

NYC
**Equal Employment
Practices Commission**

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December 19, 2013

John J. Doherty
Commissioner
NYC Department of Sanitation
125 Worth Street, Room 702
New York, NY 10013

RE: Resolution #: 13/29-827 Final Determination Pursuant to the Audit and Analysis of the NYC Department of Sanitation Equal Employment Opportunity Program from January 1, 2012 to June 30, 2013.

Dear Commissioner Doherty:

On behalf of the Equal Employment Practices Commission (EEPC), I want to thank the NYC Department of Sanitation (DSNY) for the November 26, 2013 response to our November 7, 2013 Preliminary Determination regarding the referenced audit and analysis.

As indicated in our Preliminary Determination, this Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants.

Our findings and required corrective actions are based on this Commission's audit methodology which includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; responses to the *EEPC Employee Survey* and the *EEPC Supervisor/Manager Survey*; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment*

¹ Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Equal Employment Opportunity Commission's Instructions to Federal Agencies for EEO, Management Directive 715; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



Database System. Additional research and follow-up discussions or interviews were conducted, when appropriate.

After reviewing your response, our Final Determination is as follows:

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance monitoring period.

The agency indicated that the majority of hires during the audit period were from established civil service lists such as Sanitation Worker, Clerical, and Auto Mechanic. Therefore, the opportunity of specialized recruitment was limited during this period. Additionally, the small number of discretionary approved hires by the City most certainly affected DSNY's ability to participate in Job Fairs & Career Fairs.

Corrective Action #1

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

Agency Response: While the EEO Director regularly reviews new hiring packages for a diverse pool of qualified candidates and to ensure the selected candidate not only meets all qualifications BUT that the choice is supportive of our EEO Program, the EEO Director will actively assess recruitment efforts to determine where such efforts adversely impact any particular group. The EEO Director will work together with the Human Resources Bureau to identify relevant professional and community organizations serving women, minorities and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion hiring.

EEPC Response: The EEPC accepts the agency's response to corrective action #1. Implementation of this corrective action will be monitored.

Corrective Action #2

If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.



Agency Response: *When the EEO Director determines that women, minorities and other protected groups are underrepresented in titles, where there is discretion in hiring, DSNY will advertise in minority or female-oriented publications; contact organizations serving women, minorities, and other protected groups; and participate in career fairs/open houses; or use internships to attract, develop and hire qualified candidates.*

EEPC Response: The EEPC accepts the agency's response to corrective action #2. Implementation of this corrective action will be monitored.

Corrective Action #3

If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Agency Response: *When the EEO Director determines that women, minorities and other protected groups are underrepresented in civil service (list) the titles, the EEO Director will continue to review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure these standards are updated, job-related and required by business necessity.*

EEPC Response: The agency should specifically, demonstrate how the agency has implemented the corrective action and instituted it as an agency practice.

Corrective Action #4

Ensure that human resources professionals, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in EEO and interviewing, selection, and hiring skills to enable such individuals to correctly identify the most capable candidates (i.e. structured interview training or guide).

Agency Response: *The EEO Office will update its structured interview training and develop a guide for HR professionals, managers, supervisors and other personnel who may be involved in the recruitment and hiring process. The goal will be that they are trained in EEO and interviewing, selection and hiring skills, to enable such individuals to correctly identify the most capable candidates.*



EEPC Response: The EEPC accepts the agency's response to corrective action #4. Implementation of this corrective action will be monitored.

Conclusion

The NYC Department of Sanitation has 4 corrective actions which require monitoring.

As the EEPC concludes its audit of your agency's EEO Program, Chapter 36 Section 832.c of the New York City Charter, as amended, requires: 1) the agency provides a written response within 30 days from the date of this letter and 2) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective actions. Your agency's compliance-monitoring period is scheduled for: January 2014 to June 2014.

If no corrective actions are remaining: Your agency is exempt from the aforementioned monitoring period. However, as a last step, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit/analysis and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If corrective actions are remaining: Your agency's response should indicate (with attached documentation) what steps your agency has taken, or will take, to implement the corrective actions. Upon your agency's completion of the final corrective action, and tender of the final memorandum, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance process, please have the Principal EEO Professional call Judith Garcia Quiñonez, Deputy Director/ Agency Counsel at 212-615-8939.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar A. Perez". The signature is fluid and cursive.

Cesar A. Perez, Esq.
Chair

c: Teresa Neal, DSNY, Principal EEO Professional
Charise L. Hendricks, PHR, EEPC Executive Director
Judith Garcia Quiñonez, EEPC Deputy Director/Agency Counsel