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BY EMAIL

February 9, 2021

Nilsa Orama  
Chair  
Manhattan Community Board No. 11  
1664 Park Avenue, Ground Floor  
New York, NY 10035

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

Dear Chair Orama:

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. 11'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. 11, 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 Manhattan Community Board No. 11 on December 18, 2020; the completed PIQ(s) were returned on January 8, 2021. Supporting documentation was attached. Additional requests were not necessary.

The following determination indicates where the Manhattan Community Board No. 11 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 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). At the end of the audit period, in addition to the Chair, the Manhattan Community Board No. 11's staff 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 partial-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. 11 did not demonstrate that during the period in review the Chairperson distributed or posted an annual Policy statement or memorandum 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. 11 reported that the Office of the Manhattan Borough President's policies pertaining to sexual harassment "*are shared with all staff and a copy is posted in the board office.*" The policies consisted of the *Manhattan Borough President's Office Equal Employment Opportunity (EEO) Policy and Plan* (MBPO EEO Policy) and the *Manhattan Borough President's Office EEO Complaint Investigation Procedure* (MBPO EEO Complaint Investigation Procedure). The MBPO EEO Policy stated, "[s]exual harassment is a form of employment discrimination which is prohibited by law", and included the definition of sexual harassment. The MBPO EEO Policy and the MBPO EEO Complaint Investigation Procedure outlined the discrimination/sexual harassment complaint procedures, and contained the contact information (name, telephone number, and email address) for the EEO professionals of the Office of the Manhattan Borough President.

**NOTE:** The contact information in the MBPO EEO Policy and the MBPO EEO Complaint Investigation Procedure for the EEO professionals of the Office of the Manhattan Borough President is no longer

current. Manhattan Community Board No. 11 should distribute the current contact information for the EEO professionals of the Office of the Manhattan Borough President to all staff.

➤ Manhattan Community Board No. 11 reported but did not demonstrate that, during the period in review, the Office of the Manhattan Borough President's policy(ies) against sexual harassment were distributed and posted. **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. 11 reported but did not demonstrate that during the period in review all staff were notified of their rights and responsibilities pertaining to sexual harassment via the MBPO EEO Policy and the MBPO EEO Complaint Investigation Procedure. **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. 11 reported but did not demonstrate that during the period in review all individuals who work within the board received information regarding the Office of the Manhattan Borough President's complaint investigation procedures via the MBPO EEO Policy and the MBPO EEO Complaint Investigation Procedure. **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. 11 reported no employment discrimination complaints were filed during the period in review. Compliance with this standard could not be meaningfully measured for the period in review.

#### IV. Responsibility for Implementation

**Determination:** The agency is in partial-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.

✓ The MBPO EEO Complaint Investigation Procedure established, "[w]hen a complaint is filed with the Office of the Manhattan Borough President by an MBPO employee, Community Board member, or Community Board employee against another MBPO employee, Community Board member, or Community Board employee regarding a violation of the MBPO EEO Policy, it [sic] the responsibility of the Borough President's EEO Officer(s) to investigate the complaint."

**NOTE:** Manhattan Community Board No. 11 reported no employment discrimination complaints were filed during the period in review.

➤ Manhattan Community Board No. 11 reported but did not demonstrate that during the period in review employees were directed to utilize the EEO Office of the Office of the Manhattan Borough President to file an internal complaint via the MBPO EEO Complaint Investigation Procedure. **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. 11 did not demonstrate that during the period in review the Community Board Chairperson (or designee) consulted and cooperated with the Office of the Manhattan Borough President's co-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. 11 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. 11 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. 11'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.

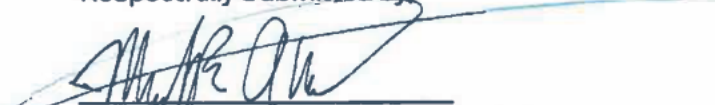
*(Optional Conference)* If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non compliance and address questions regarding the Manhattan Community Board No. 11's implementation of the prescribed corrective action(s).

*(No Response Option)* If the Manhattan Community Board No. 11 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. 11 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.

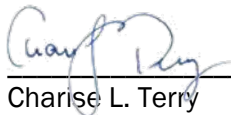
In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

**Respectfully Submitted by,**



Menelik Allsop, EEO Program Analyst

Approved by,



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Charise L. Terry  
Executive Director

- c: Angel Mescain-Archer, District Manager, Manhattan Community Board No. 11  
Connor Allerton, Co-Principal EEO Professional, Office of the Manhattan Borough President  
Luisa Lopez, Co-Principal EEO Professional, Office of the Manhattan Borough President  
William Peterson, Manager, Labor Relations Analysis and Audit, EEPC



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**BY EMAIL**

February 25, 2021

Nilsa Orama  
Chair  
Manhattan Community Board No. 11  
1664 Park Avenue, Ground Floor  
New York, NY 10035

Audit Status:  
Evaluation of Sexual Harassment Prevention and Response Practices for Audit  
Period January 1, 2020 to December 31, 2020.  
Manhattan Community Board No. 11  
Determination: **FINAL**  
Resolution #: 2021AP/247-351-(2021)

Dear Chair Orama:

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: February 9, 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 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 Manhattan Community Board No. 11's Sexual Harassment Prevention and Response Practices.

As the Manhattan Community Board No. 11 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 Manhattan Community Board No. 11'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. 11 has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Manhattan Community Board No. 11 will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Manhattan Community Board No. 11 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. 11's implementation of the final corrective action, if any, the EEPC requires that the Manhattan Community Board No. 11 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. 11 must submit a final memorandum (See Next Steps, Final Memorandum).

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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.

Upon the EEPC's receipt of the final memorandum, the Manhattan Community Board No. 11 will be exempt from the abovementioned compliance-monitoring period.

**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](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: Angel Mescaïn-Archer, District Manager, Manhattan Community Board No. 11  
Connor Allerton, Co-principal EEO Professional, Office of the Manhattan Borough President  
Luisa Lopez, Co-principal EEO Professional, Office of the Manhattan Borough President  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
William Peterson, Manager, Labor Relations Analysis and Audit, EEPC  
Menelik Allsop, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

**FINAL DETERMINATION**

A response indicating progress of Manhattan Community Board No. 11'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.

**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 optional response received.

**EEPC Response:**

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

**Corrective Action #2:**

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

**Agency Response:**

No optional response received.

**EEPC Response:**

Implementation of this corrective action will be monitored during the 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 optional response received.

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



EEPC Response:

Implementation of this corrective action will be monitored during the 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 optional response received.

EEPC Response:

Implementation of this corrective action will be monitored during the 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 optional response received.

EEPC Response:

Implementation of this corrective action will be monitored during the 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 optional response received.

EEPC Response:

Implementation of this corrective action will be monitored during the 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/247-351-(2021)  
Manhattan Community Board No. 11  
Chair Nilsa Orama  
Sexual Harassment Prevention and Response Practices  
DETERMINATION: FINAL**

**S Y N O P S I S**

<b>Corrective Action(s):</b>	<b>Total: 6</b>
<b>Period Audit Covered:</b>	January 1, 2020 to December 31, 2020
<b>Preliminary Determination Issued:</b>	February 9, 2021      No Response Received
<b>Final Determination Issued:</b>	February 25, 2021      Response Due              March 27, 2021
<b>Compliance-Monitoring:</b>	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. 11’s Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Manhattan Community Board No. 11’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 9, 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 25, 2021, which indicated that the following areas required corrective action: no(s). 1 - 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 25, 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 Chair Nilsa Orama 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



# COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
1664 PARK AVENUE  
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www.cb11m.org

Nilsa Orama  
Chair

Angel D. Mescaïn  
District Manager

March 8, 2021

Michael Pinckney, MPA  
Administrator of Audits and Executive Services  
253 Broadway, Suite 602  
New York, NY 10007

**Re: Response to EEPC's evaluation and preliminary determinations pursuant to the Manhattan Community Board No. 11's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2020 to December 31, 2020.**

Dear Mr. Pinckney,

On February 9, 2021, we received a copy of EEPC's evaluation and preliminary determinations pursuant to the Manhattan Community Board No. 11's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2020 to December 31, 2020. While it is our full intention to comply with the audit, I must state that I take issue with several of the findings in the preliminary determination as they reflect a clear lack of understanding of how information regarding sexual harassment prevention policies and training are offered to our staff members.

For example, while Community Board 11 does not itself have a sexual harassment prevention policy or itself offer such training to its staff members, our board does strictly adhere to the *Manhattan Borough President's Office ("MBPO") Equal Employment Opportunity ("EEO") Policy and Plan* and its policies regarding the prevention of sexual harassment in the workplace. The plan is provided to all staff upon their hiring and whenever the plan has been revised. The plan is also shared with the members of our board and a printed copy is publicly displayed in the board office. Further, while Community Board 11 does not itself provide the training, each staff member is required to complete the City's *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* training. This training was last offered by the Department of Citywide Services (DCAS) in October 2019 and was completed by all the current employees of Community Board 11 [REDACTED], [REDACTED] and [REDACTED]. DCAS did not offer the training to community boards during 2020; likely because of the ongoing COVID-19 pandemic.

Your preliminary determination finds our office to be in non-compliance because the names and contact information for EEO officers in the Borough President's Office Plan is out of date. Given that our office does not maintain that document, it is disappointing that your determination would include that as an issue.



Following are our responses to your recommended corrective actions:

- **Corrective Action #1: Distribute/Post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.** A statement reiterating CB11's commitment to the prevention of sexual harassment was shared with each employee of Community Board 11 on March 9, 2021.
- **Corrective Action #2: Follow, distribute, and post the Borough President's policy(ies) against sexual harassment.** The *Manhattan Borough President's Office ("MBPO") Equal Employment Opportunity ("EEO") Policy and Plan* was last distributed to new employees of CB11 upon their hiring in August 2019. The revised plan with updated EEO contacts was shared with each employee of Community Board 11 on March 9, 2021.
- **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.** These trainings are required of all City employees and administered by the Department of Citywide Services. This training was not offered by DCAS during calendar year 2020 and should not be cited as an example of non-compliance with this audit. When the training is offered again, all CB11 staff members will, of course, participate.
- **Corrective Action #4: Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.** The *Manhattan Borough President's Office ("MBPO") Equal Employment Opportunity ("EEO") Policy and Plan* was last distributed to new employees, Carly Wine and Marline Pierre, of CB11 upon their hiring in August 2019. That plan contains information regarding the Borough President's complaint investigation procedures. The revised plan with updated EEO contacts was shared with each employee of Community Board 11 on March 9, 2021.
- **Corrective Action #5: Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.** The *Manhattan Borough President's Office ("MBPO") Equal Employment Opportunity ("EEO") Policy and Plan* was last distributed to new employees, [REDACTED] and [REDACTED], of CB11 upon their hiring in August 2019. That plan contains information on how to utilize the Borough President's office to file an internal complaint. The revised plan with updated EEO contacts was shared with each employee of Community Board 11 on March 9, 2021.
- **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.** There was no need for such consultation as there were no sexual harassment complaints made during the calendar year 2020. As such, this should not be cited as an example of non-compliance with this audit.

Because the topic of this audit is so important to ensuring a safe working environment, it is incumbent upon your office to work with and assist the agencies that are subject to such audits, including community boards, on how best to adhere to City policies on the prevention of sexual harassment in the workplace. Instead, the determination of your audit shows a disregard for how community boards function regarding human resources and related policies. Our offices work collaboratively with the Office of Operations in the Borough President's Office to ensure that our staff is well informed about policies and training that are in place to provide a healthy working environment for each of them.

It is my full expectation that your future audits will reflect the actual process and practices of our board as it relates to the prevention of sexual harassment in the workplace and the full compliance with this audit. This is a matter that we take seriously and will not entertain any mischaracterizations of our commitment to ensuring a safe workplace for all our employees.

Sincerely,

A handwritten signature in black ink, appearing to read "Nilsa Orama". The signature is fluid and cursive, with the first name being more prominent than the last.

Nilsa Orama  
Chair  
Manhattan Community Board 11

cc: Deirdre Lyles, Manhattan Borough President 's Office

# Memorandum

**TO:** All Employees  
**FROM:** Equal Employment Practices Commission  
**DATE:** 5/5/2021  
**RE:** Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices  
Manhattan Community Board No. 11

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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 Manhattan Community Board No. 11’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:

- Distribute/Post an annual Policy statement or memorandum by the Chairperson reiterating commitment to the prevention of sexual harassment.
- Follow, distribute, and post the Borough President’s policy(ies) against sexual harassment.
- 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.
- Ensure that all individuals who work within the board receive information regarding the Borough President’s complaint investigation procedures.
- Direct employees to utilize the Borough President’s Equal Employment Opportunity (EEO) Office to file an internal complaint.
- 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 EEPC’s audit, evaluation, and monitoring processes Chairperson Orama reaffirms the commitment to ensuring that the Manhattan Community Board No. 11’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.**  
**Arva R. Rice**  
Commissioners

**Jeanne M. Victor**  
Executive Director

**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 EMAIL**

June 10, 2021

Nilsa Orama  
Chairperson  
Manhattan Community Board No. 11  
1664 Park Avenue, Ground Floor  
New York, NY 10035

Re: Resolution #2021AP/249-351-(2021)C26  
DETERMINATION: Compliance

Dear Chairperson Orama:

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 Angel Mescaïn-Archer 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,  
  
Elaine S. Reiss, Esq.  
Commissioner

c: Angel Mescaïn-Archer, District Manager, Manhattan  
Community Board No. 11



Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2021AP/249-351-(2021)C26

Manhattan Community Board No. 11

Chairperson Nilsa Orama

DETERMINATION: COMPLIANCE

SYNOPSIS

<b>Corrective Action(s):</b>	Total: 6		
<b>Period Audit Covered:</b>	January 1, 2020 to December 31, 2020		
<b>Preliminary Determination Issued:</b>	February 9, 2021	No Response Received	
<b>Final Determination Issued:</b>	February 25, 2021	Response Received	March 8, 2021
<b>Compliance-Monitoring:</b>	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. 11's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Manhattan Community Board No. 11's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 9, 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 25, 2021, which indicated that the following areas required corrective action: no(s). 1 - 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 8, 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. 11 was monitored until May 5, 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 5, 2021, which recognized the EEPC's audit and reiterated commitment to the Manhattan Community Board No. 11's equal employment practices; Now Therefore,

**Be It Resolved**, that the Manhattan Community Board No. 11 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 Nilsa Orama of the Manhattan Community Board No. 11.

Approved unanimously on June 10, 2021.

\_\_\_\_\_  
*/s/Angela Cabrera*  
**Angela Cabrera**  
Commissioner/Mayoral Appointee

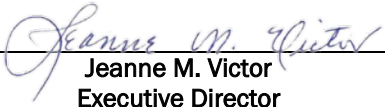
\_\_\_\_\_  
*/s/Elaine S. Reiss*  
**Elaine S. Reiss, Esq.**  
Commissioner/Mayoral Appointee

\_\_\_\_\_  
*/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. 11*

*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 10<sup>th</sup> day of June in the year 2021,

Jeanne M. Victor, Executive Director

*In care of Chairperson Nilsa Orama and  
District Manager Angel Mescain-Archer*