

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #12/30-841: Preliminary Determination Pursuant to the Audit of the Department of Transportation's (DOT) Equal Employment Opportunity Program from January 1, 2009 through December 31, 2011.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, 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 municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Transportation's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, therefore,

Be It Resolved,

that pursuant to the audit of the Department of Transportation's compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. 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.
2. 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.
3. 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.

4. 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.

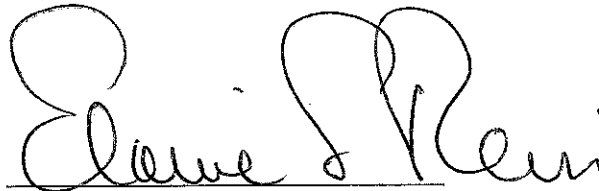
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Janette Sadik-Khan, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Transportation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 18, 2012.

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive style with a horizontal line underneath the name.

Elaine S. Reiss, Esq.
Commissioner