>Total:</b> 0
<b>Period Audit Covered:</b>	January 1, 2018 to December 31, 2018
<b>Preliminary Determination Issued:</b>	April 25, 2019      No Response Received
<b>Final Determination Issued:</b>	May 15, 2019      Response Due      June 14, 2019
<b>Compliance-Monitoring :</b>	Required      June 1, 2019 to July 31, 2019

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 25, 2019, setting forth findings.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and



**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 15, 2019, which indicated that no areas required corrective action; and


**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2019 to July 31, 2019, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

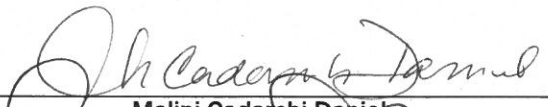
**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on May 15, 2019, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,


**Be It Resolved**, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Chairperson Yidel Perlstein to assign compliance-monitoring.

Approved unanimously on May 21, 2019.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva R. Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner

# Memo

**TO:** All Employees  
**FROM:** Equal Employment Practices Commission  
**DATE:** 5/15/2019  
**RE:** Sexual Harassment Prevention and Response Practices  
Brooklyn Community Board No. 12

---

The New York City Charter requires the Equal Employment Practices Commission (EEPC) to conduct an audit once every four years to ensure each City agency or municipal entity (collectively “agency”) complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

The EEPC recently concluded an audit and evaluation of the Brooklyn Community Board No. 12’s practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and did not identify areas for enhancement.

Through successful completion of the EEPC’s audit, evaluation, and monitoring processes Chairperson Perlstein reaffirms the commitment to ensuring that the Brooklyn Community Board No. 12’s employment practices encourage and maintain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency’s equal employment opportunity policies.



**RESOLUTION NO.  
2019AP/230-482-(2019)C14  
Brooklyn Community Board No. 12  
Chairperson Yidel Perlstein  
Sexual Harassment Prevention and Response Practices  
DETERMINATION: COMPLIANCE**

**SYNOPSIS**

<b>Corrective Action(s)</b>	Total: 0		
<b>Period Audit Covered</b>	January 1, 2018 to December 31, 2018		
<b>Preliminary Determination Issued</b>	April 25, 2019	No Response Received	
<b>Final Determination Issued</b>	May 15, 2019	Response Received	May 20, 2019
<b>Compliance-Monitoring</b>	Required	June 1, 2019 to July 31, 2019	

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Brooklyn Community Board No. 12's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 25, 2019, setting forth findings.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 15, 2019, which indicated that no areas required corrective action ; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2019 to July 31, 2019, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on May 20, 2019, the entity issued a response to the EEPC's Final Determination; and


**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the Brooklyn Community Board No. 12 was monitored until May 20, 2019; and


**Whereas**, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chairperson submitted a copy of a memorandum to staff dated May 15, 2019, which recognized the EEPC's audit and reiterated commitment to the Brooklyn Community Board No. 12's equal employment practices; Now Therefore,

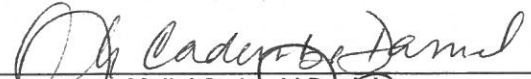
**Be It Resolved**, that the Brooklyn Community Board No. 12 has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

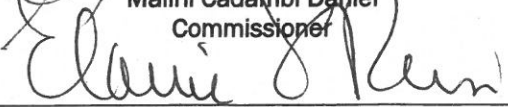
**Be It Resolved**, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Chairperson Yidel Perlstein of the Brooklyn Community Board No. 12.

Approved unanimously on May 21, 2019.

  
\_\_\_\_\_  
Angela Cabrera  
Commissioner

  
\_\_\_\_\_  
Arva R. Rice  
Commissioner

  
\_\_\_\_\_  
Malini Cadambi Daniel  
Commissioner

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner



**BY MAIL AND EMAIL**

Vacant  
Chair

May 21, 2019

Angela Cabrera  
Malini Cadambi Daniel  
Elaine S. Reiss, Esq.  
Arva R. Rice  
Commissioners

Yidel Perlstein  
Chairperson  
Brooklyn Community Board No. 12  
5910 13th Avenue  
Brooklyn, NY 11219

Charise L. Terry, PHR  
Executive Director

Judith Garcia Quiñonez, Esq.  
Executive Agency Counsel/  
Director of Learning and Development

Re: Resolution #2019AP/230-482-(2019)C14  
DETERMINATION: Compliance

Jennifer Shaw, Esq.  
Executive Agency Counsel/  
Director of Compliance

Dear Chairperson Perlstein:

253 Broadway  
Suite 602  
New York, NY 10007

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

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and District Manager Barry Spitzer for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Arva R. Rice". The signature is fluid and cursive, written over a white background.

Arva R. Rice  
Commissioner

C: Barry Spitzer, District Manager

This  
*Determination of Compliance*

is hereby issued to

Brooklyn Community Board No. 12

for exemption from required corrective action(s),  
thereby achieving compliance with the Equal Employment Practices Commission's  
Sexual Harassment Prevention and Response Practices  
from January 1, 2018 to this date.

In care of Chairperson Yidel Perlstein  
and District Manager Barry Spitzer

On this 21st day of May in the year 2019,



Arva R. Rice, Commissioner



Charise L. Terry, Executive Director