

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #04/06-826: Preliminary Determination Pursuant to the Audit of the Department of Environmental Protection's Equal Employment Opportunity Program from January 1, 2001 through June 30, 2003.

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, the Equal Employment Practices Commission audited the Department of Environmental Protection'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 Environmental Protection's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary determinations:

1. The investigations of several complaints were not completed within 90 days of the receipt of the complaint.
2. In two circumstances, the investigation was not completed within the 90-day timeframe, a note was not made in the complaint file explaining the reason for the delay and projecting a timeframe for completion of the confidential written report and a notification delay letter, stating the reason for the delay, was not sent to the parties of the complaint.
3. The EEO Officer did not address any of the confidential written reports to the agency head; therefore, the agency head did not sign the reports to indicate that they were reviewed, or that the recommendations were approved.
4. The agency did not adhere to the goals projected in its training plan, or develop a practical training plan that would allow new and existing employees to receive EEO training.
5. The agency did not maintain a list of minority-oriented publications that included all protected groups.

6. The agency did not ensure that all employees involved in the interviewing process received structured interview training.
7. The agency did not conduct adverse impact studies.
8. The agency's supervisory/managerial performance evaluation form did not explicitly identify sections relating to Equal Employment Opportunity.
9. The EEO Officer was not proactively involved in the agency's recruitment and selection process.
10. Seventy-two percent of survey respondents indicated that they were not aware of the identity, location and telephone number of the career counselor.
11. Managerial staff was not informed in writing that their annual performance evaluation form includes tasks and standards that relate to EEO performance.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to Commissioner Christopher Ward 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 Environmental Protection will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on May 20, 2004.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice Chairman

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

RESOLUTION #05/07-826C: Determination of implementation by the Department of Environmental Protection of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Environmental Protection's Charter-mandated Equal Employment Opportunity Program from January 1, 2001 to June 30, 2003.

Whereas, pursuant to Chapter 36, Sections 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 Department of Environmental Protection (DEP), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated May 20, 2004, setting forth its findings and recommended corrective actions; and

Whereas, DEP submitted its response to EEPC's preliminary determination letter, on July 9, 2004; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on July 30, 2004 identifying those recommendations accepted and rejected by DEP; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor DEP for a period not to exceed six months, from September 2004 through February 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Environmental Protection submitted its Final Compliance Report on March 29, 2005; and

Whereas, the Department of Environmental Protection submitted additional information and documentation on April 22 and 25, 2005; 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 Compliance Summary 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 Environmental Protection has implemented the 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.

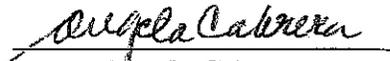
Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman, or his designee, to forward a letter to the Commissioner of the Department of Environmental Protection, Ms. Emily Lloyd, formally informing her that DEP has implemented the recommended corrective actions to the Commission's satisfaction.

Adopted with one abstention on April 27, 2005.

Chereé A. Buggs, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner


Angela Cabrera
Commissioner



**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

59-17 Junction Boulevard
Flushing, New York, 11373

**Emily Lloyd
Commissioner**

MEMORANDUM

March 9, 2005

To: All Agency Employees

From: Commissioner Emily Lloyd 

Re: Equal Employment Practices Commission Audit

The New York City Equal Employment Practices Commission (EEPC) is the oversight agency that ensures all mayoral agencies are in compliance with EEO laws and policies as set forth by the City Charter. The EEPC has recently completed an audit of DEP's compliance. This audit covered the time period of November 1, 2001 through June 30, 2003. The auditors looked at our current practices and conducted a survey of 120 employees.

As the EEO Office has a very good working relationship with Agency management, it is routinely contacted for both advice and guidance in EEO matters in an attempt to bring early resolution to as many complaints as possible.

While I am proud of our many accomplishments, I would also like to call attention to several areas where DEP has already made and will continue making improvements in our EEO policies to better serve all Agency employees.

TRAINING

- The EEO Office will continue its mandated training of all Agency personnel in EEO policies and procedures. For FY'04, the EEO Office provided training to 1,500 (24%) Agency employees surpassing its goal by almost 20%.
- The EEO Office is currently undertaking a massive training endeavor to not only meet its training goal for FY'05 but to exceed it. To date for FY'05, the EEO Office has provided training to approximately 1,400 employees, thus already exceeding its goal by almost 15%.
- The EEO Office, in conjunction with the Department of Citywide Administrative Services (DCAS) is developing a curriculum for Structured Interview training for employees responsible for interviewing and selecting candidates for employment.
- The EEO Office recently offered training on the newly protected categories of Domestic Violence and Gender Identity and will continue to offer similar trainings in the future.

ATTACHMENT #3



COMPLAINT HANDLING

- In FY '04, the EEO Office received 22 internal complaints of discrimination that were resolved through the investigation process as well as 8 external complaints of discrimination. Additional complaints were received and, after preliminary investigations, were determined to fall outside of the jurisdiction of the EEO Office. In addition, the EEO Office has also considered 24 requests for Reasonable Accommodations (59% of which were granted), 5 requests for 55a title conversions (100% of which were granted), and 7 lawsuits.
- The EEO Office will continue to investigate internal and external complaints of discrimination within the pre-defined timeframes.
- The EEO Office has recently joined forces with the Office of Administrative Trials and Hearings (OATH), an external agency that provides mediation for internal complaints of discrimination that are otherwise irresolvable through the investigation process. So far, OATH has assisted in bringing resolution to one complaint.

ENSURING COMPLIANCE

- The EEO Office has successfully worked with Agency management to ensure that field locations are free from discrimination and offensive material, and will continue to conduct periodic site visits to these locations for this purpose.
- Agency EEO Officer Martha Osenni has joined the Agency's Recruitment and Training Strategic Planning Committee to ensure compliance with Agency EEO Policies.
- The EEO Office has taken up the responsibility of monitoring and reporting on all Civil Service hiring and promotion pools to ensure fair and equal practices for all candidates for employment or promotions.
- In conjunction with DCAS, the EEO Office has been working to modify existing Managerial and Supervisory Performance Evaluations to incorporate EEO policies and evaluate how well managers and supervisors uphold these policies.
- The EEO Office will continue to make available contact information for all twelve Bureau EEO Liaisons and the Agency's Career Counselor via its seasonal newsletter *EEO Views* as well as through payroll distribution.

I encourage all employees to make use of the resources that we have available in the Agency to address your EEO concerns. I would also like to take this opportunity to express once again how important it is for all of us to maintain a workplace that is free of discrimination. I believe in and am committed to the EEO program at the Department of Environmental Protection and urge you all to share in my commitment.

cc: D. Reed
Z. Campbell
M. Osenni
File