

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #11/24-903: Preliminary Determination Pursuant to the Audit of the Kings County District Attorney's Office (DAKC) Equal Employment Opportunity Program from July 1, 2007 through June 30, 2010.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the Kings 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, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

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

1. Nine of 10 complaint files did not contain a written notification to the complainant and respondent regarding the outcome of the complaint.
2. In lieu of the District Attorney's signature, each of the 10 complaint files submitted to the EEPC contained a transmittal sheet signed by the EEO Officer. When attached to the Investigative Report, the transmittal serves to "*document his [District Attorney's] review and approval of the recommendations made therein.*"
3. Although the agency conducted annual evaluations of non-managerial employees during the audit period, managerial evaluations were not conducted on an annual basis. The agency's HR office could not provide documentation that the agency had conducted managerial evaluations annually during the period in review.
4. Although the EEO Officer reports to the agency head on EEO matters, the agency's organizational chart does not indicate this reporting relationship. The EEO Officer title is not indicated on the chart.

5. Although the EEO Officer and EEO Coordinator, and HR representative were identified in the agency's EEO Policy as the individuals who handle reasonable accommodation requests, 78% of the respondents to the *EEPC's Employee Survey* stated that they do not know who the *Disability Rights Coordinator* is (the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies pertaining to persons with disabilities).
6. In August 2011, the agency appointed a new EEO Officer who has not received Basic Training for EEO Representatives.


Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Kings County District Attorney Charles J. Hynes, 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 Kings County District Attorney's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on November 10, 2011.

Arva R. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Angela Cabrera
Chair for the Meeting

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

RESOLUTION # 12/18-903C: Determination of implementation by the Office of the Kings County District Attorney of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Kings County District Attorney's Office's compliance with its Equal Employment Opportunity Program from July 1, 2007 to June 30, 2010.

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 the Administrative Code of the City of New York, Title 8, as amended, the City established the New York City Human Rights Law, which identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Office of the Kings County District Attorney's (KCDA) Equal Employment Opportunity Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated November 10, 2011, setting forth its findings and recommended corrective actions; and

Whereas, the KCDA submitted its response to the EEPC's preliminary determination letter, on November 22, 2011; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination on December 5, 2011, identifying those recommendations accepted and rejected by KCDA; and

Whereas, in response to EEPC's final determination letter, KCDA submitted its response on January 4, 2012; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the KCDA for a period not to exceed six months, from February, 2012 through July, 2012, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Office of the Kings County District Attorney submitted its Final Compliance Report on August 6, 2012, and supplemental documentation on August 22, 2012; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the Kings County District Attorney'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 Office of the Kings County District Attorney has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, to forward a letter to the Kings County District Attorney, Charles J. Hynes, formally informing him that the KCDA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 13, 2012.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner



Cesar A. Perez, Esq.
Chair



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CHARLES J. HYNES
District Attorney

MEMORANDUM

To: All Staff

From: Charles J. Hynes, District Attorney

Date: August 22, 2012

Re: Equal Employment Practices Commission Audit

In November 2011, the Equal Employment Practices Commission (EEPC) completed an audit of the Office's compliance with the City's Equal Employment Policy for the period of July 1, 2007 to June 30, 2010. At the conclusion of the audit, the Commission issued recommendations for strengthening this Office's EEO program.

I am pleased to report that we are now in full compliance with the EEPC audit recommendations. Among their recommendations I adopted have been to: a) personally endorse each internal EEO Investigative Report to indicate that it has been reviewed and decided by me; b) require that complainants and respondents be advised in writing of my final decision on each internal EEO investigation; c) require that the Human Resources Department develop a plan to evaluate administrative managers annually; d) provide employees with easier access to contact information for staff responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state and local laws, as well as City and agency policies pertaining to persons with disabilities, by posting that information on the Office's Intranet; and, e) strengthen the skill set of my EEO staff by having them attend the DCAS Training School for EEO Professionals.

The implementation of these recommendations reaffirms my dedication to maintaining in my Office a work environment that recognizes and appreciates the diversity of its workforce. The Kings County District Attorney's Office (KCDA) is an equal employment opportunity employer and I am committed to maintaining its compliance with federal, state, and local laws that prohibit employment discrimination. Employment decision in my Office will continue to be made on the basis of merit and fitness, with equality of opportunity for all without discrimination based on age, alienage, color, creed, disability, gender (including gender identity), sexual orientation, genetic predisposition or carrier status, marital status, military status, national origin, prior record of arrest or conviction, race, religion, or status as a victim of domestic violence, sex offenses or stalking. Additionally, I am personally committed to providing a workplace that is free of discrimination, sexual harassment and intimidation, and I fully expect that all my staff with adhere to this same standard.

Employees with EEO concerns can speak with Jossie Gilliam (Rm 1931/Ext. 2994), Marc Fleidner (Rm 1704/Ext.2963), or Dianne Malone (Rm 1918/Ext 2235). Detailed information regarding the Office's EEO program, its policies, and procedures may be found on the Office Intranet.