DEPARTMENT OF TRANSPORTATION

- Letter of Implementation March 12, 2009
- Summary Compliance Report March 12, 2009

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
40 Rector Street, 14th Floor New York, NY 10006
Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.
Chair

Angela Cabrera
Cesar A. Perez, Esq.
Veronica Villanueva, Esq.
Commissioners

Abraham May, Jr.
Executive Director

Charise Hendricks, PHR
Deputy Director
Judith Garcia Quiñonez, Esq.
Counsel

March 12, 2009

Janette Sadik-Khan
Commissioner
Department of Transportation
40 Worth Street
New York, New York 10013

Re: Resolution #09/04-841C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Department of Transportation's (DOT) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to December 31, 2006.

Dear Commissioner Sadik-Khan:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the Department of Transportation (DOT) for a period not to exceed six months. The compliance period was July 2008 through December 2008. The DOT's Final Compliance Report was submitted on January 14, 2009.

The goal of monitoring was to determine if the DOT implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Summary Compliance Report for Commission review. After reviewing the Report this Commission has determined that the DOT has implemented the recommended corrective actions as required by Chapters 35 and 36 of the New York City Charter to the Commission's satisfaction. The Department of Transportation is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you and EEO Officer Ann Williams for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,

Ernest F. Hart, Esq.
Chair

C: Ann Williams, EEO Officer

EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Department of Transportation

Agency Head: Janette Sadik-Khan, Commissioner

EEO Officer: Ann Williams

Audit Period: January 1, 2005 - December 31, 2006

Agency Census as of December 2006: 4,443

Date of Preliminary Determination Letter:	December 20, 2007
Date of Response Letter:	February 28, 2008
Date of Final Determinations Letter:	April 1, 2008
Date of Response Letter to the Commission's Final Determinations Letter:	April 23, 2008
EEPC's Response:	May 23, 2008
Compliance Initiated:	*June 2008*
Compliance Completed:	*January 2009*
Covering Months:	*July 2008 - December 2008*

Date: March 12, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Department of Transportation (DOT) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance Monitoring with the DOT in July 2008. The DOT's final Monthly Compliance Report was submitted on January 14, 2009.

All twelve required actions were completed or accepted. The following is a summary of the compliance reports:

1. **All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator.**

The DOT said that the EEO Office will continue to provide complainants with copies of the

Discrimination Complaint Form and request that they fill out the Form. It provided copies of completed Discrimination Complaint Forms.

The required action was completed in December 2008.

2. **All respondents must be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent(s) must acknowledge receipt of the notice. The receipts should be maintained in the complaint file.**

The DOT said that complaints are generally mailed to the respondent along with a Notice of Complaint via registered mail. A copy of the receipt is kept in the file. It submitted copies of the Notice of Complaints along with the complaints and acknowledgement receipts.

The required action was completed in July 2008.

3. **In keeping with the mandate of the EEOP, the DOT should ensure that job vacancies for which underutilization of women and/or minorities have previously been identified are advertised in female- and minority-oriented publications, and sent to professional and community organizations serving minorities, women, and persons with disabilities.**

The DOT said that in an effort to address the current underutilizations it advertises discretionary positions, when available, in female- and minority-oriented publications. It said that human resources is utilizing the DCAS' recruitment list. It submitted a list of sources used during the audit period.

The response to the required action was accepted in December 2008.

4. **"Making the Most of New York City's Recruitment Resources," (2004 http://extranet.dcas.nycnet/eeo/pdf/apomasterclass_recruitment.pdf) is a DCAS publication designed to assist agencies in creating a more diverse applicant pool. The DOT should further expand its recruitment efforts by utilizing this document.**

The DOT stated that the human resources department is utilizing the DCAS' list of recruitment resources. It provided a copy of the DCAS' list.

The required action was completed in December 2008.

5. **The DOT should assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group.**

The DOT submitted copies of adverse impact studies for selected titles. The study indicated that there was no adverse impact for any of the titles.

The required action was completed in July 2008.

6. **The DOT should inform all employees in writing of the identity, location, and telephone number/email of the new career counselor.**

The DOT submitted a copy of a memorandum dated August 18, 2008, which informed all employees of the career counselor's identity and contact information.

The required action was completed in August 2008.

7. **The agency head should direct supervisors/managers to include in their evaluations recommendations for improving job performance and/or career advancement.**

The DOT submitted a copy of a non-managerial evaluation form which includes a section for managers/supervisors to include recommendations for improving job performance and/or career advancement.

The required action was completed in June 2008.

8. **It is the position of the DCAS ("Model Agency EEO Commitment Memo," http://extranet.dcas.nycnet/eeo/pdf/mdel-memo.pdf) and the EEPC that at least twice a year during normal staff meetings, supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office. The meetings should be documented.**

The DOT said it sent an email to managers and supervisors to remind them to emphasize their commitment to the agency's EEO policies and reaffirm the right of each employee to file a discrimination complaint with the EEO office during normal staff meetings. It also requested that they sign an Acknowledgement of Staff Discussion form and return it to the EEO office. The DOT submitted a copy of the email and copies of completed forms.

The required action was completed in December 2008.

9. **This reporting relationship in part, violates the citywide EEOP, which requires that the EEO officer report directly to the agency head, or if approved by DCAS, to a direct report to the agency head. Four years ago, though the DCAS approved a similar DOT EEO officer reporting relationship under the previous citywide EEO policy. If the DOT wishes to continue this reporting relationship under the current citywide EEO policy it should request a new waiver from the DCAS.**

The DOT stated that the EEO officer currently reports to the agency head on EEO matters.

The required action was completed in June 2008.

11. **The DOT should revise its organization chart to show the reporting arrangement of the EEO officer.**

The DOT submitted a copy of its organizational chart which shows the new reporting relationship.

The required action was completed in June 2008.

11. **Since the DOT has a new administration, the Commission suggests that the EEO officer meet with the EEO counselors to analyze and discuss the job interviewing procedures and submit any recommendations to their Commissioner.**

The DOT said that on September 19, 2008 the EEO officers and counselors met to discuss the job interviewing procedures. They concluded that it was not feasible to have EEO counselors sit in on job interviews due to lack of resources and the hiring freeze. The Commissioner agreed with the recommendation and added that some units continue to implement the past practice if they have adequate staff.

The required action was completed in December 2008.

12. **The DOT's Commissioner should disseminate an agency-wide memorandum to discuss audit findings.**

The attached memorandum from Commissioner Janette Sadik-Khan was distributed on August 18, 2008.

The required action was completed in August 2008.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Commissioner Janette Sadik-Khan, informing her that the DOT has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,

Michelle Marecheau-Antoine
Senior Auditor/ Compliance Officer

Judith Garcia-Quinonez
Counsel

Abraham May, Jr.
Executive Director

Attachment

New York City
Department of Transportation
Janette Sadik-Khan, Commissioner

40 Worth Street
New York, N.Y. 10013
Tel: 212/676-0868
Fax: 212/442-7007
Web: www.nyc.gov/dot

MEMORANDUM

TO: All Employees

FROM: Janette Sadik-Khan
Commissioner

DATE: August 18, 2008

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) periodically conducts audits of the Equal Employment Offices (EEO) of all city agencies. An audit of the Department of Transportation's compliance with the City's EEO policies and procedures has recently been completed by the EEPC.

In cooperation with the EEPC, we have implemented some enhancements and updates recommended by the commission. The recommendations include advertising vacancies in female and minority-oriented publications where under-utilization has been identified. In addition to sending vacancy notices to professional and community organizations serving minorities, women and persons with disabilities, it was recommended that we assess the manner in which candidates are selected for employment to determine adverse impact on any specific protected group.

The EEPC has also recommended that the EEO Officer meet with the EEO Counselors to analyze DOT's current job interviewing procedures. Another of the EEPC's recommendations is to have managers and supervisors conduct documented meetings with staff at least twice yearly, to reaffirm their commitment to the agency's EEO policies and to discuss the right of employees to file EEO complaints with DOT's EEO Office. The documentation of the meeting should be forwarded to the EEO Office. Recommendation was also made that discrimination complaint forms should be completed by the complainant, or the EEO staff. Finally, all employees should be apprised of the identity, location and contact information of the new Career Counselor, who is Suzanne Grecke, located at 40 Worth St., Rm. 801 and can be reached at 212/442-7832.

I affirm DOT's commitment to maintaining fair employment practices for all employees and applicants. I encourage everyone to access all available EEO resources within DOT and any concerns you may have should be directed to the Assistant Commissioner/EEO Officer, Ann Williams, at 212/442-7760.