

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

RESOLUTION #97/07-827: Preliminary Determination Pursuant to the Audit of the Department of Sanitation and its compliance with the City Charter-mandated Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

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 Sanitation's compliance with the Affirmative Employment Plan; 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 (DOS) 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. The AEP was not available in Braille for the visually impaired or on tape for the hearing impaired.
2. The EEO Officer did not meet with supervisors to discuss their rights and responsibilities under the AEP.
3. Supervisors were not directed by the EEO Office to discuss the AEP with their staffs.
4. DOS employees were not invited to self-identify for affirmative action purposes.
5. The DOS building housing the EEO Office is not wheelchair accessible.
6. DOS disbanded its EEO Counselor Program prior to the start of the audit period.
7. The EEO Office did not complete the investigation of all internal discrimination complaints

within the 90 day time-frame established by the New York City Department of Citywide Administrative Services.

8. Only a minority of DOS employees received preventive sexual harassment training during the audit period.
9. Discrepancies existed between DOS and CEEDS workforce data.
10. DOS did not advertise job vacancies in minority- and female-oriented publications.
11. DOS did not make sufficient efforts to establish an apprenticeship program to draw women and minorities into the Department's trades workforce.
12. DOS did not conduct adverse impact studies.
13. The agency did not provide structured interview training for all of its managers.
14. The agency's list of recruitment sources is out of date.
15. 82.6% of the supervisors interviewed by EEPC auditors indicated that they had not met with their staffs to discuss the AEP.
16. 65.2% of the supervisors interviewed by EEPC auditors indicated that they do not know who is the EEO Officer.

Be It Finally Resolved,

that the Commission authorizes the Chairman to forward a letter to the Commissioner of the Department of Sanitation, John 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 receipt of the letter indicating what corrective actions the Department of Sanitation will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on September 10, 1997.

Angela Cabrera
Commissioner

Jeanette Diaz, Esq.
Commissioner

Manuel A. Mendez
Commissioner


Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION #99/10-827C. Determination of implementation by the Department of Sanitation of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Sanitation's Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

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 Sanitation, the Equal Employment Practices Commission issued a preliminary determination letter, dated September 8, 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 Sanitation for a six month period commencing February 1998; 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, the Department of Sanitation submitted its Fourth Compliance Report in August 1998 and submitted correspondence addressing outstanding issues in August 1999. Now, Therefore,

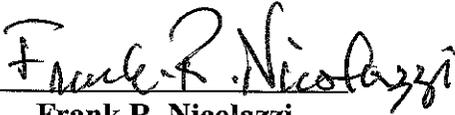
Be It Resolved,
that the New York City Department of Sanitation fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Sanitation, Kevin P. Farrell, formally informing him that the agency has implemented all recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 16, 1999.

Manuel Mendez
Commissioner

Angela Cabrera
Commissioner



Frank R. Nicolazzi
Vice-Chair

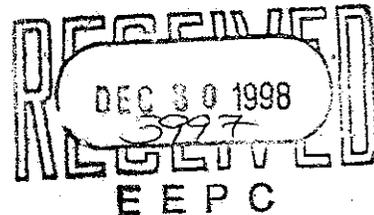


sanitation

MICHAEL T. CARPINELLO
First Deputy Commissioner
125 Worth Street
New York, New York 10013

December 18, 1998

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
City of New York
253 Broadway, Suite 301
New York, N.Y. 10007



Dear Mr. May:

Your letter of November 30, 1998, was informative. I am pleased that the Department of Sanitation is in compliance with the majority of the corrective actions suggested in the EEPC's Compliance Audit. There are two corrective actions you point out that are currently pending, the appointment of EEO Counselors and the development of standards to ensure that all employees receive preventive sexual harassment training.

Fernando Camacho, the Department's EEO Director, informs me that an outreach effort was conducted this past September to all employees in the Department asking for EEO Counselor volunteers. Fernando informs me that our effort to get volunteers has not been successful but he plans to make another effort after the New Year.

Sexual harassment prevention is an important issue to me. The Department this past spring trained over 1500 managers, directors and supervisors on our EEO policies. A significant part of this training was a sexual harassment prevention training module. The Department is now developing an EEO training format that includes sexual harassment prevention that will be given to all remaining employees, approximately 8,000. Following discussions with DCAS/Office of Citywide EEO, the Department's Training Division, in conjunction with Sanitation's EEO Office, anticipate training approximately 4000 employees by June, 1999.

It is the Department of Sanitation's intention to fully comply with the suggested corrective actions. I hope that this meets with your approval. Please feel free to contact my office or Fernando Camacho if you need any additional information or details about our EEO training plan.

Sincerely,

Michael T. Carpinello
Acting Commissioner

