



Sasha Neha Ahuja
Chair

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BY EMAIL

February 5, 2021

Vikki Barbero
Chair
Manhattan Community Board No. 5
450 7th Avenue Rm. 2109
New York, New York 10123

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2020 to December 31, 2020.
Determination: PRELIMINARY

Dear Chair Barbero:

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 Manhattan Community Board No. 5's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2020 to December 31, 2020.

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 Manhattan Community Board No. 5, 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 entities¹ 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 Manhattan Community Board No. 5 on December 18, 2020; the completed PIQ(s) were returned on January 6, 2021. Supporting documentation was attached. Additional requests were not necessary.

The following determination indicates where the Manhattan Community Board No. 5 has or has not complied, in whole or in part, with the established Standards.

Description of the Agency

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

Community Boards are local representative bodies. Each of the fifty-nine (59) Community Boards is comprised of up to fifty (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. (Source: The Green Book 3/2019). In addition to the Chair, during the period in review, Manhattan Community Board No. 5 had a headcount of three (3) that consisted of a District Manager, an Assistant District Manager, and a Community Associate.

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 non-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.
 - Manhattan Community Board No. 5 did not demonstrate that, during the period in review, it distributed or posted an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment. **Corrective Action Required.**

Corrective Action #1: Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.

2. Follow, distribute and post the Borough President's policy(ies) against sexual harassment.
 - Manhattan Community Board No. 5 did not demonstrate that, during the period in review, it followed, distributed and posted the Office of the Manhattan Borough President's policy(ies) against sexual harassment. **Corrective Action Required.**

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

II. Agency-wide Training

Determination: The agency is in non-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.

- Manhattan Community Board No. 5 did not demonstrate that, during the period in review, it ensured that all individuals who work within the board received training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities. **Corrective Action Required.**

Corrective Action #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.

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 **partial-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.

- Manhattan Community Board No. 5 did not demonstrate that, during the period in review, it ensured that all individuals who work within the board received information regarding the Office of the Manhattan Borough President's complaint investigation procedures. **Corrective Action Required.**

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

5. Maintain a summary of annual complaint activity.

NOTE: Manhattan Community Board No. 5 reported no discrimination complaints were filed during the period in review. Compliance with the standard could not be meaningfully measured for the period in review.

IV. **Responsibility for Implementation**

Determination: The agency is in **non-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.

- Manhattan Community Board No. 5 did not demonstrate that, during the period in review, employees were directed to utilize the Office of the Manhattan Borough President's Equal Employment Opportunity (EEO) Office to file an internal report. **Corrective Action Required.**

Corrective Action #5: Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.

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.

- Manhattan Community Board No. 5 did not demonstrate that, during the period in review, the Community Board Chairperson, or their designee, consulted or cooperated with the Office of the Manhattan Borough President's principal EEO Professionals on the prevention, investigation, and resolution of sexual harassment complaints. **Corrective Action Required.**

Corrective Action #6: 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.

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 Manhattan Community Board No. 5 has 7 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the Manhattan Community Board No. 5 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 Manhattan Community Board No. 5'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 Manhattan Community Board No. 5's implementation of the prescribed corrective action(s).

(No Response Option) If the Manhattan Community Board No. 5 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 Manhattan Community Board No. 5 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,

A handwritten signature in blue ink that reads "Imani M. Bowen".

Imani Bowen, EEO Program Analyst

Approved by,

A handwritten signature in blue ink that reads "Jennifer Shao".

For Charise L. Terry
Executive Director

c: Marisa Maack, District Manager, Manhattan Community Board No. 5
Connor Allerton, Principal EEO Professional, Office of the Manhattan Borough President
Luisa Lopez, Principal EEO Professional, Office of the Manhattan Borough President
Ilacia N. Zuell, Manager, EEO Analysis and Audit Unit, EEPC



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BY EMAIL

February 23, 2021

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

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2020 to December 31, 2020.
Manhattan Community Board No. 5
Determination: **FINAL**
Resolution #: 2021AP/247-345-(2021)

Dear Chairperson Barbero:

On behalf of the members of the Equal Employment Practices Commission (EEOC), 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: February 5, 2021
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 EEOC 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 EEOC 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 Manhattan Community Board No. 5's Sexual Harassment Prevention and Response Practices.

As the Manhattan Community Board No. 5 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 standards¹ 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 Manhattan Community Board No. 5'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: March 1, 2021 to April 30, 2021. 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 Manhattan Community Board No. 5 has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Manhattan Community Board No. 5 will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Manhattan Community Board No. 5 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 Manhattan Community Board No. 5's implementation of the final corrective action, if any, the EEPC requires that the Manhattan Community Board No. 5 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 Manhattan Community Board No. 5 must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Manhattan Community Board No. 5 will be exempt from the abovementioned compliance-monitoring period.

¹ 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.

Conclusion

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 or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


For Charise L. Terry
Executive Director

c: Marisa Maack, District Manager, Manhattan Community Board No. 5
Connor Allerton, Principal EEO Professional, Office of the Manhattan Borough President
Luisa Lopez, Principal EEO Professional, Office of the Manhattan Borough President
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC
Ilacia N. Zuell Manager, EEO Analysis and Audit, EEPC
Imani Bowen, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of the Manhattan Community Board No. 5'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 response² (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.

Corrective Action #1:

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

Agency Response:

No agency response received.

EEPC Response:

Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #2:

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

Agency Response:

No agency response received.

EEPC Response:

Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #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.

Agency Response:

No agency response received.

² Excerpts are italicized.

EEPC Response:

Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #4:

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

Agency Response:

No agency response received.

EEPC Response:

Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #5:

Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.

Agency Response:

No agency response received.

EEPC Response:

Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #6:

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.

Agency Response:

No agency response received.

EEPC Response:

Implementation of this corrective action 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.



RESOLUTION NO.
2021AP/247-345-(2021)
Manhattan Community Board No. 5
Chairperson Vikki Barbero
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

SYNOPSIS

Corrective Action(s):	Total: 6		
Period Audit Covered:	January 1, 2020 to December 31, 2020		
Preliminary Determination Issued:	February 5, 2021	No Response Received	
Final Determination Issued:	February 23, 2021	Response Due	March 25, 2021
Compliance-Monitoring:	Required	March 1, 2021 to April 30, 2021	

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 Manhattan Community Board No. 5’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Manhattan Community Board No. 5’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 5, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating

commitment to the prevention of sexual harassment.

2. Follow, distribute and post the Borough President's policy(ies) against sexual harassment.
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.
4. Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.
5. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
6. 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.

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 February 23, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, and 6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from March 1, 2021 to April 30, 2021, 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 February 23, 2021, 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 Vikki Barbero to assign compliance-monitoring.

Approved unanimously on February 25, 2021.

/s/Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

/s/Arva R. Rice
Arva R. Rice
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee

Vacant
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,



Charise L Terry
Executive Director

Vikki Barbero, Chair

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Marisa Maack, District Manager

Manhattan Community Board Five

March 24, 2021

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

Dear Charise L. Terry,

In response to the Final determination for Manhattan Community Board Five (CB5) of the EEPC audit for 2020, the following corrective actions have been taken:

- A statement has been distributed to staff from CB5 Board Chair reiterating the CB5 commitment to the prevention of all forms of employment discrimination, including sexual harassment, mandated notices/posters are posted in the CB5 office, although all staff are working remotely and so there is no visual proof to attach;
- The Manhattan Borough President's EEO policy has been redistributed and confirmation of staff receipt is attached. [REDACTED] and [REDACTED] received the policy upon hire and signed affidavits to that effect at that time. They are attached. [REDACTED], who was hired before the required policy existed, was recently sent the policy and her signed affidavit is attached;
- All employees have been encouraged to participate in all sexual harassment trainings and have received the mandated sexual training that is administered by DCAS. Our office however does not have access to those records and you will need to confirm compliance with that agency;
- All staff have received the MBPO EEO policy which contains specific complaint procedures and have updated contact information for that EEO personnel;
- All staff have been directed through the CB5 Chair's statement to use the MBPO EEO personnel to file internal complaints;
- Both the CB5 Chair and District Manager have the MBPO EEO personnel contact information and have discussed process and procedure with that office through Borough Board and Borough Service Cabinet meetings.

Please let me know if any other information is required.

Sincerely,

A handwritten signature in cursive script that reads "Vikki Barbero".

Vikki Barbero
Chair

Memorandum

TO: All Employees
FROM: Equal Employment Practices Commission
DATE: 5/7/2021
RE: Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices
Manhattan Community Board No. 5

The New York City Charter requires the Equal Employment Practices Commission (EEOC) 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 EEOC recently concluded an audit and evaluation of the Manhattan Community Board No. 5's practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and identified enhancement by means of the following:

1. Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.
2. Follow, distribute and post the Borough President's policy(ies) against sexual harassment.
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.
4. Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.
5. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
6. 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.

Through successful completion of the EEOC's audit, evaluation, and monitoring processes and the aforementioned enhancements Chairperson Barbero reaffirms the commitment to ensuring that the Manhattan Community Board No. 5'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.



Aldrin Rafael Bonilla
Chair

Angela Cabrera
Elaine S. Reiss, Esq.
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Executive Agency Counsel/
Director of Compliance

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BY EMAIL

June 10, 2021

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

Re: Resolution #2021AP/249-345-(2021)C32
DETERMINATION: Compliance

Dear Chairperson Barbero:

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 Marisa Maack 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 "Elaine S. Reiss". The signature is fluid and cursive.

Elaine S. Reiss, Esq.
Commissioner

c: Marisa Maack, District Manager, Manhattan Community Board No. 5

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2021AP/249-345-(2021)C32

Manhattan Community Board No. 5

Chairperson Vikki Barbero

DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s):	Total: 6	
Period Audit Covered:	January 1, 2020 to December 31, 2020	
Preliminary Determination Issued:	February 5, 2021	No Response Received
Final Determination Issued:	February 23, 2021	Response Received March 24, 2021
Compliance-Monitoring:	Required	March 1, 2021 to April 30, 2021 without extension

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 Manhattan Community Board No. 5’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Manhattan Community Board No. 5’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 5, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Distribute/post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.
2. Follow, distribute and post the Borough President's policy(ies) against sexual harassment.
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.
4. Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.
5. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
6. 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.

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 February 23, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, and 6; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from March 1, 2021 to April 30, 2021, 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 March 24, 2021, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the Manhattan Community Board No. 5 was monitored until April 29, 2021; 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 7, 2021, which recognized the EEPC's audit and reiterated commitment to the Manhattan Community Board No. 5's equal employment practices; Now Therefore,

Be It Resolved, that the Manhattan Community Board No. 5 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 Vikki Barbero of the Manhattan Community Board No. 5.

Approved unanimously on June 10, 2021.

/s/Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

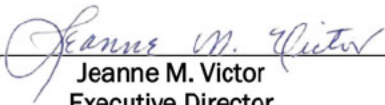
/s/Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

/s/Arva R. Rice
Arva R. Rice
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee

/s/Aldrin Rafael Bonilla
Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,


Jeanne M. Victor
Executive Director



This

Determination of Compliance

is hereby issued to

Manhattan Community Board No. 5

*for successful implementation of 6 of 6 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2020 to this date.*

On this 10th day of June in the year 2021,

A handwritten signature in cursive script, reading 'Jeanne M. Victor', is positioned above a horizontal line.

Jeanne M. Victor, Executive Director

*In care of Chairperson Vikki Barbero
and District Manager Marisa Maack*