

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #07/24-841:** Preliminary Determination Pursuant to the Audit of the Department of Transportation's (DOT) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

**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 Transportation'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 Transportation's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Six of the eight internal discrimination complaint files submitted to the EEPC did not contain a discrimination complaint intake form. (DCPIG, sect. 12(a))
2. Six of the eight internal discrimination complaint files submitted to the EEPC did not contain a written notice of discrimination complaint to the respondent. (DCPIG, sect. 12(b))
3. Although the DOT provided the EEPC a list of newspapers, journals, publications, and websites it used for recruitment purposes, it (list) included only two-minority-oriented newspapers. In addition, it did not utilize any female-oriented agencies or organizations.

4. Although the EEO officer received the Department of Citywide Administration Services' adverse impact training in 2004, the agency did not conduct an adverse impact study during the audit period. (Section IV, EEOP).
5. Only 12% of survey respondents indicated that they knew the name of the person in the agency responsible for providing career counseling. (Sect. IV, EEOP)
6. Although 86% of survey respondents employed for over one year indicated they received annual evaluations, 53% of survey respondents indicated that the evaluations did not contain recommendations for improving job performance. In addition, 71% of the survey respondents indicated that the evaluation did not contain recommendations for career advancement with the DOT. (Sect. IV, EEOP)
7. Although supervisors and managers were instructed to discuss the agency's EEO Policies with their subordinates during staff meetings, there is no documentation that such meetings were held. In addition, fifty-four percent of the survey respondents indicated that their supervisor/manager did not emphasize his or her commitment to the agency's EEO policies at staff meetings or discuss their rights and responsibilities under the City's EEO Policy.
8. The EEO officer does not report directly to the Commissioner. (Sect. VB, EEOP)
9. The organization chart provided to EEPC did not show a reporting relationship between the EEO officer and the agency head or direct report to the agency head. (Sect. VB, EEOP)
10. The DOT's interviewing procedure does not allow for the EEO counselor to participate in job interviews.


**Be It Finally Resolved,**

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to Commissioner Janette Sadik-Khan, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of Transportation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on December 20, 2007.

**Chereé A. Buggs, Esq.**  
Commissioner

**Veronica Villanueva, Esq.**  
Commissioner

  
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**Angela Cabrera**  
Commissioner

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

**RESOLUTION #09/04-841C:** Determination of implementation by the Department of Transportation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Transportation's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

**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 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 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**, pursuant to its audit of the Department of Transportation (DOT), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter December 20, 2008 setting forth its findings and recommended corrective actions; and

**Whereas**, the DOT submitted its response to EEPC's preliminary determination letter on February 28, 2008; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on April 1, 2008 identifying those recommendations accepted and rejected by DOT; and

**Whereas**, in response to EEPC's final determination letter, DOT submitted its response on April 23, 2008; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its response on May 23, 2008; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOT for a period not to exceed six months, from July 2008 through December 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Department of Transportation submitted its Final Compliance Report on January 14, 2009; 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 Summary Compliance 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 Transportation 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, Ernest F. Hart, Esq., to forward a letter to Commissioner Janette Sadik-Khan, formally informing her that the Department of Transportation has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 12, 2009.

**Angela Cabrera**  
Commissioner

**Cesar A. Perez, Esq.**  
Commissioner



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**Ernest F. Hart, Esq.**  
Chair



**New York City  
Department of Transportation**


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**Janette Sadik-Khan, Commissioner**

Web: [www.nyc.gov/dot](http://www.nyc.gov/dot)

**MEMORANDUM**

**TO:** All Employees

**FROM:** Janette Sadik-Khan  
Commissioner 

**DATE:** August 18, 2008

**SUBJECT:** Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) periodically conducts audits of the Equal Employment Offices (EEO) of all city agencies. An audit of the Department of Transportation's compliance with the City's EEO policies and procedures has recently been completed by the EEPC.

In cooperation with the EEPC, we have implemented some enhancements and updates recommended by the commission. The recommendations include advertising vacancies in female and minority-oriented publications where under-utilization has been identified. In addition to sending vacancy notices to professional and community organizations serving minorities, women and persons with disabilities, it was recommended that we assess the manner in which candidates are selected for employment to determine adverse impact on any specific protected group.

The EEPC has also recommended that the EEO Officer meet with the EEO Counselors to analyze DOT's current job interviewing procedures. Another of the EEPC's recommendations is to have managers and supervisors conduct documented meetings with staff at least twice yearly, to reaffirm their commitment to the agency's EEO policies and to discuss the right of employees to file EEO complaints with DOT's EEO Office. The documentation of the meeting should be forwarded to the EEO Office. Recommendation was also made that discrimination complaint forms should be completed by the complainant, or the EEO staff. Finally, all employees should be apprised of the identity, location and contact information of the new Career Counselor, who is Suzanne Grecke, located at 40 Worth St., Rm. 801 and can be reached at 212/442-7832.

I affirm DOT's commitment to maintaining fair employment practices for all employees and applicants. I encourage everyone to access all available EEO resources within DOT and any concerns you may have should be directed to the Assistant Commissioner/EEO Officer, Ann Williams, at 212/442-7760.