



Vacant BY EMAIL

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April 16, 2021

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**Audit Status:**

Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2019 to December 31, 2020.

Determination: **PRELIMINARY**

Dear District Attorney Katz:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the Office of the Queens County District Attorney's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2019 to December 31, 2020.

**Purpose**

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The Office of the Queens County District Attorney, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

The purpose of this audit and analysis is to evaluate the subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope**

The EEPC has adopted uniform standards for auditing municipal entities<sup>1</sup> and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

### ***Policy and Plan Requirements***

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

### **Methodology**

The EEPC communicates with EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the Office of the Queens County District Attorney on December 18, 2020; the completed PIQ(s) were returned on January 5, 2021. Supporting documentation was attached. Additional requests were not necessary.

The following determination indicates where the Office of the Queens County District Attorney has or has not complied, in whole or in part, with the established Standards.

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<sup>1</sup> Corresponding audit/analysis standards are numbered throughout the document.

### Description of the Agency

District Attorneys are public law enforcement officers, under the New York State Constitution, Article 13, Section 13, elected every four (4) years in each county. New York County Law, Article 18, Section 700 vests the District Attorney with the powers and duties to prosecute all crimes and offenses in the county in which they are elected and to assist district attorneys of other counties in these endeavors. District Attorneys also provide services to crime victims, witnesses, and other persons involved in the criminal justice system, support crime prevention programs, and appoint or employ persons to positions within their offices for the performance of these duties.

District Attorneys of the five (5) New York City counties have the same general powers and duties as District Attorneys throughout the State, with provisions applicable to the five (5) New York City counties, including but not limited to New York County Law, Article 24, Section 931, which confers on the New York City Mayor the authority to increase or decrease the positions, salaries and compensation of positions within the Office of the District Attorney with the District Attorney's consent. The work of the District Attorney's Office is handled by two principal divisions: Investigations and Trial. Additional specialized legal bureaus and units, including those dealing with special victims, work alongside these divisions to advance the Office's objectives. (Source: Greenbook, 4/2021) The CEDDS Report: *Work Force Composition Summary* for the Office of the Queens County District Attorney, attached as Appendix 1, indicated the agency's headcount was 784.

### PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

#### I. Issuance, Distribution and Posting of EEO Policies

**Determination:** The agency is in partial-compliance with the standards for this subject area.

**1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.**

- ✓ The Office of the Queens County District Attorney's *Equal Employment Opportunity Policy Statement* (hereinafter referred to as "EEO Policy Statement") and *Policy Statement On Sexual Harassment In The Workplace* (hereinafter referred to as "Sexual Harassment Policy Statement") were contained within the *Queens County District Attorney Equal Employment Opportunity and Sexual Harassment Policy and Program* (hereinafter referred to as "EEO Policy" and attached as Appendix 2). The Sexual Harassment Policy Statement reiterated the entity's commitment to the prevention of sexual harassment by stating, "[a]t the Queens County District Attorney's Office, sexual harassment, whether verbal, physical or environmental, and whether in the work place itself or in outside work-sponsored settings, is unacceptable and will not be tolerated." The entity reported in response to the EEPC's PIQs that the Sexual Harassment Policy Statement was distributed to new employees during the onboarding process within the EEO Policy; and was

accessible to all employees via its posting to all Office of the Queens County District Attorney desktop computers within a folder entitled “*QDA EEO Policy*.”

- During the period in review, the entity did not demonstrate that it annually issued to employees a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment. The entity's EEO Policy, EEO Policy Statement, and Sexual Harassment Policy Statement were issued by the former District Attorney on April 22, 1993.<sup>2</sup> The entity did not demonstrate that the current District Attorney, inaugurated in January 2020, issued a sexual harassment policy statement. **Corrective Action Required.**

**Corrective Action #1:** Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- ✓ The entity reported in response to the EEPC's PIQ that the EEO Policy and *Equal Employment Opportunity Policy Handbook, About EEO: What You May Not Know?* were distributed to new employees during the onboarding process and were accessible to all employees via posting to all Office of the Queens County District Attorney desktop computers in a folder entitled “*QDA EEO Policy*.”
- The entity did not demonstrate that, during and for the duration of the period in review, its EEO Policy conformed to current city, state and federal laws and was distributed and posted in a manner accessible to all employees. The EEO Policy did not include, or attach as addenda uniform and responsive procedures for investigating discrimination/sexual harassment complaints. Specifically, the complaint investigation procedures within the EEO Policy did not include requirements to: include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint; provide the option to file a complaint anonymously; serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice, and maintain in the complaint file documentation regarding the service of notice on the respondent; issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; take thorough notes, of words spoken and facts provided, during each interview and include these notes in each complaint file; issue a conclusive report within 90 days of the date the complaint was filed and commence an investigation immediately if allegations raised sufficiently warrant an investigation; in rare circumstances where a complaint

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<sup>2</sup> The EEO Policy Statement noted an amendment date of May 20, 2019.

investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report, and notify the complainant and respondent of the delay; generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review; establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report, issues a written/electronic determination adopting, rejecting, or modifying the recommended action, and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted; inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure; ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result; and notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint. The EEO Policy does not contain current contact information for the entity's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. **Corrective Action Required.**

**Corrective Action #2:** Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies -- or an agency Policy that conforms to city, state and federal laws against sexual harassment- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

## **II. Training for the Agency**

**Determination:** The agency is in partial-compliance with the standards for this subject area.

**3.** Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

- ✓ The Office of the Queens County District Attorney's *Diversity and Equal Employment Opportunity Plan* for fiscal year 2020 established a plan to annually train 700+ employees each October via *Sexual Harassment Prevention* (e-learning). The plan was listed under section C. Local Law 92 (2018): *Annual Sexual Harassment Prevention training: Sexual Harassment Prevention* (e-learning) and stated, “[t]he agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date. Current employees will be trained annually.” An undated, *Anti Sexual Harassment Training* power point presentation included slides that defined sexual harassment and included information on the prevention of sexual harassment and discrimination complaint and investigation procedures.

- The Office of the Queens County District Attorney did not demonstrate its progress toward the implementation of its plan to provide annual sexual harassment training to new and existing employees. **Corrective Action Required.**

**Corrective Action #3:** Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

### **III. Complaint and Investigation Procedures**

**Summary of Complaint Activity:** The agency reported 0 internal and 0 external complaints were filed during the period in review.

**Determination:** The agency is in partial-compliance with the standards for this subject area.

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures* section of the EEO Policy stated, “[i]f the employee so desires, and the circumstances warrant, the EEO Coordinator will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory or harassing conduct. No employee will be compelled to file a written complaint. However, if the circumstance warrant, an inquiry into the matter will be conducted regardless of whether a written complaint has been filed.”

**NOTE:** The EEO Policy did not contain a requirement to include in the complaint file a completed Complaint Intake Form or a written complaint, completed by either the complainant or the EEO Office, which captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provides the essence of the circumstances that gave rise to the complaint. (See §I.2 for associated corrective action.)

5. Provide the option to file a complaint anonymously.

**NOTE:** The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The entity did not demonstrate the EEO Policy included a requirement to provide the option to file a complaint anonymously. (See §I.2 for associated corrective action.)

6. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

**NOTE:** The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The entity did not demonstrate the EEO Policy included a requirement that each respondent was served with a notice of complaint that included the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice and that each notice was to be maintained in the corresponding complaint file. (See §I.2 for associated corrective action.)

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Unfounded complaints; action to be taken* section of the EEO Policy stated, “[i]f it is found that there is no reasonable cause to believe discriminatory conduct or harassment exists or has existed, the case will be dismissed and closed. The complainant will be informed in writing of the disposition of the case and advised of his or her right to seek reconsideration by the EEO Officer, to retain an attorney or to file a formal complaint with the appropriate agencies listed below.”

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement to issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. (See §I.2 for associated corrective action.)

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures* section of the EEO Policy stated, “[i]f the employee so desires, and the circumstances warrant, the EEO Coordinator will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory or harassing conduct.”

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement to take thorough notes, of words spoken and facts provided, during each interview and to include those notes in each complaint file. (See §I.2 for associated corrective action.)

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures* section of the EEO Policy stated, “[w]ithin five (5) days after the preparation of the complaint report, an initial conference will be held between the complainant, the EEO Coordinator who received the initial complaint, and, if the EEO Officer determines that circumstances warrant, one or more additional EEO Coordinators. . . The EEO Coordinator(s) involved in the inquiry has ten (10) business days in which to complete informal inquiry and an additional five (5) business days to prepare and submit a detailed report of the findings to the EEO Officer with recommendations for correcting or remedying any substantiated acts of discrimination.”

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement to issue a conclusive report within 90 days of the date the complaint was filed. The EEO Policy appears to indicate the aforementioned “detailed report” is the final conclusive report, however this is unclear. (See §I.2 for associated corrective action.)

- 10.** In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures* section of the EEO Policy stated, “[i]n the event an initial attempt at a resolution fails, an informal inquiry shall be immediately commenced by the EEO Officer. The EEO Coordinator(s) involved in the inquiry has ten (10) business days in which to complete informal inquiry and an additional five (5) business days to prepare and submit a detailed report of the findings to the EEO Officer with recommendations for correcting or remedying any substantiated acts of discrimination. This time period may be extended at the discretion of the EEO Officer, for good cause. The complainant shall be informed as to any time extensions involved, as well as to the ultimate disposition of the inquiry.”

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement that in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay. (See §I.2 for associated corrective action.)

- 11.** Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head’s Review.

- ✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Responsibilities of the EEO Officer and Coordinator in connection with this Offices’ internal complaint procedures* section of the EEO Policy stated, “[t]he EEO Coordinator(s) involved in the inquiry” will “prepare and

*submit a detailed report of the findings to the EEO Officer with recommendations for correcting or remedying any substantiated acts of discrimination.”*

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement to generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. (See §I.2 for associated corrective action.)

**12.** Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

✓ The entity indicated in its response to the EEPC's PIQ that complaint files were kept securely in the principal EEO Professional's office. Additionally, the *Responsibilities of the EEO Officer and Coordinator in connection with this Offices' internal complaint procedures* section of the EEO Policy stated, “*the EEO Coordinators shall report directly to the EEO Officer and make recommendations as to the resolutions of any problems that may arise and prepare confidential reports on the nature of any such complaints and forward those reports to the EEO Officer. Those reports shall be maintained, by the EEO Officer, in a secured file.*”

**13.** Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

**NOTE:** The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The entity did not demonstrate the EEO Policy included a requirement to establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted. (See §I.2 for associated corrective action.)

**14.** Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

✓ The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The *Unfounded complaints; action to be taken* section of the EEO Policy stated, “[i]f it is found that there is no reasonable cause to believe discriminatory conduct or harassment exists or has existed, the case will be dismissed and closed. The complainant will be informed in writing of the disposition of the case and advised of his or her right to seek reconsideration by the EEO Officer, to retain an attorney or to file a formal complaint with the appropriate agencies listed below.”

**NOTE:** The entity did not demonstrate the EEO Policy included a requirement to inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure. (See §I.2 for associated corrective action.)

**15.** Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

**NOTE:** The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The entity did not demonstrate the EEO Policy included a requirement to ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result. (See §I.2 for associated corrective action.)

**16.** Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

**NOTE:** The entity reported that there were no complaints filed during the audit period in review; as a result, findings contained in this section reflect the compliance of the EEO Policy. The entity did not demonstrate the EEO Policy included a requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint. (See §I.2 for associated corrective action.)

**17.** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

➤ The entity did not demonstrate that it established a complaint tracking and monitoring system that permits the entity to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity and to identify trends. **Corrective Action Required.**

**Corrective Action #4:** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

**18.** Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint

investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

- The entity did not demonstrate the General Counsel assisted the agency head in identifying and determining appropriate responses to sexual harassment; worked with the principal EEO Professional in the implementation of the entity's policies and procedures pertaining to sexual harassment; informed the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; was available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints. **Corrective Action Required.**

**Corrective Action #5:** Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

#### **IV. Annual Review of Practices, Policies and Programs**

**Determination:** The agency is in partial-compliance with the standards for this subject area.

- 19.** Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

- ✓ The entity's *Diversity and Equal Employment Opportunity Plan* for fiscal year 2020 stated in section *III. Workforce Review and Analysis*, “[i]n 2020, the EEO Officer, Director of Human Resources and the Director of Administration will continue to meet monthly to discuss various EEO topics including demographic data on new hires, separations and promotions reported in the CEEDS report.”
- The entity did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the entity's employment practices, polices, and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies. **Corrective Action Required.**

**NOTE:** The entity reported no complaints were filed during the period in review, making the review of the number of sexual harassment complaints impractical.

**Corrective Action #6:** Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

#### V. Responsibility for Implementation - EEO Professionals

**Determination:** The agency is in partial-compliance with the standards for this subject area.

**20.** Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

- ✓ The entity reported the *Chief EEO/Diversity Officer* was appointed to serve as the principal EEO Professional in January 2021. A training sheet with links to NY CLE Certificate[s] of Attendance demonstrate the current principal EEO Professional completed the following trainings provided by the New York City Bar in 2020: *What Does Transgender/Non-Binary Allyship Mean? (Webcast)*, *An Inside View of the EEOC, NYSDHR and NYCCHR in the Wake of the Coronavirus New Normal (Webcast): Full Seminar*, and *Sexual Harassment Summit in the Wake of #MeToo (OnDemand): Full Seminar*.
- The entity did not demonstrate the current or former principal EEO Professionals were trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. **Corrective Action Required.**

**Corrective Action #7:** Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

**21.** Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

- ✓ A June 2018 document entitled, *Equal Employment Opportunity Coordinators*, listed seven (7) EEO Coordinators for the Office of the Queens County District Attorney at four (4) office locations. The *Equal Employment Opportunity Policy Statement* within the EEO Policy stated, “[t]he undersigned [District Attorney] has also appointed staff members to be Equal Employment Opportunity

*Coordinators. They will assist the EEO Officer in all aspects of the EEO Program and serve as the primary recipients of any EEO complaints from members of this Office.” The Responsibilities of the EEO Officer and Coordinator in connection with this Offices’ internal complaint procedures section of the EEO Policy stated the following responsibilities, “1. Receive any EEO or sexual harassment complaint that is made by a member of this office. . . 3. Explain the internal complaint process to any employee having a complaint 4. Inform any employee having a complaint of his or her right to file a formal complaint outside of this office. 5. Inform any employee having a complaint that the right to file a formal complaint, if timely, is not forfeited by the bringing of any internal complaint. In addition, the EEO Coordinators shall report directly to the EEO Officer and make recommendations as to the resolutions of any problems that may arise and prepare confidential reports on the nature of any such complaints and forward those reports to the EEO Officer.”*

**22.** Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

- ✓ During the period in review, the entity’s workforce included 784 employees at multiple office locations.
- The entity did not demonstrate its EEO Coordinators were trained in EEO laws and procedures, and their responsibilities under the EEO Policy. The EEO Policy’s *Responsibilities of the EEO Officer and Coordinator in connection with this Offices’ internal complaint procedures* section outlined the EEO Coordinators’ responsibilities, which include the investigation and resolution of discrimination and sexual harassment complaints. **Corrective Action Required**.

**NOTE:** In response to the EEPC’s PIQs, the entity indicated there were three (3) EEO Professionals. However, the *Equal Employment Opportunity Coordinators* sheet provided in response to the PIQs listed seven (7) and was last updated in 2018. As such, the current number of EEO Professionals is unknown.

**Corrective Action #8:** Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

**23.** Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- The entity reported, but did not demonstrate, that the principal EEO Professional worked cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment. **Corrective Action Required**.

**Corrective Action #9:** Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- ✓ The *Equal Employment Opportunity Policy Statement* within the EEO Policy assigned the principal EEO Professional the following responsibilities: “*the establishment, development and monitoring of the equal employment program and who shall work with agency managerial and supervisory personnel on the program. The EEO Officer shall report directly to the undersigned on progress and problems in providing equal employment opportunity. . . Equal Employment Opportunity Coordinators. . . will assist the EEO Officer in all aspects of the EEO Program and serve as the primary recipients of any EEO complaints from members of this Office. The names and telephone numbers of the EEO Officers and Coordinators shall be provided in a separate memorandum.*” The Conclusion section of the EEO Policy further stated, “[t]o create an awareness of office conduct which may be construed as sexual harassment, we will incorporate sexual harassment training in future managerial, supervisory, EEO, employee orientation and other appropriate training courses. Additionally, a copy of this policy will be given to each new employee.” The Responsibilities For Implementing The Equal Employment Opportunity And Sexual Harassment Program section of the EEO Policy further listed the following responsibilities for the EEO Officer: “[1.] Overseeing the administration and implementation of the EEO and sexual harassment policy and program. 2. Communicating the details of the EEO and sexual harassment policy and program both internally and externally. . . 4. Assisting managers and supervisors in solving EEO and sexual harassment problems as they arise. . . 8. Holding regular discussions with managers, supervisors and employees to insure (sic) that this Office’s EEO and sexual harassment policies are being followed. . . 11. Keep abreast of the latest developments in the equal employment and sexual harassment areas and ensuring that managers and supervisors are informed as to these developments.”
- The entity did not demonstrate the principal EEO Professional ensured that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; and allegations of sexual harassment are promptly investigated. **Corrective Action Required.**

**Corrective Action #10:** Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request;

managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

**25.** Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ The *Equal Employment Opportunity Policy Statement* within the EEO Policy indicated that the District Attorney will appoint “*an Equal Employment Opportunity Officer who has the overall responsibility for the establishment, development, and monitoring of the equal employment program... [t]he EEO Officer shall report directly to the undersigned [District Attorney] on progress and problems in providing equal employment opportunity.*” The *Responsibilities For Implementing The Equal Employment Opportunity And Sexual Harassment Program* section of the EEO Policy further established the principal EEO Professional was able to fulfill EEO responsibilities by “[a]ssisting the District Attorney in assuming the EEO responsibilities that are required by the City Charter.”

**26.** Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

- The entity did not demonstrate that documentation was maintained regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment. **Corrective Action Required.**

**Corrective Action #11:** Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

## **VI. Responsibility for Implementation – Supervisors/Managers**

**Determination:** The agency is in partial-compliance with the standards for this subject area.

**27.** Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

- ✓ The *Responsibilities For Implementing The Equal Employment Opportunity And Sexual Harassment Program* section of the EEO Policy listed the following responsibilities for managers and supervisors: “*1. Knowing and following the EEO and sexual harassment policy. 2. Treating all employees that report to them fairly. 3. Striving to ensure that all employees that report to them are assessed, evaluated and advanced without discrimination. 4. Striving to create and maintain a work environment which is free of discrimination and sexual harassment. This means not only*

*refraining from engaging in conduct that might be perceived as discrimination or sexual harassment, but also attempting to detect and, with the assistance of the EEO officer and the EEO coordinators, eliminate any such conduct in which subordinates may engage. 5. Immediately reporting all information regarding acts of discrimination or sexual harassment, gained either by way of complaint or by personal awareness, to an EEO coordinator. Failure to report such information in a timely manner may result in discipline including discharge. 6. Striving to ensure that all employees that report to them are aware of this policy and their right to complain to someone other than a supervisor if they believe they have been victims of discrimination or sexual harassment. 7. Advising their staff that there should be no harassment or retaliation against any employee who becomes involved in the EEO and sexual harassment internal complaint procedures.”*

- The entity did not demonstrate that the implementation of the aforementioned expectation was documented. **Corrective Action Required.**

**Corrective Action #12:** Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

**28.** Ensure the managerial performance evaluation form contains 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).

- The entity did not demonstrate that during the period in review managers were rated on their EEO responsibilities (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). **Corrective Action Required.**

**Corrective Action #13:** Ensure the managerial performance evaluation form contains 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).

## VII. Reporting Standard for Agency Head

**Determination:** The agency is required to comply with the standards for this subject area.

**29.** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

- ✓ The entity submitted its *Diversity and Equal Employment Opportunity Plan* for fiscal year 2020, and its *Agency Quarterly Diversity and EEO Report* for quarter four (Q4) of fiscal year 2020 and quarter one (Q1) of fiscal year 2021.
- The entity did not submit its annual plan of measures and programs to provide equal employment opportunity for fiscal years 2019 and 2021. The *Agency Quarterly Diversity and EEO Report* for Q4 of fiscal year 2020 did not contain *Part II: DIVERSITY AND EEO TRAINING SUMMARY*. Additionally, the entity did not submit the *Agency Quarterly Diversity and EEO Report* for quarters three and four (Q3 and Q4) of fiscal year 2019, quarters one through three (Q1-Q3) of fiscal year 2020, and quarter two (Q2) of fiscal year 2021. A breakout of sexual harassment complaint activity was not included for any quarterly report. **Corrective Action Required.**

**Corrective Action #14:** Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

**Final Action:** Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

#### **Summary of Corrective Actions:**

The Office of the Queens County District Attorney has 15 required corrective action(s) at this time. This includes the aforementioned final action.

#### **Conclusion**

Pursuant to Charter Chapter 36, the Office of the Queens County District Attorney has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

***Optional Response to Preliminary Determination:*** If submitted, the Office of the Queens County District Attorney's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, and must be received

in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the Preliminary Determination.

(*Optional Conference*) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Office of the Queens County District Attorney's implementation of the prescribed corrective action(s).

(*No Response Option*) If the Office of the Queens County District Attorney does not respond to this Preliminary Determination within 14 days, it will become the EEPC's Final Determination.

*Mandatory Response to Final Determination:* Following this Preliminary Determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the Office of the Queens County District Attorney must submit a response, signed by the agency head, to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

Samantha Tarallo  
Samantha Tarallo, EEO Program Analyst

Approved by,

Jeanne M. Victor  
Jeanne M. Victor  
Executive Director

c: Tyear Middleton, Principal EEO Professional, Office of the Queens County District Attorney  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
William Peterson, Manager, Labor Relations Analysis and Audit, EEPC

## **Appendix – 1**

Office of the Queens County District Attorney

*CEEDS Report: Work Force Composition Summary*

2nd Quarter of Fiscal Year 2021  
(End of Audit Period)

RUN DATE: 01/05/21  
RUN TIME: 14:31:02.7

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY  
021 AGENCY 894 DISTRICT ATTORNEY QUEENS COUNTY

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REPORT: EBEPR210

QUARTER 2 YEAR 2021 AGENCY 904 WORK FORCE COMPOSITION SUMMARY DISTRICT ATTORNEY-QUEENS COUNTY

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						TOTAL EMP	
		WHITE	BLACK	HISPANIC	ASIAN PACIFIC	AM ALASKA	UN KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIFIC	AM ALASKA	UN KNOWN	OTHER	
05329	SPECIAL ASSISTANT TO THE D	4	0	0	0	0	0	0	0	0	2	0	0	1	0
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	1	0	1	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALYST	0	0	0	0	0	0	1	0	0	1	0	0	0	2
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10050	COMPUTER SYSTEMS MANAGER	0	1	0	0	0	0	0	0	0	0	0	0	0	1
30114	ASSISTANT DISTRICT ATTORNEY	100	9	9	12	1	13	109	27	23	20	0	20	0	343
30221	DIRECTOR OF ALTERNATIVE SE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30222	DIR OF CRIM JUST DATA SHAR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30223	DIR OF INVEST ACCOUNTING A	1	0	0	0	0	0	0	0	0	0	0	0	0	1
30224	DIR OF ELDER ABUSE PROGRAM	0	0	0	0	0	0	1	0	0	0	0	0	0	1
3083A	SUPERVISING RACKETS INVEST	4	0	0	0	0	0	0	1	0	0	0	0	0	5
60801	DIRECTOR OF PUBLIC INFORMA	0	0	0	0	0	1	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING OFF	0	0	0	0	0	0	1	0	0	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		111	10	9	12	1	14	114	29	26	21	0	21	0	368
		30.15	2.72	2.45	3.26	0.27	3.80	30.98	7.88	7.07	5.71	0.00	5.71	0.00	100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

MALE												FEMALE							TOTAL EMP							
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPANIC	ASIAN PACIS	AMERICAN INDIAN	UNKNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AMERICAN INDIAN	UNKNOWN	OTHER												
1002A	ADMINISTRATIVE STAFF ANALYST	0	0	0	0	0	0	0	0	1	0	0	0	0	1											
1002C	ADMINISTRATIVE MANAGER NON PROFESSIONAL	1	0	1	0	0	0	5	1	1	0	0	0	0	9											
30854	SUPERVISING ACCOUNTANT INV	0	0	0	0	0	0	1	0	0	0	0	0	0	1											
40510	ACCOUNTANT	0	0	0	0	0	0	0	0	0	1	0	0	0	1											
EEO JOB GROUP TOTAL.....:												1	0	1	0	0	0	6	1	2	1	0	0	0	0	12
		8.34	0.00	8.33	0.00	0.00	0.00	50.00	8.33	16.67	8.33	0.00	0.00	0.00	100.00											

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

RUN DATE: 01/05/21  
RUN TIME: 14:31:02.7

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)  
WORK FORCE COMPOSITION SUMMARY

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QUARTER 2 YEAR 2021 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

EEO JOB GROUP TOTAL.....:	4	2	0	2	0	0	0	0	0	0	0	0	0	0	11.11	0	0	100.00
	44.45	22.22	0.00	22.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.11	0.00	0.00	100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN				
94353	DISTRICT ATTORNEY	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN				
30080	PARALEGAL AIDE	0	0	1	1	0	2	9	7	7	1	0	0	0	0	0	28
EEO JOB GROUP TOTAL.....:		0	0.00	3.57	3.57	0.00	7.14	32.14	25.00	25.00	3.57	0.00	0.00	0.00	0.00	0.00	28

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN			
10124	PRINCIPAL ADMINISTRATIVE A	1	1	0	0	0	0	4	1	1	0	0	3	0	0	11
EEO JOB GROUP TOTAL.....:		9.10	9.09	0.00	0.00	0.00	0.00	36.36	9.09	9.09	0.00	0.00	27.27	0.00	0.00	11

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN			
10202	PRIVATE SECRETARY	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2
10212	REPORTER/STENOGRAPHER (DA)	0	0	0	0	0	0	10	3	1	0	0	1	0	0	15
10251	CLERICAL ASSOCIATE	3	1	0	0	0	0	7	8	3	0	0	0	0	0	22
10252	SECRETARY	0	0	0	0	0	0	1	2	1	1	0	1	0	0	6
60888	CUSTOMER INFORMATION REPRE	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		6.53	2.17	0.00	0.00	0.00	0.00	43.48	28.26	13.04	2.17	0.00	4.35	0.00	0.00	46

RUN DATE: 01/05/21  
RUN TIME: 14:31:02.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
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WORK FORCE COMPOSITION SUMMARY

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QUARTER 2 YEAR 2021 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 015 POLICE SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN		
30832	SUPERVISING RACKETS INVEST	7	1	2	0	0	0	0	0	0	0	0	0	0	10
30837	CHIEF RACKETS INVESTIGATOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		8	1	2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11
		72.73	9.09	18.18											100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 018 POLICE

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN		
30830	RACKETS INVESTIGATOR	4	1	0	0	0	0	3	1	1	0	0	0	0	10
30831	SENIOR RACKETS INVESTIGATO	30	3	9	2	0	1	1	2	3	0	0	0	0	51
EEO JOB GROUP TOTAL.....:		34	4	9	2	0.00	1.64	6.56	4.92	6.56	0.00	0.00	0.00	0.00	61
		55.73	6.56	14.75											100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 028 LABORERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN		
91406	CITY SEASONAL AIDE	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		0	0	0	0	0.00	0.00	0.00	0.00	100.00	1	0.00	0.00	0.00	1
		0.00	0.00	0.00											100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY  
EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM ALASK	UN- KNOWN		
10209	COLLEGE AIDE	0	1	0	0	0	0	0	0	0	0	0	0	0	1
52406	COMMUNITY SERVICE AIDE	0	3	0	0	0	0	0	0	0	1	0	0	0	4
56056	COMMUNITY ASSISTANT	3	8	6	1	0	1	5	6	15	1	0	2	0	48
56057	COMMUNITY ASSOCIATE	20	10	16	9	0	1	29	18	27	13	0	7	0	150
56058	COMMUNITY COORDINATOR	3	2	4	4	0	0	10	3	2	4	0	1	0	33
EEO JOB GROUP TOTAL.....:		26	24	26	14	0	2	44	27	44	19	0	10	0	236
		11.02	10.17	11.02	5.93	0.00	0.85	18.64	11.44	18.64	8.05	0.00	4.24	0.00	100.00

RUN DATE: 01/05/21  
RUN TIME: 14:31:02.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
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AGENCY TOTAL.....: 188 43 48 31 1 19 202 81 90 44 0 37 0 0 784  
23.99 5.48 6.12 3.95 0.13 2.42 25.77 10.33 11.48 5.61 0.00 4.72 0.00 100.00

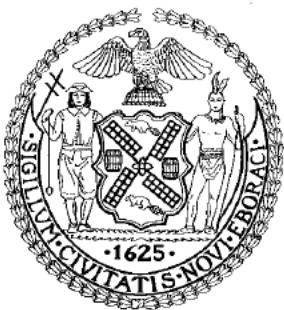
## **Appendix – 2**

Office of the Queens County District Attorney

*Queens County District Attorney Equal Employment Opportunity and Sexual  
Harassment Policy and Program*

April 22, 1993

# **Queens County District Attorney**



## **EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT POLICY AND PROGRAM**

**Kew Gardens, New York  
April 22, 1993**

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

The Queens County District Attorney's Office is committed to providing its employees with a work environment in which all individuals are treated with respect and dignity. This office is an equal opportunity employer and strives to provide equal employment opportunity to all employees and applicants for employment without regard to actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" -- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, familial status, pregnancy, caregiver status, predisposing genetic characteristic, sexual orientation, status as a victim of domestic violence, a sex offense or stalking, unemployment status, consumer credit history and sexual and reproductive health decisions. Some employment actions motivated by the reasons listed are permitted by law, such as where an employer may deny employment on the basis of an applicant's prior record of arrest or conviction if there is a direct relationship between one or more of the applicant's criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (See Correction Law, §752.) In some situations, mandatory forfeiture, disability or bar to employment is imposed by law. (See Correction Law, §751.) This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training, and is intended to be in compliance with City, State and Federal anti-discrimination laws as they relate to employment in this office.

In support of this policy, the Queens County District Attorney's Office expressly prohibits any form of employee discrimination, as well as any form of retaliation against an employee who exercises his or her rights. Furthermore, this office will not discriminate in the assignment of job functions by sex-linked criteria. No work restrictions solely related to reproductive status will be placed on an employee except with the voluntary concurrence of the employee.

The undersigned has appointed an Equal Employment Opportunity Officer who has the overall responsibility for the establishment, development and monitoring of the equal employment program and who shall work with agency managerial and supervisory personnel on the program. The EEO Officer shall report directly to the undersigned on progress and problems in providing equal employment opportunity. The undersigned has also appointed staff members to be Equal Employment Opportunity Coordinators. They will assist the EEO Officer in all aspects of the EEO Program and serve as the primary recipients of any EEO complaints from members of this Office. The names and telephone numbers of the EEO Officer and Coordinators shall be provided in a separate memorandum.

An Equal Employment Opportunity and Sexual Harassment Program Manual has been prepared so that all employees of this office are made aware of the extent of our commitment to a viable EEO Program and are familiar with our internal EEO complaint procedures which should be used if they believe that they are the victim of any form of discriminatory behavior in the work place. If, after reading this manual, any employee has any questions relating to this office's EEO Program, or if he or she is concerned about any activity in this office as it relates to discrimination in the work place, said employee is encouraged to contact the EEO Officer or any of the EEO Coordinators. All inquiries will be treated in the strictest confidence.

Richard A. Brown  
District Attorney

April 22, 1993 (as amended May 20, 2019)  
Kew Gardens, New York

## **POLICY STATEMENT ON SEXUAL HARASSMENT IN THE WORK PLACE**

The Queens County District Attorney's Office is committed to a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Sexual harassment is detrimental to everyone in the work place, for it affects not only the individual victim, but may impact on other persons in the work place who are exposed to or subject to the conduct.

At the Queens County District Attorney's Office, sexual harassment, whether verbal, physical or environmental, and whether in the work place itself or in outside work-sponsored settings, is unacceptable and will not be tolerated. Nor will retaliation against any employee who makes a sexual harassment complaint be tolerated. Sexual harassment is a major offense and anyone who violates this policy may be subject to immediate disciplinary action, including discharge. Also, any supervisor or manager who is aware, or should be aware, of sexual harassment in the work place and fails to report the same to an EEO Coordinator pursuant to this policy is subject to disciplinary action, including discharge. Managers and supervisors must be diligent in enforcing this policy and preventing such conduct.

Sexual harassment is also prohibited by law. Thus, employees engaging in sexual harassment should understand that they may be charged legally for their conduct.

The undersigned has appointed an Equal Employment Opportunity Officer who has the overall responsibility for the establishment, development and monitoring of the sexual harassment program and who shall work with agency managerial and supervisory personnel on the program. The EEO Officer shall report directly to the undersigned on progress and problems in providing a harassment-free work place. The undersigned has also appointed staff members to be Equal Employment Opportunity Coordinators. They will assist the EEO Officer in all aspects of the sexual harassment program and serve as the primary recipients of any sexual harassment complaints from members of this Office. The names and telephone numbers of the EEO Officer and Coordinators shall be provided in a separate memorandum.

The Equal Employment Opportunity and Sexual Harassment Program Manual has been prepared so that all employees of this office are made aware of the extent of this office's commitment to a viable sexual harassment program and are familiar with our internal complaint procedures which should be used if they believe that they are the victim of any form of sexual harassment in the work place. If, after reading this manual, any employee has any questions relating to this office's sexual harassment policy and program, or if he or she is concerned about any activity in this office as it relates to sexual harassment in the work place, said employee is encouraged to contact the EEO Officer or any of the EEO Coordinators. All inquiries will be treated in the strictest confidence.

**Richard A. Brown  
District Attorney**

April 22, 1993  
Kew Gardens, New York

# **EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT POLICY AND PROGRAM MANUAL**

This manual has been prepared so that all employees will be aware of the details of our Equal Employment Opportunity and Sexual Harassment Program as outlined in the Policy Statements of the District Attorney of the County of Queens.

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## **I. OVERVIEW OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROGRAM**

The policies and procedures contained in this Equal Employment Opportunity Program Manual reflect this Office's intention to:

1. review all aspects of employment policies and practices as they relate to selection criteria, recruitment, hiring, promotion, transfer, disciplinary procedures, terminations, benefits, agency-sponsored training and other terms and conditions of employment;
2. determine whether any of the above practices and policies reflect past discrimination and are preventing women, minorities, persons of all religions, national origins, sexual orientations, gender identities, marital status, partnership status, Vietnam era or special disabled veterans, victims of domestic violence or a sex offense or stalking, and the handicapped and disabled from entry into or advancement in employment in accordance with their skill and ability;
3. ensure that all recruitment, hiring and promoting activities reflect this Office's commitment to its Equal Employment Opportunity policy and are in accord with the principles of equal employment opportunity;
4. follow non-discriminatory standards for all decisions on employment so as to further the principles of equal employment opportunity;
5. follow non-discriminatory standards for all other personnel actions such as compensation benefits, transfers, terminations, agency-sponsored training and social and recreation programs so as to further the principles of equal employment opportunity;
6. provide, pursuant to the Vocational Rehabilitation Act of 1983, equal employment opportunity as set forth above to qualified disabled or handicapped persons; and,
7. provide, pursuant to the Vietnam Era Veterans Readjustment Act of 1974, equal employment opportunity as set forth above, to those who are qualified disabled veterans and/or veterans of the Vietnam Era.

## **II. OVERVIEW OF THE SEXUAL HARASSMENT POLICY AND PROGRAM**

### **F. Sexual Harassment Defined**

Sexual harassment is a form of discrimination which is prohibited by Title VII of the Civil Rights Act of 1964 and many state laws. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive, or offensive working environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the work place, but they do prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating and hostile work environment.

### **G. Potentially Sexually Harassing Behavior**

Sexual harassment refers to behavior that is not welcome, that some may find personally offensive, and that fails to respect the rights of others. It may include a range of subtle or not so subtle behaviors. Remember, different people have different ideas as to what is offensive. The following are examples of behaviors which, depending upon the circumstances, may be considered sexual harassment and which will not be tolerated:

- making suggestive or insulting noises or making obscene gestures
- teasing or shunning that is based upon sex or that is sexually oriented
- leering at one's body
- whistling at someone or cat calls
- derogatory or vulgar statements regarding one's sexuality or gender
- unnecessary and inappropriate touching, patting, pinching,

poking or grabbing or attention to one's body, e.g., a male manager habitually puts his hand on the shoulder of a female employee while explaining something to her

- subtle or overt pressure or propositions for sexual favors
- making unwanted sexual compliments, innuendos, suggestions or jokes, repeated offensive sexual flirtations or advances
- telling lies or spreading rumors about a person's sex life
- turning work discussions into sexual topics
- displaying in the work place sexually suggestive visual materials
- standing close or brushing up against a person
- graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- a supervisor or co-worker repeatedly asks an employee for a date
- a co-worker constantly talks about his or her sexual experiences
- actual physical attacks, assaults or molestations of a sexual desire, or threats of such conduct

This list is merely illustrating, and is not an exhaustive list of potentially sexually harassing behavior.

## **H. Individuals Covered Under This Policy**

Sexual harassment may be directed towards males or females. It may be practiced by managers, supervisors, co-workers, support staff and others. Sexual harassment can include harassment between individuals of the same sex.

The policy applies to opposite-sex and same-sex relationships, supervisor-subordinate relationships, peer relationships and complaints from or about non-employees within the District Attorney's control. All employees, managers and supervisors are prohibited from engaging in any form of sexual harassment or allowing it to happen.

## **I. Harassment By Outsiders**

It is the policy of this Office to protect employees from sexual harassment, regardless of the source. If an employee believes that he or she has been harassed by a non-employee or witnesses harassment of an employee by a non-employee while the employee is acting within his or his official duties, the employee should take the same steps as listed in the section delineating this Office's complaint procedure. Managers and supervisors shall respond to harassment by non-employees in the same manner as they would to harassment by employees.

## **J. Conclusion**

This office has developed this policy to ensure that all of its employees can work in an environment free from sexual harassment. The Office will make every reasonable effort to ensure that its entire staff is familiar with the policy and is aware that any complaint received will be thoroughly investigated and resolved appropriately.

Based upon differences in employees' values and backgrounds, some individuals may find it difficult to recognize their own behavior as sexual harassment. To create an awareness of office conduct which may be construed as sexual harassment, we will incorporate sexual harassment training in future managerial, supervisory, EEO, employee orientation and other appropriate training courses. Additionally, a copy of this policy will be given to each new employee.

### **III. RESPONSIBILITIES FOR IMPLEMENTING THE EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT PROGRAM**

#### **A. Responsibilities of the Equal Opportunity Officer and Coordinators**

1. Overseeing the administration and implementation of the EEO and sexual harassment policy and program.
2. Communicating the details of the EEO and sexual harassment policy and program both internally and externally.
3. Identifying problem areas.
4. Assisting managers and supervisors in solving EEO and sexual harassment problems as they arise.
5. Implementing auditing and reporting systems that will both measure the effectiveness of the program and indicate any possible need for remedial action.
6. Serving as liaison between this Office, the Department of Personnel, the City Commission on Human Rights, and organizations and community action groups concerned with employment opportunities for covered groups.
7. Conducting quarterly audits of hiring and promotional patterns to assist in ensuring that the goals of the EEO Program are met.
8. Holding regular discussions with managers, supervisors and employees to insure that this Office's EEO and sexual harassment policies are being followed.
9. Assisting the District Attorney in assuming the EEO responsibilities that are required by the City Charter.
10. Engaging in any necessary on-going remedial action to enhance the effectiveness of the program.
11. Keep abreast of the latest developments in the equal employment and sexual harassment areas and ensuring that managers and supervisors are informed as to these developments.

## **B. Responsibilities of every manager and supervisor**

1. Knowing and following the EEO and sexual harassment policy.
2. Treating all employees that report to them fairly.
3. Striving to ensure that all employees that report to them are assessed, evaluated and advanced without discrimination.
4. Striving to create and maintain a work environment which is free of discrimination and sexual harassment. This means not only refraining from engaging in conduct that might be perceived as discrimination or sexual harassment, but also attempting to detect and, with the assistance of the EEO officer and the EEO coordinators, eliminate any such conduct in which subordinates may engage.
5. Immediately reporting all information regarding acts of discrimination or sexual harassment, gained either by way of complaint or by personal awareness, to an EEO coordinator. Failure to report such information in a timely manner may result in discipline including discharge.
6. Striving to ensure that all employees that report to them are aware of this policy and their right to complain to someone other than a supervisor if they believe they have been victims of discrimination or sexual harassment.
7. Advising their staff that there should be no harassment of or retaliation against any employee who becomes involved in the EEO and sexual harassment internal complaint procedures.

**C. Responsibilities of the EEO Officer and Coordinator in connection with this Offices' internal complaint procedures**

1. Receive any EEO or sexual harassment complaint that is made by a member of this office.
2. Be familiar with anti-discrimination laws, and recent court decisions and procedures, so as to be able to make a clear distinction between discriminatory activities and other issues such as labor relations and performance problems.
3. Explain the internal complaint process to any employee having a complaint
4. Inform any employee having a complaint of his or her right to file a formal complaint outside of this office.
5. Inform any employee having a complaint that the right to file a formal complaint, if timely, is not forfeited by the bringing of any internal complaint.

In addition, the EEO Coordinators shall report directly to the EEO Officer and make recommendations as to the resolutions of any problems that may arise and prepare confidential reports on the nature of any such complaints and forward those reports to the EEO Officer. Those reports shall be maintained, by the EEO Officer, in a secured file.

**IV. INTERNAL EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT COMPLAINT PROCEDURES**

In order to ensure that every employee has the right to voice his or her concerns regarding the employment practices of this Office, and/or to remedy possible discriminatory or sexual harassing activity that has affected them directly, these internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures have been developed. Every effort will be made in order to ensure the confidentiality, to the extent

possible, of these proceedings as well as any records of the proceedings that may be produced.

**A. Filing of EEO and Sexual Harassment complaints**

Any employee of the Queens County District Attorney's Office who believes that they may have been a victim of or a witness to sexual harassment or discrimination based upon race, color, religion, national origin, sex, physical handicap, age, sexual orientation, Vietnam veteran status, or marital status, in regard to the terms and conditions of employment, promotion, assignments, work hours, training opportunities, job upgrading or disciplinary action may file an internal complaint, regardless of who the offender may be.

Complaints may be made in person or in writing to an EEO coordinator. The names and telephone numbers of the EEO coordinators have been provided under separate cover.

**YOU ARE NOT REQUIRED TO CONFRONT AN OFFENDER IN ORDER TO FILE AN INTERNAL COMPLAINT WITH AN EEO COORDINATOR.** However, individuals who believe they are being sexually harassed are encouraged to promptly advise the offender that his or her behavior is unwelcome. Politely but firmly confront the offender and ask him or her to stop. State how you feel about the actions and explain that you are disturbed by them. If practical, have a witness present. Be specific about the exact behavior you want stopped. If you express your complaint orally to the offender, make a written note of what you said , what reaction you received and the time and date of the discussion. Written evidence is helpful if your complaint to the offender does not stop the harassment. While talking to the offender is encouraged as an expeditious means of eliminating the offensive conduct, it is not necessary for an individual to talk directly to an offender, particularly if that approach makes one uncomfortable, in order to file an internal complaint. Even if you do not confront the offender, however, document your complaint, if possible.

**If you receive information regarding discrimination or sexual harassment in your capacity as a supervisor, you are obligated to report it to an EEO coordinator.**

**B. Timeliness in reporting an incident**

Prompt reporting of incidents is important so that action may be taken expeditiously. However, due to the sensitivity of these problems and the emotional toll such misconduct may take on the individual involved, no fixed period has been set for reporting incidents of discrimination or sexual harassment. You should be aware, however, that the ability to investigate the incident and to remedy any existing problem may be hampered by delay in reporting. Additionally, outside agencies may place time limitations on the filing of a formal complaint.

### **C. The Procedure**

Any reported allegations of discrimination or sexual harassment will be investigated in a prompt, sensitive, discreet and confidential manner.

At the request of an employee, an EEO Coordinator shall meet with that employee to discuss his or her allegations of alleged discriminatory or harassing conduct. The EEO Coordinator shall explain the various options available to that employee, and explain the procedure involved. If the employee so desires, and the circumstances warrant, the EEO Coordinator will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory or harassing conduct. No employee will be compelled to file a written complaint. However, if the circumstances warrant, an inquiry into the matter will be conducted regardless of whether a written complaint has been filed.

Within five (5) days after the preparation of the complaint report, an initial conference will be held between the complainant, the EEO Coordinator who received the initial complaint, and, if the EEO Officer determines that circumstances warrant, one or more additional EEO Coordinators. This conference will determine if the matter can be resolved without further administrative action. Documents such as personnel files, memoranda, letters and performance evaluation reports are not required to be provided for this initial conference since its intent is not to determine the merits of the case but merely to determine if a resolution is possible without further procedures.

In the event an initial attempt at a resolution fails, an informal inquiry shall be immediately commenced by the EEO Officer. The EEO Coordinator(s) involved in the inquiry has ten (10) business days in which to complete informal inquiry and an additional five (5) business days to prepare and submit a detailed report of the findings to the EEO Officer with recommendations for correcting or remedying any substantiated acts of discrimination. This time period may be extended at the discretion of the EEO Officer, for good cause. The complainant shall be informed as to any time extensions involved, as well as to the ultimate disposition of the inquiry.

Any employee of the Queens County District Attorney's Office who may have relevant data or information will be directed to cooperate with the inquiry. The investigation of a complaint may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant information. No person who has filed a complaint of discrimination or harassment will be required to confront the alleged offender.

The offender's denial of the charges against him or her will not be sufficient to conclude the investigation of the complainant. Instead, such denial will be carefully weighed in light of the complainant's statement and all relevant evidence collected from other individuals familiar with the facts and circumstances surrounding the complaint.

If the sexual harassment or discrimination threatens the safety of an employee, this Office will take all steps appropriate under the circumstances to remedy the

situation and/or report the incident to the proper authorities.

**D. Confidentiality**

Confidentiality will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved.

During the internal investigation, all information concerning the complaint will be received in confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter. Any report generated as a result of the investigation of a complaint filed under this policy shall ordinarily be maintained as confidential except as to any individuals who need knowledge of the contents of the report in order to evaluate and/or carry out its recommendations.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incident of discrimination or sexual harassment, and to protect the reputation of any employee wrongfully charged.

**E. Protection against retaliation**

Retaliation or discrimination against an individual who makes a report of alleged discrimination or sexual harassment or who assists in providing information relevant to a claim of discrimination or harassment is a serious violation of this policy which will not be tolerated. It is also a violation of law. Retaliation includes discipline, change in working conditions, shunning, or any other type of conduct which occurs as a result of the fact that the employee complained about or resisted sexual harassment or discrimination. Acts of retaliation should be reported immediately and will be handled appropriately.

**F. Founded complaints: sanctions**

This Office considers discrimination and sexual harassment to be major offenses. If an investigation reveals that a complaint is valid, prompt attention and disciplinary action to stop the discrimination or harassment immediately and to prevent its recurrence will be taken. The disciplinary action taken with respect to each violation of this policy will be commensurate with the nature and severity of the particular offense. Those subject to sanctions will be the offending party and managers or supervisors who failed to report the offensive conduct when they knew or should have known of the discrimination or harassment.

The purposes of sanctions are 1) to do whatever is necessary to end discrimination and harassment and to assure a work place free of the same; 2) to impose discipline that will also persuade potential offenders to refrain from proscribed conduct; 3) to express this Office's strong disapproval of an offender's conduct; and 4) to inform offenders that repeated conduct will result in severe discipline up to and including discharge.

Examples of possible sanctions include, but are not limited to:

1. Warnings/reprimands
2. Referral to counseling
3. Suspension without pay
4. Probation
5. Reduction in rank or salary
6. Transfer to another bureau
7. Withholding of promotion
8. Termination
9. Any combination of sanctions

The nature of the sanction will rest in the discretion of the District Attorney. The complaining party will be advised of the corrective action that has been taken.

**G. Unfounded complaints; action to be taken**

If it is found that there is no reasonable cause to believe discriminatory conduct or harassment exists or has existed, the case will be dismissed and closed. The complainant will be informed in writing of the disposition of the case and advised of his or her right to seek reconsideration by the EEO Officer, to retain an attorney or to file a formal complaint with the appropriate agencies listed below.

**H. Appeal process**

Should either the complainant or the alleged offender be dissatisfied with the findings or actions resulting from an allegation of discrimination or sexual harassment , that individual may submit a written request for reconsideration of the matter to the EEO Officer. The Officer will either reconsider the situation and render a final decision in light of the appeal, or forward the request for reconsideration to whomever the Officer deems necessary to conduct or aid in the reconsideration.

I. **Notice concerning one's right to file a complaint with civil rights enforcement agencies.**

Any member of this office who believes that he or she has experienced discrimination or sexual harassment has a right to file a formal complaint with the federal, state or local agencies listed below. You are advised that by making an internal complaint with this office, you are not precluded at any time during or subsequent to the conclusion of these informal proceedings from exercising your rights with these agencies. However, you should make yourself aware of the time limitations, if any, imposed by these agencies.

***The following federal, state and local agencies enforce laws against discrimination and sexual harassment:***

**New York City Commission on Human Rights**

153-01 Jamaica Avenue, Room 203, Jamaica, NY 11432  
(212) 306-7560  
For discrimination complaints, call (718) 722-3131

<https://www1.nyc.gov/site/cchr/index.page>

**New York State Division of Human Rights**

One Fordham Plaza, 4th Floor Bronx, New York 10458  
1-888-392-3644

<https://dhr.ny.gov/complaint>

**United States Equal Employment Opportunity Commission**

**New York District Office**

New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004

1-800-669-4000

[www.eeoc.gov](http://www.eeoc.gov)

**United States Department of Labor**

**Office of Federal Contract Compliance Programs**

201 Varick Street, Room 750, New York NY 10014-4800  
(646) 264-3170

<https://www.dol.gov/ofccp/contacts/regkeyp.htm>

(Information as of 7/16/18)

Employees wishing to pursue this avenue are advised to contact the agency where they wish to file a complaint in order to find out the deadline applicable to their complaint.

## **V. COMMUNICATION OF THE GOALS AND PROCEDURES OF THE EEO AND SEXUAL HARASSMENT PROGRAM**

In order to insure that management, supervisors, employees and applicants for employment are informed that this Office is an Equal Opportunity Employer, and that all are aware of its official policy on Equal Employment Opportunity and sexual harassment, the following steps will be taken:

### **A. Internal Communication**

1. Management and supervisors will be informed of the extent of the agency's responsibility for implementation of the EEO and sexual harassment program.
2. Supervisors will be instructed that they should explain this Office's policy on Equal Employment Opportunity and sexual harassment to their staff.
3. The District Attorney's policy statements on Equal Employment Opportunity and sexual harassment will be posted on all employee bulletin boards.
4. The District Attorney's policy statements on Equal Employment Opportunity and sexual harassment and EEO and sexual harassment program manual will be given to all employees.
5. At orientation sessions, all new employees will receive copies of the District Attorney's policy statements and the EEO and sexual harassment program manual.

### **B. External Communication**

1. In dealing with recruiting sources other than normal civil service channels, applicants will be informed of the Office's policy on Equal Employment Opportunity.
2. When the Office advertises for prospective employees, each advertisement will include information that this Office is an equal

opportunity employer.

## **VI. CONCLUSION**

I want to reaffirm that this Office shall continue to adhere to the letter and the spirit of all anti-discrimination laws, including these guidelines regarding discrimination because of sexual harassment.

This Equal Employment Opportunity and Sexual Harassment Program and its goal of achieving and maintaining equal employment opportunity for all persons is of the highest priority for the Office of the District Attorney, Queens County and has the full and positive support of the management of this Office.

Richard A. Brown  
District Attorney

Dated: April 22, 1993  
Kew Gardens, New York



Vacant  
Chair

**BY EMAIL**

May 12, 2021

Angela Cabrera  
Elaine S. Reiss, Esq.

Arva R. Rice  
Commissioners

Jeanne M. Victor  
Executive Director

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Melinda Katz  
District Attorney  
Office of the Queens County District Attorney  
125-01 Queens Boulevard  
Kew Gardens, New York 11801

Audit Status:  
Evaluation of Sexual Harassment Prevention and Response Practices for Audit  
Period January 1, 2019 to December 31, 2020.  
Determination: **FINAL**  
Resolution #: 2021AP/249-904-(2021)

Dear District Attorney Katz:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: April 16, 2021  
No Response Received.

**Purpose**

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter “entities,” and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide

equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the Office of the Queens County District Attorney's Sexual Harassment Prevention and Response Practices.

As the Office of the Queens County District Attorney falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards<sup>1</sup> to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the Office of the Queens County District Attorney's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

### **Next Steps**

**The assigned compliance-monitoring period is: June 1, 2021 to November 30, 2021. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.**

***If corrective actions remain:*** Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the Office of the Queens County District Attorney has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Office of the Queens County District Attorney will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Office of the Queens County District Attorney is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

***Final Memorandum:*** Upon the Office of the Queens County District Attorney's implementation of the final corrective action, if any, the EEPC requires that the Office of the Queens County District Attorney submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

***If no corrective actions remain:*** In lieu of a response to this Final Determination, the Office of the Queens County District Attorney must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Office of the Queens County District Attorney will be exempt from the abovementioned compliance-monitoring period.

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<sup>1</sup> The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

**Conclusion**

This is the EEPC's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at [jshaw@eepc.nyc.gov](mailto:jshaw@eepc.nyc.gov) or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

*Jennifer Shaw*  
For Jeanne M. Victor  
Executive Director

c: Tyear Middleton, Principal EEO Professional, Office of the Queens County District Attorney  
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
William Peterson, Manager, EEO Analysis and Audit Unit, EEPC  
Samantha Tarallo, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

**FINAL DETERMINATION**

A response indicating progress of Office of the Queens County District Attorney's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the *Annual EEO Plans* and *Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response<sup>2</sup> (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

**Monitoring Required**

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

**Corrective Action #1:** Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

**Agency Response:** No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated: *Equal Employment Opportunity Policy* (EEO Policy); *Employee or Applicant Equal Employment Opportunity Complaint* form; and list of *Equal Employment Opportunity Coordinators*. The updated EEO Policy included an *Equal Employment Opportunity Policy Statement* from the District Attorney.

**EEPC Response:** The EEPC recognizes the entity's commitment to the implementation of Corrective Action #1. To demonstrate compliance, issue and distribute a Policy Statement or Memorandum, signed by the District Attorney, that specifically reiterates the District Attorney's commitment to the prevention of sexual harassment and advises employees of the names and contact information for relevant entity EEO Professionals with whom a complaint may be filed. Provide a copy of the Policy Statement and documentation which demonstrates the distribution/posting of that Policy Statement (i.e., an email showing distribution to all staff, posting to the entity's intranet, etc.). Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #2:** Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO

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<sup>2</sup> Excerpts are italicized.



professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

**Agency Response:** No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated *Equal Employment Opportunity Policy* (EEO Policy); *Employee or Applicant Equal Employment Opportunity Complaint* form; and list of *Equal Employment Opportunity Coordinators*. The updated EEO Policy included the current contact information of the entity's EEO Professionals and included the following procedures for investigating discrimination/sexual harassment complaints: include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint; provide the option to file a complaint anonymously; serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations; generate at the end of each complaint investigation, a conclusive confidential report; establish and implement a policy whereby the agency head reviews the principal investigator's conclusive report, issues a determination adopting, rejecting, or modifying the recommended action; inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure; and ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

**EEPC Response:** The EEPC recognizes the entity's commitment to the implementation of Corrective Action #2. To demonstrate compliance, update the EEO Policy to also include the following procedures for investigating discrimination/sexual harassment complaints: take thorough notes, of words spoken and facts provided, during each interview and include these notes in each complaint file; serve the respondent with a notice of complaint which includes the right to be accompanied by a representative of his/her choice, and maintain in the complaint file documentation regarding the service of notice on the respondent; issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; issue a conclusive report within 90 days of the date the complaint was filed and commence an investigation immediately if allegations raised sufficiently warrant an investigation; in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report, and notify the complainant and respondent of the delay; and notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

In addition, although the complaint procedures included a requirement to generate at the end of each complaint investigation a conclusive confidential report, and establish and implement a policy whereby the agency head reviews the principal investigator's conclusive report and issues a determination adopting, rejecting, or modifying the recommended action, the following required elements within the report must be specified in the policy and procedures: include a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's review; and documentation whereby the Agency Head signs each determination, via writing or electronically, to indicate it has been reviewed and adopted. Additionally, provide documentation which demonstrates the updated EEO Policy was distributed to all new and existing employees or that they were made aware of the posting and availability of the updated EEO Policy on the entity's intranet. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.



**Corrective Action #3:** Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

Agency Response: No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated *Equal Employment Opportunity Policy* (EEO Policy). The EEO Policy stated, “[Q]DA will conduct training and educational sessions in accordance with the requirements of this policy, federal, state, and local law.”

EEPC Response: The EEPC recognizes the entity's commitment to the implementation of Corrective Action #3. To demonstrate compliance, please provide the entity's training plan to ensure all individuals who work within the agency, including managers and supervisors, receive annual training on the prevention of sexual harassment. Additionally, please provide documentation of training completion such as: a summary report of training completions and associated training timetable or a training completion log roster, which includes dates of training completion and the names or employee identification numbers of all employees who were trained on the prevention of sexual harassment in 2020 and/or 2021. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #4:** Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance, provide documentation that demonstrates the entity established a complaint tracking system or log that identifies for each complaint: the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, pertinent dates, and other information necessary to analyze complaint activity to identify trends. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #5:** Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance provide documentation (i.e. directives/statement or formal commitment) of the General Counsel's responsibilities to work with the principal EEO Professional in the implementation of the entity's policies and procedures pertaining to sexual harassment; inform the principal EEO Professional when external complaints or litigation involving sexual harassment are brought against the agency; investigate and respond to external sexual harassment complaints; and the General Counsel's availability to consult on internal EEO investigations. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.



**Corrective Action #6:** Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance, provide documentation that demonstrates the principal EEO Professional, HR Professional, and General Counsel met at least annually to review the number of sexual harassment complaints, and the agency's employment practices, policies and programs to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #7:** Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance, provide documentation demonstrating the appointed principal EEO Professional's training regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints (e.g., certificates of completion or training attendance logs and training materials.) Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #8:** Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response: No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated *Equal Employment Opportunity Policy* (EEO Policy). The EEO Policy stated, “[t]rained EEO coordinators have been designated for each physical QDA location. They are available to provide assistance to complainants and witnesses regarding EEO allegations.” The EEO Policy also noted the following responsibilities of EEO Coordinators: “[s]erve as mandatory reporters but do not personally investigate any matters. Assist employees with understanding the complaint process and provide support as needed; provide guidance regarding required documentation, and any other relevant information such as contact information for local, state, and federal EEO agencies... Post and maintain required EEO materials in visible areas in each physical QDA location. Display their names and contact information on designated posters in their respective QDA office. Follow the confidentiality requirements of this policy, including but not limited to, all complaints, requests for reasonable accommodations, and EEO investigation information. Immediately report any allegation of misconduct against an EEO coordinator to the Chief Diversity/EEO Officer.” Additionally, the EEO Policy stated, “[a]n EEO Coordinator/Officer who receives a complaint of discrimination or harassment must document information relevant to the complaint, including the date and time of the initial meeting with the complaining party, the dates of any incidents, the

*substance of the complaint and the names of individuals who were involved or witnesses to the incidents... The EEO Officer/Coordinator shall arrange to meet with the person complaining of discrimination or harassment in a facility that will promote confidentiality."*

**EEPC Response:** The EEPC recognizes the entity's commitment to the implementation of Corrective Action #8. The entity's *Equal Employment Opportunity Coordinators* list demonstrated multiple EEO professionals were selected from different office locations and levels within the organizational structure. To demonstrate compliance, provide documentation which demonstrates each of the entity's EEO Coordinators were trained in EEO laws and procedures and their responsibilities under the EEO Policy, including complaint intake. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #9:** Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

**Agency Response:** No formal response was provided.

**EEPC Response:** To demonstrate compliance, provide documentation such as: a procedure or policy that requires a cooperative relationship between the legal and EEO staff or units, and documentation of the cooperative relationship between the principal EEO Professional and the General (or relevant) Counsel in implementing EEO policies and procedures. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #10:** Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

**Agency Response:** No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated *Equal Employment Opportunity Policy* (EEO Policy) and list of *Equal Employment Opportunity Coordinators*. The EEO Policy stated the "EEO Officer ...has the overall responsibility for assuring equal opportunity in employment throughout QDA, establishing positive action plans to assure adherence to the Executive Office's policies, providing for equitable resolution of complaints of discrimination, harassment, and enforcing QDA's commitment to EEO" and "[i]f the EEO Officer determines that the complaint is appropriate for review pursuant to this policy, the EEO Officer must immediately initiate an investigation." The EEO Policy further stated EEO Coordinators had the responsibility to, "[p]ost and maintain required EEO materials in visible areas in each physical QDA location." Additionally, the EEO Policy stated, "[a]nyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a manager, supervisor, EEO Coordinator, or EEO Officer. Managers and supervisors must report, and must also self-report allegations of sexual harassment." The EEO Policy established, "[Q]DA will conduct training and educational sessions in accordance with the requirements of this policy, federal, state, and local law" under which was a footnote acknowledging "[u]nder Local Law 96 of 2018, employers with 15 or more employees are required to conduct annual anti-sexual harassment training for all employees."



**EEPC Response:** The EEPC recognizes the entity's commitment to the implementation of Corrective Action #10. Although the EEO Policy indicated EEO Coordinators are assigned the responsibility to “[p]ost and maintain required EEO materials in visible areas in each physical QDA location” it is not clear if this includes posting the entity's policies against sexual harassment and complaint procedures. To demonstrate compliance, specify if the principal EEO Professional (or EEO-related designee) is assigned the responsibility to ensure, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations and make EEO-related policies available in alternative formats (i.e., large print, audio recording and/or Braille) upon request. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #11:** Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

**Agency Response:** No formal response was provided.

**EEPC Response:** To demonstrate compliance, provide meeting minutes, memos, directives, or correspondence between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional, which pertain to directives or decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment. Also provide documentation that demonstrates subsequent implementation of the decisions or actions taken by the entity as a result of the directives. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #12:** Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

**Agency Response:** No formal response was provided, however on May 3, 2021, the Office of the Queens County District Attorney provided a copy of the entity's updated *Equal Employment Opportunity Policy* (EEO Policy). The EEO Policy established the expectation, “[m]anagers and supervisors are responsible for ensuring that this policy is fully implemented and that everyone complies...Managers and supervisors that are aware of a QDA employee engaging in prohibited conduct must report all allegations of prohibited conduct, gained either by way of complaint or personal observation. Failure to report an employment discrimination complaint, including retaliation, to the EEO Officer as required, will be subject to disciplinary action.”

**EEPC Response:** The EEPC recognizes the entity's commitment to the implementation of Corrective Action #12. To demonstrate compliance, provide documentation that demonstrates implementation of the expectation that supervisors are held accountable for enforcing the agency's sexual harassment policies and complaint procedures (e.g., sign-in sheets from meetings between supervisors and subordinates regarding EEO accountability, a current managerial evaluation form which contains a pertinent rating, etc.). Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

**Corrective Action #13:** Ensure the managerial performance evaluation form contains 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).



Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance, provide a managerial performance evaluation that contains a pertinent EEO rating, which includes responsibilities and processes for assuring managers and supervisors make employment decisions based on merit and equal consideration, and treat others in an equitable and impartial manner. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #14: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response: No formal response was provided.

EEPC Response: To demonstrate compliance, provide the entity's annual plan of measures and programs to provide equal employment opportunity for fiscal years 2019 and 2021. Submit the Agency Quarterly Diversity and EEO Report for quarters three and four (Q3 and Q4) of fiscal year 2019, quarters one through three (Q1-Q3) of fiscal year 2020, and quarter two (Q2) of fiscal year 2021. Include a breakout of sexual harassment complaint activity, or affirmation of no complaint activity, in each quarterly report. The annual plans and quarterly reports must also be submitted via [DiversityEEOPlansQuarterlyReports@eepc.nyc.gov](mailto:DiversityEEOPlansQuarterlyReports@eepc.nyc.gov). Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Final Action: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.



RESOLUTION NO.

2021AP/249-904-(2021)

Office of the Queens County District Attorney

District Attorney Melinda Katz

Sexual Harassment Prevention and Response Practices

DETERMINATION: FINAL

S Y N O P S I S

**Corrective Action(s):** Total: 14

**Period Audit Covered:** January 1, 2019 to December 31, 2020

**Preliminary Determination Issued:** April 16, 2021 No Response Received

**Final Determination Issued:** May 12, 2021 Response Due June 11, 2021

**Compliance-Monitoring:** Required June 1, 2021 to November 30, 2021

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Office of the Queens County District Attorney’s Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Office of the Queens County District Attorney’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 16, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
8. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Ensure the managerial performance evaluation form contains 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 on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 12, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2021 to November 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on May 12, 2021, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

**Be It Resolved**, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for

minority group members and women, the EEPC approves the issuance of this Final Determination to District Attorney Melinda Katz to assign compliance-monitoring.

Approved unanimously on June 10, 2021.

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/s/Angela Cabrera

Angela Cabrera

Commissioner/Mayoral Appointee

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/s/Elaine S. Reiss

Elaine S. Reiss, Esq.

Commissioner/Mayoral Appointee

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/s/Arva R. Rice

Arva R. Rice

Commissioner/City Council Appointee

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Vacant

Commissioner/City Council Appointee

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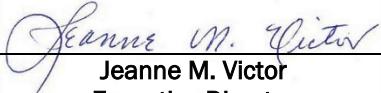
/s/Aldrin Rafael Bonilla

Aldrin Rafael Bonilla

Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,

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Jeanne M. Victor

Executive Director



**QUEENS COUNTY DISTRICT ATTORNEY**  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568

**MELINDA KATZ**  
DISTRICT ATTORNEY

718.286.6000  
[WWW.QUEENSDA.ORG](http://WWW.QUEENSDA.ORG)

**BY E-MAIL**

June 11, 2021

Jeanne M. Victor  
Executive Director  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

Dear Executive Director Jeanne M. Victor,

Please let this letter serve as the Office of the Queens County District Attorney's (QDA) formal response to the Final Determination of the Equal Employment Practices Commission (EEPC), Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2019 – December 31, 2020.

**Corrective Action #1**

**Agency Response:** Subsequent to the period in review, QDA reiterated the District Attorney's commitment to the prevention of sexual harassment and advised employees of the name and contact information of [REDACTED] Chief Diversity/EEO Officer with whom a complaint may be filed. An updated EEO Policy and Sexual Harassment Prevention Policy was posted on employee computer desktops via a folder icon entitled "QDA EEO Policy."

**Corrective Action #2**

**Agency Response:** Subsequent to the period in review, an updated EEO Policy and Sexual Harassment Prevention Policy that included uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO Coordinators, as well as federal, state, and local agencies that enforce laws against discrimination/sexual harassment was made available to all employees.

**Corrective Action #3**

**Agency Response:** QDA required all individuals who work within the agency, including managers and supervisors, complete training on the prevention of sexual harassment by December 31, 2020.

**Corrective Action #4**

**Agency Response:** QDA will fully utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and

the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

**Corrective Action #5**

**Agency Response:** QDA affirms that the Counsel to the DA/General Counsel assists the District Attorney in identifying and determining appropriate responses to sexual harassment; works with the Chief EEO Officer in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the Chief EEO Officer when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints

**Corrective Action #6**

**Agency Response:** QDA affirms there were no sexual harassment complaints during the period in review. The Chief EEO Officer, Chief of Staff, and Counsel to the DA/General Counsel reviewed the agency's employment practices identifying barriers to employment opportunities that may be related to sexual harassment and corrected deficiencies by updating the Sexual Harassment Prevention Policy.

**Corrective Action #7**

**Agency Response:** On July 20, 2020 QDA appointed [REDACTED] as the Chief EEO Officer to implement EEO policies and standards with the agency. Chief Middleton is trained regarding city, state, and federal EEO laws, the requirements of the agency's EEO policies, standards and procedures, and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

**Corrective Action #8**

**Agency Response:** Subsequent to the period of review, QDA appointed and trained additional EEO Coordinators, from various positions and locations throughout the office. The appointed EEO Coordinators were trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

**Corrective Action #9**

**Agency Response:** QDA affirms that the Chief EEO Officer works cooperatively and closely with the Counsel to the DA/General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

**Corrective Action #10**

**Agency Response:** [REDACTED] is the Chief EEO Officer. She has the overall responsibility for assuring equal opportunity in employment throughout QDA, establishing positive action plans to assure adherence to the Executive Office's policies, providing for equitable resolution of complaints of discrimination, harassment, and enforcing QDA's commitment to EEO. Additionally, she ensures that: the policies against sexual harassment and complaint procedures are distributed/posted at all QDA locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

**Corrective Action #11**

**Agency Response:** QDA affirms that documentation will be maintained between the District Attorney and the Chief EEO Officer regarding decisions that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

**Corrective Action #12**

**Agency Response:** Managers and supervisors are held accountable for enforcing QDA's sexual harassment prevention policies and complaint procedures. Managers and supervisors are mandatory reporters and must also self-report allegations of sexual harassment.

**Corrective Action #13**

**Agency Response:** Managerial performance evaluations contain a pertinent rating for EEO.

**Corrective Action #14**

**Agency Response:** QDA's Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter, including a breakout of sexual harassment complaint activity in each quarterly report is enclosed.

The Queens County District Attorney's Office thanks you and your staff for your dedicated service to the City of New York.

In Service



Tyear K. Middleton

Chief Diversity/Chief EEO Officer

Approved by:



Melinda Katz

District Attorney

c: Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC  
William Peterson, Manager, EEO Analysis and Audit Unit, EEPC  
Samantha Tarallo, EEO Program Analyst, EEPC

Enclosed: Corrective Action Attachments



# Memorandum

**TO:** All Employees  
**FROM:** Equal Employment Practices Commission  
**DATE:** 11/30/2021  
**RE:** Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices  
Office of the Queens County District Attorney

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The New York City Charter requires the Equal Employment Practices Commission (EEPC) to conduct an audit once every four years to ensure each City agency or municipal entity (collectively “agency”) complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

The EEPC recently concluded an audit and evaluation of the Office of the Queens County District Attorney’s practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and identified enhancement by means of the following:

- Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
- Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
- Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
- Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved



individuals, and other information necessary to analyze complaint activity to identify trends.

- Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
- Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
- Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
- Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
- Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
- Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated
- Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.



- Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
- Ensure the managerial performance evaluation form contains 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).
- Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Through successful completion of the EEPC's audit, evaluation, and monitoring processes and the aforementioned enhancements District Attorney Katz reaffirms the commitment to ensuring that the Office of the Queens County District Attorney's employment practices encourage and maintain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency's equal employment opportunity policies.



**Aldrin Rafael Bonilla**  
Chair/Commissioner

**Minosca Alcantara**  
**Elaine S. Reiss, Esq.**  
Commissioners

**Jeanne M. Victor**  
Executive Director

**Jennifer Shaw, Esq.**  
Executive Agency Counsel/  
Director of Compliance

**253 Broadway**  
**Suite 602**  
**New York, NY 10007**

212. 615. 8939 tel.  
212. 676. 2724 fax

**BY EMAIL**

December 16, 2021

**Melinda Katz**  
District Attorney  
Office of the Queens County District Attorney  
125-01 Queens Boulevard  
Kew Gardens, New York 11801

**Re:** Resolution #2021AP/253-904-(2021)C50  
**DETERMINATION: Compliance**

Dear District Attorney Katz:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and principal EEO Professional Tyear Middleton for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aldrin R. Bonilla".

**Aldrin Rafael Bonilla**  
Chair/Commissioner

c: Tyear Middleton, Principal EEO Professional, Office of the  
Queens County District Attorney

**Monitoring of Sexual Harassment Prevention and Response Practices**

**RESOLUTION NO.**

**2021AP/253-904-(2021)C50**

**Office of the Queens County District Attorney**

**District Attorney Melinda Katz**

**DETERMINATION: COMPLIANCE**

**S Y N O P S I S**

**Corrective Action(s):**

Total: 14

**Period Audit Covered:**

January 1, 2019 to December 31, 2020

**Preliminary Determination Issued:**

April 16, 2021 No Response Received

**Final Determination Issued:**

May 12, 2021 Response Received June 11, 2021

**Compliance-Monitoring:**

Required June 1, 2021 to November 30, 2021  
without extension

**Whereas**, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

**Whereas**, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

**Whereas**, the EEPC conducted an audit, review, and evaluation of the Office of the Queens County District Attorney’s Sexual Harassment Prevention and Response Practices; and

**Whereas**, pursuant to the audit, review, and evaluation of the Office of the Queens County District Attorney’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 16, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.
4. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.
5. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
6. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
7. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
8. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
9. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
10. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations;

employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated

11. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
12. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
13. Ensure the managerial performance evaluation form contains 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 on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

**Whereas**, within a two-week deadline following the EEPC's Preliminary Determination, the entity did not submit a preliminary response; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 12, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2021 to November 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), on June 11, 2021, the entity issued a response to the EEPC's Final Determination; and

**Whereas**, in accordance with Charter Chapter 36, Section 832(c), the Office of the Queens County District Attorney was monitored until November 30, 2021; and

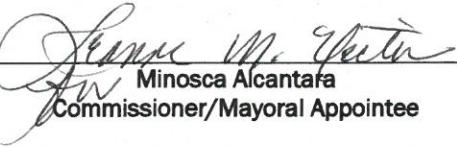
**Whereas**, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the District Attorney submitted a copy of a memorandum to staff dated November 30, 2021, which recognized the EEPC's audit and reiterated commitment to the Office of

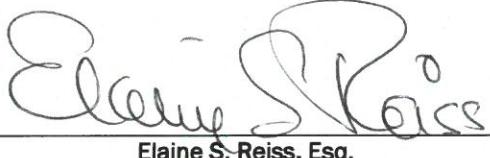
the Queens County District Attorney's equal employment practices; Now Therefore,

**Be It Resolved**, that the Office of the Queens County District Attorney has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

**Be It Resolved**, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to District Attorney Melinda Katz of the Office of the Queens County District Attorney.

Approved unanimously on December 16, 2021.

  
\_\_\_\_\_  
Minosca Alcantara  
Commissioner/Mayoral Appointee

  
\_\_\_\_\_  
Elaine S. Reiss, Esq.  
Commissioner/Mayoral Appointee

Vacant  
Commissioner/City Council Appointee

Vacant  
Commissioner/City Council Appointee

  
\_\_\_\_\_  
Aldrin Rafael Bonilla  
Chair/Commissioner/Joint Appointee

**EEPC**

EQUAL EMPLOYMENT PRACTICES COMMISSION

# Determination of Compliance

This

is hereby issued to

## Office of the Queens County District Attorney

for successful implementation of **14** required corrective action(s),  
thereby achieving compliance with the Equal Employment Practices Commission's  
Sexual Harassment Prevention and Response Practices  
from January 1, 2019 to this date.

On this 16<sup>th</sup> day of December in the year 2021,



Aldrin Rafael Bonilla, Chair / Commissioner



Jeanne M. Victor, Executive Director

In care of District Attorney Melinda Katz  
And principal EEO Professional Tyear Middleton