

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

RESOLUTION #01/19-841: Preliminary Determination Pursuant to the Audit of the Department of Transportation and its compliance with the Complaint and Investigation Procedures of the City's Equal Employment Opportunity Policy from January 1, 1998 to June 30 2000.

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 complaint and investigation procedures of the city's Equal Employment Opportunity Policy; 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(DOT) and its compliance with the complaint and investigation procedures of the city's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. A male counselor was not available during the entire audit period to investigate complaints.
2. Administrative staffing in the EEO Office is inadequate.
3. The EEO Officer does not meet with EEO Counselors on a regular basis.
4. Settlement agreements are not routinely signed by the parties.
5. Complaint files did not contain the *Notice of Complaint* form or documentation verifying respondent's receipt of such notice.
6. Most of the complaint files reviewed did not contain interview notes with either complainants, respondents or witnesses.

7. Most of the complaint files lack a confidential written report of findings to the agency head and accompanying agency head signature indicating that it had been reviewed and whether any recommendation was approved and adopted
8. Handwritten notes made by an investigator serving as documentation of a complaint by a non-English speaking, illiterate complainant, did not contain a signature or mark by the complainant verifying the complaint. The interpreter did not verify his/her translation.
9. Two files did not contain Notice of Delay forms although the investigations in both complaints took longer than ninety days to complete.
10. A complaint file contains illegible handwritten notes of an interview with a party relevant to the complaint.
11. Two complaint files did not contain written notice of complaint determinations to either the complainant or the respondent.
12. Complaint forms in two files do not indicate that date and time the complaint is filed.
13. Two complaint files did not contain documents relevant to the complaint.
14. Seventy-two percent of survey respondents indicated that their supervisors did not meet with them to discuss DOT's DCP.
15. Five of six EEO counselors interviewed said they would like to receive additional EEO to enhance their effectiveness in their role as EEO Counselor/and or interview monitor.
16. Sixty-five percent of survey respondents indicated that they do not know the identity of the the EEO Officer and seventy-four percent indicated they do not know the identity of the EEO Counselors.
17. Forty-four percent of survey respondents indicated that they are not familiar with DOT's DCP.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Transportation, Iris Weinshall, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, hers response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of Transportation will take to bring the agency in compliance with the complaint and investigation procedures of the city's Equal Employment Opportunity Policy.

Approved unanimously on March 15, 2001.

Angela Cabrera
Commissioner

Chereé Buggs
Commissioner


Manuel A. Mendez
Commissioner

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

RESOLUTION #02/02-841C: Determination of implementation by the New York City Department of Transportation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York City Department of Transportation's Charter-mandated Equal Employment Opportunity Policy from January 1, 1998 to June 30, 2000.

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 its audit of the New York City Department of Transportation, the Equal (EEPC) Employment Practices Commission issued a preliminary determination letter, dated March 15, 2001 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 Department of Transportation for six months, from June 2001 through November 2001, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, DOT's compliance period had to be extended one month since it did not submit its Final Compliance Report until December 21, 2001; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy. Now Therefore,

Be It Resolved,
that the New York City Department of Transportation has implemented seventeen of the eighteen 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 Also Resolved,
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the New York City Department of Transportation, Iris Weinsall, formally informing her that the agency has implemented seventeen of the eighteen recommended corrective actions to the Commission's satisfaction, and

Be It Finally Resolved,
that the letter request the Commissioner to inform the Equal Employment Practices Commission when the EEO Counselors have completed the additional training that the EEO Officer has determined is required.

Approved unanimously on January 17, 2002

Chereé A. Buggs Esq.
Commissioner

Angela Cabrera
Commissioner



Manuel A. Méndez
Commissioner



Iris Weinshall, Commissioner

MEMORANDUM

TO: All Employees
FROM: Iris Weinshall
Commissioner
DATE: December 14, 2001
SUBJECT: Equal Employment Opportunity Audit

The City's Equal Employment Practices Commission (EEPC) conducts audits of the Equal Employment Offices (EEO) of all city agencies periodically. I am writing to share with you the results of a recent audit of the Department of Transportation's compliance with the City's EEO program by the EEPC.

The EEPC made several recommendations to improve the EEO program of DOT, many of which have already been implemented. Some of these recommendations enhance the complaint investigation process, such as having both female and male investigators on staff and the computer entry of the EEO Office's complaint files. In addition, the Agency Head will review reports of unsubstantiated, as well as substantiated, complaints -- thus improving accountability, and an employee who brings a matter to EEO will be notified if the EEO review of that particular complaint will take more than 90 days.

Other enhancements include quarterly meetings with EEO Counselors, a commitment that managers and supervisors will document meetings with their staff on the agency's Discrimination Complaint Policy and special, periodic notice to all employees of the identity, location and telephone numbers of the EEO Office (which is done through the annual distribution of the Equal Employment Opportunity Policy).

I affirm this agency's commitment to maintaining fair employment practices for all of our employees and I encourage everyone to access the available resources within DOT. If you have any questions you may contact Ann Williams, Assistant Commissioner and EEO Officer, at (212) 442-7760.