

#07/01-901C

**NEW YORK COUNTY DISTRICT ATTORNEY'S
OFFICE**

- Summary Compliance Report January 25, 2007
- Letter of Compliance Satisfaction January 25, 2007



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: New York County District Attorney's Office

Agency Head: Honorable Robert M. Morgenthau, District Attorney

EEO Officer: Frederick J. Watts

Audit Period: **January 1, 2003 – December 31, 2004**

Date of Preliminary Determination Letter:	<i>October 26, 2005</i>
Date of Response Letter:	<i>December 22, 2005</i>
Date of Final Determination's Letter:	<i>January 18, 2006</i>
Date of Response Letter to the Commission's Final Determinations Letter:	<i>February 17, 2006</i>
Compliance Initiated:	<i>July 2006</i>
Compliance Completed:	<i>January 2007</i>
Covering Months:	<i>June 2006 - December 2006</i>

Date: **January 25, 2007**

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the New York County District Attorney's Office (DANY) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance with the DANY in July 2006. The DANY's final Monthly Compliance Report was submitted on January 17, 2007.

All fourteen required actions were completed or accepted. The following is a summary of the compliance reports:

- DANY's EEO Pamphlet should be revised to reflect the current address and telephone number for the U.S. Equal Employment Opportunity Commission.**

The DANY stated that it revised the EEO Pamphlet to reflect the current address and telephone number for the U.S. Equal Employment Opportunity Commission. It submitted a copy of the EEO Pamphlet.

The required action was completed in May 2006.

2. **The agency's EEO Policy Statement and Internal Discrimination Complaint Procedure should be revised to include all of the "protected classes" under the New York City and New York State Human Rights Laws.**

The DANY stated that it has revised its EEO Policy Pamphlet which contains its Internal Discrimination Complaint Procedure to include all of the "protected classes" under the New York City and New York State Human Rights Laws. The document was distributed to staff on November 2, 2006. It submitted a copy of the revised EEO Pamphlet.

The required action was completed in November 2006.

3. **DANY's Internal Discrimination Complaint Procedures should be revised to include the following requirements of the City's Discrimination Complaint Procedures Implementation Guidelines: 1) the EEO investigator's confidential written report should be submitted to the agency head for his or her signature (to signify review and approval), and 2) the respondent(s) should be notified in writing of the disposition of the case.**

The DANY pledged to have the EEO Officer's report reviewed by the Chief Assistant District Attorney and to notify respondents of the disposition of matters in writing. The DANY reported no investigative reports were completed during the audit compliance monitoring period.

The response to the required action was completed in December 2006.

4. **All agency recruitment literature, including internal job postings, should indicate that DANY is an equal opportunity employer.**

The DANY submitted copies of internal job postings that indicate it is "A Equal Opportunity Employer."

The required action was completed in May 2006.

5. **The agency should ensure that its EEO policies are available in "appropriate alternate formats to employees with disabilities."**

The DANY has submitted sample pages of EEO Policies in large print. It stated that upon request of any employee, it will make the software available, which will convert text to speech.

The required action was completed in October 2006.

6. **DANY should adopt and tailor the City's Reasonable Accommodation Policy and Procedure, available at www.nyc.gov/html/dcas/html/resources/eo.html.**

The DANY stated that it has adopted and tailored the City's Reasonable Accommodation Policy and Procedure. It submitted a copy of the above document.

The required action was completed in November 2006.

7. **DANY should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the Department of Citywide Administrative Services.**

The DANY stated that on December 15, 2006 it sent an email to staff informing them of the Section 55-A Program and attached the Program brochure obtained from DCAS. It submitted a copy of the email and brochure.

The required action was completed in December 2006.

8. **The EEO Officer and EEO Coordinators should be scheduled for training conducted by DCAS (Office of Citywide EEO) or enrolled in training conducted by another appropriate agency or school, such as the EEO Studies Program at Cornell University's School of Industrial and Labor Relations. The EEO professionals should obtain the certificate or otherwise complete the program at the institutions selected by DANY.**

The DANY said that the EEO Officer and EEO Coordinator received the DCAS EEO professionals training and it has contacted the DCAS about training all EEO personnel but the DCAS has no classes scheduled currently. The DANY said it will enroll staff as classes are offered. The EEO Officer and the trained EEO Coordinator, who are not of the same gender, will handle all EEO complaints.

The response to the required action was accepted in January 2007.

9. **The Assistant District Attorney who conducts EEO training should be scheduled for training conducted by DCAS or enrolled in training conducted by another appropriate agency or school, such as the EEO Studies Program at Cornell University's School of Industrial and Labor Relations. The Assistant District Attorney should obtain the certificate or otherwise complete the program at the institution selected by DANY.**

The DANY said that it has contacted the DCAS about scheduling all EEO personnel for training but DCAS has no classes scheduled currently. It said it will enroll staff as classes are offered. The DANY said that the EEO Officer and the Support Staff Training Director who have completed the DCAS EEO professionals training will conduct all EEO training until the Assistant District Attorney is trained.

The response to the required action was accepted in January 2007.

10. **It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO decisions should be maintained.**

The DANY submitted copies of memos-to-the-file of meetings between the EEO Officer and the agency head.

The required action was completed in January 2007.

11. **It is the Commission's position that agencies with at least 750 employees should have full-time EEO Officers.**

The DANY said that its budget has declined substantially since 2002. It simply does not have the resources to employ a full-time EEO Officer. However, it will continue to assign all appropriate resources to its EEO Program. Currently, it has one EEO Officer, five EEO Coordinators and two EEO trainers.

The response to the required action was accepted in May 2006.

12. **The agency's performance evaluation forms should be revised to include a rating for the EEO performance of supervisors/managers. The agency may adopt the rating ("Utilizing Human Resources") contained in the citywide managerial performance evaluation form.**

The DANY said that its current performance evaluation forms account for EEO performance (discussed at the compliance initiation meeting and accepted). It stated that a memorandum informing supervisors/managers that they will be rated on EEO performance will be issued at the commencement of the evaluation process in the spring of 2007. It submitted a draft of the memorandum.

The response to the required action was accepted in November 2006.

13. **All employees should receive written notification of the identity, location, and telephone number of the agency's EEO Officer.**

The DANY said that all employees were notified via email of the identity, location, and telephone number of the agency's EEO Officer. It submitted a copy of the email.

The required action was completed in May 2006.

14. **The New York County District Attorney should disseminate an agency-wide memorandum to discuss audit findings.**

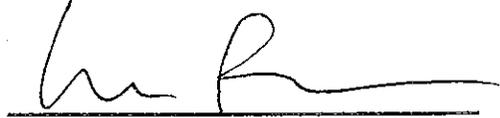
The attached memorandum from District Attorney Robert M. Morgenthau was distributed on November 13, 2006.

The required action was completed in November 2006.

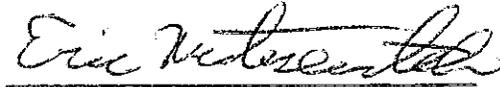
Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to District Attorney Robert M. Morgenthau informing him that the DANY has implemented the recommended corrective actions to the Commission's satisfaction.

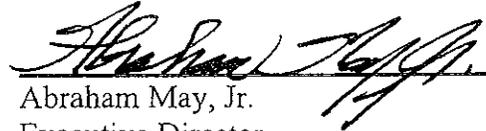
Respectfully Submitted,



Lisa Badner
Counsel



Eric Matusewitch
Deputy Director



Abraham May, Jr.
Executive Director

Attachment

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.

EEO Officer and Coordinators

EEO Officer:

Frederick J. Watts
Administrative Assistant District Attorney
Executive Management – Room 849
Ext. 3796

EEO Coordinators:

Katie Doran
Advisor
Gay/Lesbian/Transgender Issues – Room 604*
Ext. 9291

Leroy Frazer
Bureau Chief
Special Prosecutions Bureau – Room 759
Ext. 8927

Herculano Izquierdo
Deputy Chief
Trial Division Central – Room 842
Ext. 9092

Jose Rivera
Administrative Assistant
Complaint Room – Room 238B
Ext. 9598

Estelle Strykers-Santiago
Bureau Administrator
Frauds Bureau – Room 815*
Ext. 9340



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.

Chair

Manuel A. Méndez

Vice-Chair

Chereé A. Buggs, Esq.

Angela Cabrera

Veronica Villanueva, Esq.

Commissioners

Abraham May, Jr.

Executive Director

Eric Matusewitch, PHR, CAAP

Deputy Director

January 25, 2007

Honorable Robert M. Morgenthau
District Attorney, New York County
One Hogan Place
New York, New York 10013

Re: Resolution #07/01-901C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the New York County District Attorney's Office (DANY) Equal Employment Opportunity Program (EEOP) from January 1, 2003 to December 31, 2004.

Dear Mr. Morgenthau:

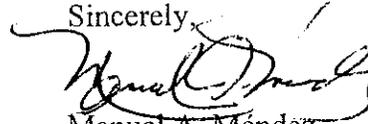
Pursuant to Section 832 of Chapter 36 of the New York City Charter, staff of the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the New York County District Attorney's Office (DANY) for a period not to exceed six months. The compliance period was June through November 2006. The DANY's Final Compliance Report was submitted on January 17, 2007.

The goal of monitoring was to determine if the DANY implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2003 to December 31, 2004.

After completing its review of the Compliance Reports submitted by your agency, EEPC staff submitted a Compliance Summary Report for Commission review. After reviewing the Report this Commission has determined that the DANY has implemented the recommended corrective actions as required by Chapter 35 and 36 of the New York City Charter to the Commission's satisfaction. The New York County District Attorney's Office is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you and EEO Officer Frederick J. Watts for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Manuel A. Méndez', written in a cursive style.

Manuel A. Méndez
Vice-Chair

C: Frederick J. Watts, EEO Officer