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BY MAIL AND E-MAIL

April 14, 2017

Bryan Block
Chairperson
Queens Community Board 13
219-41 Jamaica Avenue
Queens Villiage, NY 11428

Re: #2017/443: Determination Pursuant to Audit: Review Evaluation and monitoring of the Equal Employment Opportunity Program – Queens Community Board No. 13.

Dear Chairperson Block:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission’s findings and determinations pursuant to our analysis for the period covering January 1, 2013 through December 31, 2016.

Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency’s plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

Queens Community Board No. 13, which may herein be referred to as “the agency,” falls within the Commission’s purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as any “city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury...”

The purpose of this audit and analysis is to evaluate the agency's EEO Program, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code, §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

The *Uniform Standards for EEPC Audits* requires each agency to distribute the Citywide EEO Policy or its own. As the Community Boards are comprised of members appointed by the respective Borough Presidents, under the *Minimum Equal Employment Opportunity Standards for Community Boards* the expectation is that a Community Board adopts and distributes the Borough President's EEO Policy. The Community Board may, however, adopt the Citywide EEO Policy.

Since this Commission is empowered to review the plans adopted by city agencies and to recommend actions which such agencies should consider including in their annual plans, the agency should incorporate the required corrective actions in its EEO Program and prospective Annual EEO Plans.

Scope and Methodology

Audit methodology included an analysis of the Community Board's responses to the EEPC's *Interview Questionnaire for Community Boards* (Attachment). The questionnaire was sent to Queens Community Board No. 13 on December 14, 2016. The completed questionnaire was received on January 4, 2017. The following determination indicates where the Community Board's District Office has or has not complied, in whole or in part, with our *Minimum Equal Employment Opportunity Standards for Community Boards*.

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



Description of the Community Boards

Community Boards have approximately fifty unsalaried members appointed by the Borough President in consultation with the City Council members who represent any part of the community board district. Each Community Board hires a full time, salaried District Manager and salaried support staff to administer its district office, which works to resolve the service delivery problems of its residents and businesses. Community Boards have an advisory role in zoning, land use issues, community planning, the city budget process, and the coordination of municipal services. Any person who resides, does business, or has a professional or other significant interest in, the community is eligible for appointment to his/her Community Board.

DETERMINATION

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Community Boards must follow the Borough President's Equal Employment Opportunity Policy.
- ✓ During the period in review, Queens Community Board No. 13 followed the Queens Borough President's EEO policy entitled, *City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy*.

Subsequent to the period in review, in February 2017, the Office of the Queens Borough President established a new EEO policy (under the same name). The aforementioned policy, once received by Queens Community Board No. 13, was distributed to all employees who signed to confirm receipt on February 23, 2017.

2. Community Boards must post the Borough President's Equal Employment Opportunity Policy Statement in their offices.
- ✓ During the period in review, the Queens Borough President's Equal Employment Opportunity Policy Statement was posted on the agency's conference room bulletin board.
3. Community Board Chairpersons, or their designees, must consult with the Office of the Borough President's Equal Employment Opportunity (EEO) Officer on all equal employment opportunity issues.
- ✓ Queens Community Board No. 13 reported no equal employment opportunity issues occurred during the period in review.

II. EEO TRAINING FOR AGENCY:

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

4. Community Boards must ensure that all individuals who work within the board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities.
 - Queens Community Board No. 13 did not ensure that all individuals who work within the board, including managers and supervisors, receive training and/or a guide on EEO laws and their related rights and responsibilities. Corrective action required.

NOTE: Subsequent to the period in review, on February 23, 2017, the Queens Borough President's new EEO policy, *City of New York Office of the President of the Borough of Queens Equal Employment Opportunity Policy*, (which included a *Sexual Harassment Policy*, *Disabilities Policy*, *Anti-Retaliation Policy*, *EEO Complaint and Investigation Procedures*, *Reasonable Accommodation Procedures* and *55-a Program* information) was distributed to all employees.

III. DISCRIMINATION /SEXUAL HARRASSMENT COMPLAINT & INVESTIGATION PROCEDURES:

Summary of Complaint Activity: Community Board No. 13 reported no employment discrimination complaints were filed during the audit period.

5. To file an internal complaint of discrimination, Community Board employees should use the Borough President's EEO Office.
 - ✓ Queens Community Board No. 13 reported no EEO complaints were filed during the period in review. The agency's adopted EEO policy stated in part that "*any employee or applicant who believes that he or she has been discriminated against should contact one of the QBPO's (Queens Borough Presidents Office) Equal Employment Opportunity (EEO) officers for consultation and/or to file a complaint*".

IV. SELECTION AND RECRUITMENT SYSTEM:

(See Attachment for Workforce Data Summary)

Determination: The agency is in partial compliance with the standard for this subject area

6. Community Boards must post job vacancies in their offices and the Borough President's Office.
 - ✓ Queens Community Board No. 13 advertised two (2) vacant positions during the period in review: *District Manager* and *Community Associate*. Job vacancy notices were posted at the Borough President's office and in the *Queens Courier* newspaper.
 - The agency did not demonstrate that job vacancy notices were posted in their offices. Corrective action required.

Corrective Action #1: The Community Board must post job vacancies in their offices.

7. Community Boards must use the EEO tag line when advertising job vacancies.
- ✓ The job vacancy notices posted at the Borough President's office contained the EEO tagline "The Queens Community Board #13 and the City of New York are Equal Opportunity Employers".
 - The job vacancy notices in the *Queens Courier* newspaper did not contain an EEO tagline.
Corrective action required.

Corrective Action #2: The Community Board must use the EEO tag line when advertising job vacancies.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/ APPLICANTS
FOR EMPLOYMENT WITH DISABILITIES:**

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

8. Community Boards must assess whether facilities are accessible to and useable by applicants/employees with disabilities.
- ✓ Queens Community Board No. 13 assessed its facilities located at 219-41 Jamaica Avenue, Queens Village, NY 11428 and determined that it was accessible to and useable by applicants/employees with disabilities via street accessible entrance and ramp access.

SUMMARY OF REQUIRED CORRECTIVE ACTIONS:

Pursuant to the Equal Employment Practices Commission's *Minimum Equal Employment Opportunity Standards for Community Boards*, two (2) corrective actions are currently required.

1. The Community Boards must post job vacancies in their offices.
2. The Community Boards must use the EEO tag line when advertising job vacancies.

CONCLUSION

If no corrective action is required, a *Determination of Compliance* is attached and no response is required.



**Equal Employment
Practices Commission**

If corrective actions are required, pursuant to Chapter 36 of the New York City Charter, please respond to this Determination within 21 days from the date of this letter via mail or email to jreed@eepc.nyc.gov. Your response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions.

Once your response is received, the EEPCC will inform your agency in writing of its compliance status or assigned compliance-monitoring period. For action(s) not implemented, a monthly compliance-monitoring period will be assigned, where the EEPCC will verify implementation of the prescribed corrective action(s). Upon your agency's completion of the final corrective action, a *Determination of Compliance* will be issued.

If your agency does not respond within 21 days and corrective action is required, the EEPCC will assign a monthly compliance-monitoring period.

Since the Community Boards are comprised of members appointed by the respective Borough Presidents, please forward a copy of your response to the Office of the Borough President's EEO Officer.

In closing, thank you and your staff for the cooperation extended to the Equal Employment Practices Commission during the course of this audit.

Respectfully Submitted by,

Jamal Reed, EEO Program Analyst

Approved by,

Charise L. Terry, PHR
Executive Director

Attachment

c: Mark McMillan, District Manager, Community Board No. 13
Lisa Atkins, Principal EEO Professional, Office of the Queens Borough President



Attachment: Statistical Profile of Agency Workforce
Beginning and End of Audit Period*

Agency: Queens Community Board No. 13

# Employees	Beginning of Audit Period 01/01/2013	End of Audit Period 12/31/2016
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Male	1	2
Female	2	1

White	1	
Black	2	3
Hispanic		
Asian		
Native American		
Unknown		

Total # of Employees	3	3
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*as reported by QCB#13



Queens Community Board 13

219-41 Jamaica Avenue
Queens Village, NY 11428
718.464.9700
Fax: 718.254.2739
qcb13.org

MAY 15 2017 PM 5:



Melinda Katz
Borough President

Vicky Morales-Casella
Director of
Community Boards

Bryan J. Block
Chairman

Mark McMillan
District Manager

May 11, 2017

Charise L. Terry
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Dear Director Terry:

I have reviewed the findings of your agency's audit pursuant to the letter addressed to this Community Board dated April 14, 2017.

There were three items that require corrective actions. Each will be addressed as follows:

1) *EEO Training for all who work within the board...receiving training and/or a guide on EEO laws and related rights and responsibilities.*

Corrective Action - The personnel in the office have received the guide on EEO law and rights and responsibilities. In addition, the next time a training is given at the Queens Borough President's Office, all of the staff will be in attendance.

2) *Queens Community Board 13 advertised two (2) vacant positions during the period in review: District Manager and Community Associate. Job vacancy notices were posted at the Borough President's Office and in the Queens Courier newspaper. The job vacancy notice was not posted in the board office.*

Corrective Action - The next time there is an open position with the Queens Community Board 13 office, a notice will be posted within the office.

3) In advertising the job vacancy notices, the EEO tagline ("Queens Community Board 13 and the City of New York are Equal Opportunity Employers.") was not used.

Corrective Action – Any future advertising for job vacancies at Queens Community Board 13 will include the EEO tagline.

It is important for us to be in compliance with the rules and regulations of your agency. All of the corrective actions listed above are acknowledged and will be implemented going forward.

Sincerely,

A handwritten signature in black ink that reads "Angela Augugliaro". The signature is written in a cursive style with a large initial 'A'.

Angela Augugliaro
First Vice Chairperson

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

RESOLUTION #2017/210-443-C13: Determination of **Compliance** (Monitoring Period Not Required) by Queens Community Board No. 13 with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 through December 30, 2016.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Queens Community Board No. 13 (QCB13) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Determination dated April 14, 2017, setting forth the following required corrective actions:

1. The Community Boards must post job vacancies in their offices.
2. The Community Boards must use the EEO tag line when advertising job vacancies.

Whereas, the QCB13 submitted its response to the EEPC's Determination on May 11, 2017 with a commitment to institute the required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 25, 2017 which agreed and accepted documentation for implementation of the aforementioned corrective actions and no corrective actions were remaining; and

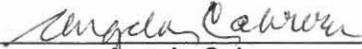
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that Queens Community Board No. 13 has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Chairperson of the Bryan Block.

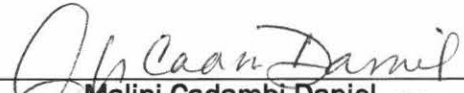
Approved unanimously on May 25, 2017.



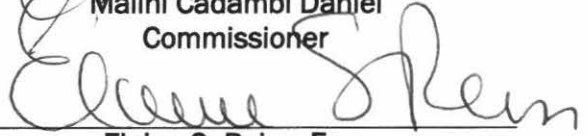
**Angela Cabrera
Commissioner**



**Arva Rice
Commissioner**



**Malini Cadambi Daniel
Commissioner**



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



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BY MAIL AND E-MAIL

May 25, 2017

Bryan Block
Chairperson
Queens Community Board 13
219-41 Jamaica Avenue
Queens Villiage, NY 11428

Re: Resolution #**2017/210-443-C13**: Determination of Agency Compliance

Dear Chairperson Kelty:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Queens Community Board No. 13. This Commission has determined that the Queens Community Board No. 13 has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Mark McMillian, District Manager, for the cooperation extended to the EEPC.

Sincerely,

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

Arva R. Rice
Commissioner

c: Mark McMillian, District Manager, QCB No. 13
Melinda Katz, Office of the Queens Borough President
Lisa Atkins, EEO Officer, Office of the Queens Borough President

This
Determination of Compliance

is issued to

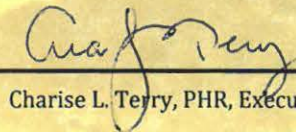
Queens Community Board No. 13

*compliance with Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity for
Community Boards from January 1, 2013 to this date.*

On this 25th day of May in the year 2017,



Arva Rice, Commissioner



Charise L. Tejry, PHR, Executive Director

*In care of Chairperson Bryan Block and
District Manager Mark McMillan*