

## Verdict Is In: Legal Team Found More Efficient

The 30 attorneys of the Bureau of Legal Affairs (BLA), led by General Counsel **Robin Levine** and Deputy General Counsels **Elissa Stein Cushman** and **Marcella Eckels**, play a critical role at DEP by providing the vast array of legal services that the agency needs to carry out its mission. When most people think of the lawyers who work for DEP, they usually imagine experts in environmental law who negotiate with our state and federal regulators to ensure compliance with the Clean Water Act and other environmental laws. They also might imagine the business and contract lawyers who support the agency's \$1 billion annual capital construction program by participating in the contracting process and by assisting in



the resolution of contract disputes. Perhaps they think of the well-publicized land acquisition program in the Watershed or the prosecution of violations of the city's noise code and environmental laws at the Environmental Control Board. However, many people do not think about one of the most important roles that lawyers at DEP perform to ensure the

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## Spotlight on Safety

### Help is on the Way...

This is the tagline you see every week in the yellow box below! It refers to DEP's Employee EHS Concerns Procedure. It is there to help you navigate through EHS concerns, including those that come up in "real time" work situations. Calls to the Hotline are categorized in groups:

**Group 1 Concern:** Employee believes (a) there is retaliation for reporting an EHS concern or (b) he or she has been given a direction or order that constituted a violation of EHS regulations.

**Group 2 Concern:** Employee believes (a) there is an EHS emergency or immediately dangerous situation or (b) he or she is being given a direction or order that, if followed, would cause or constitute a violation of an EHS regulation.

**Group 3 Concern:** Employee expresses any other EHS concern.

"Group 2" is a new addition in 2010 which provides real time resolution of concerns. If you feel you are in an unsafe or emergency situation—or are being asked to carry out a work task that would violate an EHS regulation—you should stop the task and discuss it with your supervisor/work team. If it cannot be resolved you (or your supervisor) have the right and responsibility to call the Hotline. The Hotline Coordinator will contact a knowledgeable On-Call Responder (OCR) to assess the situation and help come up with a resolution. Depending on the nature of the concern, the OCR will be able to either assist over the phone or may go to the worksite to facilitate a solution.

A revised policy will be released soon supported by a computer based training. Look out for it! You can read more about the Employee EHS Concerns Procedure here: [👉](#)

At DEP, everyone is responsible for safety. If you or anyone on your team is concerned about your working conditions, it's okay to ask your supervisor or your bureau's EHS liaison how they can help. If you've still got questions, you can call the EHS Employee Concerns Hotline. It's DEP's responsibility to acknowledge and fix unsafe situations, procedures, and practices. With your help, we'll not only get the job done, we'll make it safer for ourselves, our coworkers, our families, and our city.

CALL (800) 897-9677 OR SEND A MESSAGE THROUGH PIPELINE. HELP IS ON THE WAY. [👉](#)

## Commissioner's Corner

Last Wednesday, **Mayor Bloomberg** and I unveiled Strategy 2011-2014, DEP's ambitious strategic plan for the next four years and beyond. The turnout was fantastic, including EPA Regional Administrator **Judith Enck**, Riverkeeper Executive Director **Paul Gally**, Environmental Defense Fund New York Regional Director **Andy Darrell**, **Eric Goldstein** and **Larry Levine** from the Natural Resources Defense Council, former DEP Commissioner **Marilyn Gelber**, former City Parks Commissioner **Henry Stern**, and dozens of City colleagues, environmental stakeholders, and DEP contractors. Most important, all of DEP's operations were well represented at the launch.

The strategic plan includes 100 initiatives that will mean clean waters, fresh air, and a brighter future for New York City. It is organized into four main sections: customer service; workers safety, public health and environmental protection; operations and capital; and sustainability. I encourage you to take a look at the entire plan by linking here [👉](#); I will be presenting the plan and taking questions from employees at two sessions in the 3rd floor cafeteria at Lefrak: this Friday, February 18 from 2 -3 p.m., and next Thursday, February 24, from 12:30 to 2 p.m. If you are in the building I hope you will try to attend, and we will post a video on Sharepoint for those who can't make the live sessions.

Strategy 2011-2014 includes major initiatives for our customers, like a leak notification program that will enable us to tell our customers when we see an irregular spike in consumption. And we'll make permitting easier for plumbers and developers by making as many applications available online as possible. We'll take on the next great infrastructure challenge after City Water Tunnel No. 3—construction of a three-mile bypass to fix leaks in the Delaware Aqueduct. And we'll move aggressively to implement the NYC Green Infrastructure plan to improve harbor water quality, and make New York City greener and more sustainable. Our plan also includes an aggressive energy strategy that will increase DEP's production and use of renewable sources like digester gas and sludge.



These are just a few of the 100 initiatives in our plan, and every DEP employee has an important role to play. From the customer service agents in BCS who will continue to reduce response times at the same time we implement new services, to the field crews who will clean all 136 miles of interceptor sewers in two years, to the land acquisition team who will continue to protect the city's water supply, we need everyone to pitch in.

Creating this blueprint was truly a team effort that involved every bureau in the agency; I want to especially thank **Lynn Cole**, **Farrell Sklerov**, and **Margot Schloss**, who spearheaded the design and layout of the plan, and **Mike Saucier**, **Eileen Alter**, **Kim Estes-Fradis**, **Chris Hawkins**, **Mark Lanaghan**, **Tami Lin**, **Rick Muller**, **Phil Young**, **Margot Walker**, **Daniel Feinglos** and **Mercedes Padilla**, who did the painstaking editorial work necessary to publish the plan, and organize last week's great launch.

On Friday, I was joined by Council Member **Steve Levin**, Assembly Member **Joe Lentol**, members of the Newtown Creek Monitoring Committee and students from P.S. 31 at the Visitor Center at the Newtown Creek Wastewater Treatment Plant to install a time capsule so that people 50 years from now can learn a bit about the environmental challenges that were being faced in 2011 and how the city was working to overcome them. A total of 28 items were placed in the capsule, including copies of our strategic plan and the Green Infrastructure plan, photographs of the Newtown Creek plant and its nature walk, and last week's edition of the Brooklyn Paper. You can read the letter I included on behalf of all DEP employees here [👉](#).

## Focus on the Field



**Joanne Nurse** is the Administrative Manager for the division of Emergency Response and Technical Assessment (DERTA). She has been in her job at DEP for 24 years and is known as a “go-to” person in Hazmat. She views each day as a new challenge and opportunity to improve the behind-the-scenes work so that field personnel can respond to emergencies more efficiently. As administrative manager, Joanne oversees seven other administrators and is responsible for planning and organizing clerical duties, maintaining office supplies, including equipment and their service contracts. Joanne also uses her experience and expertise to make suggestions on how to improve office procedures

so that front line responders and inspectors are always prepared and equipped to handle their job. She says that she is especially busy at this time of year since more than 7,000 businesses that store and use chemicals are required to report their inventory on or before March 1 as part of the Community Right-to-Know program.

Working in an emergency response unit, an administrator has to be always prepared and willing to take on new challenges because the pace is always changing according to what emergencies arise. “You have to be flexible,” she says. “You get to fully utilize your organizing, planning, time management, and problem solving skills in this job.” Even on slow days, walk-in customers and an information hotline keeps Joanne busy. “There’s a sense of satisfaction at the end of the day because of the many customers you are able to offer assistance to,” she says.

Joanne’s experience working with people carries over into her life outside of work too. She serves as the Creative Arts Director at her church. This is her way of serving others and giving back to the community.

## Event Calendar

Check out **Water Matters: 25 Years of Students Celebrating NYC’s Water Resources**, 2/9 – 2/18, Gallery Hours: Monday through Friday, 12 to 6 pm. View a selection of entries submitted by students from all five boroughs from past submissions to the agency’s annual Water Resources Art & Poetry Contest; The Horticultural Society of New York, 148 West 37th Street, 13th Floor. For more information [click here](#). For more information on the upcoming 25th Annual contest [click here](#).

## Kodak Moment



Kensico Reservoir, Westchester, NY

DEP’s water sampling field groups go out in all weather and collect water samples from streams and reservoirs to provide critical data for predictive models and also to inform water supply operational decisions.

## Press Box

“New York is beginning to look at its waste as an untapped resource... Sewage treatment plants could sell methane gas to provide power to homes. Such projects represent a more sustainable long-term approach to managing a wastewater treatment process that costs the city about \$400 million annually, not including capital investments.”—NY Times article [click here](#) on the city’s goal to use sewage treatment by-products as a source of renewable energy

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efficient and effective operation of the agency.

Beyond the business and environmental functions performed by BLA, there have always been many other lawyers who worked for DEP in a variety of offices performing numerous essential legal functions to ensure an effective relationship with the agency’s nearly 6,000 employees. Because these lawyers were physically separated from each other and their counterparts at BLA, it was often challenging to coordinate and communicate effectively about legal issues that crossed over multiple bureaus. To improve the effectiveness of DEP’s in-house legal services, three new legal functions that were formerly housed in separate offices have been added to BLA’s portfolio: Equal Employment Opportunity (EEO) external complaints, labor relations, and discipline. These offices are now centrally located on the 19th floor, and are coordinated by Elissa.

Discipline, EEO law, and labor relations are all critical aspects of employee management that were traditionally handled by the Bureau of Human Resources. All three legal areas are connected by a single unifying goal: ensuring the safety, health, and well-being of DEP’s dedicated employees. The attorneys who provide their legal services to these offices work hard to make sure that working conditions are fair and equitable, rules are followed and enforced, and support is provided to the employees who need it most. The Office of Labor Relations is focused primarily on managing relationships between DEP and the unions who represent many of its employees. Their work involves handling employee grievances, facilitating labor-management meetings, drafting human resources policies, and working with union representatives on a variety of issues. The Office of the Disciplinary Counsel is responsible for enforcing DEP’s Uniform Code of Discipline by investigating and drafting disciplinary charges for those who violate the code. And the

lawyers responsible for EEO issues handle all equal employment opportunity related complaints made by DEP employees to external agencies from the City, State, and federal governments. Taken together, these three offices are responsible for overlapping employment related functions that make coordination and cooperation essential.

But prior to centralization, **Marsha Rotheim** and the three other attorneys of the Discipline Unit worked on the sixth floor and had limited communication with her legal colleagues on the 19th floor. And Acting Director of Labor Relations **Aaron Feinstein** worked on the 18th floor addressing employee grievances where he had little interaction with either Discipline or Legal Affairs. Meanwhile, Assistant Counsel **Ayana Brooks** was on the 19th floor handling EEO complaints made to external agencies like the Federal Equal Employment Opportunity Commission and the State Division of Human Rights.

Because labor, grievance, and discipline issues overlap so often with EEO issues, the centralization of legal services on the 19th floor has made it easier for the attorneys in these units to collaborate on issues of mutual concern. Marsha Rotheim points out that the benefits of centralized legal services are immense. She notes that “we can collaborate and brainstorm closer to the source,” making it easier to share information and cooperate on the revisions of key DEP legal policies and documents that directly affect DEP’s workforce. It also allows attorneys to better understand the context in which individual actions take place and ensures the fair and equitable treatment of employee grievances

The benefits of increased communications and coordination of legal strategy across multiple overlapping employment issues have already begun to materialize. The Bureau of Legal Affairs is truly reinventing itself as a one stop shop for all of DEP’s legal needs!

**We welcome your feedback! To submit an announcement or suggestion, please email us at: [newsletter@dep.nyc.gov](mailto:newsletter@dep.nyc.gov).**