

NYC
**Equal Employment
Practices Commission**

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October 18, 2012

Janette Sadik-Khan
Commissioner
Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Re: Resolution #12/30-841 Preliminary Determination Pursuant to the Audit of the Department of Transportation (DOT) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2009 through December 31, 2011.

Dear Commissioner Sadik-Khan:

Pursuant to Chapter 35, Section 814(a)(12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for women and minority municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment by city agencies.

Pursuant to Chapter 36, Section 831(d)(5) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women.

Section 831(d)(2) authorizes this Commission to recommend all necessary and appropriate measures, standards and programs to be utilized by city agencies to ensure a fair and effective affirmative employment program of equal employment opportunity for minority group members and women employed by, or seeking employment with, city agencies.

The Charter defines city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of

government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." The Department of Transportation (DOT) is considered a city agency pursuant to Chapter 36, Section 831(a) of the New York City Charter.

This letter contains the preliminary determinations of the EEPC pursuant to its audit of compliance by the Department of Transportation, which may herein be referred to as "the agency," during the thirty-six month period commencing January 1, 2009 and ending December 31, 2011. Requests for corrective actions and/or recommendations are included where the EEPC has determined that DOT has failed to comply in whole or in part with the City's EEO Policy.

All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the EEO Policy, which, in accordance with Section 815 of the City Charter, holds agency heads responsible for the effective implementation of equal employment opportunity. Therefore, the Department of Transportation should incorporate these recommendations in its agency-specific EEO Plan. In addition, this Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment plans for minority group members and women.

The purpose of this audit is to evaluate the agency's compliance with the EEOP, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included collection and an analysis of the agency's responses to an EEPC *Document and Information Request Form*; analysis of the DOT's quarterly reports and agency-specific EEO plans for Fiscal Years 2009 through 2012; and analysis of the agency's CEEDS reports for Fiscal Year 2012 – Quarter 2. The EEPC sent preliminary interview questionnaires to the agency's Assistant Commissioner of EEO, who is also the EEO Officer, Disability Rights Coordinator and EEO Trainer, Deputy EEO Officer, 15 EEO Counselors, Career Counselor, and HR Director/Career Counselor/55-a Program Coordinator. In addition, 4,500 employees received an electronic link to the *EEPC's Employee Survey*; 26% (1,184) responded. Also, 627 supervisors and managers received an electronic link to the *EEPC's Supervisor/Manager Survey*; 22% (141) responded. Survey findings are attached. (Appendices 1 and 4)

Description of the Agency

Established by Local Law No. 27 of 1977, the mission of the New York City Department of Transportation (DOT) is to provide for the safe, efficient, environmentally responsible movement of people and goods in New York City. To fulfill this mission, DOT controls and regulates traffic; builds and maintains streets, sidewalks, highways, bridges and municipal parking facilities; maintains and operates the Staten Island Ferry; and acts as an advocate and a voice for better transportation.

Personnel Activity During the Audit Period

According to data provided by the agency, during the audit period, 829 people were hired; 741 individuals were promoted; and 321 were involuntarily separated. (Appendix 3)

Between January 1, 2009 and December 31, 2011, the total number of employees decreased from 4,834 to 4,773. (Appendix 2)

Discrimination Complaint Activity During the Audit Period

During the period in review, 43 internal discrimination complaints were filed: 11 received probable cause determinations, 22 received no probable cause determinations, 7 complaints were mediated, and 3 were administratively closed. (Appendix 5)

Forty-two complaints were filed with external agencies (State Division of Human Rights, Equal Employment Opportunity Commissioner, and City Commission on Human Rights): 8 received no probable cause determinations, 3 received probable cause determinations, 6 were dismissed, 1 was withdrawn, 1 received a Right to Sue Letter, 1 was closed with no action taken, and 22 were still pending. (Appendix 6)

Legal Issues

Twenty-one lawsuits were filed against the DOT during the audit period and 5 years prior: 5 were settled totaling \$1,175,500, 6 received a summary judgment, and 10 were pending at the time of the audit. (Appendix 7)

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations for the audit period.

Issuance, Dissemination and Posting of EEO Policies

The DOT is in compliance with the following requirements:

1. The agency issued an EEO Policy Statement, Citywide EEO Policy, Sexual Harassment Policy Statement, and Discrimination Complaint Procedures that conform to federal, city and state laws prohibiting discrimination in employment. The policies were distributed to employees during EEO training, with paychecks, electronically via the agency's intranet and during new employee EEO training sessions. In addition, 93% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that they had received a copy of the agency's EEO Policy statement.
2. A copy of the Citywide EEO Policy Handbook - *About EEO: What You May Not Know* is available to all employees via the agency's online EEO webpage via the Intranet, distributed with paychecks and at EEO training, and included in the New Hire packet which is

distributed to new employees. In addition, 93% of respondents to the *EEPC's Employee Survey* indicated they were given a copy of the EEO Policy Handbook. (Appendix 4)

3. The agency's EEO policies and procedures are posted on its EEO webpage via its Intranet and on bulletin boards. In addition, 89% of respondents to the *EEPC's Employee Survey* indicated the EEO Policy is posted on the agency's bulletin boards or kept in an area otherwise accessible to employees. Also, 79% of respondents to the *EEPC's Supervisor/Manager Survey* indicated the EEO policy could be found on the agency's Intranet.

EEO Training

The DOT is in compliance with the following requirements:

The agency's EEO Office provided EEO training to all new and existing employees during the audit period. New hires and Work Experience Participants received training where they were advised of the City's EEO Policy and their rights and responsibilities under the policy. Current employees received on-going refresher EEO training. The EEO training curriculum included information regarding federal, state and city EEO laws; sexual harassment prevention policy; the reasonable accommodation procedure and policies; Section 55-a Program policy, discrimination complaint policies and procedures; and the rights and responsibilities of employees, managers, and supervisors. In addition, 91% of respondents to the *EEPC's Employee Survey* indicated they received EEO training during the past 3 years.

Other EEO training included on-line sexual harassment prevention training administered by New Media Learning, structured interview training which included a guide for managers/supervisors, and the DCAS *Division of Citywide Diversity and EEO's Computer-Based Training for Managers/Supervisors*. In addition, 87% percent of respondents to the *EEPC's Supervisor/Manager Survey* indicated they had also completed the DCAS *Division of Citywide Diversity and EEO's Computer-Based Training*.

Discrimination Complaint and Investigation Procedures

The DOT is in compliance with the following requirements:

1. The agency's Discrimination Complaint Procedure provides up-to-date contact information for federal, state and local agencies that enforces laws against discrimination.
2. The EEO Officer maintained a monthly log and updated the status of discrimination complaints filed against the agency.
3. The DOT appointed a trained, full-time Assistant Commissioner of EEO (EEO Officer) responsible for the management of the agency's EEO program, the 55-a Program and the supervision of four EEO staff members. The EEO Officer investigates complaints, coordinates the reasonable accommodations program as well as monitors all personnel

functions such as hiring, promoting, and termination practices of the agency. The EEO Officer also conducts EEO training and orientation.

4. The agency appointed at least two EEO Representatives, not of the same gender, to receive discrimination complaints and conduct investigations. A female Deputy Commissioner/EEO Officer, male Deputy EEO Officer, female EEO investigator/trainer, and male EEO investigator/trainer performed these tasks. All EEO professionals were trained and knowledgeable regarding city, federal, and state EEO laws, standards and procedures. The agency also appointed 8 volunteer EEO Counselors who were trained to serve as liaisons between their offices and the EEO Officer.
5. The EEO Officer completed the DCAS Division of Citywide Diversity and Equal Employment Opportunity (CDEEO) Basic Training for EEO Representatives as well as the DCAS *Division of Citywide Diversity and EEO's Computer-Based Training*. She also completed courses at the Cornell University School of Industrial and Labor Relations including *Americans with Disabilities Act, Resolving EEO Complaints, Preventing Sexual Harassment, Law of EEO, Dynamics of EEO Complaints, Preventing Sexual Harassment, EEO Selection for Managers, and Data Analysis for EEO Professionals*. In addition, she completed ongoing training sessions and conferences in EEO-related topics at Epstein Becker & Green, CCHR, State Division on Human Rights, and Equal Employment Opportunity Commission.

The Deputy EEO Officer and two EEO investigators/trainers completed DCAS CDEEO *Diversity and EEO Basic Training* as well as DCAS *Division of Citywide Diversity and EEO's Computer-Based Training*.

The agency's 8 EEO Counselors have completed DCAS CDEEO *Diversity and EEO Basic Training* as well as in-house EEO training conducted by the EEO Office. The in-house EEO training topics included EEO laws, EEO Policy and procedures, case studies, preventing hostile work environment, retaliation in workplace, reasonable accommodations procedure, domestic violence, awareness of gay/lesbian issues, discrimination complaint procedures, sexual harassment prevention, cultural diversity, and the responsibilities of managers and supervisors.

The following section refers to the 10 latest internal discrimination complaints (101202, 110101, 110201, 110301, 110401, 110502, 110601, 110701, 111201, and 111204) that were filed and completed by the DOT for the period in review.

The DOT is in compliance with the following requirement:

The agency received and investigated discrimination complaints in conformance with Section III of the Citywide EEO Policy and the *Discrimination Complaint Procedures and Implementation Guidelines (DCPIG)*.

Selection and Recruitment

The DOT is in compliance with the following requirements:

1. The agency provided structured interview training to current managers and supervisors involved in the interviewing process and new employees who would participate in the interviewing process. In addition, 78% of the respondents to the EEPC's *Supervisor/Manager Survey* who indicated they interviewed candidates for positions also indicated they had received training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview.
2. The agency used discretionary applicant forms, which contained the name of the applicant, title code, job title, gender, ethnicity, disability status, veteran status, interview date, interviewer's name, and interview comments section to indicate reason for selection or rejection, to retain applicant/hire information for its discretionary positions. The agency also used a *Recruitment Form* which indicates the number of candidates interviewed by gender and ethnicity, the recruitment source, number of replies to advertisements, number of interviews from each advertisement, name of person selected and reason for selection, names and justification for minority candidates not selected, and signature and date of interviewer/recruiter.
3. The agency reviewed its quarterly CEEDS reports during the period in review to determine if women and/or minorities were underrepresented in particular job groups. The review showed underutilization of females in the Managers, Science Professionals, Farming, and Laborer job groups. The review also showed that Blacks, Hispanics, and Asians were underutilized in the Social Science, Farming, Craft, Managers, Technicians, Personal Services, and Laborer job groups. As a result of the review, the agency advertised job vacancy notices to periodicals with large minority and female readership such as the *Society of Women Engineers*, *Women in Transportation*, *El Diario*, and *Amsterdam News*.
4. When advertising, the agency's recruitment literature indicates the agency is an equal opportunity employer. All five job vacancy notices submitted to the EEPC (Letterer and Sign Painter, Supervisor Bridge Repairer and Riveter [Transfer position], Supervisor Bridge Repairer and Riveter, Oiler, and Assistant Mechanical Engineer) included *The City of New York is an Equal Opportunity Employer* tagline. Job advertisements posted in the *New York Times* and *Daily News* for Deputy Director of Parking Engineering and Civil, Electrical and Mechanical Engineers included *The City of New York and the NYC Department of Transportation are Equal Opportunity Employers* tagline.

Note: One job advertisement posted in the *New York Times* for Chief Engineer did not include an EEO tag line. The agency should ensure that all recruitment literature indicates that it is an equal opportunity employer.

The DOT is in partial compliance with the following requirement:

During the audit period, the agency experienced underutilization among females in the Managers, Science Professionals, Farming, and Laborer job groups and among Blacks, Hispanics, and Asians in the Social Science, Farming, Craft, Managers, Technicians, Personal Services, and Laborer job groups.

Although the agency reviewed its CEEDS data and targeted recruitment in job groups that showed underutilization of minorities and females, underutilization currently remains among Blacks and females in the Managers job group. The agency indicated that it did not formally assess the manner in which candidates were selected for discretionary positions, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. Corrective action is required.

Recommendation: The agency should assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. The agency should discontinue using criteria that are not job-related and adopt methods which diminish adverse impact.

EEO for Persons with Disabilities and Reasonable Accommodations

The DOT is in compliance with the following requirements:

1. The agency participated in the Section 55-a Program and appointed a Section 55-a Coordinator who is responsible for providing resources to employees that are interested in becoming program participants. The Program brochure was posted on all bulletin boards, on the agency's intranet, discussed at orientation and training sessions and included in the agency's EEO packet. There were 38 program participants during the audit period.
2. The agency's policies are available upon request in audio CD and large print formats for employees and applicants for employment with disabilities. The DOT is committed to providing other alternate formats upon request.
3. The EEO Officer was appointed Disability Rights Coordinator (DRC) - responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. The EEO Officer is identified in the agency's Discrimination Complaint Procedure as the person who handles reasonable accommodations requests. The EEO Officer maintains files on all requests for accommodation. During the period in review, there were 130 requests granted. The agency provided documentation of granting requests for accommodations that included, but were not limited to, ergonomic chair, transfer, keyboard, respirator, flex-time hours, reassignment, training, and adjusted work hours.

4. According to the EEPC's *Checklist to Determine Accessibility for Employees/Applicants with Disabilities*, 23 of the agency's facilities located at 55 Water Street (1214 employees), 59 Maiden Lane (205 employees), 58-50 57th Road (281 employees), St. George Ferry Terminal (300 employees), 300 W. 205/206th Streets (45 employee), 121 Plymouth Street (no employees), 17 South 6th Street (15 employees), 352 Kent Avenue (15 employees), 372 Kent Avenue (9 employees), 448 Hamilton Avenue (28 employees), 6080 Flatlands Avenue (9 employees), 2144 Webster Avenue (19 employees), 669 West 158th Street (8 employees), 4 South St Whitehall Ferry (3 employees), 128-10 26th Avenue (12 employees), 30-30 Thomson Avenue (9 employees), 1893 Richmond Terrace (10 employees), 4409 Park Avenue (12 employees), 34 Wave Street (7 employees), 88-20 Pitkin Ave (29 employees), 5-40 44th Drive (37 employees), 1 Bay Street (120 employees), and 32-11 Harper Street Yard (9 employees) are accessible to employees and applicants for employment with disabilities. The facilities included street accessible entrances, ramp access, wheelchair accessible elevators, Braille in elevators, bell in elevators, wide restroom stalls, grab bars in restroom, and low sink or bathroom fixtures. The agency's checklist indicated that there were accessible workstations at each facility.

The DOT is in partial compliance with the following requirements:

1. Six of the DOT's facilities located at 345 E. 59th St. (119 employees), 1400 Williamsbridge Road (51 employees), 30-01 Harper St. - Asphalt Plant (12 employees), 5 Dubois (57 employees), 424 Wythe Ave. - Paint Warehouse (1 employee), and 59 Adams St. (9 employees) lacked elevator access or wheelchair accessibility to employees and applicants for employment with disabilities. The Authority to render these facilities accessible to employees and applicants with disabilities lies with the City of New York. Corrective action is required.

Note: The agency is currently taking steps to correct and remove barriers to accessibility, as DOT is considering a capital plan to install elevators. At some locations, capital has already been committed to entire site rehabilitation, at which time ADA compliance will be addressed.

Recommendation: Since agencies are responsible for ensuring compliance with all federal, state, and local laws pertaining to persons with disabilities, the agency should develop a plan to demonstrate accessibility for facilities it indicated were not accessible. This plan should identify the barriers in these facilities and detail the efforts the agency has taken, or will take, to remove barriers. The agency's plan will be reviewed during the compliance period. (EEPC/Sect. 831, City Charter, Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and Local Law 58).

2. Although the agency appointed a Disability Rights Coordinator (DRC) and identified this individual in the agency's Discrimination Complaint Procedure, 77 % of respondents to the EEPC's *Employee Survey* indicated they did not know who the agency's Disability Rights Coordinator is. Corrective action is required.

Recommendation: To ensure that all employees know the identity of the person responsible for handling reasonable accommodation requests, the agency should re-distribute and post -- on its

electronic bulletin boards, intranet site, and at each site where it conducts business -- the name, location, and contact information of the Disability Rights Coordinator.

Promotional Opportunities

The DOT is in compliance with the following requirement:

The agency appointed a Career Counselor with appropriate training and knowledge, who is familiar with career opportunities in City government to provide career counseling to employees who request such guidance. The name and contact information of this individual was posted on the agency's EEO webpage and indicated in the agency's EEO Policy Statement. The Career Counselor provided approximately 5 employees with career counseling annually.

The DOT is in partial compliance with the following requirement:

Although the agency appointed a Career Counselor and posted the name and contact information of this individual on the agency's EEO webpage and in the agency's EEO Policy Statement, 74% of respondents to the EEPC's *Employee Survey* indicated they do not know who the agency's Career Counselor is. Corrective action required.

Recommendation: The agency's HR/Personnel Officer should re-distribute the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

Supervisory Responsibility in EEO Plan Implementation

The DOT is in compliance with the following requirements:

1. The agency head directed managers and supervisors to reiterate their commitment to the City's EEO Policy and discuss with employees their right to file an EEO complaint with the agency's EEO Office during staff meetings. Documentation of these meetings was maintained. In addition, 80% of the respondents to the *EEPC Supervisor/Manager Survey* indicated they have reaffirmed the agency's commitment to the principle of EEO during staff meetings one or more times within the past year and 78% indicated they have discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings one or more times within the past year. Also, 65% of respondents to the EEPC's *Employee Survey* indicated that managers and supervisors reaffirmed the agency's commitment to EEO and 63% said managers and supervisors discussed the employees right to file a discrimination complaint with the EEO Officer at least once a year.
2. The agency provided annual performance evaluations during the audit period. The DOT's Division Personnel Coordinators ensured that all employees received annual performance evaluations. At the end of each year, the Director of Personnel distributes a memo to Personnel Coordinators, who then, inform managers and supervisors when evaluations are due. In addition, 71% of respondents to the *EEPC's Employee Survey* indicated that they

had received an annual performance evaluation within the past 3 years and 54% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that they received their employee evaluation within the past year. Seventy-six percent of respondents to the *EEPC's Supervisor/Manager Survey* also indicated they conduct formal evaluations of the employees under their supervision annually.

3. The agency's managerial performance evaluation form contained an EEO section and rating (*Section B. IV. Utilizing Human Resources*) which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.

EEO Personnel Reporting Arrangement

The DOT is in compliance with the following requirement:

According to the agency's organizational chart, the EEO Officer reports to the Agency Head on EEO matters. Documentation of these meetings was maintained. The EEO Officer also meets with the agency's EEO counselors quarterly to review their work and keep them abreast of EEO developments.

Reporting Standards

The DOT is in compliance with the following requirement:

The agency submitted its agency-specific EEO plans and 4 quarterly reports for the period in review.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The agency should assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, the agency head should determine whether the criteria being utilized are job-related. The agency should discontinue using criteria that are not job-related and adopt methods which diminish adverse impact.
2. Since agencies are responsible for ensuring compliance with all federal, state, and local laws pertaining to persons with disabilities, the agency should develop a plan to demonstrate accessibility for facilities it indicated were not accessible. This plan should identify the barriers in these facilities and detail the efforts the agency has taken, or will take, to remove barriers. The agency's plan will be reviewed during the compliance period. (EEPC/Sect. 831, City Charter, Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and Local Law 58).
3. To ensure that all employees know the identity of the person responsible for handling reasonable accommodation requests, the agency should re-distribute and post -- on its

electronic bulletin boards, intranet site, and at each site where it conducts business -- the name, location, and contact information of the Disability Rights Coordinator.

4. The agency's HR/Personnel Officer should re-distribute the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

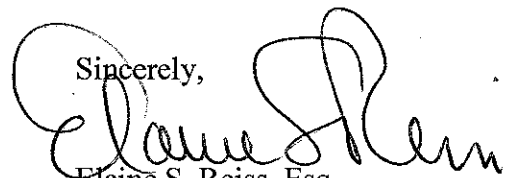
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to the EEOC's audit of the DOT's compliance with the City's Equal Employment Opportunity Policy, and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate the corrective actions your office will take to bring the agency into compliance with the aforementioned policies. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, as amended in 1999, if you do not implement all of these recommendations for corrective actions during a compliance monitoring period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Elaine S. Reiss, Esq.
Commissioner

cc: Ann Williams, Asst. Commissioner/EEO Officer

Appendix 1

Department of Transportation

Supervisor/Manager Survey

Department of Transportation: Supervisor/Manager Survey



1. City of New York

	Response Percent	Response Count
Agency: <input type="text"/>	100.0%	224
	answered question	224
	skipped question	12



2. Which of the following are you?

	Response Percent	Response Count
Supervisor <input type="text"/>	63.0%	148
Manager <input type="text"/>	37.0%	87
	answered question	235
	skipped question	1

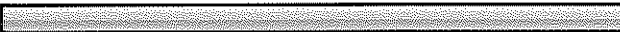


3. How many employees are under your supervision?

	Response Percent	Response Count
5 or less <input type="text"/>	34.5%	81
6-10 <input type="text"/>	20.4%	48
11-20 <input type="text"/>	16.6%	39
21 or more <input type="text"/>	28.5%	67
	answered question	235
	skipped question	1






4. How long have you worked for this agency?

		Response Percent	Response Count
Over 3 years		93.2%	219
3 years or less		6.8%	16
answered question			235
skipped question			1





5. Each agency head may distribute a statement in support of Equal Employment Opportunity to all employees. Have you received a copy of your agency's EEO Policy Statement?

		Response Percent	Response Count
Yes		93.2%	219
No		1.7%	4
Do not remember		5.1%	12
answered question			235
skipped question			1




6. In your agency, where can the EEO Policy be found? (Check all that apply.)

		Response Percent	Response Count
The EEO Office		70.2%	165
The HR/Personnel Office		61.3%	144
The Intranet		79.1%	186
Your Office		69.4%	163
Do not know		2.6%	6
answered question			235
skipped question			1



7. Of the choices above, which is most easily accessible to you?

		Response Percent	Response Count
The EEO Office		6.0%	14
The HR/Personnel Office		6.0%	14
The Intranet		51.9%	122
Your Office		36.2%	85
answered question			235
skipped question			1



8. Is the Discrimination Complaint Procedure included with the EEO Policy?

		Response Percent	Response Count
Yes		79.5%	186
No		1.7%	4
Do not know		18.8%	44
answered question			234
skipped question			2

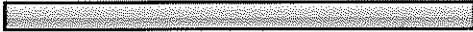

9. Do you know the name of your agency's EEO Officer?

		Response Percent	Response Count
Yes		79.0%	184
No		21.0%	49
answered question			233
skipped question			3




10. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO rights as an employee?

		Response Percent	Response Count
Yes		71.7%	167
No		28.3%	66
answered question			233
skipped question			3




11. Did the EEO Officer meet with you, either individually or in a group setting, to discuss your EEO responsibilities as a supervisor or manager?

		Response Percent	Response Count
Yes		70.7%	164
No		29.3%	68
answered question			232
skipped question			4



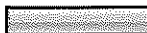
12. Did you complete the Department of Citywide Administrative Services' Citywide EEO Computer-Based Training for Managers and Supervisors?

		Response Percent	Response Count
Yes		86.6%	200
No		10.8%	25
Not applicable		2.6%	6
answered question			231
skipped question			5



13. How often have you reaffirmed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year?

		Response Percent	Response Count
Two or more times		45.5%	105
One time		34.2%	79
At no time		20.3%	47
answered question			231
skipped question			5




14. How often have you discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?

	Response Percent	Response Count
Two or more times 	42.9%	99
One time 	35.5%	82
At no time 	21.6%	50
answered question		231
skipped question		5

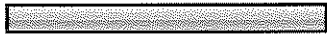
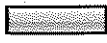

15. Did you receive sexual harassment prevention training from your agency?

	Response Percent	Response Count
Yes 	90.0%	208
No 	10.0%	23
answered question		231
skipped question		5


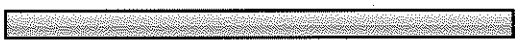
16. Did all of the employees that you supervise receive sexual harassment prevention training?

	Response Percent	Response Count
Yes 	71.4%	165
No 	5.2%	12
Do not know 	23.4%	54
answered question		231
skipped question		5



17. When you were hired, did you receive an orientation session that included a review of the EEO policy?

	Response Percent	Response Count
Yes 	47.4%	109
No 	14.3%	33
Do not remember 	38.3%	88
answered question		230
skipped question		6

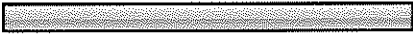

18. Do you participate in orientation sessions for new employees?

	Response Percent	Response Count
Yes 	23.9%	55
No 	76.1%	175
answered question		230
skipped question		6

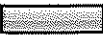



19. Do new employee orientation sessions include information on the EEO policy?

	Response Percent	Response Count
Yes 	94.5%	52
No	0.0%	0
Do not know 	5.5%	3
answered question		55
skipped question		181



20. Do you interview candidates for positions in your agency?

		Response Percent	Response Count
Yes		61.3%	141
No		38.7%	89
answered question			230
skipped question			6




21. A structured interview is a method that standardizes the type and order of interview questions asked to ensure that a fair comparison can be made between interviewees. Did your agency provide you with training and/or a guide that outlines illegal or discriminatory questions and includes instructions for conducting a structured interview?

		Response Percent	Response Count
Training		15.0%	21
Guide		28.6%	40
Both training and guide		36.4%	51
Neither		20.0%	28
answered question			140
skipped question			96

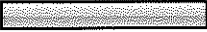

22. Were you informed that fulfillment of your EEO responsibilities will be part of your overall performance evaluation and will be considered in determining your eligibility for promotions and merit increases?

		Response Percent	Response Count
Yes		35.4%	81
No		64.6%	148
		answered question	229
		skipped question	7



23. When was your last performance evaluation?

		Response Percent	Response Count
Within the past year		53.7%	123
Over a year ago		32.3%	74
I have not received a performance evaluation		14.0%	32
		answered question	229
		skipped question	7



24. Does your performance evaluation include an EEO component? (A section that rates your ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner.)

		Response Percent	Response Count
Yes		30.5%	60
No		69.5%	137
		answered question	197
		skipped question	39

25. Do you conduct formal performance evaluations of the employees under your supervision annually?

		Response Percent	Response Count
Yes		76.4%	175
No		23.6%	54
answered question			229
skipped question			7

26. Do you believe the agency has provided sufficient training to supervisors/managers on their responsibilities in assisting employees who may complain about discrimination or harassment?

		Response Percent	Response Count
Yes		93.4%	214
No		6.6%	15
answered question			229
skipped question			7

27. Race/Ethnicity

		Response Percent	Response Count
Asian or Pacific Islander		6.7%	13
American Indian or Alaska Native		0.0%	0
Black (not of Hispanic origin)		19.0%	37
Hispanic		7.2%	14
White (not of Hispanic origin)		60.0%	117
Other		7.2%	14
answered question			195
skipped question			41

28. Gender

		Response Percent	Response Count
Male		70.3%	142
Female		29.7%	60
answered question			202
skipped question			34

Appendix 2

Department of Transportation

**DIRF Attachment 13 – Agency Workforce
Chart - Workforce by Gender
Chart – Workforce by Ethnicity**

Attachment 13: Statistical Profile of Agency Workforce
Beginning and End of Audit Period

Agency: Department of Transportation

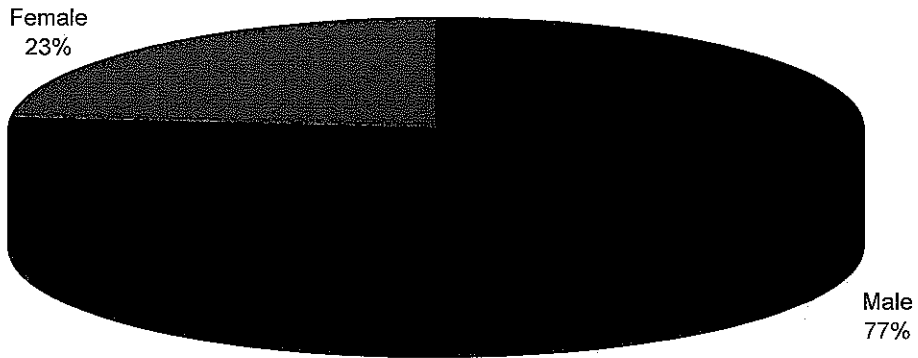
# Employees	Beginning of Audit Period <u>01/01/2009</u>	End of Audit Period <u>12/31/2011</u>
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Male	3709	3650
Female	1125	1123

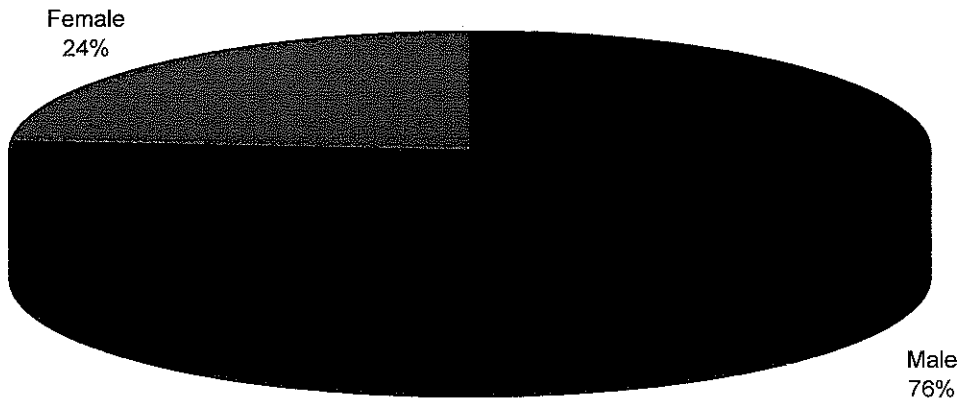
White	2223	2196
Black	1456	1436
Hispanic	642	636
Asian	435	440
Native American	23	23
Unknown	55	42

Total # of Employees	4834	4773
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Department of Transportation Workforce by Gender

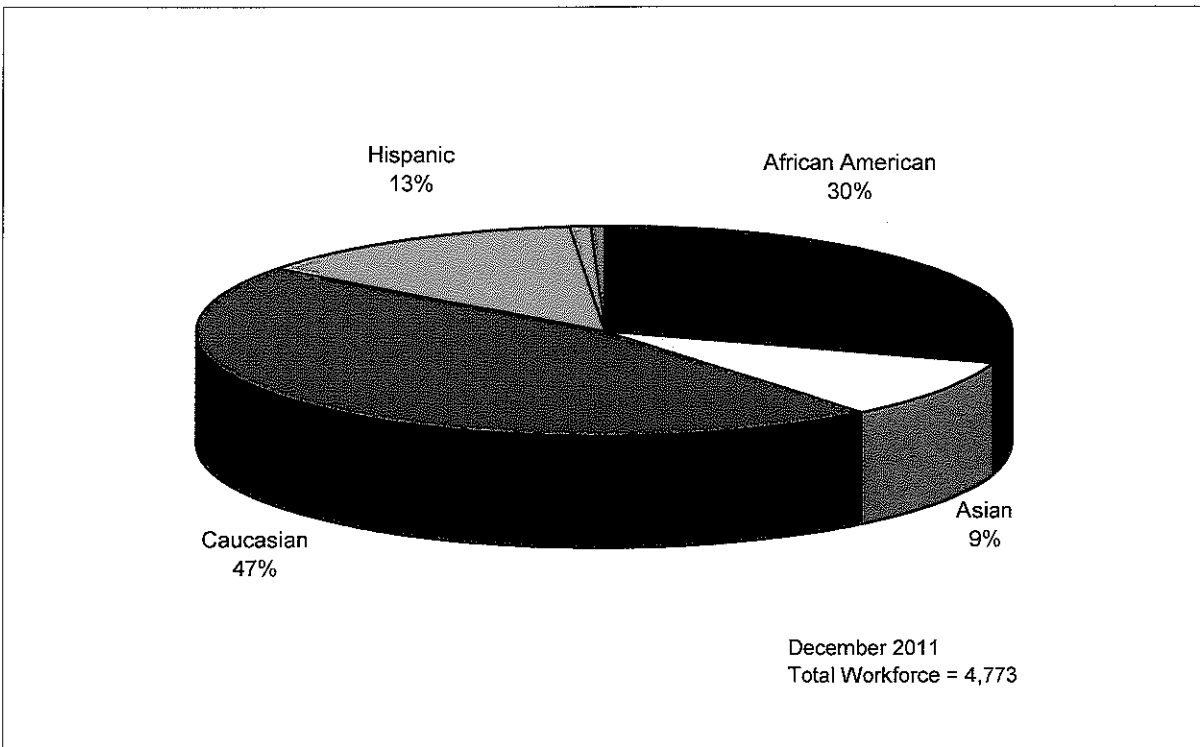
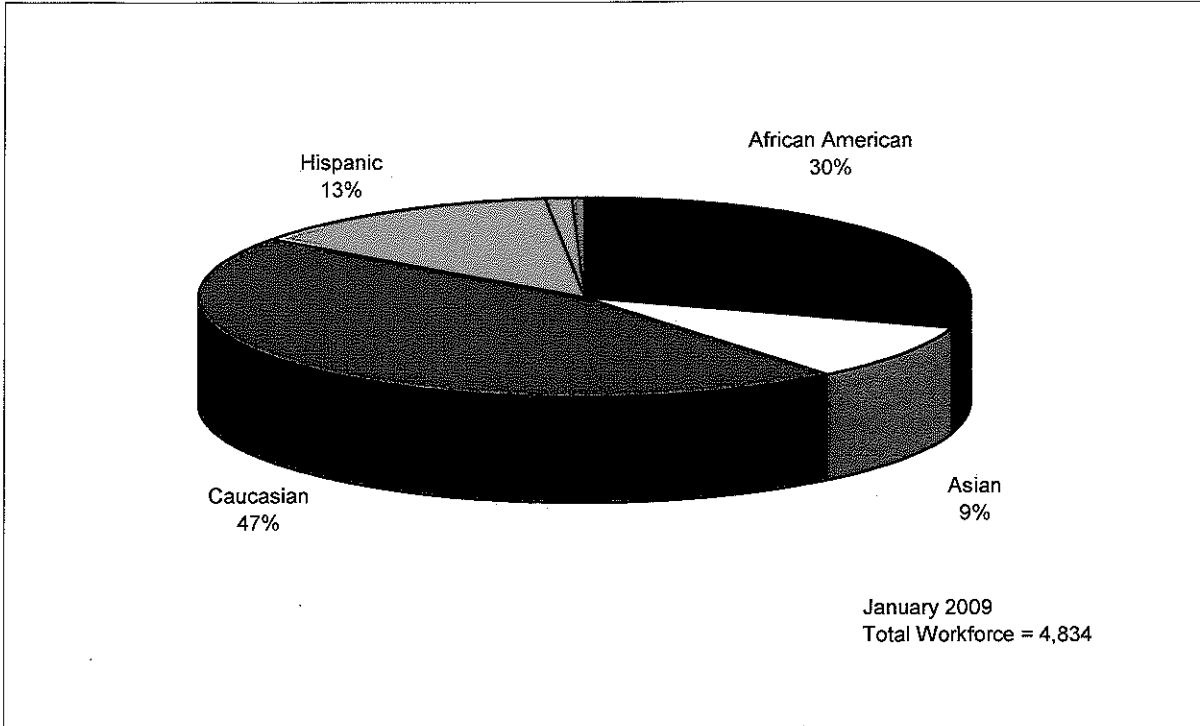


January 2009
Total Workforce = 4,834



December 2011
Total Workforce = 4,773

Department of Transportation Workforce by Ethnicity



Appendix 3

Department of Transportation

Hires, Promotions, and Separations by Ethnicity and Gender

Department of Transportation

The following table indicates personnel activity during the audit period, January 1, 2009 to December 31, 2011

Hires by Gender and Ethnicity

Total Hires: 829

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
581	248	829	394	213	88	88	40	829

Promotions by Gender and Ethnicity

Total Promotions: 741

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
448	293	741	269	288	102	67	3	741

Separations by Gender and Ethnicity

Total Separations: 321

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Unknown	Total
229	92	321	151	92	42	32	4	321

Appendix 4

Department of Transportation

Employee Survey

1. City of New York

	Response Percent	Response Count
Agency Name: <input type="text"/>	100.0%	1,184
answered question		1,184
skipped question		0



2. Do you know who your agency's EEO Officer is?

	Response Percent	Response Count
Yes <input type="text"/>	64.3%	748
No <input type="text"/>	35.7%	416
answered question		1,164
skipped question		20



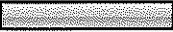
3. Is the EEO Policy posted on your agency's bulletin boards or kept in an area otherwise accessible to employees?

	Response Percent	Response Count
Yes <input type="text"/>	89.4%	1,030
No <input type="text"/>	10.6%	122
answered question		1,152
skipped question		32

4. Were you given a copy of the EEO Policy Handbook - About EEO: What You May Not Know?

		Response Percent	Response Count
Yes		93.1%	1,065
No		6.9%	79
		answered question	1,144
		skipped question	40

5. How often has your manager or supervisor reaffirmed the agency's commitment to the principle of EEO during staff meetings within the past year?

		Response Percent	Response Count
Two or more times		42.2%	478
One time		32.3%	366
At no time		25.5%	289
		answered question	1,133
		skipped question	51

6. How often has your manager or supervisor discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year?

	Response Percent	Response Count
Two or more times	32.6%	368
One time	30.9%	348
At no time	36.5%	412
answered question		1,128
skipped question		56




7. When hired, were you advised of the EEO policies, and of your rights and responsibilities under such policies?

	Response Percent	Response Count
Yes	65.2%	734
No	6.8%	76
Do Not Remember	28.0%	315
answered question		1,125
skipped question		59




8. Do you know how to file an EEO complaint?

	Response Percent	Response Count
Yes	79.7%	896
No	20.3%	228
answered question		1,124
skipped question		60



9. If you had an EEO complaint, would you bring it to your agency's EEO Office?

		Response Percent	Response Count
Yes		69.2%	778
No		8.0%	90
Undecided		22.8%	256
		answered question	1,124
		skipped question	60




10. Would you prefer to file an EEO complaint with an office outside your agency rather than your agency's EEO Office?

		Response Percent	Response Count
Yes		28.3%	317
No		39.6%	444
Undecided		32.2%	361
		answered question	1,122
		skipped question	62




11. During the past 3 years, did you file a complaint with your agency's EEO Office?

		Response Percent	Response Count
Yes		4.9%	55
No		95.1%	1,067
		answered question	1,122
		skipped question	62





12. Was your manager or supervisor supportive of your right to file a complaint?

	Response Percent	Response Count
Yes 	38.2%	21
No 	36.4%	20
Not Applicable 	25.5%	14
answered question		55
skipped question		1,129

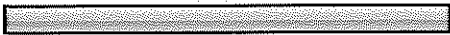
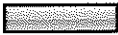

13. During the past 3 years, did you receive EEO training?

	Response Percent	Response Count
Yes 	91.2%	1,022
No 	6.0%	67
Employed for less than 12 months 	2.9%	32
answered question		1,121
skipped question		63




14. How informative was this training?

	Response Percent	Response Count
Very informative 	64.7%	661
Somewhat informative 	30.8%	315
Not really informative 	3.8%	39
Not Applicable 	0.7%	7
answered question		1,022
skipped question		162




15. Does your agency use training and development programs in order to improve job performance and/or career opportunities?

		Response Percent	Response Count
Yes		66.8%	747
No		16.5%	185
I do not know		16.7%	187
		answered question	1,119
		skipped question	65



16. Were vacant positions advertised on bulletin boards or other areas accessible to employees in a timely manner?

		Response Percent	Response Count
Yes		76.1%	851
No		14.0%	157
Do not remember		9.8%	110
		answered question	1,118
		skipped question	66



17. The Personnel Rules and Regulations of the City of New York and the Guidelines for Evaluating Managerial Performance in NYC Agencies require that employees (managerial and non-managerial) receive annual performance evaluations. Have you received annual performance evaluations within the past 3 years?

	Response Percent	Response Count
Yes 	70.6%	788
No 	25.3%	282
Employed for less than 12 months 	4.1%	46
	answered question	1,116
	skipped question	68




18. Did your evaluation contain recommendations for improving your job performance?

	Response Percent	Response Count
Yes 	65.4%	515
No 	34.6%	273
	answered question	788
	skipped question	396



19. Did your evaluation contain recommendations for career advancement with your agency?

	Response Percent	Response Count
Yes 	41.6%	328
No 	58.4%	460
	answered question	788
	skipped question	396



20. The Career Counselor is a trained professional (often the Human Resources Director) familiar with civil service and provisional jobs who provides career counseling to employees who request such guidance. Do you know who your agency's Career Counselor is?

	Response Percent	Response Count
Yes 	20.1%	224
No 	73.5%	819
Not Applicable 	6.4%	71
answered question		1,114
skipped question		70



21. The Disability Rights Coordinator is responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies pertaining to persons with disabilities. Do you know who your agency's Disability Rights Coordinator is?

	Response Percent	Response Count
Yes 	23.5%	262
No 	76.5%	852
answered question		1,114
skipped question		70



22. Agencies are required to take appropriate action to reasonably accommodate qualified employees and applicants with disabilities, and those who are victims of domestic violence, sex offenses, or stalking, to enable to them to perform their jobs or enjoy equal benefits and privileges of employment. Agencies are also required to provide reasonable accommodations for the religious observances, beliefs and practices of an employee or applicant. During the past 3 years, did you ask for a reasonable accommodation due to any of the above?

	Response Percent	Response Count
Yes 	13.6%	152
No 	86.4%	962
	answered question	1,114
	skipped question	70



23. Was your accommodation granted?

	Response Percent	Response Count
Yes 	74.3%	113
No 	25.7%	39
	answered question	152
	skipped question	1,032



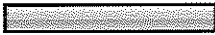



24. Equal Employment Opportunity (EEO) guarantees the right of all persons to be accorded full and equal consideration on the basis of merit, regardless of protected group status. Do you understand this principle?

		Response Percent	Response Count
Yes		89.9%	1,002
No		10.1%	112
		answered question	1,114
		skipped question	70



25. From your experience or observations, does your agency practice equal employment opportunity (i.e. ensures fairness in all aspects of employment including hiring, selection, promotions, etc.)?

		Response Percent	Response Count
Yes		66.8%	743
No		33.2%	369
		answered question	1,112
		skipped question	72

26. Race/Ethnicity

		Response Percent	Response Count
Asian or Pacific Islander		10.5%	101
American Indian or Alaska Native		0.6%	6
Black (not of Hispanic origin)		31.4%	301
Hispanic		12.9%	124
White (not of Hispanic origin)		37.9%	363
Other		6.6%	63
answered question			958
skipped question			226

27. Gender

		Response Percent	Response Count
Male		53.5%	528
Female		46.5%	458
answered question			986
skipped question			198

Appendix 5

Department of Transportation

DIRF Attachment 1 – Internal Discrimination Complaints

Attachment 1 - Summary of Internal Discrimination Complaints

Agency: DOT

For the period in review, please indicate the following:

1. Total # of INTERNAL complaints filed 43
2. # of investigation reports completed by EEO Officer 40
3. # of complaints that received a PROBABLE CAUSE determination 11
4. # of complaints that received a NO PROBABLE CAUSE determination 22
5. # of complaints that were also filed with an external agency

Type/Basis of Complaint	# of this complaint type	Date(s)
Race	11	1/4/09,3/20/09,8/4/09,10/16/09,7/27/10 3/4/11,4/15/11,5/3/11,5/17/11,12/12/11,12/20/11
Color	9	5/25/10,7/27/10,5/3/11,6/15/11,12/12/11,12/20/11
Sexual Harassment	15	2/2/09,6/16/09,7/28/09,9/15/09,10/20/09,11/23/09,12/10/09,6/4/10 8/11/10,11/15/10,12/13/10,12/1/11,12/12/11,12/19/11
Sexual Orientation	5	6/15/10,8/11/10,7/15/10,11/21/11,12/19/11
National Origin	8	2/9/09,3/2/09,3/4/10,5/25/10,6/14/10,1/28/11,3/24/11,5/17/11
Disability	5	2/20/09,7/28/09,10/6/09,6/15/10,1/28/11
Retaliation	9	7/28/09,8/14/09,10/6/09,11/23/09,7/27/10 11/15/10,12/13/10,12/28/10
Gender	11	7/28/09,11/23/09,5/25/10,6/16/10,7/27/10,12/13/10,4/15/11 6/2/11,7/15/11,11/21/11,12/12/11
Age	3	6/15/10,2/18/11,4/15/11
Creed	1	7/27/10
Familial Status	2	10/28/10,5/17/11

No internal discrimination complaints were filed during the audit period. _____ (Initial)

Appendix 6

Department of Transportation

DIRF Attachment 5 – External Discrimination Complaints

Attachment 5: External Complaints

Agency: DOT

Please indicate all external complaints filed against the agency.

Total number of external complaints filed: 42

Name of Outside Agency/Court	Date complaint filed	Nature of complaint	Status of complaint (incl. finding by outside agency)
<u>City Commission on Human Rights(CCHR)</u>	<u>9/28/10</u>	<u>Sexual Harassment & Retaliation</u>	<u>Closed, No-Probable Cause</u>
<u>SDHR</u>	<u>10/17/10</u>	<u>National Origin, Race & Color</u>	<u>Open</u>
<u>SDHR</u>	<u>10/29/10</u>	<u>Unlawful Termination</u>	<u>Open</u>
<u>SDHR</u>	<u>10/29/10</u>	<u>Race, Color & Retaliation</u>	<u>Closed, Dismissed</u>
<u>SDHR</u>	<u>11/11/10</u>	<u>Religion, Creed & Retaliation</u>	<u>Closed, Probable Cause</u>
<u>SDHR</u>	<u>11/23/10</u>	<u>National Origin, Race & Color</u>	<u>Open</u>
<u>EEOC</u>	<u>12/28/10</u>	<u>Race & Retaliation</u>	<u>Open</u>
<u>EEOC</u>	<u>12/29/10</u>	<u>Sexual Harassment</u>	<u>Closed, Dismissed</u>
<u>EEOC</u>	<u>12/29/10</u>	<u>Retaliation</u>	<u>Closed Dismissed</u>
<u>SDHR</u>	<u>1/4/11</u>	<u>Disability & Retaliation</u>	<u>Open</u>
<u>CCHR</u>	<u>1/5/11</u>	<u>Race</u>	<u>Close, No-Probable Cause</u>
<u>EEOC</u>	<u>1/26/11</u>	<u>Race</u>	<u>Open</u>
<u>EEOC</u>	<u>1/26/11</u>	<u>Race & Retaliation</u>	<u>Open</u>
<u>EEOC</u>	<u>1/26/11</u>	<u>Race</u>	<u>Open</u>
<u>EEOC</u>	<u>1/26/11</u>	<u>Race</u>	<u>Open</u>

No external complaints were filed against the agency. _____ (Initial)

Attachment 5: External Complaints

Agency: DOT

Please indicate all external complaints filed against the agency.

Total number of external complaints filed: 42

Name of Outside Agency/Court	Date complaint filed	Nature of complaint	Status of complaint (incl. finding by outside agency)
State Division of Human Rights (SDHR)	1/7/09	Retaliation	Closed, No-Probable Cause
SDHR	1/13/09	Disability	Closed, No-Probable Cause
SDHR	2/27/09	Race	Closed, Probable Cause
SDHR	3/11/09	Race & Color	Closed, Dismissed
SDHR	4/9/09	Retaliation	Open
SDHR	4/17/09	Race, Color & Age	Open
SDHR	5/18/09	Gender & Disability	Closed, No-Probable Cause
SDHR	6/20/09	Retaliation	Open
SDHR	8/7/09	Retaliation	Closed, No-Probable Cause
SDHR	9/1/09	Disability	Closed, Right to Sue Letter
Equal Employment Opportunity Commission (EEOC)	12/11/09	Race & Retaliation	Open
SDHR	12/29/09	National Origin, Race & Color	Open
SDHR	2/22/10	Disability	Closed, No-Probable Cause
SDHR	5/24/10	Race & Color	Closed, Dismissed
EEOC	8/17/10	Race	Open

No external complaints were filed against the agency. _____ (Initial)

Attachment 5: External Complaints

Agency: DOT

Please indicate all external complaints filed against the agency.

Total number of external complaints filed: 42

Name of Outside Agency/Court	Date complaint filed	Nature of complaint	Status of complaint (incl. finding by outside agency)
EEOC	1/26/11	Race	Open
SDHR	4/15/11	Retaliation	Closed, Probable Cause
EEOC	4/27/11	Race & Retaliation	Closed, No Action Taken
SDHR	6/26/11	Retaliation	Open
EEOC	6/30/11	Race, National Origin & Retaliation	Closed, Dismissed
SDHR	7/15/11	Retaliation	Closed, Withdrawn
EEOC	8/5/11	Disability	Open
EEOC	8/8/11	Race	Open
SDHR	9/17/11	Age & National Origin	Open
SDHR	9/26/11	Race, Color & Gender	Closed, No-Probable Cause
EEOC	12/5/11	Age, National Origin & Race	Open
EEOC	12/15/11	Disability	Open

No external complaints were filed against the agency. _____ (Initial)

Appendix 7

Department of Transportation

DIRF Attachment 11 – EEO Judgments/Settlements

DIRF Attachment 12 – Pending EEO Lawsuits

Attachment 11: EEO Judgments/Settlements for the previous 5 years

Agency: NYC DOT

Please indicate the type and dollar amount of EEO judgments and settlements for the previous five years. This timeframe includes the audit period and the two years prior:

Date Filed	Name of Outside Agency/Court	Basis of Lawsuit	Amount	Judgment or Settlement? J/S
2004	US District Court - EDNY	Discrimination - Title VII Employment	\$140,000	S
2006	US District Court - EDNY	Discrimination - Title VII Age	\$20,000	S
2006	US District Court - EDNY	Discrimination - ADA	n/a	J
2007	US District Court - SDNY	Discrimination - Race/Nat Origin/Religion/Sex	\$1,000,000	S
2008	US District Court - EDNY	Discrimination - Race/Nat Origin/Religion/Sex	n/a	J
2008	US District Court - EDNY	Discrimination - ADA	n/a	J
2008	US District Court - SDNY	Discrimination - ADA	n/a	J
2008	Human Rights Commission - City of New York	Discrimination - Human Rights	\$15,000	S
2009	US District Court - SDNY	Discrimination - Race/Nat Origin/Religion/Sex	n/a	J
2010	US District Court - SDNY	Discrimination - Human Rights	n/a	J
2011	Division of Human Rights - NYS	Discrimination - Human Rights	\$2,500	S

Attachment 12: Pending EEO Lawsuits
Agency: NYCDOT

Please list and describe any pending EEO lawsuits:

Date Filed	Name of Outside Agency/Court	Basis of Lawsuit	Was a prior internal complaint filed? Y/N
2007	NY Supreme Court	Discrimination - Human Rights	Y
2008	NY Supreme Court	Discrimination - Human Rights	Y
2007	US District Court - SDNY	Discrimination	N
2011	NY Supreme Court	Discrimination - Human Rights	Y
2011	NY Supreme Court	Discrimination ADA	Y
2011	US District Court -	Discrimination ADA	Y
2011	Human Rights Commission - NYC	Discrimination - Human Rights	Y
2011	US District Court EDNY	Discrimination - Human Rights	Y
2012	US District Court- SDNY	Discrimination	Y
2011	US District Court - SDNY	Discrimination - Human Rights	Y

No pending EEO lawsuits. _____ (Initial)