

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/30-841: Preliminary Determination Pursuant to the Audit of the Department of Transportation's (DOT) Equal Employment Opportunity Program from January 1, 2009 through December 31, 2011.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Transportation's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, therefore,

Be It Resolved,

that pursuant to the audit of the Department of Transportation's compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency reviewed its CEEDS data and targeted recruitment in job groups that showed underutilization of minorities and females, underutilization currently remains among Blacks and females in the Managers job group. The agency indicated that it did not formally assess the manner in which candidates were selected for discretionary positions, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group.
2. Six of the DOT's facilities located at 345 E. 59th St. (119 employees), 1400 Williamsbridge Road (51 employees), 30-01 Harper St. - Asphalt Plant (12 employees), 5 Dubois (57 employees), 424 Wythe Ave. - Paint Warehouse (1 employee), and 59 Adams St. (9 employees) lacked elevator access or wheelchair accessibility to employees and applicants for employment with disabilities. The Authority to render these facilities accessible to employees and applicants with disabilities lies with the City of New York.
3. Although the agency appointed a Disability Rights Coordinator (DRC) and identified this individual in the agency's Discrimination Complaint Procedure, 77% of respondents to the

EEPC's *Employee Survey* indicated they did not know who the agency's Disability Rights Coordinator is.

4. Although the agency appointed a Career Counselor and posted the name and contact information of this individual on the agency's EEO webpage and in the agency's EEO Policy Statement, 74% of respondents to the EEPC's *Employee Survey* indicated they do not know who the agency's Career Counselor is.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Janette Sadik-Khan, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Transportation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 18, 2012.

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in cursive script, reading "Elaine S. Reiss". The signature is written in black ink and is positioned above a horizontal line.

Elaine S. Reiss, Esq.
Commissioner

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #13/10-841C: Determination of **Compliance** by the Department of Transportation with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2009 through December 31, 2011.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Department of Transportation's (DOT) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 18, 2012, setting forth its findings and recommended corrective actions; and

Whereas, the DOT submitted its response to the EEPC's preliminary determination letter, on November 19, 2012 with documentation of its actions to rectify four of five areas of non-compliance identified in the preliminary determination; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on December 6, 2012; and

Whereas, the DOT submitted its response to the EEPC's final determination letter, on January 2, 2013; and

Whereas, at the EEPC's request, pursuant to Section 815.a.(15) of the New York City Charter, on April 17, 2013, the DOT submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPC's audit; and

Whereas, all of the EEPC's recommended corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,
that the Department of Transportation has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Janette Sadik-Khan, Commissioner of the Department of Transportation.

Approved unanimously on May 9, 2013.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair



Department of Transportation

JANETTE SADIK-KHAN, Commissioner

MEMORANDUM

TO: All Employees

FROM: Janette Sadik-Khan
Commissioner 

DATE: April 4, 2013

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEOC) periodically conducts audits of the Equal Employment Opportunity Offices (EEO) of all city agencies. An audit of the Department of Transportation's (DOT) compliance with the City's EEO Policy was completed on March 1, 2013, for the period of January 1, 2009, to December 31, 2011.

As a result of the audit, DOT was required to implement EEOC's recommendations within six months. I am pleased to report that we are now in full compliance with the audit recommendations, which were the following:

- Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular protected group. If adverse impact is discovered, the agency head should use criteria which diminish adverse impact.
- Develop a plan to demonstrate accessibility for facilities where there is inaccessibility. Identify barriers to inaccessibility and efforts made to remove these barriers.
- Identify the persons responsible for handling reasonable accommodation and Career Counseling. They are Ann Williams, Assistant Commissioner/EEO Officer, located at 59 Maiden Lane, 37th Fl., New York, N.Y. 10038 and can be reached at 212/839-6600. Suzanne Grecke, is DOT's Career Counselor and is located at 55 Water St, 8th Fl., New York, N.Y. 10041, at 212/839-9552.

I reaffirm DOT's commitment to maintaining fair employment practices for all employees and applicants. DOT is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy and by encouraging a work environment that tolerates and appreciates differences among employees. 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 212/839-6603.