

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PLAN**  
**FISCAL YEAR 2021**

**I. Introductory, Commitment and Accountability Statement by the Agency Head**

DEP is uniquely responsible for enriching our environment and protecting the health of all New Yorkers by providing high quality drinking water, managing waste water and storm water, and reducing air, noise, and hazardous materials pollution. Our mission depends on our success in recruiting, developing and retaining diverse talent, and promoting an inclusive workplace in which all employees are valued and encouraged to strive for excellence. Our employees, current and prospective, are our greatest asset. By valuing each individual and our differences, we build high-performing, innovative and stronger teams that reflect the diversity of the City's population and the communities we serve.

As Agency Head, I will continue to partner with our Office of Equal Employment Opportunity (EEO) & Diversity to fulfill our mission by ensuring that our workplace is free from unlawful discrimination and harassment, and that our employment practices align with all applicable policies, directives, and mandates. We will also continue to develop and sustain strategic initiatives, such as an enhanced talent pipeline, increased opportunities for employee engagement and inclusion, greater access to opportunities for career building and development, and measures for succession planning and legacy building. DEP's EEO Officer/Assistant Commissioner for the Office of EEO & Diversity, Danielle Barrett, will serve as a resource for the entire DEP workforce regarding employment best practices and guidance, and her contact information will be made prominently available to all our employees. Ms. Barrett will also serve as a point of contact regarding any questions, inquiries, concerns or complaints regarding our EEO rights and responsibilities under the New York City EEO Policy and applicable law.

I expect DEP's Executive and Senior leaders, as well as all managers/supervisors and frontline staff, to foster a workplace culture built on equity, fairness and respect for all. I will continue to partner with our Office of EEO & Diversity to disseminate timely and relevant messaging that underscores my commitment to EEO, diversity and inclusion, and my expectation that the entire DEP workforce will work towards manifesting this commitment.

I will hold the top leadership of our agency, as well as the EEO Officer, all EEO professionals, human resources professionals, legal professionals, managers and supervisors accountable for ensuring that the agency does not discriminate against employees or applicants for employment. We shall support the diversity, equity and inclusion initiatives at the agency by observing EEO mandates, and working with dedication to attain agency goals in this area. All agency staff must be compliant with the City's EEO Policy and the implementation of this Diversity and EEO Plan.

I will strive to achieve the greatest possible diversity among our workforce, to create an inclusive culture of openness, tolerance, and cooperation in our workplaces, to promote equity in all its aspects, and to examine and eliminate the structural obstacles to equal treatment in the recruitment, selection, development, advancement, and retention of our diverse workforce reflective of our City's population.

The agency will report to DCAS on the steps undertaken to comply with all legal mandates and the provisions of the various Executive Orders and laws prohibiting employment discrimination in New York City. The agency will also disseminate and post legal notices and policies as required.

I will involve the EEO Officer in critical human resources decisions, including recruitment and selection strategies, workforce projections, succession planning, promotion of training/career development opportunities, and strategic planning.

The Agency EEO Officer, Danielle Barrett and Diversity Director, Darlene Martinez will serve as the primary resource for managers and supervisors by providing best practices and direction in addressing EEO issues. Their contact information will be prominently available to all employees.

During this Fiscal Year, I will announce this Commitment Statement to our employees, to affirm the principles of diversity, inclusion, and equal employment opportunity, and to communicate our dedication to equity and all values that drive us toward this goal.

☐ **This statement is the same as last year.**

## II. Recognition and Accomplishments

In the past year our agency accomplished the following as part of our commitment to Equal Employment Opportunity, Equity, Diversity, and Inclusion:

1. DEP's appreciation program, Always Creating Excellence (A.C.E.) was implemented in January 2016. A.C.E. ceremonies are held on a quarterly basis and include a wide variety of recognition categories: Leadership, Environmental Health & Safety, Customer Services, Innovation (Early Careers, Technology, Sustainability and Operations, Administration/Support and Engineering), and the Commissioner's Award.

In consideration of the COVID-19 outbreak and related Centers for Disease Control, the in-person event that was previously scheduled to honor awardees has been postponed. A special edition of Weekly Pipeline "Extra" edition, was released on April 10, 2020 and announced the A.C.E. award recipients for the first quarter of 2020.

2. As terms like 'Remote Learning', 'Teleworking' and 'Social Distancing' become our 'new normal', I, along with the Office of Organizational Development and Human Resources ("OD&HR") reassured our employees that we will continue to provide all DEP employees with resources that we hope will help support during the challenges that we face through these current times. Our team in OD&HR worked diligently behind the scenes to create and identify skills development, and other support resources that can be delivered remotely, or that can be accessed directly on an employee's own time. A series of emails were later provided that included links to videos, articles, podcasts, and other resource. Personalized one-on-one consultations for help with specific workforce development concerns were provided during appointment sessions.

A series of TED talks were provided to also help employees navigate through these difficult times. TED Connects, a free, live daily conversation series that featured experts whose ideas help us to reflect and work through these uncertain times with a sense of responsibility, compassion and wisdom. The series began on March 23<sup>rd</sup> and each conversation is archived and provided on OD&HR's intranet for viewing at any time. Please click the hyperlink to view the

series: [https://www.ted.com/talks/susan\\_david\\_how\\_to\\_be\\_your\\_best\\_self\\_in\\_times\\_of\\_crisis](https://www.ted.com/talks/susan_david_how_to_be_your_best_self_in_times_of_crisis).

DEP employees were also provided with access to LinkedIn Learning, a video webinar training repository that offers courses in business, technology and professional development, including preparation for certification exams such as PMP, SHRM-SCP & CP, CompTIA A+ & Security+, among many others. Additional resources were given to provide access to the complete LinkedIn Learning library on the New York Public Library's (NYPL) website: <https://www.nypl.org/collections/articles-databases/lyndacom>.

3. **"Open Discussion"** – Amid the COVID-19 pandemic, employees reportedly faced enormous stress, pressure and anxiety. The death of George Floyd and the ongoing protests against racism and police violence have added to existing tension. We knew that it was critical that we provide support to our employees during these very challenging times by addressing these concerns in a positive and effective way, so we implemented a DEP Town Hall Series to provide employees the opportunity to listen to their colleagues speak about matters that are affecting our country as well as communities throughout New York – specifically as it relates to race.

The goal of each event is to provide a moment to reiterate DEP Core values and make it clear that the agency is committed to making positive changes that will continue to promote equality, diversity and inclusion.

The first session, held on October 1, 2020, which met its maximum capacity of participants: 75, was held on October 1, 2020. A survey was sent to participants for feedback and the responses received were overall favorable.

4. On May 26, 2020, DEP kicked off its first event of its Employee Support Series, “Multitasking Parent.” The goal of these sessions is to connect with other DEP employees who are also managing challenges during this challenging time that we face with COVID-19. Other topics included: “Coping with Feelings of Isolation and Loneliness during COVID-19” and “Teleworking, Homeschooling and Managing a Home during COVID-19.”

The agency recognizes employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity through the following:

☒ Diversity & EEO Awards\*

☒ Diversity and EEO Appreciation Events\* - **see below under “Additional Comments”**

☒ Public Notices: DEP Publishes an informal newsletter, *Weekly Pipeline*, for its employees and environmental stakeholders. The newsletter features updates on current news, safety reminders, agency accomplishments and milestones, and interesting agency statistics and historical facts. These articles are located on DEP’s website and shared on other public-facing platforms.

☒ Positive Comments in Performance Appraisals

☒ Other: \_\_\_\_\_

\* Please specify under “Additional Comments”

☒ The agency will continue to recognize employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity in FY 2021.

*Additional Comments:*

- **February 19, 2020:** The Office of EEO & Diversity held a virtual “Black History Month Quiz”. Winners of the quiz entered into a raffle to win a prize.
- **February 28, 2020:** The Office of EEO and Diversity had an annual Black History Event entitled, “Food for the Soul”. This event featured interactive activities, a Djembe – a drum played with bare hands that originates from West Africa - performance, and impressive spread of refreshments that included candied yams, cold pasta with shrimp, BBQ wings, chicken and waffles, coconut rice, mac and cheese, plantains and sweet potatoes cheese cake pie, and so much more. Additionally, participants were treated to more fun and information about Black History Month through the Spin the Wheel and Family Feud. Approximately 117 employees attended this event.
- **March 4, 2020:** DEP collaborated with IDNYC on March 4, 2020 to provide IDNYC cards to DEP employees and members of the community. IDNYC is the New York City municipal identification program that allows NYC residents the opportunity to receive an identification card that gives access to exclusive benefits and discounts across the City, regardless of immigration status.

- **March 17, 2020:** The Office of EEO & Diversity held a virtual St. Patrick's Day Photo Contest. Employees were encouraged to participate by submitting a "selfie" wearing cultural green-themed items in honor of St. Patrick's Day.
  - **March 20 and 25, 2020:** The Office of EEO & Diversity held a virtual '*lunch and learn*' series. DEP employees were viewed a short 4-part film entitled, "The Vanguard: Women in Media", produced by NYC Media. Each of the half hour film segment profiled a notable woman who is considered a pioneer in her particular industry, and featured her career-defining moments, as well as gems of wisdom and inspiration to others seeking to follow in her path.
  - **April 15, 2020:** The Office of EEO & Diversity and the Diversity Committee held a virtual event that provided cultural awareness of the Arab American heritage through a video presentation and an online activity. This virtual event highlighted the rich culture of the Arab American community.
5. **During the month of April:** DEP collaborated with Center for Creative Conflict Resolution (CCCR) and held virtual support circles. These sessions were facilitated by trained Circle Keepers. Circle Process is restorative practice used to create spaces of respect and reflection, where we can find our way through conflict, challenge and fear to find common ground with others and respond resiliently to complex problems.
  6. **June 18, 2020:** The Office of EEO & Diversity distributed information about Juneteenth, a holiday celebrating the emancipation of those who had been enslaved in the United States. A list of virtual events and additional information was provide to raise more awareness.
  7. **October 22, 23 & 28 – DEP's Annual Diversity Celebration – "We are All in this Together"**  
– A series of virtual event that will showcase our array of culture through dance, poetry, art, music and cultural garments.

### **III. Workforce Review and Analysis**

**Please provide the total agency headcount as of 6/30/2020  
(available in the EBEPR210 CEEDS report): 6,039**

1. Describe steps taken to encourage all employees at your agency to update self-ID information regarding race/ethnicity, gender, and veteran status through either NYCAPS Employee Self Service (ESS) or other means.

In FY 2021, the agency will remind and encourage its employees to update self-ID information regarding race/ethnicity, gender, and veteran status through any of the following means:

- ☒ NYCAPS ESS (by email; strongly recommended every year)
- ☒ Agency's intranet site
- ☒ Newsletters and internal Agency Publications
- ☒ On-boarding of new employees

*Additional Comments: DEP's 2019 - 2020 Mentorship Program launched on December 5, 2019. The program options included:*

**1. Traditional One-One Mentoring**

The Mentor, typically an experienced leader, is paired with a Mentee who may be new to the agency, supervision or management who is interested in skills development in specific areas.

**2. Project-based or Functional Mentoring**

A mentorship established around the completion of a defined project with a set time-frame. The project may include one Mentor with 1-3 Mentees in various titles from across the agency.

**Eligibility Requirements:**

- Be a full-time DEP employee in good standing
- Have a minimum of 18 months active employment with DEP
- Have approval by the Bureau Head or his/her designee

2. Describe the review process of the quarterly CEEDS reports on workforce composition, utilization, new hires and promotions data presented in your quarterly agency workforce dashboard and/or internal workforce reporting. Describe how your agency's EEO Officer, Personnel Officer and Agency Head work together to review demographic trends. These reports must be reviewed regularly with the Agency Head.

**NOTE:** If necessary, the agency can reach out to DCAS OCEI for guidance on interpreting their underutilization reports. However, it is the agency's responsibility to use that data to inform the formulation of its recruitment plans and efforts.

- ☒ The agency conducts regular reviews of the CEEDS workforce reports and the summary dashboard sent to the EEO Officer by DCAS' Office of Citywide Equity and Inclusion (OCEI) to provide demographic data and trends. The review includes an analysis of workforce composition by job title, job group, race/ethnicity and gender for all employees; new hires, promotions and separation data; and utilization analysis.

Reviewed with	Frequency
Human Resources	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
General Counsel	<input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other <u>As needed</u>
Agency Head	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
Other: Executive Deputy Commissioner and Chief Administrative Officer	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____

- ☒ The agency review entails a discussion concerning perceived workplace barriers for job groups that may surface in underutilization reports and for factors that may be creating these barriers (e.g., hiring patterns in specific job titles).

- ☒ The agency reaches out to DCAS to serve as a resource in identifying strategies and best practices to address barriers to entry as well as to receive guidance concerning the interpretation of underutilization reports.

*Additional Comments:* DEP continues to assess data regarding agency underutilization in various titles: Environmental Police Officer, Sewage Treatment Worker, Watershed Maintainer and Construction Laborer, and to explore strategies for tackling this and other diversity and inclusion shortfalls.

#### **IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2021**

##### **1. Proactive Strategies to Enhance Diversity, EEO and Inclusion**

**State below the central goals of your strategy for FY 2021 focused on promoting equity, increasing diversity, assuring equal employment opportunity, and enhancing the value of inclusion at your agency. Include initiatives that your agency will implement in FY 2021.**

- **Workforce:** The Office of EEO & Diversity will continue to work with OD&HR and agency managers to ensure that the interview processes for hiring and promotion are EEO compliant and consistent with D/I best practices, as well as appropriately considers underutilization and other relevant demographic data. Using the CEEDS underutilization report, DEP will continue to strive for increasingly diverse applicant pools and talent acquisition. These offices will also continue to provide managers/supervisors and relevant agency personnel with the appropriate leadership competencies, across all facets of their tasks and responsibilities including, but not

limited to training in structured interviewing, unconscious bias, reasonable accommodation, conflict resolution strategies, and cross-cultural awareness and etiquette.

**2. Workplace:**

The Office of EEO & Diversity engages DEP senior and bureau-level staff in identifying specific areas for training delivery and support.

Additionally, DEP has established two training courses, Managing for Excellence (MFE) and Supervision in Action (SIA): Mastering the Basics, for supervisors and managers. These courses are geared towards reinforcing fundamental management strategies and techniques that will help motivate and inspire, create accountability, and improve morale across the agency. Each course also includes an EEO and D/I module, underscoring the value of these topics to overall leadership competencies.

**3. Community:**

The Bureau of Public Affairs and Communication's Education Office held a celebration to honor all of the students who participated in the 34<sup>th</sup> Annual Water Resources Art and Poetry Contest. This year, we received entries from 1,600 2<sup>nd</sup> through 12<sup>th</sup> grade students in New York City and the East and West-of-Hudson Watersheds. Student entries beautifully depicted a genuine understanding of and appreciation for New York's water resources. During this challenging time, the creativity and thoughtfulness depicted in their artwork and poetry has been an inspiring reminder of the importance of the work that we do every day to protect our environment. Click the hyperlink: [May 26](#) to see a few special thank you messages from the staff at DEP and our Commissioner Vincent Sapienza.

4. Describe the ongoing and new programs, actions, and initiatives planned for FY 2021, that are aimed toward innovative enhancement and expansion of the three foundations of Diversity and EEO strategy: **WORKFORCE, WORKPLACE, and COMMUNITY.**

**A. WORKFORCE:**

**In addition to the strategic goals above, please indicate here specific action planned with respect to Workforce.**

**NOTE:** Please address the specific recruitment, selection and promotion strategies, sources and procedures in Sections V and VI, below.

**The actions listed below require internal agency collaboration and are not necessarily executed by the EEO Office.**

The agency will address underutilization in FY 2021 by:



☒ Expanding internal and external applicant pools to address the underutilization through outreach strategies for broader recruitment.

☒ Using the quarterly workforce report and dashboard to identify specific job groups where underutilization exists and guide recruitment efforts.

The agency will implement the following strategies to address the impending retirement of employees and possible loss or gap in talent:

☒ Job analysis and skills audit.

☒ Conduct workforce planning and forecasting.

☒ Integrate succession planning in the agency activities to develop a pipeline, facilitate a seamless transition and continuity of service.

☒ Ensure that there will be a diverse applicant pool for the anticipated vacancies.

☒ Evaluate best sources for diverse candidates

☒ Encourage agency employees to take promotional civil service examinations.

The agency will implement the following initiatives to develop and retain employees:

☒ Identification of Ready Now & High Potential Talent.

☒ Institute coaching, mentoring and cross training programs.

☒ Institute succession planning for top managerial positions.

☒ Implement initiatives to improve the personal and professional development of employees.

*Additional Initiatives, Programs, or Comments:*

Career ladder/career counseling.

## B. WORKPLACE:

**In addition to the strategic goals above, please indicate here specific actions planned with respect to Workplace.**

On August 11, 2020, DEP relaunched its Supervision in Action (“SIA”) training that was redesigned to meet the needs of the new remote work environment. SIA provides supervisory skills that will help hone leadership abilities in a 3-day blended learning program. Introducing proven supervisory techniques through pre-class online modules, instructor-led classroom course work and real-life case study group

discussions and activities. The SIA curriculum various areas of responsibility include: EEO, OD&HR, Workplace Violence, Labor & Relations, OEHS and other functions.

**C. COMMUNITY:**

**In addition to the strategic goals above, please indicate here specific actions planned with respect to Community.**

In FY 2021, the agency will:

- ☒ Continue or plan to promote diversity and EEO community outreach in providing government services
- ☒ Promote participation with minority and women owned business enterprises (MWBES).
- ☒ Conduct a customer satisfaction survey.
- ☒ Identify best practices for establishing a brand of inclusive customer service.
- ☒ Undertake initiatives to improve community relations, community awareness, and to engage communities being served in recruitment efforts, service development and delivery.

*Additional Initiatives, Programs or Comments:*

**V. Recruitment**

**A. Recruitment Efforts**

1. Summary of Recruitment Efforts – Include steps that will be taken to give notice to all employees of discretionary job postings within the agency as well as proactive efforts/strategies planned to market positions externally.

The agency will implement the following recruitment strategies and initiatives in FY 2021:

- ☒ Review policies, procedures, and practices related to targeted outreach and recruitment.
- ☒ Review underutilization in job groups to inform recruitment efforts.
- ☒ Identify resources to bolster efforts aimed at increasing the effectiveness of diversity recruitment.

- ☒ Put in place an operating, up-to-date, accessible website, mobile application and social media presence related to EEO protection and rights. ☐ Currently in operation.
- ☒ Assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.
- ☒ Share job vacancy notices with the Mayor's Office for People with Disabilities at [nycatwork@mopd.nyc.gov](mailto:nycatwork@mopd.nyc.gov), (212) 788-2830 and ACCES VR by sending the job vacancy notices to Maureen Anderson at [Maureen.Anderson@nysed.gov](mailto:Maureen.Anderson@nysed.gov) (212) 630-2329 so they can share it with their clients.
- ☒ Reach out to the DCAS Office of Citywide Recruitment (OCR) as a resource at [citywiderecruitment@dcas.nyc.gov](mailto:citywiderecruitment@dcas.nyc.gov)
- ☒ If your agency is an eHire agency, post ALL vacancies on NYC Careers.
- ☒ Ensure that agency personnel involved in both the discretionary and the civil service hiring process have received:
  - ☒ Structured Interviewing training
  - ☒ Unconscious Bias training
- ☒ Assess recruitment efforts to determine whether such efforts adversely impact any particular group.

*Additional Strategies, Initiatives and Comments:*

Diverse Recruitment Source(s)	What sort of return do you expect to see from the effort? Indicate if this source yielded sufficiently large and diverse applicant pools.
1. College Fairs	1. Encourage current and recent students to consider City Government as choice employers. Expose students to the civil service process. Increase college applicants.  <input checked="" type="checkbox"/> Previous hires from this source
2. Community Job Fairs	2. Educate the community on career choices at DEP and job opportunities. Increase community awareness.  <input checked="" type="checkbox"/> Previous hires from this source

3. Veterans Job Fairs	3. Encourage and actively seek veterans to apply and be considered for applicable positions. Increase awareness and applicants.  <input type="checkbox"/> Previous hires from this source
4. CUNY LEADS for the Disabled	4. Engage the disabled community as well as educate staff on the benefits that the disabled community provides. Increase awareness and applicants.  <input checked="" type="checkbox"/> Previous hires from this source
5. Specialized Recruitment Events	5. Highlight green jobs, entry level, and EPO positions. Increase awareness and applicants.  <input type="checkbox"/> Previous hires from this source

### **B. Internships/Fellowships**

Indicate the type of internship/fellowship opportunities available at your agency. Please provide the number of student interns/fellows employed in FY 2020 and their demographic profiles, based on self-ID data. Indicate your plans to provide internship/fellowship opportunities in FY 2021.

The agency provided the following internship opportunities in FY 2020: \*Due to the COVID-19 pandemic, the agency made the decision to cancel our Summer 2020 Internship Program.

<b>Type of Internship\Fellowship</b>	<b>Total</b>	<b>Race/Ethnicity *[#s] * Use self-ID data</b>	<b>Gender * [#s] * Use self-ID data</b>
1. Urban Fellows			M __ F__ Non-Binary __ Other __ Unknown __
2. Public Service Corps			M __ F__ Non-Binary __ Other __ Unknown __
3. Summer College Interns			M __ F__ Non-Binary __ Other __ Unknown __
4. Summer Graduate Interns			M __ F__ Non-Binary __ Other __ Unknown __
5. Other (specify):			M __ F__ Non-Binary __ Other __ Unknown __

**\* Self-ID data is obtained by EEO Office from NYCAPS.**

☒ The agency will utilize the internship/fellowship programs to improve a pipeline of candidates from underutilized groups for entry-level positions, including in mission-critical occupations.

☒ The agency has hired former interns/fellows.

☒ The agency plans to provide internship/fellowship opportunities in FY 2021.

*Additional Comments:*

For FY'21, we will continue to strive for excellence in recruiting a diverse group of interns to develop a pipeline of future talent. Our internship program has grown to include transformation tours, seminars, brown bags and information sessions with our emerging leaders and young professionals. Interns are afforded the opportunity to interact with our Executive staff and seasoned professionals who serve as mentors and provide sound professional guidance and experience. At the conclusion of our summer internship program, a closing ceremony is held to congratulate students on the completion of the program with a breakfast, distribution of certificates and a parting gift. A yearbook is created to commemorate the summer activities and friendships forged. An internship fair (open to all employees) is held to showcase what students learned during the summer. DEP's Summer Internship Program will continue to be a core strategy for attracting diverse talent for future employment opportunities.

### C. 55-a Program

Section 55-a of the New York State Civil Service Law allows a qualified person with a certified mental or physical disability to be hired into a competitive civil service position without having to take a civil service examination. The City encourages agencies to use the 55-a program as a tool to build a diverse workforce and create greater access to City employment for qualified candidates with disabilities.

1. Please discuss plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities.

DEP will continue to utilize the 55-a program to help people with disabilities overcome institutional or structural barriers to accessing City employment, and to support diverse hiring. The 55-a coordinator will continue to disseminate information to the agency via email, training, post information on our weekly newsletter, and postings. We will continue to participate in career and job fairs to attract a pool of diverse 55-a applicants

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☐ Agency uses mostly non-competitive titles which are not eligible for the 55-a Program.

2. Indicate the goals of your 55-a Program Coordinator for FY 2021. Also include your agency plans to do the following: participate in career and job fairs; use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants; and promote and encourage 55-a program participants to take civil service examinations.

☒ The agency uses the 55-a Program to hire and retain qualified individuals with disabilities and plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities in FY 2021.

Currently, there are 38 55-a participants.

There are 3 participants who have been in the program less than 2 years.

Last year, a total of 3 new applications for the program were received

and 5 participants left the program due to 4 under code A (ceased) and 1 under code Q (Child Care LWOP).

If there have been no new participants in the program for less than two years, please indicate initiatives taken to hire new 55-a employees.

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☒ The agency will actively educate hiring managers about the 55-a program and the benefits of hiring individuals with disabilities.

☒ The agency will review and process new applications for the 55-a program in light of DCAS' policy guidance which states that decisions on 55-a program admissions should take into account the following three criteria:

- a) the severity of the candidate's physical and/or mental disability;
- b) the candidate's previous and/or current encounter with significant barriers to finding employment due to the disability;
- c) the candidate's encounter of obstacles that can prevent him/her from taking civil service examinations due to the disability.

☒ Based on the June 7, 2016, 55-a memorandum, issued by DCAS, the agency will carefully evaluate each request by longtime provisional employees for designation under § 55-a to serve non-competitively in a competitive title position to ensure that the request is not made solely to avoid the consequences of Civil Service Law § 65(3). In addition, the agency will reiterate to provisional staff that 55-a certification should not be used as a substitute for passing a civil service exam. The agency will encourage 55-a participants to take civil service examinations.

☒ The agency plans to participate in career and job fairs and use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants.

The goals of the 55-a Coordinator for FY 2021 are:

1. Continue to partner with MOPD, ACCESS and other agencies to provide people who qualify for the 55-a program with employment opportunities;
2. Continue to participate in 55-a career fairs;
3. Continue to provide internships to prospective applicants;
4. Continue send out information to DEP employees notifying them of this diversity program.

We have also posted intern opportunities on the DEP website for Fall and Spring Semester internships.

☐ These goals are the same as last year.

*Additional Goals, Initiatives, and Comments:*

## VI. Selection (Hiring and Promotion)

**NOTE: This section must be prepared in consultation with the Agency Personnel Officer.**

1. For FY 2021, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties of the agency Career Counselor(s) with regard to advising employees of opportunities for promotion as well as overall career development.

As we continue to navigate these unique times, we have used existing resources to provide opportunities to in-service employees. In April of this year, we held a virtual event that gave employees the opportunity to meet DEP's career counselor, Herbert Roth. DEP continues to routinely post job vacancies and updates on civil service exam and civil service list expiration dates.

In FY 2021, the agency's Career Counselor will perform the following tasks:

- ☒ Review policies, procedures, and practices related to hiring (including vacancy announcements, use of certification lists, and the selection process for mission critical occupations).
- ☒ Promote employee awareness of opportunities for promotion and transfer within the agency.
- ☒ Arrange for agency wide notification of promotional and transfer opportunities.
- ☒ Encourage the use of training and development programs to improve skills, performance and career opportunities.
  - ☒ Provide information to staff on both internal and external Professional Development training sources.
  - ☒ Explain the civil service process to staff and what it means to become a permanent civil servant.
  - ☒ Provide technical assistance in applying for upcoming civil service exams.
- ☒ Provide agency staff with citywide vacancy announcements, civil service exams notices and other career development information.
- ☒ Assist employees and Job Training Program participants in assessing and planning to develop career paths.
- ☒ Provide resources and support for:
  - ☒ Targeted job searches
  - ☒ Development job search strategies
  - ☒ Resume preparation
  - ☒ Review of effective interview techniques
  - ☒ Review of techniques to promote career growth and deal with change
  - ☒ Internship exploration

*Additional Initiatives and Comments:*

2. Monitoring, review, and assessment of the current new hire and promotional procedures for selection, especially for mid- and high-level discretionary positions.

In FY 2021, the agency will do the following:



- ☒ Review, revise and/or develop a protocol for in-title promotions and salary increases.
- ☒ Assess the criteria for selecting persons for mid-level to high level positions.
- ☒ Publicly post announcements for all positions, including senior level positions.
- ☒ Actively reach out to networks of underrepresented groups as part of its outreach.
- ☒ Reach out to the Mayor's Office of Appointments for help to identify diverse pools of talent and additional networks for finding qualified candidates.
- ☒ Ensure that hiring managers are trained in structured interviewing techniques to avoid unintentional biases in the hiring process.
- ☒ 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.
- ☒ If adverse impact is discovered, determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method.
- ☒ Compare the demographics of current employees to the placements.
- ☒ Ensure promotion justification is included in all promotion requests.
- ☒ Review the demographics race\ethnicity and gender for those who received the promotion\salary raises.
- ☒ Review on a quarterly basis the demographics of those who received promotion and share the information with the Commissioner and Human Resources (by EEO Officer).

*Additional Comments:*

3. Identify the steps that are taken to ensure that selection process is objective and job related.

During FY 2021, the agency will do the following:

- ☒ Engage in a collaborative effort between EEO, HR and managers where necessary, develop action plans to eliminate identified barriers.
- ☒ Recommend specific, job-related qualification standards for each position that reflect the duties, functions, and competencies of the position and minimize the potential for gender stereotyping and other unlawful discrimination. Make sure these standards are consistently applied when choosing among candidates.
- ☒ Consult with EEO in creating/reviewing objective criteria for evaluating candidates for hire or promotion and applying those criteria consistently to all candidates.
- ☒ In conducting job interviews, ensure nondiscriminatory treatment by conducting a structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.
- ☒ Use a diverse panel of interviewers to conduct the interview.
- ☒ Consult with the EEO Officer to review the interview questions.
- ☒ Where possible, include the EEO Officer as an observer of interviews with applicants.
- ☒ Use the NYCAPS eHire applicant tracking system for external and internal applicants.
- ☒ Monitor the results of action plans for any changes in the agency workforce including increases or decreases in applications of qualified applicants and selection rates.

*Additional Comments:*

4. For FY 2021, what steps will your agency take to review the positions filled during the year?

- A. Discuss your current practice in utilizing the NYCAPS Applicant Interview Log reports to identify applicants by gender and race/ethnicity.
- ☒ The agency will use the NYCAPS Applicant Interview Log Report to track applicant sources and identify the best sources of applicants.
  - ☒ The agency does not use the NYCAPS Applicant Interview Log Report.
  - ☒ The agency will schedule orientation with NYCAPS Central.
- B. Discuss all planned steps taken to identify barriers to entry for positions and actions under consideration to address such barriers.
- ☒ Identify at least two or three people from diverse gender and racial\ethnic backgrounds to review received applications and conduct the interviews.
- C. When identifying groups of subject matter experts to assist the DCAS test development team in creating civil service exams, please describe efforts that will be taken to select a diverse and inclusive group of individuals in the test development process:
- ☒ The agency will identify a diverse group of subject matter experts (e.g. race, gender, age, assignments location, etc.) when requested by DCAS.
  - ☒ The agency will use objective job-related criteria to identify the subject matter experts who will participate in test development.
  - ☒ The agency will make an effort to ensure different staff members are given the opportunity to participate in test development.

*Additional Comments:*

5. Briefly detail which stages of selection involve your EEO Officer (pre- and post-selection).

In FY 2021, the agency EEO Officer will do the following:

**PRE-SELECTION:**

- ☒ Collaborate with the Director of Human Resources to ensure that an updated listing of sources for diverse applicants, including schools and professional organizations, is maintained.
- ☒ Actively monitor agency job postings.
- ☒ In collaboration with the Director of Human Resources, review interview questions to ensure that they are EEO-compliant, job-related, and required by business necessity.

- ☒ Provide feedback to the hiring manager after the EEO Officer's assessment.
- ☒ Assist the hiring manager if a reasonable accommodation is requested during the interview.
- ☒ May observe interviews when necessary, especially for underutilized job titles and/or mid- and high-level discretionary positions.
- ☐ Other: \_\_\_\_\_

**POST-SELECTION:**

- ☒ Periodically review candidate evaluation forms and conduct a job applicant analysis via the NYCAPS eHire Applicant Interview Log reports to advise Human Resources of any demographic trends and/or EEO concerns based on available self-ID data.
- ☒ Review hiring package to evaluate that the selection process was conducted in accordance with EEO best practices.
- ☐ Other: \_\_\_\_\_

*Additional Comments:*

6. During periods of layoffs, terminations and demotions due to legitimate business/operational reasons, what is your protocol for analyzing the impact of such actions based upon gender, race and age? It is most useful to conduct this analysis prior to finalizing the list of titles that will be impacted. Ensure that the Agency General Counsel and the Law Department are involved in the review.

- ☒ The agency will use the DCAS Layoff Procedure as guidance, should there be any layoffs, terminations and demotions due to legitimate business/operational reasons in FY 2021.
- ☒ The agency will analyze the impact of layoffs or terminations on racial, gender, age groups, and people with disabilities.
- ☒ Where layoffs or terminations would have a disproportionate impact on any of these groups, the agency will document that the targeted titles or programs were selected based on objective criteria and justified by business necessity.
- ☒ The Agency Personnel Officer, EEO Officer and General Counsel will be involved in making layoff or termination decisions. It should be noted that layoffs must be conducted by seniority in compliance with civil service law (for competitive titles) and union contract (for non-competitive and labor class titles).

**VII. Training**

Training Topic	Type of Audience (e.g. All Staff, Front-line Employees, Managers, Supervisors, etc.)	Target Number of Participants	Targeted Dates
1. EEO Awareness (e-learning)	All staff	5,600	Ongoing
2. EEO Awareness (classroom)	All staff (who do not have access to computers – ie field workers)	500	Ongoing
3. Everybody Matters (D&I) (e-learning)	Managers	250	June 2021
4. Everybody Matters (D&I) (classroom)			
5. Sexual Harassment Prevention (e-learning)	All employees	5,600	August 31, 2021
6. Sexual Harassment Prevention (classroom)	All employees	500	August 31, 2021
7. lgbTq – Power of Inclusion (e-learning)	Managers, Supervisors, and Front-line employees  All other employees	5,600	April 1, 2021
8. lgbTq – Power of Inclusion (classroom)	Managers, Supervisors, and Front-line employees  All other employees	500	April 1, 2021
9. Disability Etiquette	Front Line (customer service)	400	June 2021
10. Structured Interviewing and Unconscious Bias (classroom)	Managers and supervisors	500	Ongoing
11. Other - Reasonable Accommodation	Bureau Administrators	20	August 31, 2020
12. Other (specify)			

**VIII. Reasonable Accommodation**

Please indicate the actions your agency will take to ensure that the process of reviewing reasonable accommodation requests is compliant with the EEO Policy as well as the applicable federal, state, and local laws. Additionally, please detail any best practices currently implemented in this area. Lastly, please describe your current appeal protocol.

- ☒ Managers, supervisors, human resources personnel and discipline personnel are required to report to the EEO Office any reasonable accommodation requests and needs that are received, observed, learned about or suspected, so that the EEO Office may facilitate discussions, research appropriate accommodations, and assist with the resolution of the matter.
- ☒ The agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth or a related medical condition.
- ☒ The agency follows the City's Reasonable Accommodation Procedure.
- ☒ The agency grants or denies request 30 days after submission or as soon as possible.
- ☒ The agency head or designee must review and grant or deny the appeal fifteen (15) days after submission of appeal.
- ☐ If the review and decision on appeal is NOT by the Agency Head, please provide the name and title of the designee<sup>1</sup> : \_\_\_\_\_
- ☒ The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database and update the information as needed.
- ☒ The agency analyzes the reasonable accommodation data and trends.
- ☒ The agency has posted/will circulate the *Reasonable Accommodations at a Glance* sheet for the workforce.

Describe procedures and speed of resolution, including the protocol for deciding appeals of Reasonable Accommodation decisions. Does the agency analyze statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals?

The agency will provide reasonable accommodations to persons with disabilities, for religious observations and practices, and for victims of domestic violence, sex offenses or stalking, and

<sup>1</sup> EEO Officer and General Counsel should **NOT** be appointed as agency head designee for review of appeals to reasonable accommodation decisions. Refer to the revised guidelines below. Note the conflict of interest; in the event of an external challenge to the denial of a reasonable accommodation, the agency's General Counsel would be tasked with defending the agency against a decision in which that office was a decision maker on appeal.

<http://extranet.dcas.nycnet/eeo/diversityeeo/media/19647/reasonable-accommodation-procedural-guidelines-lc-12116.pdf> (p17).

pregnancy, childbirth and related medical conditions, unless providing such accommodations will create an undue hardship. The agency's Disability Rights Coordinator, receives all requests for reasonable accommodations and in consultation with the EEO Officer, communicates directly with the particular manager, supervisor and bureau administrator regarding each request. If the individual manager or supervisor is unable to accommodate the individual, the Disability Rights Coordinator consults with Human Resources, Chief Administrative Officer and Bureau Administrators to determine whether there are available vacant positions for which the individual is qualified. During this process, the Disability Rights Coordinator is in constant communication with the applicant as part of the cooperative dialogue. Usually if the agency is unable to provide the accommodation the applicant requests, the Disability Rights Coordinator in conjunction with the manager is able to find another reasonable alternative accommodation.

I review any appeals of denials of reasonable accommodation requests and will render a decision on appeals within 15 days of receipt of any such appeals.

The agency will continue to analyze statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals.

The agency will also ensure the confidentiality of medical records submitted with reasonable accommodation requests. Such information must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. Managers and supervisors may be informed of an employee's necessary work restrictions and any accommodations required.

DEP will continue to maintain a record of all reasonable accommodation requests and provide information requested by Citywide Diversity and EEO.

## **IX. Compliance and Implementation of Requirements Under Executive Orders and Local Laws**

### **A. Executive Order 16: Training on Transgender Diversity and Inclusion**

Under Executive Order No. 16 of 2016, the agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. Pursuant to Executive Order No. 16, this training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.

- ☒ The agency plans to train all new employees within 30 days of start date.
- ☒ All the managers, supervisors, and front-line employees were re-trained prior to FY 2021.
- ☒ All managers, supervisors, and front-line employees will be re-trained every two years, no later than the third quarter of the Fiscal Year, as indicated in Section VII Training above.
- ☒ In addition, all other employees will be trained or re-trained every two years, as indicated in Section VII Training above.
- ☒ The agency will ensure that the Transgender Restroom Access notice/poster is posted where required, e.g., on bulletin boards, near restrooms and, in digital form, where other EEO notices and announcements can be found.

*Additional Comments:*

**B. Local Law 92 (2018): Annual Sexual Harassment Prevention training**

- ☒ The agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date.
- ☒ The agency will train all current employees on Sexual Harassment Prevention (Cycle 3) as indicated in the Section VII Training above.

*Additional Comments:*

**C. Local Law 97 (2018): Annual Sexual Harassment Reporting**



- ☒ The agency will input sexual harassment complaint data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- ☒ The agency will input **all types of complaint** data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- ☒ The agency will ensure that complaints are closed within 90 days.

*Additional Comments:*

#### D. Local Law 101 (2018): Climate Survey

The agency, in collaboration with DCAS, will conduct a climate survey in FY 2021 by proceeding to do the following:

- ☒ Distribute questionnaire electronically to agency employees.
- ☒ Designate computers with internet/intranet access to enable employees without computers or internet/intranet access to complete survey during work hours.
- ☒ Analyze results of the response data sent by DCAS.
- ☒ Continue to implement initiatives identified in the 2018 Climate Survey Action Plan which was submitted to DCAS and reported to City Council Speaker in 2020.

*Additional Comments:*

#### X. Audits and Corrective Measures:

Please check the statement(s) that apply to your agency.

- ☐ The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.
- ☐ The agency is currently being audited or preparing responses to an audit conducted by the EEPC or \_\_\_\_\_ **[another governmental agency – please specify]** specific to our EEO practices. **Upon forwarding our responses to the recommendations issued by the**

**EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2021 to include and implement EEPC recommendations that will be implemented during the fiscal year.**

- ☐ The agency is subject to any other oversight or review by a federal, state or city civil rights agency [please specify \_\_\_\_\_].

**Please attach a copy of the document setting out the oversight parameters and the agency's most recent report to the oversight agency.**

- ☒ Within the last two years the agency was involved in an audit conducted by the EEPC or \_\_\_\_\_ **[another governmental agency – please specify]** specific to our EEO practices.

- ☒ The agency will continue/be required to implement measures during the year that this plan is in effect (please attach a copy of the audit findings.)

- ☐ The agency received a Certificate of Compliance from the auditing agency.

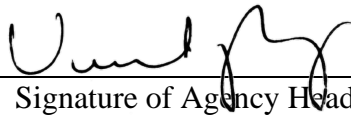
**Please attach a copy of the Certificate of Compliance from the auditing agency.**

**XI. Agency Head Signature**

**NOTE: Agency Head's signature and date should be provided for final submission only after the agency receives approval of the plan by DCAS.**

Vincent Sapienza

\_\_\_\_\_  
Print Name of Agency Head

  
\_\_\_\_\_  
Signature of Agency Head

January 7, 2021

\_\_\_\_\_  
Date

## **APPENDIX**

### **Contact Information for Agency EEO Personnel**

Please provide contact information (name, title, e-mail, telephone number and full office address) for the following EEO roles at your agency. If several roles are performed by the same individual, you may list that person once but include all assigned EEO functions:

1. Danielle Barrett, Assistant Commissioner, EEO Officer – EEO & Diversity  
59-17 Junction Boulevard  
Flushing, NY 11373  
(718) 595-3432  
[dbarrett@dep.nyc.gov](mailto:dbarrett@dep.nyc.gov)
2. Darlene Martinez, Diversity Director/Disability Rights Coordinator/Disability Services Facilitator – EEO & Diversity  
59-17 Junction Boulevard  
Flushing, NY 11373  
(718) 595-5742  
[dmartinez@dep.nyc.gov](mailto:dmartinez@dep.nyc.gov)
3. Sandra Rhabb Campbell, EEO Office Manager/55-a Coordinator – EEO & Diversity  
59-17 Junction Boulevard  
Flushing, NY 11373  
(718) 595-6558  
[scampbell@dep.nyc.gov](mailto:scampbell@dep.nyc.gov)
4. Herbert Roth, Director of Human Resources/Career Counselor – OD&HR  
59-17 Junction Boulevard  
Flushing, NY 11373  
(718) 595-3377  
[herbr@dep.nyc.gov](mailto:herbr@dep.nyc.gov)