



Vacant  
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**BY EMAIL**

February 23, 2021

Michael Budabin  
Chairperson  
Queens Community Board No. 11  
46-21 Little Neck Parkway  
Little Neck, New York 11362

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

Dear Chairperson Budabin:

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 Queens 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 Queens 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 Queens Community Board No. 11 on December 18, 2020; the completed PIQ(s) were returned on January 7, 2021. Supporting documentation was attached. Additional requests for information were made on January 12, 2021.

The following determination indicates where the Queens 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). In addition to the Chairperson, during the period in review Queens Community Board No. 11's headcount consisted of a District Manager, a Community Associate and a Community Coordinator.

### 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.
  - Queens Community Board No. 11 did not demonstrate that 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.

- Queens Community Board No. 11 reported, but did not demonstrate, that the Office of the Queens Borough President's policy against sexual harassment was distributed to all employees. Queens Community Board No. 11 did not demonstrate that the Office of the Queens Borough President's policy against sexual harassment was electronically or physically posted for employees. **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 compliance with the standards for this subject area.

3. Ensure that all individuals who work within the board receive training and/or a guide on the prevention of sexual harassment and their related rights and responsibilities.
- ✓ Training certificates confirm that in December 2020, all Queens Community Board No. 11 employees (three (3) during the period in review) completed the Department of Citywide Administrative Services' *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training, which informed employees of their rights and responsibilities relating to sexual harassment.

## 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.
- Queens Community Board No. 11 did not demonstrate that all individuals who work within the board received information regarding the Office of the Queens Borough President's complaint investigation procedures. **Corrective Action Required.**

**Corrective Action #3:** 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:** Queens Community Board No. 11 reported no 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 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.

- Queens Community Board No. 11 did not demonstrate that employees were directed to utilize the Office of the Queens Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint. **Corrective Action Required.**

**Corrective Action #4:** 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.

- Queens Community Board No. 11 did not demonstrate that during the period in review, the Chairperson, or their designee, consulted and cooperated with the Office of the Queens Borough President's principal EEO professionals on the prevention of sexual harassment complaints. **Corrective Action Required.**

**Corrective Action #5:** 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.

**NOTE:** Queens Community Board No. 11 reported no complaints were filed during the period in review, which made consultation and collaboration on the investigation and resolution of sexual harassment complaints impractical.

#### **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 Queens Community Board No. 11 has 6 required corrective action(s) at this time. This includes the aforementioned final action.

## Conclusion

Pursuant to Charter Chapter 36, the Queens 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 Queens 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.

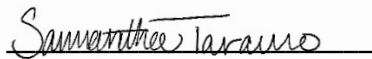
*(Optional Conference)* If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Queens Community Board No. 11's implementation of the prescribed corrective action(s).

*(No Response Option)* If the Queens 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 Queens 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.

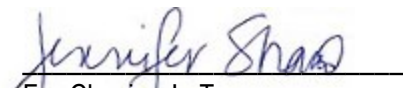
In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,



Samantha Tarallo, EEO Program Analyst

Approved by,



For Charise L. Terry  
Executive Director

c: Joseph Marziliano, District Manager, Queens Community Board No. 11  
Lisa M. Atkins, Principal EEO Professional, Office of the Queens Borough President  
Irving Poy, Principal EEO Professional, Office of the Queens Borough President  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
Ilacia Zuell, Manager, EEO Analysis and Audit Unit, EEPC



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**BY EMAIL**

March 15, 2021

Michael Budabin  
Chairperson  
Queens Community Board No. 11  
46-21 Little Neck Parkway  
Little Neck, New York 11362

**Audit Status:**

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

**Determination: FINAL**

**Resolution #: 2021AP/248-441-(2021)**

Dear Chairperson Budabin:

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 23, 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 Queens Community Board No. 11's Sexual Harassment Prevention and Response Practices.

As the Queens 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 Queens 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: **April 1, 2021 to May 31, 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 Queens Community Board No. 11 has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Queens Community Board No. 11 will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Queens 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 Queens Community Board No. 11's implementation of the final corrective action, if any, the EEPC requires that the Queens 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 Queens Community Board No. 11 must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Queens Community Board No. 11 will be exempt from the abovementioned compliance-monitoring period.

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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.



**Conclusion**

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

Thank you and your staff for your continued cooperation.

Sincerely,

  
For Charise L. Terry  
Executive Director

c: Joseph Marziliano, District Manager, Queens Community Board No. 11  
Lisa M. Atkins, Principal EEO Professional, Office of the Queens Borough President  
Irving Poy, Principal EEO Professional, Office of the Queens Borough President  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPD  
ilacia Zuell, Manager, EEO Analysis and Audit Unit, EEPD  
Samantha Tarallo, EEO Program Analyst, EEPD

Enclosed: TeamCentral Agency Manual

### FINAL DETERMINATION

A response indicating progress of Queens 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 assigned 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 assigned compliance-monitoring period.

**Corrective Action #3:** 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 assigned compliance-monitoring period.

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



**Corrective Action #4:** 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 assigned compliance-monitoring period.

**Corrective Action #5:** 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 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/248-441-(2021)**  
**Queens Community Board No. 11**  
**Chairperson Michael Budabin**  
**Sexual Harassment Prevention and Response Practices**  
**DETERMINATION: FINAL**

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

<b>Corrective Action(s):</b>	<b>Total: 5</b>	
<b>Period Audit Covered:</b>	January 1, 2020 to December 31, 2020	
<b>Preliminary Determination</b>		
<b>Issued:</b>	February 23, 2021	No Response Received
<b>Final Determination Issued:</b>	March 15, 2021	Response Due April 14, 2021
<b>Compliance-Monitoring:</b>	Required	April 1, 2021 to May 31, 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 Queens Community Board No. 11’s Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Queens Community Board No. 11’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 23, 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 information regarding the Borough President's complaint investigation procedures.
4. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
5. 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 March 15, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, and 5; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from April 1, 2021 to May 31, 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 15, 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 Michael Budabin to assign compliance-monitoring.

Approved unanimously on April 22, 2021.

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

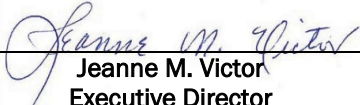
\_\_\_\_\_  
/s/Elaine S. Reiss  
**Elaine S. Reiss, Esq.**  
Commissioner/Mayoral Appointee

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

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**Vacant**  
Commissioner/City Council Appointee

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**Vacant**  
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,

\_\_\_\_\_  
  
**Jeanne M. Victor**  
Executive Director



The City of New York

## Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills  
Little Neck and Oakland Gardens

Michael Budabin **Chairperson** / Joseph Marziliano **District Manager**

### BY EMAIL

April 13, 2021

Jeanne Victor  
Executive Director  
Equal Employment Practices Commission  
253 Broadway  
Suite 602  
New York, NY 10007

**Re: Response to Evaluation of Sexual Harassment Prevention and Response Practices for  
Audit Period January 1, 2020 to December 31, 2020. Determination: FINAL Resolution  
#: 2021AP/248-441-(2021)**

Dear Executive Director Victor:

I am writing today in response to the March 15, 2021 Final Determination notification from the Equal Employment Practices Commission (EEPC) written to Queens Community Board 11. The corrective actions and responses from our agency are as follows:

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

**Response: Please see the attached memorandum dated April 13, 2021 to the Community Board Staff and copied to the EEO Officers of the Queens Borough President's Office, Lisa Atkins and Irving Poy (and corresponding email proving delivery at 12:39 p.m.).**

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

**Response: Please see the attached pictures of the Borough President's policies posted in a common area of the office accessible to all persons. Also, please see the attached email sent to the staff from the District Manager with these policies attached, delivered on April 13, 2021 at 8:00 a.m.**

*Corrective Action #3: Ensure that all individuals who work within the board receive information regarding the Borough President's complaint investigation procedures.*



Corrective Action #4: Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.

**Response:** Please see the attached email sent to the staff from the District Manager on April 13, 2021 at 9:04 a.m. which addresses both corrective action # 3 and # 4.

Corrective Action #5: 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.

*NOTE: Queens Community Board No. 11 reported no complaints were filed during the period in review, which made consultation and collaboration on the investigation and resolution of sexual harassment complaints impractical*

**Response:** Because no complaints were filed during the period in review making consultation and collaboration on the investigation and resolution of sexual harassment complaints impractical, no action will be taken by Community Board 11 at this time but we will work to consult and cooperate with the Queens Borough President's EEO Officers (Lisa Atkins and Irving Poy) at such a time there are complaints filed.

Please let me know if there are any other measures our agency must take to be in compliance. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michael Budabin" followed by a stylized circular flourish.

Michael Budabin  
Chair

# Memorandum

TO: All Employees

FROM: Equal Employment Practices Commission

DATE: 6/3/2021

RE: Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices  
Queens 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 Queens 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 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 and the aforementioned enhancements Chairperson Budabin reaffirms the commitment to ensuring that the Queens Community Board No. 11’s employment practices encourage and



**Equal Employment  
Practices Commission**

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

Minosca Alcantara  
Elaine S. Reiss, Esq.  
Commissioners

Jeanne M. Victor  
Executive Director

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

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New York, NY 10007

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BY EMAIL

July 22, 2021

Michael Budabin  
Chairperson  
Queens Community Board No. 11  
46-21 Little Neck Parkway  
Little Neck, New York 11362

Re: Resolution #2021AP/250-441-(2021)C40  
DETERMINATION: Compliance

Dear Chairperson Budabin:

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 Joseph Marziliano 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 dark ink, appearing to read "Aldrin Bonilla", written over a horizontal line.

Aldrin Rafael Bonilla  
Chair

c: Joseph Marziliano, District Manager, Queens Community Board No. 11



**Monitoring of Sexual Harassment Prevention and Response Practices**

**RESOLUTION NO.**  
**2021AP/250-441-(2021)C40**  
**Queens Community Board No. 11**  
**Chairperson Michael Budabin**  
**DETERMINATION: COMPLIANCE**

**SYNOPSIS**

<b>Corrective Action(s):</b>	Total: 5
<b>Period Audit Covered:</b>	January 1, 2020 to December 31, 2020
<b>Preliminary Determination Issued:</b>	February 23, 2021    No Response Received
<b>Final Determination Issued:</b>	March 15, 2021    Response Received    April 13, 2021
<b>Compliance-Monitoring:</b>	Required    April 1, 2021 to May 31, 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 Queens Community Board No. 11's Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Queens Community Board No. 11's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated February 23, 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 information regarding the Borough President's complaint investigation procedures.
4. Direct employees to utilize the Borough President's Equal Employment Opportunity (EEO) Office to file an internal complaint.
5. 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 March 15, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, and 5; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from April 1, 2021 to May 31, 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 April 13, 2021, the entity issued a response to the EEPC's Final Determination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the Queens Community Board No. 11 was monitored until June 3, 2021; and

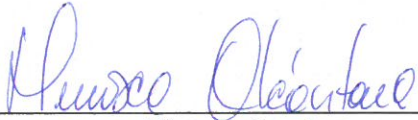
**Whereas**, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Chairperson submitted a copy of a memorandum to staff dated June 9, 2021, which recognized the EEPC's audit and reiterated commitment to the Queens Community Board No. 11's equal employment practices; Now Therefore,

**Be It Resolved**, that the Queens 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

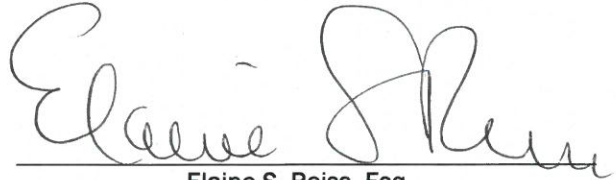
**Be It Resolved**, that the EEPC's Board of Commissioners approves the issuance of this

Determination of Compliance to Chairperson Michael Budabin of the Queens Community Board No. 11.

Approved unanimously on July 22, 2021.



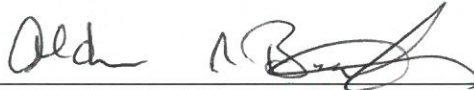
Minosca Alcantara  
Commissioner/Mayoral Appointee



Elaine S. Reiss, Esq.  
Commissioner/Mayoral Appointee

Vacant  
Commissioner/City Council Appointee

Vacant  
Commissioner/City Council Appointee



Aldrin Rafael Bonilla  
Chair/Commissioner/Joint Appointee



This

# Determination of Compliance

is hereby issued to

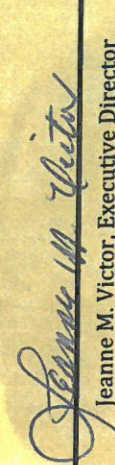
## Queens Community Board No. II

for successful implementation of 5 of 5 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.

In care of Chairperson Michael Budabin  
and District Manager Joseph Marziliano

On this 22<sup>nd</sup> day of July in the year 2021,

  
Aldrin Rafael Bonilla, Chair

  
Jeanne M. Victor, Executive Director