

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #05/13-901: Preliminary Determination Pursuant to the Audit of the New York County District Attorney's Office's (DANY) Equal Employment Opportunity Program from January 1, 2003 through December 31, 2004.

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, women and other protected classes, and to make recommendations to city agencies to insure equal employment opportunity for minority group members, women and other protected classes; and

Whereas, the Equal Employment Practices Commission audited the DANY'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 DANY's compliance with its Equal Employment Opportunity Program, 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. The agency's EEO Pamphlet contains an out-of-date address and telephone number for the U.S. Equal Employment Opportunity Commission.
2. The agency's EEO Policy Statement and Internal Discrimination Complaint Procedure do not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
3. DANY's Internal Discrimination Complaint Procedure lacks several important components contained in the City's Discrimination Complaint Procedures Implementation Guidelines.
4. The nine internal job vacancy notices submitted by DANY do not contain the EEO tag line.
5. The agency's EEO policies are not available in alternate formats for persons with disabilities.

6. DANY has not issued a reasonable accommodation procedure for persons with disabilities.
7. The agency does not participate in the Section 55-A Program.
8. The EEO Officer and the EEO Counselors have not received a certificate in EEO Studies from Cornell University's School of Industrial and Labor Relations or attended DCAS's training for EEO professionals.
9. The Assistant District Attorney who conducts EEO training has also not completed the certificate program in EEO Studies from Cornell University or attended DCAS's training for EEO professionals.
10. The EEO Officer does not keep agendas or notes of his meetings on EEO matters with the agency head.
11. The EEO Officer does not devote 100% of his work time to EEO matters.
12. None of agency's five performance evaluation forms contain a rating for EEO performance.
13. Forty-four percent of survey respondents indicated they do not know who is the EEO Officer.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the New York County District Attorney, Robert M. Morgenthau, 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 New York County District Attorney will take to bring the agency into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 26, 2005.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #07/01-901C: Determination of implementation by the New York County District Attorney's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York County District Attorney Office's Charter-mandated Equal Employment Opportunity Program from January 1, 2003 to December 31, 2004.

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 New York County District Attorney Office (DANY), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter dated October 26, 2005 setting forth its findings and recommended corrective actions; and

Whereas, the DANY submitted its response to EEPC's preliminary determination letter on December 22, 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 January 18, 2006 identifying those recommendations accepted and rejected by the DANY; and

Whereas, in response to EEPC's final determination letter, DANY submitted its response on February 17, 2006; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DANY for a period not to exceed six months, from June through November 2006, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the New York County District Attorney's Office submitted its Final Compliance Report on January 17, 2007; 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 New York 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 Vice-Chair, Manuel A. Méndez, to forward a letter to the Honorable Robert M. Morgenthau, New York County District Attorney, formally informing him that the DANY has implemented the recommended corrective actions to the Commission' s satisfaction.

Approved unanimously on January 25, 2007.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chair

District Attorney of the County of New York
Interoffice Memorandum

TO: All Staff

FROM: Robert M. Morgenthau

SUBJECT: Equal Employment Practices Commission Audit

DATE: November 13, 2006

The Equal Employment Practices Commission (EEPC) is the City agency empowered to ensure that the employment practices in city government are free of discrimination and comply with relevant law. The EEPC audits the equal employment opportunity (EEO) programs of all city agencies, and recently completed an audit of this office. The EEPC identified ways we could strengthen our EEO program, and working collaboratively with the EEPC, we are implementing the recommendations made. A summary of those enhancements is outlined below.

EEO Policy and Procedures

I have revised and reissued this office's EEO policy. In addition to the content of the previous policy, the revised policy includes all protected classes under the New York City and New York State Human Rights Law; creates a procedure for employees or applicants with a disability to request a reasonable accommodation; and updates and expands the contact information for outside agencies such as the Equal Employment Opportunity Commission. The EEO policy will be made available in large type, as well as in an audio version, for anyone needing an alternative to the booklet format. Final dispositions of EEO complaints will be conveyed in writing.

Training

The office will continue to train all employees in preventing harassment and discrimination at DANY. Additionally, we are participating in an intensive training program for the EEO Officer, EEO Coordinators, and EEO workshop trainers.

Recruitment

The office will insure that all job postings will include the language that DANY is an equal opportunity employer. DANY will participate in and publicize a City program known as the 55-A program, which promotes the hiring of those with disabilities.

As District Attorney, I re-affirm this office's commitment to maintaining equal employment opportunity for all employees and job applicants. All personnel should work together to maintain a workplace that fosters opportunity, and appreciates diversity. The EEO program is of the highest priority for DANY, and has the full and positive support of the management of this office. I encourage all personnel to review our EEO policies, and use our EEO program. I have included a list of the EEO Officer and Coordinators for your convenience. Please address any questions or concerns to ADA Frederick Watts, EEO Officer, or any of the EEO coordinators.