



agme

Robert V. Hess
Commissioner

33 Beaver Street
17th Floor
New York, NY 10004

212.361.8000 tel
212.361.8001 tty
212.361.7977 fax

September 11, 2008

Ernest F. Hart
Chairman
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

Re: Final Determination Pursuant to the Audit of the Department of Homeless Services (DHS) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 through June 30, 2006

Dear Chairman Hart:

I am writing regarding the Final Determination to the Audit of the Department of Homeless Services (DHS) dated July 9, 2008. Thank you again for this opportunity to respond.

In the Final Determination, you requested clarification regarding some of our responses. I am happy to clarify those responses.

With respect to Recommendation #4, the DHS EEO Policy statement is also available in a large print version, alternative format.

With respect to Recommendation #17, all employees receive a copy of the "Staff Matters" newsletter electronically or, for employees that do not have computer access, in print.

With respect to the other recommendations, DHS has no additional response save for one. With respect to Recommendation #3, "The DHS should ensure that all its facilities are completely accessible to persons with disabilities," we must reassert the position expressed in our earlier response.

With respect to Recommendation #15, we adopt the Commission's position.

As we stated in our response to the Preliminary Determination, DHS is committed to ensuring that all employees, clients, and applicants for employment or services, irrespective of disability, have equal access to DHS programs and facilities. We believe that our facilities and shelter system, as currently configured, are accessible to disabled individuals in keeping with the letter and spirit of applicable federal, state, and city disability rights laws.

Specifically, we provide "program accessibility," and all individuals with disabilities have "an equally effective opportunity to participate in or benefit" from DHS's

services. Section II-3.3000 of the ADA Title II Technical Assistance Manual. Further, whenever there are architectural obstacles that affect DHS employees or job applicants, we address them on a case by case basis to ensure that all disabled employees and applicants experience no barriers to equal employment with DHS.

What is proposed is unduly burdensome and, in our opinion, not contemplated or required by the Citywide EEO Policy and federal, state, and city law.

Conclusion

I would like to thank you again for this opportunity to respond and for your continued commitment to equal opportunity. I look forward to working with you as we work to ensure that DHS complies with the EEO standards expressed in the Citywide EEO Policy.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Hess".

Robert V. Hess

cc: Mark L. Neal, Esq.
Michele M. Ovesey, Esq.
Michael King
Douglas C. James, Esq.