

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

RESOLUTION #: 97/04-846 Preliminary Determinations Pursuant to the Audit of the Department of Environmental Protection and its compliance with the City Charter-mandated Affirmative Employment Plan from January 1, 1993 to June 30, 1995.

Whereas, pursuant to Chapter 36, Section 831 d (2) and (5) 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, the Equal Employment Practices Commission audited the Department of Transportation's compliance with the Affirmative Employment Plan from January 1, 1993 to June 30, 1995; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the Commission may make a preliminary determination pursuant to Section 831 (d) that any plan, program, procedure, approach, measure or standards 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 Environmental Protection (DEP) and its compliance with the City-Charter mandated Affirmative Employment Plan (AEP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. DEP does not refer to the AEP at orientation of new employees or include it in orientation materials distributed to new employees.
2. The AEP is not available in a format accessible to disabled employees.
3. Supervisors do not uniformly meet with staff to discuss the AEP.
4. DEP has not invited employees to voluntarily self-identify on the basis of disability.
5. DEP's Managerial/Supervisory Performance Evaluation does not contain a rating for EEO related performance, nor has DEP informed managers/supervisors that EEO criteria will be included in their performance evaluation or evaluated them on the same.

6. DEP does not conduct annual sexual harassment prevention training for all its employees.
7. Discrepancies exist between the DEP and CEEDS workforce data.
8. DEP has not completed its Structured Interview Training for all employees involved in interviewing.
9. DEP has not reviewed criteria/devices used for selecting, evaluating or promoting employees to determine if they have a disparate impact on protected group members.
10. DEP does not uniformly track the referral source of applicants or sufficiently detail the reasons for rejection/selection of applicants.
11. DEP does not resolve complaints in a timely manner.
12. 69% of survey respondents are not aware of the identity of the agency's EEO Officer.
13. 59% of survey respondents do not know how to file an EEO Complaint.
14. 73% of survey respondents who indicated they had filed internal EEO complaints were not satisfied with the manner in which their complaint was managed.
15. DEP does not have sufficient staff to implement its EEO program.
16. DEP does not maintain appropriate documentation of meetings between the EEO Officer and the agency head and/or the Director of Human Resources Management and Labor Relations.
17. Supervisors/managers are not uniformly aware of the AEP.
18. Analysis of rejection rates between protected class persons and non-minority and male candidates is not documented.
19. DEP's recruitment team does not include minority males.
20. 35% of survey respondents indicated that they did not see job postings prior to application deadlines.

Be it finally resolved,

that the Commission authorizes the Chairman to forward a letter to the Commissioner of the New York City Department of Environmental Protection, Joel A. Miele, Sr., formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Department of Environmental Protection will take and which recommendations it intends to incorporate into its Equal

Employment Opportunity Plan in order to comply with the New York City Equal Employment Opportunity Policy.

Approved unanimously, on May 21, 1997.

Angela Cabrera
Commissioner

Jeanette Diaz, Esq.
Commissioner

Manuel Mendez
Commissioner

Frank Nicolazzi
Commissioner



Dr. Charles Hughes
Chairman

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

RESOLUTION #01/03-826C Determination of implementation by the Department of Environmental Protection recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Environmental Protection Equal Employment Opportunity Policy (EEOP) from July 1, 1993 to December 31, 1995.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 its audit of the New York City Department of Environmental Protection, the Equal Employment Practices Commission issued a preliminary determination letter, dated May 21, 1997 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the New York City Department of Environmental Protection of for a six month period commencing September 1997; to determine whether it implemented the aforementioned corrective actions; and

Whereas, all of the aforementioned recommended corrective actions are required by the City's Equal Employment Opportunity Policy which replaced the former Affirmative Employment Plan (AEP); and

Whereas, DEP submitted three out of six compliance reports during approximately a three year period; and

Whereas, the Department of Environmental Protection did not submit its Final Compliance Report until November 2000. Now, Therefore,

Be It Resolved,
that the New York City Department of Environmental Protection has implemented all twenty-one of 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.

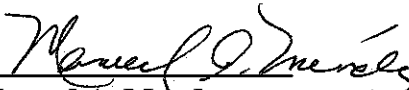
Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Environmental Protection, Joel A. Miele Sr., formally informing him that although the agency has implemented twenty-one recommended corrective actions, the Commission is extremely disappointed at the unreasonable amount of time it took to complete this process.

Approved unanimously on January 18, 2001.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner


Manuel A. Mendez
Commissioner



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MEMORANDUM

February 13, 1998

TO: All DEP Employees
FROM: Joel A. Miele, Sr., P.E.
Commissioner
RE: Equal Employment Opportunity Plan

The Department of Environmental Protection is moving forward with implementation of its new Equal Employment Opportunity Plan (EEOP). The EEOP for fiscal year 1998 incorporates enhancements to the DEP's ongoing EEO activities; a program we envision will benefit all employees.

The following information illustrates these enhancements:

- 1) DEP's Deputy Director of Personnel has been designated to serve as a career guidance counselor and to provide information to employees regarding job requirements, civil service examinations and procedures, etc. The Bureau Administrators will also provide assistance in response to employee requests.
- 2) The DEP's "EEO and the Law" training, (provided by Cornell University) which has been presented to over 400 managers and supervisors thus far, will be presented to another 350 managers and supervisors during the remainder of FY'97.
- 3) Discussions with the Department of Citywide Administrative Services' Office of EEO to provide EEO training for DEP's line employees, as well as training in Structured Interviewing for selected employees, are in progress.
- 4) DEP is required to rate all managers and supervisors on their performance of EEO responsibilities; these staff members will once again be advised that they are expected to take their EEO responsibilities very seriously.

- 5) Managers and supervisors have been reminded of the instructions for completing candidate disposition forms, to insure that these forms provide EEO data and accurately list the reasons for selection and non-selection of candidates.
- 6) In April, 1997, DEP disseminated a "Guide to the Hiring Process" to all Managers and Supervisors who interview job candidates. This manual alerts interviewers to questions which are illegal and should not be used during the interview process, such as questions regarding age, race, sexual preference, etc.
- 7) In order to ensure that all employees know who and where their EEO Officer and EEO Liaisons are, and how to file an EEO complaint, we continue to post our EEO Complaint Procedures on all location bulletin boards. The EEO Policies and Procedures were also given to all new hires; were distributed through Bureau Administrators and the EEO Liaisons; and were made available for review with the Offices of DEP's Disciplinary Counsel, Labor Relations, Employee Assistance, the General Counsel's Library, and the DEP Training Library. This material was also issued at all Supervisory Trainings, New Employee Orientation Sessions, Bureau Council Meetings, Senior Staff Meetings, and Focus Groups.

Copies of the EEOP will be distributed to all employees, and signed for, through payroll in January 1998. The EEOP will soon be available in alternative formats.

- 8) Publicity efforts for the 55-A Program have been increased, and the program is now mentioned in the EEOP and the Employee Handbook.
- 9) The DEP's EEO Office has now established TTY capability - its TTY number is 718-595-2736.
- 10) The Office of Citywide EEO is in the process of developing a computerized system which will incorporate a combination of networks (PRISE, CEEDS and PMS into one or two databases). DEP will remain in contact with Citywide EEO in order to follow-up on this development, since it is part and parcel of the accuracy of our record keeping system.
- 11) DEP will continue to advertise in minority and female oriented newspapers for vacancies occurring in titles where there is underutilization, whenever unrestricted recruitment is allowed, and budgetary constraints are lifted. Our recruitment policies are geared toward hiring qualified candidates, while endeavoring to correct any areas where unfair practices exist. To bring additional diversity to DEP's recruitment procedures, Herbert Roth, Deputy Director of Personnel, will also participate in recruitment efforts.

c: A. May - EEPC L. Tazzi
 D. Singh - EEPC M. Hochstadt
 D. Chapin M. Osenni
 C. Sturcken File
 L. Tazzi