

Statement from Commissioner Ward

As we begin a new year for the Agency, I'd like to take the opportunity to reaffirm the mission and the value of DEP's Equal Employment Opportunity Office. The EEO Office has the tremendously important mission of implementing the policies, standards, and procedures that guarantee equal opportunities for all of DEP's current employees, as well as those who come to DEP for prospective employment. This dedication to equality within the workplace is, I believe, one of the cornerstones of our strength as a City agency.

Through the EEO Office, we have ensured that all employees have easy access to the information and materials they need. In addition, through avenues such as this newsletter, the Office has provided ample resources to inform employees of their rights to equal opportunities within DEP, as well as information regarding important events and equal opportunity policies as they unfold.

I consider myself fortunate to be part of an Agency so committed to diversity in

the workplace – one that truly reflects the identity of New York City, the greatest city in the world. Together we can continue to take steps to ensure all DEP employees have equal rights and equal access in the workplace. Thank you for working to support the mission of the EEO Office, and for your support of a work environment of which we can all be proud.

A Message from the EEO Officer

On July 2, 2003, Governor Pataki signed the "Patriot Plan" into law. Among other provisions, this law contains an amendment to the New York State Human Rights Law. The amendment adds "military status" as a prohibited basis for discrimination in employment. The term "military status" means a person's participation in the military service of the United States or the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the

federal or state government as authorized by law. As the City of New York is committed to compliance with federal, state and local laws prohibiting employment discrimination, please note this amendment in any information that you disseminate regarding prohibited bases of discrimination under the City's EEO Policy and/or as part of any EEO training that is conducted at DEP. The New York State Division of Human Rights has not promulgated any regulations further interpreting this amendment.

On behalf of the EEO Office, we would like to extend a Happy New Year to all DEP employees. EEO would also like to take this opportunity to welcome its newest EEO Investigator, Michael Walczyszyn. Michael was a former DEP employee for Training and Development and also served in the same capacity with the MTA. Michael will be working alongside Jason Hryckowian, EEO Investigator, and will assist in the investigation and resolution of internal EEO complaints. Michael can be reached at (718) 595-3451.

New York Passes Law Prohibiting Sexual Orientation Discrimination

On December 17, 2002, Governor George E. Pataki signed into law a bill extending civil rights protection to gays and lesbians. The bill was signed 31 years after the first gay rights bill was introduced in Albany. The governor's signing of the bill makes New York the 13th state to include gays and lesbians in its civil rights law. The new law amends executive law, civil rights law, and educational law in relation to prohibiting discrimination based on sexual orientation.

Though the bill, which essentially adds only two words— "sexual orientation"—

to existing law, is expected to protect gays and lesbians from discrimination in employment, housing, credit, and public accommodations, the definition of the term "sexual orientation" is far broader. The term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived. An amendment that would have included "gender identity and expression" (e.g., transgendered people) was voted down. Where Title VII has been held not to include sexual orientation, the state of New York now joins New York

City in protecting people based on that characteristic.

Employers should be aware that while the new state law doesn't expressly include gender identity, some legal commentators believe that the courts may find it to cover the transgendered because it bars discrimination based on gender. You should note that the NYCHRL does prohibit gender-based discrimination.

Taken from: New York Employment Law Letter January 2003

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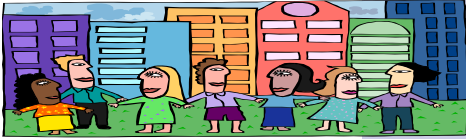
Christopher O. Ward
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DIVERSITY AWARENESS



October—National Disability Employment Awareness Month

Congress, with the aim of helping disabled veterans, designated the first week of October as National Employ the Physically Handicapped Week in 1945. Seventeen years later, the word “physically” was removed from the phrase in order to recognize the needs and contributions of individuals with all types of disabilities. In the 1970’s, a shift in disability public policy led to further emendation. For the first time, it was viewed as discriminatory to exclude or segregate people because of a disability, and activists were fighting strongly for legal revisions. As a result,

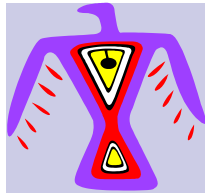


the U.S. saw changes such as the passage of the Americans with Disabilities Act in 1990 and the designation, by presidential proclamation, of a full month to increase public awareness of those with disabilities and appreciate the capabilities of the 30 million people in the U.S. of working-age who are disabled. Various programs throughout the month headed by The Office of Disability Employment Policy emphasize specific employment barriers that still need to be addressed and eliminated.

Taken from: Multicultural Resource Calendar

November—National American Indian Heritage Month

In response to an effort by many to gain a day of recognition for the great influence American Indians have had upon the U.S., Congress designated a week of October to celebrate Native Americans Awareness Week in 1976. Yearly legislation was enacted to continue the tradition until August of 1990, when President Bush approved the designation of November as National American Indian Heritage Month. President Clinton noted in 1996, “Throughout our history, American Indian and Alaska Native peoples have been an integral part of the American character. Against all odds, America’s first peoples have endured, and they remain a vital cultural,



political, social and moral presence.” November is an appropriate month for the celebration because it is traditionally a time when many American Indians hold fall harvest and world-renewal ceremonies, powwows, dances and various feasts. This holiday hundreds of different tribes celebrates the history, tradition and values of American Indians. National American Indian Heritage Month serves as a reminder of the positive effect native people have had in the cultural development and growth of the U.S., as well as the struggles and challenges they have faced.

Taken from: Diversity Resources, Inc.

December—Human Rights Day (December 10)

On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights at the Palais de Chaillot in Paris. The historic document, often labeled a “Modern-Day Magna Carta,” outlines the human right standards the UN believes should be enforced by all nations—among them “the right to life, liberty and nationally, to freedom of thought, conscience and religion, to work, to be educated, [and] to take part in government.”



That day in 1948 could arguably be called the birth of the modern human rights movement. With widely agreed-upon universal standards in place, “atrocities” could be more concretely labeled “violations” and could be more readily acted against. States that have embraced these standards have, for the past 51 years, observed December 10th as Human Rights Day.

Taken from Human Rights Website

January—Dr. Martin Luther King Jr. Day (January 19)

Each year on the third Monday of January schools, federal offices, post offices and banks across America close as we celebrate the birth, the life and the dream of Dr. Martin Luther King Jr.

It is a time for the nation to remember the injustices that Dr. King fought. A time to remember his fight for the freedom, equality, and dignity of all races and peoples. A time to remember the message of change through nonviolence. Teaching and re-teaching what Dr. King, said and did in his life will always be important to all Americans. Dr. King was a leader who served as a unit-



“Success, recognition, and conformity are the bywords of the modern world where everyone seems to crave the anesthetizing security of being identified with the majority.”
-- Martin Luther King, Jr.

ing force in a nation largely made up of immigrants and descendants of immigrants. His actions in the civil rights movement elevated the consciousness of many Americans about the role of tolerance and the acceptance of diversity in our nation.

Taken from theithacajournal.com



EEO BUREAU LIAISONS

The EEO Office would like to say farewell and good luck to Ms. Francine Hart who has served for many years as an EEO Liaison. We would like to take this opportunity to thank Ms. Hart for her dedication to this office.

Name	Bureau	Phone #
Aimee Edwards	Environmental Engineering	(718) 595-5719
Alan Wasserman	ACCO	(718) 595-3211
Delores Toles	Customer Services	(718) 595-4339
Denise Dyce	Legal Affairs	(718) 595-6608
Diane Futrell	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



The Role of Managers & Supervisors

- Enforce laws & policies
- Make information available
- Create an environment in which there is mutual respect
- Lead by example—Role model

VESID and 55-a Certifications

VESID ("Vocational and Educational Services for Individuals With Disabilities") is an office of the New York State Education Department that provides assistance to individuals through training, education, and vocational rehabilitation services.

New York City government employees with disabilities, who hold provisional titles, can apply to have their position converted to noncompetitive 55-A status. The 55-A status offers additional job security; and allows the individual to compete in promotional civil service examinations along with

permanent employees. As part of the process of converting a title to 55-A status, the individual is required to obtain certification of their disability from VESID.

VESID may be reached at 718-760-8705. However, please note that any DEP employee interested in obtaining 55-A status should first begin the process by contacting Jason Hryckowian, Agency 55-A Coordinator. Mr. Hryckowian can be reached at 718-595-5742.

Your Rights Under the Family Medical Leave Act (FMLA) of 1993

In 1993, the FMLA was established to allow employees to balance their work and family life while accommodating the legitimate interests of employers and minimizing the potential for employment discrimination on the basis of gender and promoting equal employment opportunity for men and women.

Under FMLA, eligible employees can be provided with up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. In order to be eligible, employees must have worked for a covered employer for at least one year and for 1250 hours over the previous 12 months (178.5 days based on a 7 hour day), and there must be at least 50 employees within 75 miles. Employees must first exhaust appropriate paid leave before taking unpaid leave and both will count towards their annual FMLA entitlement.

An employee may apply for FMLA benefits to care for the employee's child after birth or place-

ment for adoption or foster care; to care for an employee's spouse, child or parent with a serious health condition; or for a serious health condition that makes the employee unable to perform his/her job. During this leave, the employer MUST maintain the employee's health coverage under a group health plan and upon return from leave, most employees must be restored to their original position (or the equivalent) with equivalent pay, benefits and other terms of employment.

To apply for leave under the FMLA, you can contact the agency's FMLA Coordinator, Jim Cuggy, at 718-595-3343 or contact your Bureau Administrator. Please note that employees applying for leave under the FMLA will be asked to provide medical documentation within 15 calendar days of the request when practicable and those applying for child care leave must provide proof of the fact and date of birth or adoption within the same time frame.

EEO STAFF

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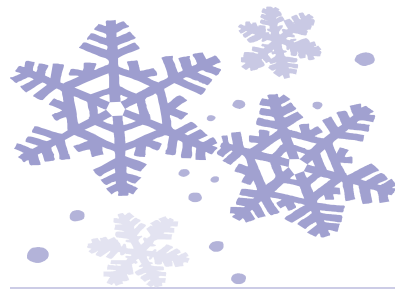
IDEAS? ARTICLES?

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

Send submissions to:
NYC Department of Environmental Protection
Equal Employment Opportunity
59-17 Junction Blvd. - 20th Floor
Flushing, NY 11373
Attn: Newsletter

SUPERVISORY TIPS

- Punishing a complainant because he/she brought a complaint of harassment is expressly prohibited.
- Sexually oriented behavior in the workplace is: offensive, inappropriate and **Illegal**.



Three things in human life are important:
The first is to be kind, The second is to be kind.
And the third is to be kind.

Henry James (1843-1916)
Writer