

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #09/21-827:** Preliminary Determination Pursuant to the Audit of the Department of Sanitation's (DSNY) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2007.

**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 (EEO), 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 Sanitation'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 Sanitation's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The DSNY did not specifically identify its EEO counselors' names, locations and numbers in the EEO Policy memorandum.
2. Nine of the ten internal complaint files submitted to the EEPC did not contain a Discrimination Complaint Intake Form or an Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form.
3. Six of the ten internal complaint files submitted to the EEPC did not include a written notice of discrimination complaint to the respondent.

4. Three of the ten internal complaint files submitted to the EEPC did not contain any notes of interviews conducted with the complainant, respondent or witness.
5. One of the ten internal complaint files submitted to the EEPC was not closed within 90 days of the date on which the complaint was filed and did not contain a notification delay notice.
6. Four of the ten internal complaint files submitted to the EEPC contained "Confidential Written Reports" that were not signed by the agency head.
7. Two of the ten internal complaint files submitted to the EEPC did not contain written notice to the complainant and respondent regarding the determination.
8. None of the reports were labeled "confidential."
9. The DSNY's list of recruitment resources was not comprehensive; it did not include female and minority organizations for positions that were underutilized.
10. The sub-managerial performance evaluation form did not specifically have a section for supervisor's recommendations for improving job performance or career advancement.
11. Managers and supervisors were not directed to reaffirm their commitment to the Citywide EEOP and discuss the right of employees to file discrimination complaints with the EEO office at least twice a year during normal staff meetings.
12. There was no formal agenda or notes of meetings held between the EEO director and the agency head.
13. The DSNY did not submit to the EEPC its agency specific plan or its annual report for fiscal year 2007.
14. Among the five administrative buildings utilized by DSNY employees, the 44 Beaver Street and 137 Centre Street locations are not compliant with ADA regulations.
15. The four EEO counselors interviewed by the EEPC auditors did not receive the DCAS' basic training for EEO professionals.

**Be It Finally Resolved,**

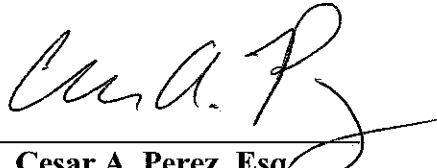
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner John J. Doherty, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Sanitation's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on August 27, 2009.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq**  
Commissioner

  
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**Cesar A. Perez, Esq.**  
Chair

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

**RESOLUTION #11/04-827C:** Determination of implementation by the Department of Sanitation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Sanitation's Charter-mandated Equal Employment Opportunity Program from January 1, 2006 to December 31, 2007.

**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 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, 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**, pursuant to its audit of the Department of Sanitation (DSNY), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter August 27, 2009 setting forth its findings and recommended corrective actions; and

**Whereas**, the DSNY submitted its response to the EEPC's preliminary determination letter on October 2, 2009; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on November 23, 2009 identifying those recommendations accepted and rejected by DSNY; and

**Whereas**, in response to the EEPC's final determination letter, the DSNY submitted its response on January 4, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DSNY for a period not to exceed six months, from April 2010 through September 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Department of Sanitation submitted its Final Compliance Report on November 4, 2010; and

**Whereas**, the Department of Sanitation submitted additional information/documentation on February 8 and 22, and March 18, 2011; and

**Whereas**, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

**Whereas**, the members of this Commission have reviewed a Summary Compliance Report prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved,**

that the Department of Sanitation 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 a letter to Commissioner John J. Doherty, formally informing him that the Department of Sanitation has implemented the recommended corrective actions to the Commission's satisfaction.

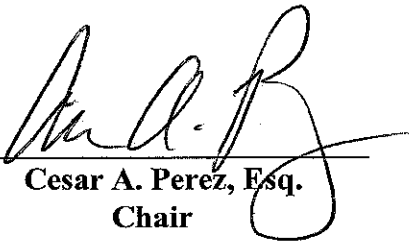
Approved unanimously on April 14, 2011.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair




# sanitation

JOHN J. DOHERTY  
Commissioner

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## MEMORANDUM

TO: ALL EMPLOYEES

FROM:  John J. Doherty, Commissioner

DATE: March 18, 2011

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 DSNY's EEO Program has recently been completed. I am proud to say that our EEO Program was recognized by the Commission as a good one and it is in compliance with the provisions of the Citywide EEO Policy. The EEPC did however, make some recommendations designed to enhance our existing Program.

Our EEO Office has revised its complaint form, which is in a four page booklet form and now also contains important information about filing. This form is also accessible on the Department's web site. EEO has also fine-tuned the *Notice of Complaint* form which will be given or sent to the respondent when a complaint is filed.

The Commission recommended that Managers and Supervisors regularly affirm their commitment to DSNY's EEO Policies and re-emphasize the right of every employee to file a discrimination complaint with the EEO Office. I have instructed my Executive Committee to re-enforce this message to all of their staff. Department messages concerning this commitment have been read at all field roll calls and circulated throughout civilian locations. This will be done at least twice during the calendar year at all work locations.

Also suggested by the EEPC was that the Department continue its efforts to make all Department facilities and administrative offices compliant with the accessibility provisions of the *Americans With Disabilities Act*. Although all new DSNY construction provides for accessibility for people with disabilities, some City-owned buildings are not yet compliant. Fernando Camacho, our EEO Director has requested a dialogue with the Department of Citywide Administrative Services to hopefully remedy this situation.

The most significant of the Commission's recommendations, which our EEO Office has acted upon, is the addition to the EEO Program of 17 uniformed officers and a civilian manager, who will act in the capacity of EEO *Contacts/Liaisons* throughout the Boroughs. They have received specialized EEO training. Working closely with the EEO Office, they will assist the EEO Office in disseminating EEO information, being a field

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resource for those individuals who wish to file an EEO complaint, and maintaining and updating important EEO postings throughout the Department. (Please see the list of individuals below.)

**BCC Manhattan Borough – (212) 360-3520**

Supt. (BOS) Paul Brown  
Supt. (BOS) John Dwyer

**Bronx Borough – (347) 565-2060**

Supt. (BOS) Steven Cimino  
Supt. (BOS) Anthony Hart

**Brooklyn North – (718) 571-6425**

Deputy Chief Thomas Albano  
Supt. (BOS) Anthony Bianculli

**Queens West – (718) 334-9183**

Supt. (BOS) Frank Lumia  
Deputy Chief Joseph Hickey

**Staten Island – (718) 370-5400**

Supt. (BOS) Anthony Portello  
Deputy Chief Michael Malloy

**Bureau of Waste Disposal – (646) 885-4700**

Deputy Chief Adam Conanan  
Supt. Rosa Rizzo

**Brooklyn South – (718) 714-2760**

Supt. (BOS) John Lavin  
Supt. (BOS) Vincent Palazzola

**Queens East – (718) 746-2421**

Supt. (BOS) Dennis Hyde  
Supt. (BOS) Michael Moss

**Support Services/CRS**

**(718) 334-8914**

William Wehner, Executive Deputy Director

**Lot Cleaning – (212) 410-8800**

Deputy Chief Joseph Fidalio  
Supt. Frank O'Keefe

Additionally, I have asked my Executive Staff to reach out to all Managers and Supervisors in our agency and ensure that they relay to the employees whom they supervise constructive criticism and helpful suggestions when those employees are presented with their annual performance evaluations.

Lastly, the *EEPC* has recommended that communication on EEO issues between the EEO Office and the Commissioner's Office be routinely documented. This will be accomplished by preparing regular Agendas for the file concerning the regularly scheduled meetings between the two.

In closing, I am pleased with DSNY's innovations and accomplishments in the area of equal opportunity. I encourage all employees to make use of the significant resources available to them in this area. If you have any concerns of an EEO nature or if you wish to file a complaint of unlawful discrimination, you may contact Fernando L. Camacho, DSNY's EEO Director, directly at 917-237-5212 or [fcamacho@dsny.nyc.gov](mailto:fcamacho@dsny.nyc.gov). or Teresa H. Neal, Deputy Director at 917-237-5213 or [tneal@dsny.nyc.gov](mailto:tneal@dsny.nyc.gov).