

AFTER ASKING NUMEROUS TIMES FOR PUBLIC ENGAGEMENT WITH OUR PETITION, BKB LEADERSHIP FINALLY POSTED A RESPONSE TO THEIR ACCOUNTABILITY DASHBOARD, ON THE DAY WE WERE ALL LAID OFF.

OUR NOTES IN YELLOW - BKB COLLECTIVE

Public Response to BKBCollective Demands 07/01/2020

***This response is dated 7/01/2020 but was actually published on 7/02/2020, the day we were let go**

Complete list of all **30 demands** made by the BKBCollective.

Management claims that our 9 demands, with details relevant to their execution, are actually 30 in an effort to undermine their validity and paint our requests as unreasonable.

Demand	Consideration	\$ Annual Estimate to meet demand as it is stated	Status
1. A public commitment to majority turnover of executive leadership by the end of 2020 and to fill their roles under the guidance of a professional DEI consultant	<p>Substantially completed</p> <p>The CEO, President, and Senior Director of People & Culture (who functioned as a part of the executive team) have resigned.</p> <p>To fully meet this demand of a "majority turnover" as specifically stated, we would have to arbitrarily fire 2 more executives. The people in these positions generally carry the most institutional knowledge in the business, are the most expensive to replace, and often take the longest amount of time to fully acclimate to their positions. Replacement costs include severance, recruiting, possible relocation expenses (common for executive positions), institutional training, collateral employee turnover, and potential loss of revenue due to interruption in business operations. In a small niche industry, there is no guarantee we can find employees of equal or similar qualifications at similar pay rates given the short time frame by the end of 2020. A qualified CEO alone is likely to cost 1.5 to 2 times as much as Jeremy's previous salary. A time like now, when we are facing multiple severe financial and operations threats, is the worst time to arbitrarily change leadership to people who are unfamiliar with the business or job positions, especially when all remaining executives have clearly committed to making changes within the company to not tolerate racism and foster a diverse, equal, and inclusive workplace. Further executive turnover is not financially or operationally viable at this time.</p>	\$200,000 to \$300,000	Substantially completed
	<p>We don't consider the firing of executives who have perpetuated a toxic and racist company culture to be arbitrary, especially when those who have been directly responsible for targeted firings of BIPOC employees still hold their positions.</p>		
	<p>We have only directly spoken with 3/5 executives since the beginning of the negotiation process, and as such cannot attest to the fact that they have all "clearly committed" to dismantling systemic racism within the company.</p>		
	<p>BKB has repeatedly overlooked exceptional BIPOC candidates for executive roles, instead hiring them in positions that they are vastly overqualified for. "DEI inclusive language" will not do enough to shake up executive leadership and make space for real representation.</p>		
	<p>BKB refuses to allow facility level employees to have any input in who runs the company, instead leaving the task solely to the BOD, who made the decision to lay off 100% of NYC staff after we asked for an equitable and anti-racist workplace. How can we trust that same BOD to select a CEO who will look out for the interests of the community as much as they look out for the interests of investors?</p>		
1. a. All hiring or promotions at the executive level must be approved by a hiring committee that includes a full-time DEI consultant along with a representative from each lifestyle facility at the department management level (excluding GM or AGM)	<p>BKB is committed to incorporate DEI inclusive language in job description when recruiting new executives so as to increase the size of the qualified applicant pool. Writing job descriptions in this manner will help BKB advance its equity goals going forward. We currently have two open executive positions (CEO and VP of Culture) where we will be using this new methodology. Executive recruiting, hiring, and promotions will remain a function of BKB's Board of Directors.</p>	\$50,000 to \$100,000	
1. b. Regular internal reviews of upper management by the same committee of rotating representatives	<p>The executive team will undergo biannual reviews by an appropriate team selected by the CEO. This review process will have input from the Chairperson of the Board of Directors and our DEI consultant.</p> <p>We do not know who this individual is.</p>	\$20,000 to \$100,000	Not financially or operationally viable
2. An end to the cultural appropriation and co-opting of BIPOC climbers' imagery for promotional gain	<p>See subsections below:</p>	\$0	
2. a. Proper compensation for the subjects of any promotional imagery used on all platforms in the past, present, and future	<p>We can commit to discussing selection of appropriate imagery with the elected facility representatives inside the appropriate committee sessions. Additionally, we can discuss compensation for use of such imagery and commit to appropriate compensation for all images used in the future. Providing compensation for and/or elimination of past imagery is potentially very difficult and expensive, more discussion will be required to establish further policy.</p>	\$10,000 to \$100,000	Commitment to future compensation can be made pending further discussion
3. Immediate production of a documented plan and tangible commitment to increased program and facility access for the neighborhoods and communities that we operate within, and a discontinuation of discounted access for those who have been detrimental to the community	<p>We agree to a tangible commitment to increased program and facility access for the neighborhoods and communities that we operate within. Significant efforts are already under way in this regard. The immediate production of a documented plan will require staffing resources that we do not currently have, but efforts to secure these resources are being prioritized.</p>	\$10,000 to \$50,000	Commitment can be made

How can efforts to secure staffing resources be prioritized when the company claimed to be in such financial distress that they had to fire 100% of their NYC staff? What exactly is BKB doing to prioritize these resources?

As a major gentrifying force in multiple communities, BKB needs to get itself into the position to consider reparations.

<p>3. a. A commitment to financial reparations, programming and mentorship for Black and Brown youth and adults</p> <p>Not once were we asked to clarify what reparations meant. If we had been, we would have detailed a number of policies that include a commitment to proportional business spending from each facility going towards Black-owned businesses, discounted access, and free programming for the communities where they have contributed to gentrification.</p>	<p>Partial commitment has been made</p> <p>BKB is <u>not in a position to consider reparations</u>. However, we are committed to addressing any real or perceived inequality at all levels of the business.</p> <p>Programming and mentorship for underprivileged and underrepresented youth and adults can and will be created. Significant efforts are already under way in this regard. Furthermore, mentorship and sponsorship programs should be created for staff in order to facilitate career development for minorities, BIPOC, and adaptive employees.</p>	<p>\$20,000 to \$100,000</p>	<p>Partial commitment can be made</p> <p><u>Not clear what is being asked in terms of reparations</u></p> <p><u>Is discriminatory as stated.</u></p>
<p>3. b. The creation of a Community Coordinator at each facility for the purpose of engagement with the Black communities in the neighborhoods where BKB has contributed to gentrification</p>	<p>BKB is committed to establishing Community Coordinators to work with the local communities. More work needs to be done to determine whether this will be a part time or full time position, whether it functions locally or regionally, and what responsibilities and accountability the position will carry. Once these details are considered and funding has been secured for the position, job posting, recruiting, hiring, and training will commence.</p>	<p>\$20,000 to \$200,000</p>	<p>Partial commitment is possible given resource availability and greater inclusion.</p> <p><u>Is discriminatory as stated.</u></p>
<p>On almost every demand listed on this page, BKB claims that it "is discriminatory as stated". There is not an invisible "only" in front of the word Black on any demand, but they made that assumption. Any perceived discrimination against non-Black groups was never brought up in meetings, and this appears to be code for "all lives matter". If BKB is uncomfortable talking about the specific needs of the Black community during the Black Lives Matter revolution, how can they be trusted to fight for the equitable treatment or honor the rights of any other group?</p>			
<p>3. c. Immediate discontinuation of discounted facility access being offered to members of the NYPD</p>	<p>Completed</p> <p>BKB will no longer extend our first responder discount to members of the police department. The discount will continue to apply to all other first responders.</p>	<p>\$0</p>	<p>Commitment has been made</p>
<p>4. Implementation of recurring training and a system of reporting that protects our Black employees and climbers, and an <u>acknowledgement that climbing gyms are historically triggering and unsafe spaces for Black climbers and employees</u></p> <p>As stated, a simple acknowledgement, thoughtful consideration, and allowing that to help shape company policy and protection for their Black climbers and employees was all that was being asked.</p>	<p>Partial commitment has been made</p> <p>The first demand listed here, recurring training, is covered in 4. a. below.</p> <p>The second demand, implementing a system of reporting, is already in progress. An HR issue ticketing system is being developed that will allow anyone to easily and confidentially report any incident, and allow us to follow up with accountability to address any issues raised.</p> <p><u>It is unclear what kind of acknowledgement is being asked in the third demand.</u></p>		<p>Commitment has been made to the second demand</p> <p><u>Is discriminatory as stated.</u></p>
<p>4. a. A commitment to not only robust, but recurring, implicit bias training for staff at every level of the company. Training needs to be explicit that working with Black staff involves listening to Black co-workers when they have concerns, and that group thinking in a predominantly white organization can be dangerous to Black people, especially when fear of retaliation may prevent them from speaking out against racist transgressions.</p>	<p>Commitment has been made</p> <p>BKB is committed to incorporate robust, recurring, implicit bias training for facility and HQ staff. Several training programs are already being explored and quoted. Training should cover a wide range of potential inclusion and bias issues.</p>	<p>\$20,000 to \$50,000</p>	<p>Commitment has been made</p> <p><u>Is discriminatory as stated.</u></p>
<p>4. b. A reporting and accountability system that documents and tracks microaggressions reported within the facility, and a commitment to monitor trends within facilities and take action to correct them</p>	<p>Commitment has been made</p> <p>BKB is committed to establishing a reporting, investigation and accountability system. Significant efforts are already under way in this regard. An HR issue ticketing and investigation system is currently being developed that will allow anyone to easily and confidentially report any incident, and allow us to follow up with accountability to address any issues raised.</p>	<p>\$5,000</p>	<p>Commitment has been made</p>
<p>4. c. Procedural support for employees to hold customers accountable for racist or discriminatory behavior</p>	<p>Commitment has been made</p> <p>BKB is committed to establishing a reporting, investigation and accountability system. Significant efforts are already under way in this regard. An issue ticketing and investigation system is currently being developed that will allow anyone to easily and confidentially report any incident, and allow us to follow up with accountability to address any issues raised.</p>	<p>\$0</p>	<p>Commitment has been made</p>
<p>5. Monetary and mental health support for our Black staff, who overwhelmingly work in some of the lowest paid jobs within the organization</p>	<p>See subsections below:</p>	<p>\$50,000 to \$100,000</p>	<p><u>Is discriminatory as stated.</u></p>

Since NYC employees were laid off, we do not have elected facility representatives who can advocate for better pay rates and benefits

<p>5. a. A respectable, living wage for employees of all levels</p>	<p>BKB is committed to evaluate its compensation system and to help provide opportunities for advancement when and where appropriate. Further discussion about pay rates and benefits will be conducted with the elected facility representatives inside the appropriate committee sessions.</p>	<p>\$200,000 to \$500,000</p>	<p>Commitment can be made</p>
<p>5. b. Quarterly raises for both part time and full time employees</p>	<p>BKB cannot commit to quarterly raises. At a nearly insignificant flat rate \$.05/hr. per quarter, it would take 5 years for an employee to reach just a \$1.00/hr. raise in pay, but that amount could add approximately \$500,000 to company payroll if applied to all part-time and full-time employees. Clearly this is unsustainable.</p>	<p>\$100,000 to \$500,000</p>	<p>Not financially or operationally viable</p>
<p>5. c. Full pay transparency for all positions within the company</p>	<p>BKB will not provide specific salaries and compensation transparencies throughout the company. We are, however, considering the option of publishing information about pay bands for all positions in the company.</p>	<p>\$0</p>	<p>More discussion needed</p>
<p>This is the oldest argument in the book used by companies to prevent their employees from negotiating for better pay and benefits. We're here to say, unequivocally, that we will NOT resent our coworker if we find out that they make \$.50/hr more than we do, but we WILL use that knowledge to dismantle the discriminatory wage gap that exists at BKB.</p>	<p>A lack of understanding among employees is one of the biggest downsides to salary transparency. It's easy for an employee to put the blinders on and only feel frustration after seeing they're making less money than a co-worker. Salary transparency can backfire because it's the nature of people to compare, and they wouldn't necessarily be making accurate comparisons because they don't have all of the information required to do so. Also, there are different philosophies on how compensation is determined.</p>		<p>"Different philosophies on how compensation is determined" is the reason for the pervasive wage gap in the United States.</p>
<p>5. d. More affordable healthcare options offered immediately in light of the Covid-19 pandemic and the disproportionately high toll it has taken on the Black community</p>	<p>BKB is limited in healthcare options provided. However, we are committed to explore what other options might be available and associated costs.</p>	<p>\$?</p>	<p>More discussion needed</p>
<p>5. e. A commitment to Wellness at Work, including free and easily accessible mental health support both on and off the clock, which addresses the emotional toll of working within the climbing industry for our Black staff</p>	<p>BKB will explore healthcare plans that include mental health benefits, and is considering the creation of a staff Wellness Fund that would make support accessible to those in need.</p>	<p>\$20,000 to \$40,000</p>	<p>More discussion needed</p>
<p>6. Immediate release of all former employees from their NDAs.</p>	<p>Non-disclosure agreements do not prevent anyone from making claims to the Equal Employment Opportunity Commission (EEOC) for discriminatory or abusive actions. NDA's are largely intended to protect against theft of intellectual property and operational knowhow as well as the mutual protection of privacy for both employee and employers.</p>		<p>Not financially or operationally viable</p>
<p>6. a. NDAs have historically been used by Brooklyn Boulders to bully and silence individuals who have either left the company or been forced out, and prevent them from speaking to the racism and abuse that they either experienced or witnessed while on the job</p>	<p>Upon termination, NDAs are used to help resolve allegations so both parties are able to move forward. Terminated employees have the option of not signing an NDA and not settle with BKB. This would permit them to take any action they believe is appropriate.</p> <p>BKB is considering steps to ensure that employees know when and how to make a claim to the EEOC.</p>		<p>Is discriminatory as stated.</p>
<p>6. b. An end to the use of NDAs moving forward</p>	<p>BKB cannot commit to eliminating NDAs. Non-disclosure agreements do not prevent anyone from making claims to the Equal Employment Opportunity Commission for discriminatory or abusive actions. They are largely intended to protect against theft of company intellectual property and operational knowhow as well as the mutual protection of privacy for both employee and employers.</p>		<p>Not financially or operationally viable</p>

BKB neglects to offer quarterly or even yearly cost of living raises, and chooses to keep longtime staff at a lower rate, even while hiring new employees at a higher rate because their wages are out of date. Most companies find a way to make raises a sustainable part of company spending, but BKB claims it's impossible.

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"Different philosophies on how compensation is determined" is the reason for the pervasive wage gap in the United States.

See note on the previous page.

BKB gives terminated employees the option to take their severance and go quietly, or refuse the NDA and speak out. When employees are systematically undercompensated, and speaking out against BKB results in gaslighting and obfuscation, it's no wonder they often choose their severance.

<p>7. An end to at-will employment, which has been used repeatedly to target Black employees for termination that has been unrelated to job performance</p>	<p>BKB will not tolerate discriminatory practices of any kind, and is committed to investigating and resolving any reported instances of past undue terminations. At-will employment does not prevent anyone from making claims to the Equal Employment Opportunity Commission for discriminatory or abusive actions.</p> <p>The primary alternatives to at-will employment are independent contracting and employment agreements.</p> <p>Independent contractors do not have job security, and are not eligible for benefits such as health insurance.</p> <p>Employment agreements must be negotiated at the outset of employment, and often favor those that have negotiation and contract experience or who can afford attorneys. A potential disadvantage of an employment agreement is that if one or both parties believe a provision of the agreement should be changed, the parties must work together to renegotiate the change. Parties may find renegotiation to be burdensome and sometimes expensive for both parties, especially if more than one change is wanted. A party who breaches the implied duty can be sued by the other party, such as in the case of an employee wishing to quit or move before the term of the contract is completed.</p> <p>Due to the limitations of other options and the fact that it doesn't prevent the reporting of discriminatory practices or wrongful dismissal, at-will employment remains the best option to protect our employees and business.</p>	<p>\$100,000 to \$200,000</p>	<p>Not financially or operationally viable</p>	<p>BKB claims that at-will employment is the best option to "protect" staff, despite their history of finding any reason to fire Black employees regardless of job performance. They are sure to mention that protecting Black staff with specific policy is illegal, but are unable to even mention a grievance process, or any number of employment policies that would offer workers better protection, even within an at-will employment system.</p>	
<p>7. a. If terminating Black employees, the process must include accounts from multiple witnesses who can attest to the fireable offense</p>	<p>BKB must be able to take action when it learns of inappropriate conduct, and is committed to incorporate its legal counsel into all investigations when and where appropriate. It is BKB's obligation to investigate certain types of misconduct.</p> <p>As having an HR policy that is specifically different for only black employees would be illegal under the Equality Act, BKB will ensure that our HR policies protect all employees and follow proper investigative and documentation procedures.</p>				<p>As employees, we are more than capable of deciding when we want a representative to be included and how much information should be disclosed.</p>
<p>7. b. Employees are allowed a co-worker of their own choosing to be a witness in any disciplinary action that management takes, including termination.</p>	<p>BKB would suggest that a facility representative be included where there is no confidential information being discussed. Often, there are allegations that the terminated employee doesn't want disclosed or made public and HR has to take that into consideration. Changes and enhancements to our policy in this regard will be discussed further with the elected facility representatives inside the appropriate committee sessions.</p>		<p>More discussion needed</p>		
<p>8. Juneteenth (June 19th) is to become a company holiday, along with the addition of MLK day</p>	<p>Completed</p> <p>BKB has designated both Juneteenth and MLK Day BKB as official company holidays. Columbus day will not be observed as a company holiday</p>	<p>\$20,000 to \$30,000</p>	<p>Commitment has been made</p>		
<p>8. a. Columbus day will be unacknowledged and removed from the company calendar</p>	<p>Completed</p>	<p>\$0</p>	<p>Commitment has been made</p>		
<p>9. Management commits to no expansion, redevelopment, executive salary raises, or creation of additional executive positions until our demands are met</p> <p>Development is continuing on two new facilities despite the fact that the company is in such financial distress that they had to lay off ~150 employees.</p>	<p>Expansion, redevelopment, and creation of additional executive positions might be the only way to afford and/or accomplish many of the other demands listed. For example, the addition of a qualified Vice President of Culture (HR) is essential to the effective execution of a number of these demands.</p> <p>Due to the pandemic, BKB executives have all taken significant salary cuts, more than any other positions in the company, and there is not a current expectation of when the salaries will return to pre-pandemic levels let alone assigning additional raises.</p> <p>It would be impossible to commit to these items 'until our demands are met', as not all demands listed can be legally or operationally met.</p> <p>In terms of expansion, new BKB Lifestyle gyms in Lincoln Park, Illinois, and in Eckington (DC) are already under lease and development will continue. Due to the pandemic, all other development opportunities have been paused indefinitely.</p>		<p>Not financially or operationally viable</p>	<p>Our previous head of HR was a senior director, not a VP, although she "functioned as part of the executive team" (see page 1)</p>	

<p>9. a. Company profits are to be directed to first meeting these demands before launching new initiatives</p> <p>The repetition of this claim proves that the executive team made no effort to understand the spirit of our demands or consider the possibility of making long-term commitments to honor our requests. These demands can be legally and operationally met, and would have been through continued negotiation and refinement, had we been given the opportunity to expound upon our demands.</p>	<p>BKB commits to making a priority of appropriating funds as is possible to support its commitments to the requests contained in the Collective's Petition as well as our other DEI initiatives.</p> <p>Due to the pandemic, BKB does not expect to generate profits until late in 2021 or perhaps even until 2022. At any future time in which we do produce profits, those will first be directed to servicing debt as is required by our lenders.</p> <p>It is unclear from this statement what might be included as 'new initiatives'. The launching of new initiatives might be the only way to afford and/or accomplish many of the other demands listed.</p> <p>Additionally, not all demands in the petition can be legally or operationally met, rendering it impossible to agree to 'first meeting these demands' before any other action is taken.</p>		<p>Not clear what is being asked</p> <p>During 5hrs of meetings with the executive team, clarification on demand #9 was never requested.</p>
<p>9. b. Capital investment is to be redirected away from expansion in the luxury fitness sphere, which takes advantage of wealth inequality and contributes to gentrification</p>	<p>Completed</p> <p>BKB is committed to its 4 wall lifestyle facilities similar to Chicago, Somerville, Gowanus and QB and is discontinuing further development of BKBX facilities.</p>		<p>Completed</p>
<p>9. c. Funds are to be reinvested in facility level staff and in the expansion of outdoor access for underserved communities</p>	<p>BKB is committed to the communities where our facilities are located. We are also committed to reaching out to those communities and developing programs of inclusion for those that underserved. We believe that this should be done at the facility level and should be done under the direction of the elected facility representatives within the appropriate committee sessions that are being created.</p> <p>Expansion of outdoor access is not within the current operating capacity of BKB, and as such would take significant investment of time and money to accomplish. While we agree with this concept in spirit and can commit to encouraging - and perhaps even limited enabling of - outdoor access, development of a comprehensive BKB outdoor access program should be seen as a lower priority item compared to the other demands and DEI initiatives.</p>	<p>\$40,000 to \$80,000</p>	<p>Not clear what is being asked</p> <p>NYC employees do NOT have any elected facility representatives due to the layoffs.</p>
	<p>TOTAL POTENTIAL COST OF DEMANDS AS THEY ARE STATED</p>	<p>\$885,000 to \$2,455,000</p>	

Assigning an arbitrary number to the long overdue reparations, protections, and workplace improvements that need to be made in order to recognize the full humanity of Black employees and climbers is disrespectful, disingenuous, and distracting. Do better BKB.

Click here to read BKB's original post on their "accountability dashboard" and all previous versions of that document.