

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #:05/02-902 Preliminary Determination Pursuant to the Audit of Bronx County District Attorney's (BCDA) Equal Employment Opportunity Program from July 1, 2001 through December 31, 2003.

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, the Equal Employment Practices Commission audited the Bronx County District Attorney'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 Bronx County District Attorney's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. BCDA EEO policies are not available in formats accessible to applicants and employees with disabilities (e.g., large print, audio cassette or Braille). (Sect. VIII, EEOP)
2. BCDA did not issue a Reasonable Accommodation Procedure. (Sect. II, EEOP)
3. BCDA did not distribute the Section 55-A Program brochure issued by the Department of Citywide Administrative Services.
4. Each complaint file should contain a Notice of Discrimination Complaint form to notify the respondent of the allegations being made. (Sect. 12 (b), Discrimination Complaint Procedure Implementation Guidelines (DCPIG))

5. BCDA's Complaint of Discrimination form did not include a section to indicate when a complaint is filed (to ensure that complaints are handled in the proper time frame specified by the Federal and City guidelines). (Sect. 12 (a), DCPIG)
6. The agency head did not sign each report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (Sect. 12 (b), DCPIG)
7. Parties to the complaint – the complainant(s) and respondent(s) – were not apprised in writing of the outcome of their complaint. (Sect. III (G)(2), EEOP and Sect 12 (b), DCPIG)
8. BCDA's files did not contain written evidence that the recommended corrective actions were implemented.
9. The EEO Administrator did not schedule additional agency-wide EEO training for all existing and new employees who have not already received training. (Sect. IV, EEOP)
10. Appropriate documentation of meetings and other communications between the EEO Officer and agency head regarding EEO decisions were not maintained.
11. BCDA did not update its EEO policy to include all the protected classes under the New York State and New York City Human Rights Laws.
12. A significant portion of the employees surveyed indicated that they were not given, or did not know if they were given, the EEO Policy statement and discrimination complaint procedure. (Sect. VIII, EEOP)
13. BCDA did not ensure that its employees were aware that the EEO policies were posted on agency bulletin boards. (Citywide EEO Policy, Section VIII)
14. BCDA's EEO Administrator did not complete standard training for EEO professionals conducted by the Department of Citywide Administrative Services or another reputable organization, such as Cornell University's School of Industrial and Labor Relations.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman, or his designee, to forward a letter to the Bronx County District Attorney, Robert T. Johnson, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Bronx County District Attorney's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

**EQUAL EMPLOYMENT PRACTICES COMMISSION
CITY OF NEW YORK**

RESOLUTION #06/06-902C: Determination of implementation by the Bronx County District Attorney's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Bronx County District Attorney Office's Charter-mandated Equal Employment Opportunity Program from July 1, 2001 to December 31, 2003.

Whereas, pursuant to Chapter 36, Sections 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission 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 its audit of the Bronx County District Attorney Office's (BCDA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter dated January 19, 2005, setting forth its findings and recommended corrective actions; and

Whereas, the BCDA submitted its response to EEPC's preliminary determination letter, on February 16, 2005; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on March 14, 2005 identifying those recommendations accepted and rejected by the BCDA; and

Whereas, the BCDA submitted its response to EEPC's final determination letter, on March 23, 2005; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BCDA for a period not to exceed six months, from June through November 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Bronx County District Attorney's Office submitted its Final Compliance Report on December 13, 2005; and

Whereas, the BCDA submitted additional information on April 18 & 19, May 1, 5, & 31 and June 1, 2006; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

Whereas, the members of this Commission have reviewed a Compliance Summary Report, prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Bronx County District Attorney's Office has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Chair to forward a letter to the Honorable Robert T. Johnson, Bronx County District Attorney, formally informing him that the BCDA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on June 8, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

DISTRICT ATTORNEY - BRONX COUNTY

MEMORANDUM

To: All Staff

From: Robert T. Johnson *RTJ*

Date: December 12, 2005

Subject: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEOC) conducts audits of the Equal Employment Opportunity (EEO) Programs of all city agencies. The most recent audit of our program covered a thirty-month period ending December 31, 2003. Additionally, there was a six-month compliance period which ended December 9, 2005.

The EEOC made several recommendations to enhance our EEO practices. Some of these recommendations include:

- Bronx County District Attorney's Office (BCDA) should follow section VIII of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities (e.g., large print, audio cassette or Braille).
- BCDA should issue a Reasonable Accommodation Procedure; the agency can adopt and tailor the procedure available in the Citywide EEO Policy.
- BCDA should update its EEO policy to include all the protected classes under the New York State and New York City Human Rights Laws.
- BCDA should redistribute its EEO policy statements.
- To achieve the widest distribution possible, BCDA should ensure that its employees are aware that the EEO policies are posted on agency bulletin boards.
- The EEO Administrator should adhere to her goal and schedule additional agency-wide EEO training in calendar year 2005 for all existing and new employees who have not already received training.

We have or will be implementing all of these recommendations, and I am pleased that in the near future we will be providing interactive on-line training for everyone.

As District Attorney, I affirm this Office's commitment to maintaining fair employment practices for all employees and job applicants. It is essential that this Office prevents discrimination and ensures that all employees are aware of their rights and obligations under our EEO program. We must encourage a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for diversity that is reflected in our staff.

I encourage all staff to review our EEO policies, use our EEO program, and address any concerns to our EEO Coordinator and/or our EEO Administrator Lisa Payne Wansley at 718-590-5405.