I. POLICY STATEMENT

It is the policy of the New York State Department of Transportation (NYSDOT) to prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment. All NYSDOT Divisions, Offices, Bureaus and Regions shall plan, develop and implement their programs, services 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 NYSDOT’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.

NYSDOT’s Civil Rights Policy reflects my firm commitment to achieving equal opportunity in all programs, services and activities for which NYSDOT 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 NYSDOT’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 Assistant Commissioner of the Administrative Services Division is charged with directing NYSDOT’s internal equal opportunity program through the Office of Human Resources’ Diversity Management Bureau. The Director of the 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 NYSDOT’s internal program.

Both programs shall have the full support of agency staff and managers. Additionally, all of NYSDOT’s partners, including Metropolitan Planning Organizations, contractors and consultants, subrecipients, 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 NYSDOT’s bulletin boards and made available to all organizations and entities doing business with the Department. A copy also shall be provided to contractors at NYSDOT’s 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 NYS Department of Transportation, 50 Wolf Road, 6th Floor, Albany, New York 12232. Complaints filed by employees and applicants involving employment discrimination should be sent to NYSDOT’s Director of the Diversity Management Bureau, 50 Wolf Road, 1st Floor, Albany, New York 12232.

II. POLICY SCOPE AND GUIDANCE

NYSDOT’s Civil Rights Policy Statement directs that the requirements of Articles 15 and 15-A 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 NYSDOT’s and subrecipients’ activities. State and Federal nondiscrimination laws are the cornerstones of NYSDOT’s strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to NYSDOT’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 nondiscrimination 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 Executive Law Article 15-A (1988)** - Promotes equal opportunity in contracting for all persons, without discrimination for minority group members and women and business enterprises owned by them, and in eradicating the barriers that have impaired access by minority-owned and women-owned business enterprises (MWBEs) to State contracting opportunities.

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

New York State Executive Orders

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

**Executive Order No. 6 (Governor Mario 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 Mario 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 Mario 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.

Executive Order No. 8 (Governor Andrew M. Cuomo, 2011) - Established a State MWBE team to address existing barriers to MWBE participation in State contracting opportunities.

Executive Order No. 26 (Governor Andrew M. Cuomo, 2011) – Directs State agencies that provide direct public services to translate vital documents in the six most common non-English languages spoken by individuals with limited-English proficiency in the State of New York, based on United States census data, and relevant to services offered by each of such agencies. Each of these agencies must provide interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits.

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 older, and specifies that it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to 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 to 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 - Prohibits 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 provides 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 to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious or 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 of minorities and women.

Executive Order No. 12898 - Requires federal agencies to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations.

Executive Order No. 13166 - Requires each federal agency to examine the services it provides and to develop and to implement a system by which persons with limited English proficiency (LEP) can meaningfully access those services; and work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.