

How to Avoid Being Named in an EEO Complaint

While in truth it is impossible for agency supervisors to avoid being named in an EEO complaint, there are steps you can take to minimize the chances of being named as a supervisor responsible for discriminating against an employee. Listed below are just some tips to follow if you want to reduce the chance you will be named as the person responsible for discrimination:

A. **Demand Training.** It is especially important that new supervisors receive training on EEO laws and responsibilities. This training is im-

portant even if you have been a supervisor for some time because EEO laws, and interpretations of those laws change frequently.

B. **Communicate with Your Employees.** Many problems in the workplace are really problems in communication. Find time to talk to your employees about their concerns. If you do not have the authority/power to resolve an employee's concerns, refer the employee to someone with the necessary authority to address the concerns.

C. **Avoid Favoritism.** Display-

ing favoritism can lead to misunderstandings and allegations of discrimination. Most supervisors will socialize with some subordinates. This is normal, but, if you do, spread it around! Common complaints from employees are that supervisors show favoritism in job assignments and schedules. Spread these around equitably. If you do not give these assignments to particular employees, have a sound reason for your decision.

D. **Treat All Employees Alike**

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Responding When You Encounter Harassment or Discrimination

If you experience harassment or witness it, you should make a report to the appropriate official. You do not have to report the incident to your supervisor first, especially if that is the person doing the harassing.

Remember that harassment is an organizational problem, and the employer wants to know about it so they can take prompt and appropriate action to ensure that no further incidents occur, with the present victim or other employees in the future. Report incidents immediately, especially if they are recurring.

Employees who promptly report

harassing conduct can help the agency as well as themselves. One comprehensive survey by the American Management Association reported that roughly

Any employee who believes that s/he is being harassed may contact the DEP's EEO Office or a Bureau EEO Liaison for consultation and/or to file a complaint. All complaints will be handled confidentially. Call (718) 595-3400.

two-thirds of internal complaints result in some kind of discipline being imposed on the alleged harasser, with even more internal complaints resulting in either discipline or counseling.

Where discrimination is suspected, employees are strongly encouraged to use the DEP's complaint and investigation procedures.

Any person found to be engaging in discriminatory conduct or practices will be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures to eliminate illegal or inappropriate behavior. The DEP shall also take steps necessary to address the impact that any unlawful discrimination has had on the complainant.

Source: The Law Firm of Seyfarth Shaw

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DIVERSITY AWARENESS

September 15—October 15 Hispanic Heritage Month

The first formal recognition of Hispanic Heritage was made by Congress in 1968. Originally designated as the week of September 15, the celebration was centered around the Independence Days of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, which are celebrated on September 15, and Mexico, which is celebrated on September 16.

In 1988, the celebration was extended to

31 days, beginning on September 16 and ending on October 15.

According to the U.S. Census, people of Hispanic descent can trace their ancestry to Mexico, Puerto Rico, Cuba, Spain and the Spanish speaking countries of Central and South America. National Hispanic Heritage Month celebrates people of various races, from more than 20 different nations around the world who share a related cultural and ethnic

heritage.

Hispanic Americans have enriched our nation through contributions in many professions and fields, including education, law, government, business, science, sports, and the arts.

As we celebrate National Hispanic Heritage Month, let us recognize and applaud the extraordinary accomplishments of Hispanic Americans.

Source: DiversityStore.com

October—Disability Employment Awareness Month

Americans with disabilities are active and contributing members of our society, and they must have the opportunity to develop the skills they need to compete and obtain jobs in the 21st century workforce. By reducing physical barriers and false perceptions, our coun-

By working together to open doors of opportunity for citizens with disabilities, we can help fulfill the promise of this great nation...

try meets our commitment to millions of Americans with disabilities, and benefits from their talents, creativity, and hard work.

For Americans with disabilities, employment is vital to independence, empowerment, and quality of life. During

National Disability Employment Awareness Month, let us recognize the many contributions Americans with disabilities make to our society, as we reaffirm our commitment to helping them achieve their full inclusion in our workforce.



Source: DiversityStore.com

October—Domestic Violence Awareness Month

Domestic Violence Awareness Month evolved from the first Day of Unity observed in October, 1981 by the National Coalition Against Domestic Violence. The intent was to connect battered women's advocates across the nation who were working to end violence against women and their children. The Day of Unity soon became a special week when a range of activities were conducted at the local, state, and national levels.

In October 1987, the first Domestic Violence Awareness Month was observed. That same year the first national toll-free hotline was begun. In 1989 the first Domestic Violence Awareness Month Commemorative Legislation was passed by the U.S. Congress. Such legislation

has passed every year since with NCADV providing key leadership in this effort.

Domestic violence is a leading cause of injury to women in New York City and nationwide. Although domestic violence affects both men and women, the vast majority of victims are women. Each year, almost four million American women are terrorized by the men who have promised to love them. Yet it is only recently that Americans are beginning to recognize that family violence is much more than a private matter—it is an epidemic that impacts the lives of all New Yorkers, in every community, business and family. Each October, the City of New York sponsors educational activities for National Domestic Violence Awareness

Month to boost public understanding of this terrible crime.

On this special day, and every day, please remember: there is no excuse for abuse.

Domestic violence knows no bounds. Women living in violent homes often carry this experience with them to work, and it shows—in the form of lost productivity, stress, employee absenteeism and turnover, and too often workplace violence.

It may be illegal to discriminate against or fire an employee because s/he is a victim of domestic violence. Discrimination against a victim of domestic violence may violate sex discrimination laws such as Title VII and the New

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WHAT DO YOU KNOW ABOUT WORKPLACE HARASSMENT?

Q. What is workplace harassment?

A. Workplace harassment rises to an unlawful level whenever unwelcome conduct on the basis of gender or other legally protected categories affect a person's job. Both employers and employees have a responsibility to prevent and stop workplace harassment.

Q. Is sexual harassment limited to situations where supervisors make sexual demands on subordinates?

A. No. Sexual power plays by supervisors constitute the most easily understood form of sexual harassment. But harassment also occurs when supervisors, co-workers, or even non-employees create a hostile environment through unwelcome sexual advances or demeaning gender-based conduct. There have been cases where a subordi-

nate has sexually harassed a supervisor.

Q. Can harassment occur without physical touching or a threat to the employee's job?

A. Yes. The nature of harassment may be purely verbal or visual (pornographic photos in the workplace) and it does not have to involve any job loss. Any conduct based on a protected status that creates a work environment that a reasonable person would consider hostile may amount to harassment.

Q. Isn't there a right to free speech?

A. The First Amendment protects some forms of expression, even in the workplace, but the verbal threats and name calling often involved in harassment are not protected as free speech.

For example, the First Amendment would not protect, as free speech, a supervisor's threat to a subordinate that she will lose her job if she does not sleep with her boss. Nor will the First Amendment protect verbal conduct that offends and intimidates other employees to the point that their work is affected, creating a hostile work environment.

Q. Is sexual harassment of men, either by women or by other men, unlawful?

A. Yes. Although sexual harassment generally is perpetrated by men against women, any form of unwelcome sexual advance against employees of either gender may be the basis for a case of unlawful sexual harassment.

Source: FEDweek.com

SPAGHETTI SQUASH

This is both a tasty and healthy recipe that is very easy to prep for and cook.

Ingredients:

1 Spaghetti Squash

1 Yellow Pepper

1 Orange Pepper

5 Cloves of Garlic (cut up in slices)

Arrowroot (optional)

Fresh Parmesan Cheese

Olive Oil



Cut small slits in the spaghetti squash and bake at 425° for about an hour (or until tender when pierced with a fork). Take out, and cut squash in half. Set aside and let cool.

Cut all peppers into narrow strips and set aside.

Sauté garlic slices in olive oil for a minute or two. Add pepper slices, stir and cover for several minutes. Stir often.

While peppers are cooking, prepare your squash. Scoop out pulp and seeds and discard. Then with a large fork, begin to take out remaining squash. As it comes out, it will look like strands of spaghetti. When done, add squash to your pan with garlic and peppers and sauté. Add about ½ teaspoon to 1 teaspoon of ground arrowroot. Note: the arrowroot adds a glistening consistency to the dish, and does not affect the taste. Stir and cook mixture together. Cook for another few minutes and cover.

When ready to serve, put on serving dish and top with fresh parmesan cheese (or you may grate your own over the dish). Have more cheese on the table if more is desired.

Eat and enjoy!

This recipe was sent to us by: Doreen J. Johann of OEHS.

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in Selection Action. In selection actions, such as promotions, if you interview one candidate, interview all. Ask the same questions to all applicants. Have concrete reasons for why one answer is better than another. Save notes of the interviews to justify your recollection of an applicant's answers. Make sure the selection criteria are related to the skills, knowledge, etc., listed in the vacancy notice.

E. If You Can Grant a Reasonable Accommodation, Do So. Often,

requests for reasonable accommodation, for either a disability or for a religious observance, turn into unnecessary legal disputes. As a supervisor, you should not be the one to determine if the employee meets the legal definition of a qualified individual with a disability or whether a requested accommodation is reasonable. Refer those issues to the EEO Office. If you are not sure if the employee "qualifies" for an accommodation, consult the EEO Office. With a request for accommodation for religious beliefs,

avoid questioning the bona fides of the religious observance or practice. Granting compensatory time off leave usually is not onerous.

If you follow these simple tips, it is less likely that you will be named in an EEO complaint, and more likely that you can solve a workplace problem before it becomes a larger problem destined for EEO litigation.

Source: FEDweek.com

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York State Human Rights law. Sometimes abusers harass their victims at work, either by telephone or in person. Although it is unfortunate that this may disrupt the workplace, it may be illegal to punish or fire a victim because of the acts of her abuser.

In many states and cities, the law provides specific protection for employees so they do not lose their jobs as a result of being a victim of domestic violence.

These laws range from requiring employers to give an employee a day off to attend court to making "reasonable accommodations" in the workplace to assist an employee in dealing with the abuse. Victims may also be protected under sex discrimination or other anti-discrimination laws, and they may have a right to time off, accommodations, or other protections under laws addressing injuries, disabilities, or illnesses. The City's Domestic Violence Hotline is (800)621-HOPE or call 311.

Source: Cornell University and Legal Momentum



KNOW YOUR RIGHTS!

It is illegal for a supervisor or manager to retaliate against an employee for engaging in the Equal Employment Opportunity process. In most cases, federal laws that protect employees' rights contain provisions that make it unlawful for an agency to retaliate against someone who engages in conduct the law protects. For example, the anti-retaliation provisions of Title VII provide that it shall be unlawful for an employer to discriminate against an employee or applicant for employment because s/he has opposed any practice made unlawful by Title VII, or because s/he has made a charge, testified, assisted or participated in any manner in an investigation. Accordingly, you are protected not only if you engage in the EEO process for yourself, but also if you complain about, oppose or protest perceived discrimination against you or another employee, assist someone else in opposing discrimination, or give evidence or testimony in someone else's investigation.

EEO BUREAU LIAISONS

The EEO Office would like to welcome and announce the appointment of the new Bureau of Customer Services EEO Liaison, Ms, Gloria Williams.

Name	Bureau	Phone #
Aimee Edwards	Engineering Design & Construction	(718) 595-5917
Alan Wasserman	ACCO	(718) 595-3211
Denise Dyce	Legal Affairs/HRM	(718) 595-3401
Paulette Barnes	Wastewater Treatment	(718) 595-6855
Elestene Houston	Environmental Compliance	(718) 595-4429
Helaine Balsam	Environmental Control Board	(212) 361-1594
Mary Grannum	Environmental Planning & Assessment	(718) 595-4411
Maureen Mair	Environmental Control Board	(212) 361-1594
Naomi Hamer	Water & Sewer Operations	(718) 595-5372
Sarah Simpson	Management Information Services	(718) 595-4038
Sherri Roth	Water Supply	(914) 742-2029
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IDEAS? ARTICLES?

Tell us what you think or what you would like to see in the next issue.

Send submissions to:

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Equal Employment Opportunity
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Flushing, NY 11373

If you are a new employee, newly promoted manager or supervisor, please contact your Bureau EEO Liaison to schedule you for EEO Training.