

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

RESOLUTION #: 97/02-841 Preliminary Determinations Pursuant to the Audit of the Department of Transportation 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 Transportation (DOT) 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. DOT does not refer to the AEP at orientation of 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. DOT supervisors are not uniformly aware of the AEP and its contents.
5. DOT's managers/supervisor's are not uniformly informed that EEO criteria is included in their performance evaluation and are not uniformly evaluated on their EEO performance.
6. There is no evidence that DOT line employees are informed of the 55A program or their right to a reasonable accommodation.

7. DOT does not resolve complaints in a timely manner.
8. DOT does not conduct sexual harassment prevention training annually.
9. Discrepancies exist between the DOT and CEEDS workforce data.
10. DOT's EEO Office is not routinely involved in recruitment initiatives.
11. DOT does not advertise vacancies for titles in which underutilization of women and/or minorities have been identified in media oriented to women and minority audiences.
12. DOT's does not maintain complete applicant flow
13. DOT has not reviewed selection, evaluation and promotion devices/criteria to determine if they have a disparate impact on protected group member.
14. DOT has not analyzed whether minority and women applicants are rejected at a higher rate as compared to non-minority and male candidates.
15. A structured interview training program has not been provided for persons involved in the interview process.
16. The EEO Officer is not responsible for the day-to-day implementation of the agency's EEO Program, nor does she report directly to the agency head.
17. The EEO Director does not have regularly scheduled meetings with coordinators and counselors and employees are not uniformly informed of the identity of their EEO counselors.
18. DOT does not have sufficient staff to implement its EEO Program.
19. 72% of employee survey respondents are unfamiliar with their EEO Officer.
20. 81% of employee survey respondents did not know how to obtain a copy of the AEP.
21. 81% of survey respondents did not know about the AEP.
22. Supervisors are not uniformly aware of, or had not received, the agency discrimination complaint procedure.
23. DOT's condensed version of the discrimination complaint procedure did not include important employee rights.

Be it finally resolved,

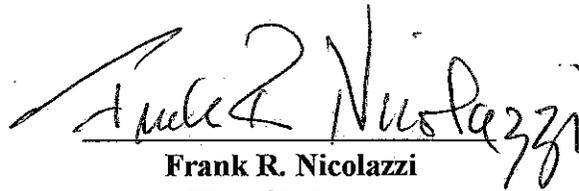
that the Commission authorizes the Chairman to forward a letter to the Commissioner of the New York City Department of Transportation, Christopher Lynn, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Department of Transportation 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 April 16, 1997.

Angela Cabrera
Commissioner

Jeanette Diaz, Esq.
Commissioner

Manuel Mendez
Commissioner

A handwritten signature in black ink, reading "Frank R. Nicolazzi". The signature is written in a cursive style with a large, sweeping initial "F".

Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION #98/05-841C Determination of implementation of compliance by the Department of Transportation with recommended corrective actions made by the EEPC pursuant to its audit of the Department of Transportation's 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, pursuant to its audit of the Department of Transportation, the Equal Employment Practices Commission issued a preliminary determination letter dated April 16, 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 monitored the Department of Transportation for a period of six months, from September 1997 through February 1998, to determine whether it implemented the aforementioned recommended corrective actions. Now, Therefore,

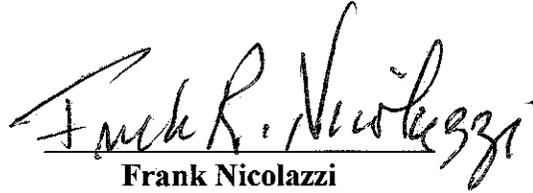
Be It Resolved,
that the Department of Transportation has fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Chairman or Vice-Chairman to forward a letter to the Acting Commissioner of the Department of Transportation, Richard A. Malchow formally informing him that the agency has implemented all recommended corrective actions.

Approved unanimously on April 9, 1998.

Angela Cabrera
Commissioner

Jeanette Diaz, Esq.
Commissioner

A handwritten signature in black ink that reads "Frank R. Nicolazzi". The signature is written in a cursive style with a horizontal line underneath the name.

Frank Nicolazzi
Vice-Chairman