

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

**RESOLUTION # 2016/901:** Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York County District Attorney's Office's Employment Practices and Procedures from July 1, 2014 through December 31, 2015.

**Whereas**, pursuant to Chapter 36, Section 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 ensure 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 Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPD Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit of the New York County District Attorney's Office (DANY) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
5. If women, minorities, or other protected groups are underrepresented in civil service (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

13. Ensure that all managerial performance evaluation forms contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on April 5, 2016; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 require compliance monitoring; and

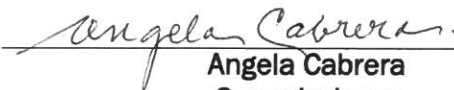
**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**, that the Commission will forward this Final Determination to the District Attorney of the New York County District Attorney's Office.


Approved unanimously on May 5, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

Absent

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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner



## EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #2016/901C-13:** Determination of **Compliance** (Monitoring Period Required) by the Office of the New York County District Attorney with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 through December 31, 2015.

**Whereas**, pursuant to Chapter 36, Section 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 ensure 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 Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Office of the New York County District Attorney's (DANY) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

1. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations

serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in civil service (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
9. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that all managerial performance evaluation forms contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
14. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.



**Whereas,** DANY submitted its response to the EEPC's Preliminary Determination letter, on April 7, 2016; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which indicated that corrective actions Nos. 1 – 14 require compliance monitoring; and

**Whereas,** DANY submitted its response to the EEPC's Final Determination letter, on June 24, 2016; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from June 2016 – October 2016, with no extension of the monitoring period; and


**Whereas,** at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, DANY submitted a copy of the agency head's memorandum to staff dated October 28, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and


**Whereas,** all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

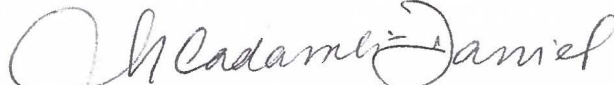
**Be It Resolved,** that the Office of the New York County District Attorney has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

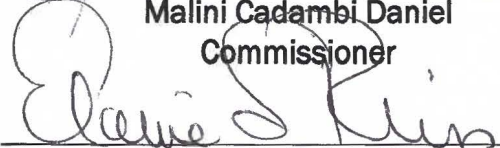
**Be It Resolved,** that the Commission will forward this Final Determination to Cyrus R. Vance, Jr., District Attorney of New York County.

Approved unanimously on November 3, 2016.

  
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Angela Cabrera  
Commissioner

  
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Arva Rice  
Commissioner

  
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Malini Cadambi Daniel  
Commissioner

  
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Elaine S. Reiss, Esq.  
Commissioner

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**DISTRICT ATTORNEY OF THE COUNTY OF NEW YORK**  
**INTEROFFICE MEMORANDUM**

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**TO:** All Staff  
**FROM:** Cyrus R. Vance, Jr. *CRV*  
**SUBJECT:** EEO Program  
**DATE:** Friday, October 28, 2016

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The Equal Employment Practices Commission (EEPC) is the City agency tasked with evaluating and auditing the equal employment programs, practices, policies, and procedures of all city agencies.

Recently, the EEPC conducted a routine audit of this office in order to evaluate our EEO program.

In light of the EEPC's findings, I am pleased to report that the office's administration of its EEO policies is generally in compliance with the relevant legal and administrative standards. We strive to be a leader in this area, and we welcome the recommendations the EEPC has made to strengthen our program. Under the leadership of the office's EEO Officer, Nitin Savur, 212-335-4314, [savurn@dany.nyc.gov](mailto:savurn@dany.nyc.gov), One Hogan Place, Rm. 856, we are working to ensure full and speedy implementation of the EEPC's recommendations. These steps include:

- The office conducted an assessment of recruitment efforts and reviewed and updated listings of recruitment outreach sources.
- We will ensure that the EEO Officer, Nitin Savur, HR Professional, George Argyros, and General Counsel, Benjamin Rosenberg, review the agency's statistical information, the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis.
- We will continuously assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group.
- We will continue to identify job groups experiencing underutilization in discretionary hiring and we will continue to advertise in diverse publications.
- We will continue to identify job groups experiencing underutilization in civil service titles and we will continue to advertise in diverse publications and work with DCAS and the Civil Service Commission to recruiting a diverse and inclusive talent pool.
- We will continue to train human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring to consider EEO laws, policies and procedures in the selection and hiring process.
- All agency recruitment material will indicate that the District Attorney's Office of New York County is an "Equal Opportunity Employer."
- We will maintain a tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants.

- The office's Career Counselor is George Argyros; his office is located at 40 Worth Street, 9<sup>th</sup> Floor; and he can be contacted at 212-335-9883 or via email at [argyros@danycity.gov](mailto:argyros@danycity.gov).
- The office's EEO Officer, Nitin Savur, is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints -- to implement EEO policies and standards within the agency.
- We will continue to maintain appropriate documentation of meetings and other communications between myself, Benjamin Rosenberg (the general counsel), and Nitin Savur (EEO Officer) regarding decisions that impact the administration and operation of the EEO program.
- We will continue to implement a non-managerial performance evaluation program.
- All managerial and non-managerial performance evaluation forms contain a rating for EEO.
- Our office maintains an annual plan of measures and programs which includes EEO policies, procedures, trainings and quarterly workforce analyses to provide equal employment opportunity, and efforts to implement the plan.

The office will continue to maintain its firm commitment to implementing a model EEO program, which affords its employees and all who encounter this office with fair treatment under the law.