

DEC 23 2013 PM 2:45

Michele Ovesey
Commissioner

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December 18, 2013

Judith Garcia Quinonez, Esq.
Deputy Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, New York 10007

Re: Preliminary Determination Letter Dated November 26, 2013

Dear Ms. Quinonez:

I am in receipt of your letter dated November 26, 2013, outlining the Equal Employment Practices Commissions' preliminary determination in the Audit and Analysis of the Department of Homeless Services' Equal Opportunity Affairs Program during the period January 1, 2011 to June 30, 2013. After review of that letter and the preliminary findings I offer our response.

Section IV(8)

Preliminary Finding: Although the citywide postings for civil service positions include the statement *D.H.S. is an Equal Opportunity Employer*, advertisements in *The Chief*, *New York Amsterdam*, *New York Times*, *New York Law Journal* and *El Diario* newspapers (for *Executive Agency Counsel* and *Deputy Commissioner of Security*) did not indicate that the agency is an equal opportunity employer.

Response: The Agency will ensure that all recruitment literature, notices and advertisements indicate that *The City of New York is an Equal Opportunity Employer*, by requiring our Assistant Commissioners for Human Resources and Diversity & Employee Relations to approve all such documents prior to distribution.

Section V(1)

Preliminary Finding: Although the agency designated a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career

counseling to employees upon request, 69% of respondents to the *EEPC Employee Survey* indicated they did not know the identity of the agency's Career Counselor.

Response: On November 21, 2013, I signed and distributed a memorandum to all staff entitled *Commitment to Diversity and Equal Opportunity Affairs at DHS*. That memorandum included the name and contact information for our Career Counselor. See attached memorandum titled *Commitment to Diversity and Equal Opportunity Affairs at DHS*, dated November 21, 2013.

Section VI(1)

Preliminary Finding: Although the agency designated a member of the DEOA as Disability Services Coordinator to ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities; receive, or be notified of reasonable accommodations requests; and recommend appropriate action to the agency head, 66% of respondents to the *EEPC Employee Survey* indicated that they did not know the identity of the Disability Rights Coordinator.

Response: On November 21, 2013, I signed and distributed a memorandum to all staff entitled *Commitment to Diversity and Equal Opportunity Affairs at DHS*. That memorandum included the name and contact information for our Disability Services (Rights) Coordinator. See attached memorandum titled *Commitment to Diversity and Equal Opportunity Affairs at DHS*, dated November 21, 2013.

Section VI(6)

Preliminary Finding: The agency developed and implemented a plan to demonstrate its facilities are accessible to and usable by employees/applicants for employment with physical disabilities. The plan identified the number of locations that are accessible/non-accessible; the distribution of the agency's accessible facilities throughout the City; and the distribution of job titles among accessible/non-accessible facilities. According to the *EEPC Checklists to Determine Accessibility for Employees/Applicants with Disabilities*, of the 13 agency facilities owned and operated by the City, and staffed by agency employees, 5 have a street accessible entrance, ramp access, wheelchair accessible elevators, Braille in elevators, bell in elevators, wide restroom stalls; grab bars in restroom, and low sink or bathroom fixtures.

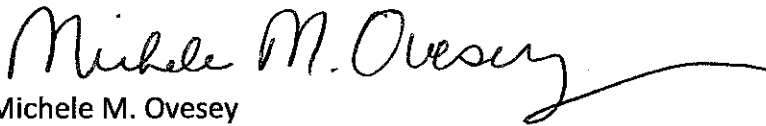
For remaining 8 facilities (400 E. 30th Street, NY, NY 10016; 1 Clarke Thomas Building, NY, NY 10035; 1 Schwartz Building, Wards Island, NY, NY 10035; 1322 Bedford Ave, Brooklyn, NY 11216; 681 Clarkson Ave, Building 6, Brooklyn, NY 11203; 78 Catherine St, NY, NY [10038]; 501 New Lots Ave, Brooklyn, NY 11207; 175-10 88th Ave, Jamaica, NY 11432), accessibility is undetermined.

Response: I reattach DHS' *EEPC Checklists to Determine Accessibility for Employees/Applicants with Disabilities*. These Bellevue, Clarke Thomas, Schwartz, Atlantic, and Jamaica Checklists demonstrate the Agency's determination that 5 of the 8 above named facilities are accessible

to employees/applicants with disabilities in accordance with the letter and spirit of the City EEO Policy, as well as applicable Federal, State, and City disability rights laws. Furthermore, as required by the Americans with Disabilities Act ("ADA") and the State and City Human Rights Laws ("NYSHRA" and "NYCHRA"), DHS provides reasonable accommodations, when necessary, to address or remove architectural obstacles. When disabled employees or applicants request a reasonable accommodation, DHS makes its determinations on an individualized, case-specific basis, taking into account whether a proposed accommodation places an undue burden on the agency. When specific needs are identified by employees or applicants that cannot be met within a particular location and that do not place an undue burden on the Agency, DHS provides a reasonable accommodation.

As to the remaining 3 locations, renovation plans are in place that will increase accessibility. Our Linden facility, located at 501 New Lots Ave, Brooklyn, NY 11207, has a capital project planned for FY 15 to renovate the lobby to allow better access. In doing so, we are also installing an interior ramp between the lobby and the first floor and there is an elevator in the building. At 78 Catherine Street, NY, NY 10038, the Agency has plans in the forthcoming fiscal year to commence re-design and renovation of existing restrooms. The renovations will be made in accordance with ADA standards. The third facility, 681 Clarkson Ave, Building 6, Brooklyn, NY 11203, is not a City-owned facility. This location is owned by the State of New York.

Sincerely,

A handwritten signature in black ink, reading "Michele M. Ovesey". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michele M. Ovesey

Copy: Yianna Pavlakos, Deputy Commissioner
Aaron Goodman, Deputy General Counsel
Mark Neal, Assistant Commissioner

Mark Neal (DHS)

From: DHS Communications
Sent: Thursday, November 21, 2013 9:50 AM
To: All Exchange Users (DHS)
Subject: Commitment to Diversity & Equal Opportunity Affairs at DHS

Dear all,

Understanding that people are at the core of our agency, their unique qualities, skills, and knowledge significantly contribute to the quality of our programs and services. DHS is committed to creating and developing an inclusive and diverse workforce through the use of creative recruitment, staff training and development, as well as through retention and succession planning strategies that reflect the diversity of our City. By acknowledging and valuing our differences, we build stronger teams, and design and implement better client programs, leading to good outcomes for our clients and staff. It is my intention to have all managers and supervisors promote a work environment that values equity and appreciates and respects the diversity of our employees—thereby creating a framework to establish the agency as a worldwide leader in homeless services and a model employer that promotes and attracts top talent.

I also would like to remind you that our agency's EEO program contains the following requirements:

- Managers and supervisors must conduct documented meetings with staff, at least once a year, to reaffirm their commitment to the agency's EEO Policy and to discuss the right of employees to file EEO complaints with DHS' EEO Officers.
- All managers and supervisors involved in conducting employment interviews are required to attend structured interview training.
- Joyce Rivers is the agency's Career Counselor. Her office is at 33 Beaver Street, Room 1257C, New York, New York 10004. Her telephone number is (212) 361-8570. Employees interested in receiving career counseling should make an appointment.
- Rae Davis-Williams is the agency's Disability Services and 55-a Coordinator. Her office is at 33 Beaver Street, Room 1662, New York, New York 10004. Her telephone number is (212) 361-7493.

Available online is the City's EEO Policy, which can be viewed and downloaded at:
(www.nyc.gov/html/dcas/html/resources/eeopol.shtml).

Also available online is the EEO policy handbook titled "About EEO: What You May Not Know," which is provided to all employees at EEO trainings and to all new employees at orientation:
(www.nyc.gov/html/dcas/html/resoruces/eo_booklet.shtml).

I encourage all employees to use these resources and to address any questions or concerns with the agency's EEO Officer, Mark L. Neal, by calling him at (212) 361-7914, or the Deputy EEO Officer, Athina McBean, at (212) 361-0659.

Sincerely,

Michele M. Ovesey
Commissioner

Office of Communications & External Affairs
Department of Homeless Services

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

Agency: DHS

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants with physical disabilities (**complete a separate form for each location**) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form: Pete Xuereb

Agency: DHS

Location Address: **Bellevue** 400 E 30th St, NY, NY 10016 - include floor(s): (9)

Facility/Division: Bellevue

Purpose or Function of Division: Adult Intake and Shelter

Number of employees at this facility: 186

Number of workstations at this facility: n/a

Number of workstations accessible for employees/applicants with physical disabilities at this facility: DHS does not maintain a minimum or maximum number of accessible workstations. It works with his employees on a case by case basis to address individual needs through the reasonable accommodation process.

- ☒ Street accessible entrance
- ☒ Ramp access
- ☒ Wheelchair accessible elevators
- ☒ Braille in elevators
- ☒ Bell in elevators
- ☐ Wide restroom stalls
- ☐ Grab bars in restrooms
- ☐ Low sink or bathroom fixtures
- ☐ OTHER (Please Specify) _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

1. Based on the information above, is this work location accessible to employees/applicants with disabilities? Yes X No ☐

Please identify any barriers. Restroom facilities are not accessible.

2. Please check one of the following:

☐ Authority to render this facility accessible to employees/applicants with disabilities lies with a private landlord

X Authority to render this facility accessible to employees/applicants with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility.
4. If this facility is not accessible to employees/applicants with disabilities, please explain the efforts that have been taken to remove barriers to accessibility. As DHS renovates or performs substantial upgrades and improvements to facilities it complies with ADA requirements to make facilities accessible.

THIS SECTION SHOULD BE FILLED BY THE EEO OFFICER

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants with physical disabilities? _____
2. Tally the total number of workstations that are accessible to employees/applicants with physical disabilities? _____
3. How are the job titles employed by the agency distributed among the facilities which are and those that are not accessible? _____
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at the facilities that are not accessible to employees/applicants with physical disabilities. _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

Agency: DHS

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants with physical disabilities (**complete a separate form for each location**) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form:

Agency: DHS

Location Address: 1 Clarke Thomas Building, NY, NY 10035 - include floor(s): 3 Floors

Facility/Division: Adult Services

Purpose or Function of Division: Adult Shelter

Number of employees at this facility: DHS Police (Varies)

Number of workstations at this facility: N/A

Number of workstations accessible for employees/applicants with physical disabilities at this facility: This facility is managed by a service provider. DHS Police provide security.

☒ Street accessible entrance

☒ Ramp access

☐ Wheelchair accessible elevators

☐ Braille in elevators

☒ Wide restroom stalls

☒ Grab bars in restrooms

☒ Low sink or bathroom fixtures

☐ OTHER (Please Specify) _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

1. Based on the information above, is this work location accessible to employees/applicants with disabilities? Yes X No ☐

Please identify any barriers. _____

2. Please check one of the following:

☐ Authority to render this facility accessible to employees/applicants with disabilities lies with a private landlord

X Authority to render this facility accessible to employees/applicants with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility. N/A
4. If this facility is not accessible to employees/applicants with disabilities, please explain the efforts that have been taken to remove barriers to accessibility. N/A

THIS SECTION SHOULD BE FILLED BY THE EEO OFFICER

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants with physical disabilities? _____
2. Tally the total number of workstations that are accessible to employees/applicants with physical disabilities? _____
3. How are the job titles employed by the agency distributed among the facilities which are and those that are no accessible? _____
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at the facilities that are not accessible to employees/applicants with physical disabilities. _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

Agency: DHS

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants with physical disabilities (**complete a separate form for each location**) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form: Irving

Agency: DHS

Location Address: 1 Shwartz Building, Wards Island, NY, NY 10035 - include floor(s): 1

Facility/Division: Shwartz/Adult Services

Purpose or Function of Division: Adult Shelter

Number of employees at this facility: DHS Police Officers varies between 5 and 10.

Number of workstations at this facility: N/A

Number of workstations accessible for employees/applicants with physical disabilities at this facility: This facility is managed by a service provider. DHS has police officers at this location.

☒ Street accessible entrance

☐ Ramp access

☐ Wheelchair accessible elevators

☐ Braille in elevators

☒ Wide restroom stalls

☒ Grab bars in restrooms

☒ Low sink or bathroom fixtures

☐ OTHER (Please Specify) _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

1. Based on the information above, is this work location accessible to employees/applicants with disabilities? Yes ☒ No ☐

Please identify any barriers. _____

2. Please check one of the following:

☐ Authority to render this facility accessible to employees/applicants with disabilities lies with a private landlord

X Authority to render this facility accessible to employees/applicants with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility. N/A

4. If this facility is not accessible to employees/applicants with disabilities, please explain the efforts that have been taken to remove barriers to accessibility. N/A

THIS SECTION SHOULD BE FILLED BY THE EEO OFFICER

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants with physical disabilities? _____
2. Tally the total number of workstations that are accessible to employees/applicants with physical disabilities? _____
3. How are the job titles employed by the agency distributed among the facilities which are and those that are no accessible? _____
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at the facilities that are not accessible to employees/applicants with physical disabilities. _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

Agency: DHS

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants with physical disabilities (**complete a separate form for each location**) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form: Pete Xuereb

Agency: DHS

Location Address: Atlantic (ATL) 1322 Bedford Ave, Brooklyn NY 11216 - include floor(s): 5

Facility/Division: Bedford-Atlantic (ATL)

Purpose or Function of Division: Adult Shelter (Men)

Number of employees at this facility: 113

Number of workstations at this facility: N/A

Number of workstations accessible for employees/applicants with physical disabilities at this facility: DHS does not maintain a minimum number of accessible workstations. It works with its employees on a case by case basis to address individual needs through the reasonable accommodation process.

☒ Street accessible entrance

☐ Ramp access

☒ Wheelchair accessible elevators

☒ Braille in elevators

☐ Wide restroom stalls

☐ Grab bars in restrooms

☐ Low sink or bathroom fixtures

☐ OTHER (Please Specify) _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

1. Based on the information above, is this work location accessible to employees/applicants with disabilities? Yes ☒ No ☐

Please identify any barriers. This facility is not completely wheelchair accessible.

2. Please check one of the following:

☐ Authority to render this facility accessible to employees/applicants with disabilities lies with a private landlord

☒ Authority to render this facility accessible to employees/applicants with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility. If an employee or applicant was in a wheelchair the agency would utilize the reasonable accommodation process.
4. If this facility is not accessible to employees/applicants with disabilities, please explain the efforts that have been taken to remove barriers to accessibility. As DHS renovates or performs substantial upgrades to facilities it complies with ADA requirements to make facilities accessible.

THIS SECTION SHOULD BE FILLED BY THE EEO OFFICER

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants with physical disabilities? _____
2. Tally the total number of workstations that are accessible to employees/applicants with physical disabilities? _____
3. How are the job titles employed by the agency distributed among the facilities which are and those that are not accessible? _____
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at the facilities that are not accessible to employees/applicants with physical disabilities. _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

Agency: DHS

Please indicate (✓) which features make your agency's facilities accessible to employees/applicants with physical disabilities (**complete a separate form for each location**) OR attach a copy of the agency's ADA accessibility study (to determine if its facilities are accessible to and usable by persons with disabilities).

Name AND Telephone number of person completing this form: Grant Irving

Agency: DHS

Location Address: 175-10 88th Ave, Jamaica, NY 11432 - include floor(s): 6

Facility/Division: Jamaica Family Residence/Family Services

Purpose or Function of Division: Family Shelter

Number of employees at this facility: 24

Number of workstations at this facility: n/a

Number of workstations accessible for employees/applicants with physical disabilities at this facility: DHS does not maintain a minimum number of accessible workstations. It works with its employees on a case by case basis to address individual needs through the reasonable accommodation process.

☒ Street accessible entrance

☒ Ramp access

☒ Wheelchair accessible elevators

☐ Braille in elevators

☒ Wide restroom stalls

☒ Grab bars in restrooms

☐ Low sink or bathroom fixtures

☐ OTHER (Please Specify) _____

Attachment 9: Checklist to Determine Accessibility for Employees/Applicants with Disabilities

1. Based on the information above, is this work location accessible to employees/applicants with disabilities? Yes X No ☐

Please identify any barriers. _____

2. Please check one of the following:

☐ Authority to render this facility accessible to employees/applicants with disabilities lies with a private landlord

X Authority to render this facility accessible to employees/applicants with disabilities lies with The City of New York

3. If this facility is not accessible to employees/applicants with disabilities, please detail the efforts the agency has taken to identify barriers to accessibility. n/a
4. If this facility is not accessible to employees/applicants with disabilities, please explain the efforts that have been taken to remove barriers to accessibility. n/a

THIS SECTION SHOULD BE FILLED BY THE EEO OFFICER

Following your completion of the checklist, please answer the following questions. Attach the checklists and supporting documentation for the answers given.

1. Tally the total number of facilities accessible to employees/applicants with physical disabilities? _____
2. Tally the total number of workstations that are accessible to employees/applicants with physical disabilities? _____
3. How are the job titles employed by the agency distributed among the facilities which are and those that are no accessible? _____
4. Detail the overall efforts the agency has taken to remove barriers to accessibility at the facilities that are not accessible to employees/applicants with physical disabilities. _____