I. POLICY STATEMENT

It is the policy of the New York State Department of Transportation (Department) to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department Divisions, Offices, Bureaus, and Regions shall plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of the Department’s operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

The Department’s Civil Rights Policy reflects my firm commitment to achieving equal opportunity in all programs, services and activities for which the Department has direct and oversight responsibilities and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. I have charged the Director of the Office of Civil Rights, to oversee the continued development and implementation of the Department’s external Civil Rights program for achieving our agency’s goal to ensure equal opportunity for all. The Office of Civil Rights reports directly to my office on civil rights matters.

The Director of the Administrative Services Division is charged with directing the Department’s internal equal opportunity program through the Office of Human Resources’ Diversity Management Bureau. The Director of Diversity Management Bureau will function as the full-time Equal Opportunity Officer, and from time to time, at my discretion, will report directly to me on the Department’s internal program.

Both programs shall have the full support of our agency and managers. Additionally, all of our partners including: Metropolitan Planning Organizations, contractors and consultants, sub-recipients, community based organizations, and advocacy groups are urged to give the Office of Civil Rights their full support and cooperation.

This policy shall be conspicuously placed on all of the Department’s bulletin boards and made available to all organizations and entities doing business with the Department. A copy shall also be provided to contractors at Department pre-construction and scope of service meetings. Any complaints involving allegations of discrimination should be sent to the Director of the Office of Civil Rights at the Department...
of Transportation, Office of Civil Rights, 50 Wolf Road, 6th Floor, Albany, New York 12232. Complaints filed by employees and applicants involving employment discrimination should be sent to the Director of the Diversity Management Bureau, 50 Wolf Road, 1st Floor, Albany, New York 12232.

II. POLICY SCOPE AND GUIDANCE

The Department’s Civil Rights Policy Statement directs that the requirements of Articles 15 and 15-A and Article 17-B of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities Act, and all other relevant laws and executive orders are fully integrated into all of the Department’s and sub-recipient activities. State and Federal nondiscrimination laws are the cornerstones of the Department’s strategy to ensure equal opportunity and fair and equitable programs and services to the public.

This policy statement primarily covers the Department’s Civil Rights responsibilities.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to the Department’s Diversity Management Bureau for review and appropriate action.

III. RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

New York State Human Rights Law Article 15 (1945) - Guarantees non discrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

New York State Law Article 15-A (1988) - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.


Sexual Orientation Non-Discrimination Act (2003) - This Act amends the Executive Law to include sexual orientation.

New York State Executive Orders

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and non-discrimination in all State programs.

Executive Order No. 6 (Governor Cuomo, 1983) - Insures equal employment opportunities for minorities, women, disabled persons and Vietnam Era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor's Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.
Executive Order No. 17 (Governor Cuomo, 1983) - Directs that State officials and employees shall not sponsor, organize, attend or participate in any meeting or other activity, the purpose of which is related to State business, in any private establishment or facility that does not afford full membership rights and privileges to any person because of age, race, creed, color, national origin, sex, disability or marital status.

Executive Order No. 96 (Governor Cuomo, 1987) - Promotes a New York State policy against age discrimination in the workplace. It requires that all employers within the Executive Branch of State government evaluate and examine their hiring and job retaining standards to ensure their compliance with the age discrimination law.

Federal Laws, Executive Orders

Civil Rights Act of 1964 - Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI - Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972 - Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.


Age Discrimination in Employment Act of 1967 as amended - Applies to individuals age 40 and over, and specifies that it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's age.

Section 503 of the Rehabilitation Act of 1973 - Requires that government contractors and subcontractors take affirmative action to employ and advance in employment qualified disabled individuals, and that contractors, subcontractors and their representatives shall not discriminate against individuals because of their physical or mental disability in any employment practice (hiring, training, compensation, upgrading, etc.).

Section 504 of the Rehabilitation Act of 1973 - Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

Age Discrimination Act of 1975 - Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 - Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.
Americans with Disabilities Act (ADA) of 1990 – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

Civil Rights Act of 1991 - Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of "business necessity" and "job related"; confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

Executive Order No. 11246 - Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.