

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #09/23-826: Preliminary Determination Pursuant to the Audit of the Department of Environmental Protection's (DEP) 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 (EEOP), 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 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 findings:

1. The DEP has not done an assessment to determine whether all of its facilities are accessible to and useable by persons with disabilities in accordance with the ADA and Local Law 58.
2. Five complaint files did not contain a complaint intake form.
3. Three complaint files did not contain a notice of discrimination complaint letter to the respondent.
4. Four complaint files did not contain a confidential written report.
5. The agency head did not sign each confidential report to indicate that it was reviewed and the recommendation was approved and adopted.
6. One complaint file did not contain investigation interview notes.

7. Two complaints investigations that took longer than 90 days to complete, did not contain a delay notification letter.
8. Two complaint files did not contain a written notice to the complainant and respondent regarding the determination of the complaint investigation.
9. The DEP did not conduct an adverse impact study to assess the manner in which candidates are selected for employment.
10. The DEP's EEO office did not have adequate resources or staff to meet its obligations.

Be It Finally Resolved,

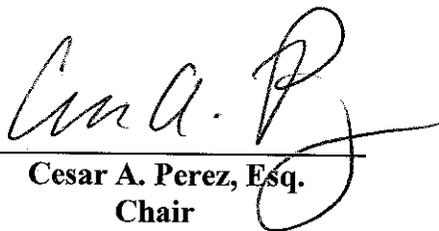
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Department of Environmental Protection's Acting Commissioner, Steven W. Lawitts, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Environmental Protection will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on October 29, 2009.

Arva A. Rice
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair

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

RESOLUTION #11/09-826C: 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, 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 ensure fair and effective 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 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 Environmental Protection (DEP), the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 29, 2009, setting forth its findings and recommended corrective actions; and

Whereas, the DEP submitted its response to EEPC's Preliminary Determination letter, on February 5, 2010; and

Whereas, the EEPC submitted its Final Determination letter on April 12, 2010; and

Whereas, the DEP submitted its response to the EEPC's Final Determination letter, on May 12, 2010; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DEP for a period not to exceed six months, from July 1, 2010 through December 31, 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Environmental Protection requested an extension of the compliance period on January 26, 2011 in order to implement Required Corrective Action #1, determine whether rendering its facilities accessible to and usable by employees and applicants for employment with disabilities is readily achievable; and Required Corrective Action # 9, conduct an adverse impact study; and

Whereas, the Department of Environmental Protection submitted, on May 4, 2011, documentation substantiating its on-going efforts to inspect its manned facilities, identify corrective measures to address non-accessibility, and complete or plan completion of corrective measures; and

Whereas, the Department of Environmental Protection submitted its Final Compliance Report on July 5, 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 Compliance Summary Report prepared by the 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 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 the Commissioner of the Department of Environmental Protection, Caswell F. Holloway, formally informing him that the DEP has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 28, 2011.

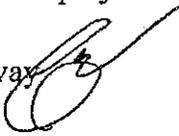
Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair

Memorandum

To: All Agency Employees
From: Cas Holloway 
Date: June 29, 2011
Re: Equal Employment Practices Commission Audit

Caswell F. Holloway
Commissioner
cholloway@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-6565
F: (718) 595-3525

DEP's EEO Office was recently audited by the Equal Employment Practices Commission (EEPC), the oversight agency charged with monitoring all City agencies' compliance with EEO laws and policies. This audit covered the time period of January 1, 2008 through December 31, 2009.

The audit was successful and highlighted DEP's accomplishments as well as areas we are enhancing or improving. One such area is compliance with the Americans with Disabilities Act of 1990.

The EEO Office, in conjunction with Facilities Management and Construction Services, Human Resources, the Office of Environmental Health and Safety, and Agency management, have conducted EEO and ADA facility compliance evaluations at approximately 40% of our staffed facilities within the five boroughs and upstate. We have already addressed several compliance and accessibility issues including the installation of ramps, replacement of doorknobs with lever handles, installation of grab bars in restrooms and showers, creation of restroom and shower facilities, assignment of handicapped parking spaces, widening of doorways, and reconfiguration of workspaces to allow proper access and egress.

In our effort to aggressively promote EEO awareness, the Agency's intranet site, *Pipeline*, features an EEO Webpage. The Citywide EEO Policy, the booklet *About EEO: What you May Not Know*, Complaint-of-Discrimination forms, and forms to request a medical, religious or domestic violence accommodation are all available for download from *Pipeline*. In addition to Martha Osenni, EEO Officer, the EEO Office is comprised of two investigators, a 55a/Limited Duty Coordinator, and twenty Bureau EEO Liaisons. The EEO team has recently been profiled in "Getting to Know the Faces of EEO", which can also be downloaded from *Pipeline*. *EEO Views*, EEO's quarterly newsletter, can also be found on their Webpage. Martha will continue to be involved in critical human resources decisions and serve as a

resource for Agency managers by assessing employment decisions, such as conducting Adverse Impact studies of the Agency's workforce and its recruitment and hiring efforts, auditing civil service hiring pools and participating in panel interviews for discretionary hires and promotions. Along with members of human resources, the EEO team assists with the development of pre-employment interview questions, monitors termination and layoff procedures, and participates in career fairs to ensure a diverse population is afforded the opportunity to learn about and apply for positions within the Agency.

Representatives of the EEO Office are also members of the Agency's Diversity Committee, which highlights achievements by members of different cultures, genders, ethnicities, and national origins.

The EEO Office continues to provide mandated EEO training to all Agency employees. In 2009, a Computer Based Training (CBT) module for refresher EEO training was implemented in addition to live presentations for new hires. Approximately 2,500 managers and supervisors here successfully completed the EEO CBT training. A more comprehensive CBT program was recently launched as a refresher to Managers and Supervisors. Over 700 have now successfully completed the refresher. I expect that this program will be launched citywide for all other employees this Fall.

Complaints of discrimination will continue to be prepared in accordance with the Discrimination Complaint Procedures Guidelines. As part of our ongoing efforts to more efficiently investigate employee concerns, an electronic program will soon be launched to allow electronic complaint filing, and employees will be able to track the status of any complaint filed online. Investigations and their outcome will continue to be reviewed by me and appropriate measures will be taken as necessary. In the event that a complaint investigation is delayed, written notification of the delay will be made to concerned parties.

DEP is committed to promoting diversity, ensuring equal employment opportunities throughout the Agency, and maintaining a workplace where all employees are treated with respect. If you believe you have experienced discrimination, harassment, or retaliation, or if you have witnessed or have knowledge of such acts within the agency, you should contact DEP's Equal Employment Opportunity Office at 718-595-3400 or EEOffice@dep.nyc.gov. You can also contact any of the Bureau EEO Liaisons, or report such matters directly to your supervisor who is required to immediately report your concerns to the EEO Office.

Thank you for your continued support of the agency's EEO mandates and programs; I look forward to continuing to work together to create a more diverse work environment.

c: Lynn Cole, Chief of Staff
Martha Osenni, EEO Officer