



Sasha Neha Ahuja
Chair

Angela Cabrera
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry
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

September 14, 2020

Bridget G. Brennan
Special Narcotics Prosecutor
Office of the Special Narcotics Prosecutor for the City of New York
80 Centre Street, 6th Floor
New York, NY 10030

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Audit for Audit Period
January 1, 2018 to December 31, 2019.
Determination: **PRELIMINARY**

Dear Special Narcotics Prosecutor Brennan:

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 Special Narcotics Prosecutor for the City of New York's Sexual Harassment Prevention and Response Audit for the period covering January 1, 2018 to December 31, 2019.

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 Special Narcotics Prosecutor for the City of New York, 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 entities¹ 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 Special Narcotics Prosecutor for the City of New York on January 3, 2020; the completed PIQ(s) were returned on January 24, 2020. Supporting documentation was attached. Additional requests were not necessary.

The following determination indicates where the Office of the Special Narcotics Prosecutor for the City of New York has or has not complied, in whole or in part, with the established Standards.

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

Description of the Agency

The Office of the Special Narcotics Prosecutor for the City of New York (OSNP) is an independent prosecutors' office with citywide jurisdiction, responsible for felony narcotics investigations and prosecutions in the five boroughs of New York City. Founded in 1971, it is the only agency of its kind in the United States. Created in response to a burgeoning heroin epidemic and a related spike in violent crime, OSNP was granted broad authority under New York State Judiciary Laws to root out sophisticated narcotics trafficking organizations and track offenders across traditional jurisdictional boundaries. Since its inception, OSNP has worked closely with local, state and federal law enforcement partners to improve the lives of New Yorkers by making neighborhoods safer. Cases are brought to OSNP by federal, state and local law enforcement agencies, including the U.S. Drug Enforcement Administration; the New York Drug Enforcement Task Force; the U.S. Postal Service; the New York City Police Department; the New York State Police; Port Authority Police; and SNP's Investigators Unit. (Source: The OSNP website, 3/2019) At the end of the period in review, OSNP's workforce was comprised of 221 employees (according to the Citywide Equal Employment Database System (CEEDS) report *Work Force Composition Summary*, attached as **Appendix 1**).

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.
 - ✓ On February 23, 2018 and February 28, 2019, the Special Narcotics Prosecutor issued to all staff via hard copy a memorandum entitled *Policy Statement on Preventing Sexual Harassment in the Work Place* (Sexual Harassment Policy Statement) that stated, "[a]s Special Narcotics Prosecutor, I view sexual harassment, in any form, as unacceptable conduct by any employee of the Office of Special Narcotics. All employees of the Office of Special Narcotics Prosecutor should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment." On February 28, 2018 and March 6, 2019, the principal EEO Professional informed all employees via email that the Sexual Harassment Policy Statement was placed in all OSNP employee mailboxes. The email titled *Link to "About EEO: What You May Not Know"*, stated, "[b]elow is the link to the NYC EEO Policy Handbook prepared by DCAS. As EEO Officer for SNC (sic), I recommended everyone read the handbook, in addition to the policy memos placed in your mailboxes, to reacquaint yourself with the law and office policy as they pertain to EEO matters. Should you have any questions about the law relating to EEO, please feel free to contact me."
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.

- ✓ On February 23, 2018 and February 28, 2019, the Special Narcotics Prosecutor issued to all staff via hard copy in the form of memoranda: the *Equal Employment Opportunity Policy* (OSNP EEO Policy, attached as **Appendices 2 and 3**), the *Discrimination Complaint Procedures* (OSNP Complaint Procedures, attached as **Appendices 4 and 5**), and the Sexual Harassment Policy Statement. The OSNP EEO Policy included current contact information (i.e. name, EEO title, phone number, email address, and room number) for the entity's EEO professionals and expressed the entity's position against employment discrimination. The OSNP EEO Policy stated, "[t]he Office of Special Narcotics Prosecutor is an Equal Employment Opportunity Employer. As Special Narcotics Prosecutor, it is my policy that this office will maintain fair employment practices for all its members at all times."² The OSNP Complaint Procedures covered the following topics: *How to File an EEO Complaint*, *Prohibition on Retaliation*, and *External Resources*. The OSNP Complaint Procedures included contact information (i.e. name, street address, phone number, and web address) for the New York Commission on Human Rights, New York State Division on Human Rights, and the United States Equal Employment Opportunity Commission, which are the federal, state and local agencies that enforce laws against discrimination.
- The OSNP EEO Policy did not include or attach as an addendum uniform and responsive procedures for investigating discrimination/sexual harassment complaints. Specifically, the OSNP EEO Policy and the OSNP Complaint Procedures did not include the following requirements: 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; 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; 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; 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. **Corrective Action Required.**

² The OSNP EEO Policy also stated, "[a]ll managers and supervisors must make all employment decisions in accordance with this EEO Policy, and ensure compliance with the policy in their areas of responsibility."

NOTE: On February 28, 2018 and March 6, 2019, the principal EEO Professional of OSNP distributed to all staff via email a web link to *About EEO: What You May Not Know*, which is a companion document to the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014* (Citywide EEO Policy). The email stated, "[b]elow is the link to the NYC Policy Handbook prepared by DCAS. As EEO Officer for SNC [Special Narcotics Courts], I recommend everyone read the handbook, in addition to the policy memos placed in your mailboxes, to reacquaint yourself with the law and office policy as they pertain to EEO matters. Should you have any questions about the law relating to EEO, please feel free to contact me." OSNP should clarify whether it follows the Citywide EEO Policy or its own OSNP EEO Policy and OSNP Complaint Procedures.

Corrective Action #1: 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.

✓ A training completion report prepared by the Department of Citywide Administrative Services (DCAS) of its computer-based *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* training (Sexual Harassment Prevention training) demonstrated that 123 OSNP employees (approximately 56% of the workforce headcount at the end of the period in review) completed Sexual Harassment Prevention training in 2018, and 118 OSNP employees (approximately 53% of the workforce headcount at the end of the period in review) completed Sexual Harassment Prevention training in 2019. The Sexual Harassment Prevention training covered the following topics: *Sexual Harassment, Federal, State and Local Laws, Prevention Techniques, and Procedures for Filing A Complaint*.

➤ OSNP did not demonstrate that it established a training plan for all individuals who work within the entity, including managers and supervisors, to ensure they received training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures. OSNP did not demonstrate that 44% and 47% of employees completed Sexual Harassment Prevention training in 2018 and 2019, respectively. **Corrective Action Required.**

Corrective Action #2: 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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. Section I: *How to File an EEO Complaint* of the OSNP Complaint Procedures stated, “[a]n EEO Counselor will prepare, with the complainant, a written report detailing the specific allegations of the discriminatory acts(s).”
 - The entity did not provide a complaint intake form that allows space to capture 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. **Corrective Action Required**.

Corrective Action #3: 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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not 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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and the right to be accompanied by a representative of his/her choice; and to maintain in the complaint file documentation regarding the service of the notice on the respondent (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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives 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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to take thorough notes, of words spoken and facts provided, during each interview and to include these 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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. Section I: *How to File an EEO Complaint* of the OSNP Complaint Procedures stated, “[a]n initial conference will be held, within five (5) days after the preparation of the complaint report between the complainant and the EEO Counselor...The EEO Officer has sixty (60) business days to complete this inquiry, prepare and submit a report of the findings to the complainant, and prepare a detailed report of the findings with recommendations for correcting or remedying any substantiated acts of discrimination.”

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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to specify in the complaint file the reason for the delay and project a time frame for completion of the report when a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days. Also, the OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to 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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives 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 § 1.2 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 reported in response to EEPCC's PIQ that complaint files were stored "*in the EEO Professional's Office and in the HR office.*"
- The entity did not demonstrate that complaint files can be located and reviewed by the agency head, agency counsel, and other appropriate staff identified by the agency head. **Corrective Action Required.**

Corrective Action #4: 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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to establish and implement a policy whereby the agency head 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 § 1.2 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.

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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedures (see § 1.2 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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result (see § 1.2 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 compliance of the OSNP EEO Policy and the OSNP Complaint Procedures. The OSNP EEO Policy and the OSNP Complaint Procedures did not provide directives to notify the complainant and the respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint (see § 1.2 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.

NOTE: The entity reported that there were no complaints filed during the audit period in review; as a result, compliance with this standard could not be assessed.

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 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; 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 Required.

NOTE: The entity reported that there were no complaints filed during the audit period in review; as a result, the EEPC could not assess if the General Counsel informed the principal EEO Professional when external complaints or litigation involving sexual harassment were brought against the entity.

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.

- ✓ An email from April 2, 2019, with the subject *FW: Work Force by Civil Service Status and Pay Class (EBMPR355) For Agency 906*, indicated that the principal EEO Professional, the HR Director and the Chief Diversity Officer/Co-Chief of the Violent Gang Unit planned to meet quarterly to discuss workforce composition statistics and if changes to the hiring practices were warranted. OSNP reported in response to the EEPC's PIQs that it reviewed CEEDS reports to help identify any trends in hiring/retention of employees that negatively impacts certain groups.
- Although OSNP planned to meet to discuss hiring trends in 2019, OSNP did not demonstrate that the principal EEO Professional, HR Professional, and General Counsel, reviewed the number of sexual harassment complaints and the entity'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. **Corrective Action Required.**

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 *Administrative Assistant District Attorney* was appointed principal EEO Professional (in the title EEO Officer) by the Special Narcotics Prosecutor and identified in the OSNP EEO Policy in 2018 and 2019. The OSNP EEO Policy stated, "[a]dministrative Assistant District Attorney [name] is the office's EEO Officer. The EEO Officer has authority to recommend to the Special Narcotics Prosecutor that disciplinary actions be taken against any employee who has committed an unlawful discriminatory act." A certificate of completion from Cornell University's School of Industrial and Labor Relations confirmed the principal EEO Professional completed the *Equal Employment Opportunity Studies Complaint Handling* certification program on December 12, 2008. Certificates of completion from the DCAS Division of Citywide Equal Employment Opportunity (DCEEO, currently the Office of Citywide Equity and Inclusion) confirm the principal EEO Professional completed *Basic Training for Equal Employment Opportunity Representatives* on September 23, 2008, and Sexual Harassment Prevention training in 2018 and 2019 (see § II.3 for details about sexual harassment prevention training).
- The entity did not demonstrate that the principal EEO Professional is currently trained on city, state, federal EEO laws; the requirements of the entity'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.

- ✓ During the period in review, the principal EEO Professional was provided access to opportunities for continuing education and professional development (see § V.20 for details). The OSNP EEO Policies identified EEO Counselors to help ensure the responsibilities of the principal EEO Professional were competently discharged. The 2018 OSNP EEO Policy identified the HR Director and Chief Diversity Officer/Co-Chief of the Violent Gang Unit as EEO Counselors. The 2019 OSNP EEO Policy identified the HR Director, Deputy Bureau Chief and Confidential Secretary/Extradition Specialist as EEO Counselors.

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, OSNP's workforce included 221 employees at several different locations throughout the five (5) boroughs of the City of New York. The 2018 OSNP EEO Policy indicated that OSNP had three (3) EEO professionals from a variety of levels within the organizational structure. The 2019 OSNP EEO Policy indicated that OSNP had four (4) EEO professionals from a variety of levels within the organizational structure.

The OSNP EEO Policy outlined the responsibilities of EEO Counselors included “*receiving any EEO complaint*” and the OSNP Complaint Procedures detailed “[a] *complaint may be made in person or in writing to an EEO Counselor or to the EEO Officer. An EEO Counselor will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory act(s).*” A certificate of completion from the DCAS Citywide Learning and Development/Citywide Training Center confirmed that the HR Director completed *Building an Inclusive Culture: Understanding Unconscious Bias* on May 8, 2019, and *Conflict Resolution Strategies for the Culturally Diverse Workplace* on March 11, 2019. A letter from Cornell University's School of Industrial and Labor Relations confirmed the HR Director completed *Employee Internal Investigations: Part I* on May 22, 2019 and May 23, 2019. According to Cornell University's School of Industrial and Labor Relations' web page, training topics included employment laws, how to conduct investigations, and work strategically to manage employee situations, employment policies potential legal issues and the importance of seeking advice. A certificate of completion from the DCAS Citywide Learning and Development/Citywide Training Center confirmed that the Chief Diversity Officer/Co-Chief of Violent Gang Unit completed *Diversity and Equal Employment Opportunities Basic Training* on May 3, 2012.

- OSNP did not demonstrate that the Deputy Bureau Chief and the Confidential Secretary/Extradition Specialist were trained in EEO laws and procedures and their responsibilities under the OSNP EEO Policy and the OSNP Complaint Procedures. **Corrective Action Required.**

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.

- OSNP 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 OSNP EEO Policy and the OSNP Compliant Procedures identified a supervisory relationship between the principal EEO Professional and the EEO Counselors. The OSNP EEO Policy indicated “[t]he EEO Officer has the authority to recommend to the Special Narcotics Prosecutor that disciplinary actions be taken against any employee who has committed an unlawful discriminatory act.” The OSNP Complaint Procedures indicated a supervisory reporting structure by stating, “An EEO Counselor will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory act(s). A copy of this confidential report will be sent to the EEO Office. An initial conference will be held, within five (5) days after the preparation of the complaint report, between the complainant and the EEO Counselor. . . . In the event an initial attempt at a resolution fails, an inquiry shall be immediately commenced by the EEO Officer. The EEO Officer has sixty (60) business days to complete this inquiry, prepare and submit a report of the findings to the complainant, and prepare a detailed report of the findings with recommendations for correcting or remedying any substantiated acts of discrimination.”

On February 28, 2018 and March 6, 2019, the principal EEO Professional informed all employees via email that the Sexual Harassment Policy Statement was placed in all OSNP employee mailboxes. The Sexual Harassment Policy Statement provided guidelines to all employees, including managers, supervisors and human resources professionals, on conduct that may be considered sexual harassment, and advised that “[a]ll employees of the Office of Special Narcotics Prosecutor should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment. . . . Any manager or supervisor who knows of a sexually intimidating or hostile environment or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct should consult with the EEO officer. (sic)”

Because there were no complaints, the OSNP Complaint Procedures was assessed to determine that allegations of discrimination, including sexual harassment, were to be promptly investigated. Section I: *How to File an EEO Complaint* of the OSNP Complaint Procedures stated, “[a]n initial conference will be held, within (5) days after the preparation of the complaint report between the complainant and the EEO Counselor.”

- OSNP did not assign the principal EEO Professional the responsibility to ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; and EEO-related policies are made available in alternative formats upon request. **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.

- ✓ An organization chart provided by OSNP identified the principal EEO Professional by name and title (EEO Officer) and illustrated a direct reporting relationship between the principal EEO Professional and the agency head.

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 it maintained documentation regarding directives or decisions between the agency head 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 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 OSNP EEO Policy established expectations for managers and supervisors to enforce sexual harassment prevention policies and complaint procedures. The OSNP EEO Policy stated, "[a]ll managers and supervisors must make all employment decisions in accordance with this EEO Policy, and ensure compliance with the policy in their areas of responsibility." OSNP ensured managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and procedures by documenting this expectation on its *Special Narcotics Courts Office of Prosecution Managerial/Supervisory Evaluation* (see § VI.28 for details).

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 *Special Narcotics Courts Office of Prosecution Managerial/Supervisory Evaluation*, the entity's managerial performance evaluation form, captured a rating for the following: "*Unit Morale- refers to the supervisor's ability to create favorable attitudes with the employees by treating employees without favor or prejudice and by building a spirit of teamwork. . . . Administration Policy and Procedures- refers to supervisor's understanding and implementation of office policies and procedures, including but not limited to, personnel rules, leave regulations, safety regulations, EEO policies and procedures and his/her ability to secure compliance by his/her employees with those policies and procedures.*"

VII. Reporting Standard for Agency Head

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

29. Submit to the EEPD 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 did not submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity for 2018, 2019 and 2020. **Corrective Action Required.**

Corrective Action #12: Submit to the EEPD 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 EEPD'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 EEPD's audit/monitoring. This final action is required to conclude the audit and monitoring process.

FINAL ACTION: Upon the EEPD'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 EEPD's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Summary of Corrective Actions:

The Office of the Special Narcotics Prosecutor for the City of New York has 13 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the Office of the Special Narcotics Prosecutor for the City of New York 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 Special Narcotics Prosecutor for the City of New York'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.

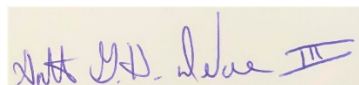
(Optional Conference) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the Office of the Special Narcotics Prosecutor for the City of New York's implementation of the prescribed corrective action(s).

(No Response Option) If the Office of the Special Narcotics Prosecutor for the City of New York 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 Special Narcotics Prosecutor for the City of New York 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,



Arthur G.H. DeVore III, EEO Program Analyst

Approved by,



Charise L. Terry
Executive Director

c: Thomas Van Noy, Principal EEO Professional, OSNP
William Peterson, Manager, EEO Analysis and Audit Unit, EEPC

Appendix – 1

Office of the Special Narcotics Prosecutor for the City of New York
Citywide Equal Employment Database System (CEEDS) Report:

Work Force Composition Summary

2nd Quarter, Fiscal Year 2020

(End of Audit Period)

RUN DATE: 01/03/20
RUN TIME: 13:44:07.0

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2020 AGENCY 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS

PAGE: 289
REPORT: EBEP210

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10041	ADMINISTRATIVE PUBLIC RECO	0	1	0	0	0	0	0	1	0	0	0	0	0	2
10135	ADMINISTRATIVE CHIEF	1	1	0	0	0	0	0	0	0	1	0	0	0	3
30114	ASSISTANT DISTRICT ATTORNE	40	5	7	0	0	8	30	4	3	7	0	4	0	108
60801	DIRECTOR OF PUBLIC INFORMA	0	0	0	0	0	0	1	0	0	0	0	0	0	1
96001	SPECIAL ASSISTANT DISTRICT	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		41	7	7	0	0	8	32	5	3	8	0	4	0	115
		35.63	6.09	6.09	0.00	0.00	6.96	27.83	4.35	2.61	6.96	0.00	3.48	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13632	COMPUTER SPECIALIST (SOFTW	1	1	0	0	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		1	1	0	0	0	0	0	0	0	0	0	0	0	2
		50.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
13616	SUPERVISING COMPUTER SERVI	0	1	0	0	0	0	0	0	0	0	0	0	0	1
30080	PARALEGAL AIDE	1	0	0	1	0	0	1	0	2	0	0	0	0	5
EEO JOB GROUP TOTAL.....:		1	1	0	1	0	0	1	0	2	0	0	0	0	6
		16.66	16.67	0.00	16.67	0.00	0.00	16.67	0.00	33.33	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10212	REPORTER/STENOGRAPHER (DA)	0	0	0	0	0	0	4	2	0	0	0	0	0	6
10238	CONFIDENTIAL SECRETARY (SP	0	0	0	0	0	0	0	1	0	0	0	0	0	1
10251	CLERICAL ASSOCIATE	0	1	0	0	0	0	0	3	3	1	0	0	0	8
10252	SECRETARY	0	0	0	0	0	0	0	2	0	0	0	0	0	2

RUN DATE: 01/03/20
RUN TIME: 13:44:07.0

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2020 AGENCY 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS

PAGE: 290
REPORT: EBEP210

EEO JOB GROUP TOTAL.....:	0	1	0	0	0	0	4	8	3	1	0	0	0	17
	0.00	5.88	0.00	0.00	0.00	0.00	23.53	47.06	17.65	5.88	0.00	0.00	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 015 POLICE SUPERVISORS

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
30832	SUPERVISING RACKETS INVEST	3	0	2	0	0	0	0	0	0	0	0	0	0	5
30834	DEPUTY CHIEF RACKETS INVES	1	1	0	0	0	0	0	0	0	0	0	0	0	2
30836	CHIEF RACKETS INVESTIGATOR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		5	1	2	0	0	0	0	0	0	0	0	0	0	8
		62.50	12.50	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 018 POLICE

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
30831	SENIOR RACKETS INVESTIGATO	3	2	6	0	1	1	1	0	1	0	0	0	0	15
EEO JOB GROUP TOTAL.....:		3	2	6	0	1	1	1	0	1	0	0	0	0	15
		19.99	13.33	40.00	0.00	6.67	6.67	6.67	0.00	6.67	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPAN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
10209	COLLEGE AIDE	0	0	0	1	0	0	0	0	0	1	0	0	0	2
56056	COMMUNITY ASSISTANT	1	0	1	0	0	1	0	0	0	0	0	0	0	3
56057	COMMUNITY ASSOCIATE	5	4	4	2	0	2	5	9	6	5	0	0	1	43
56058	COMMUNITY COORDINATOR	4	0	0	0	0	0	2	2	1	1	0	0	0	10
EEO JOB GROUP TOTAL.....:		10	4	5	3	0	3	7	11	7	7	0	0	1	58
		17.24	6.90	8.62	5.17	0.00	5.17	12.07	18.97	12.07	12.07	0.00	0.00	1.72	100.00

AGENCY TOTAL.....:	61	17	20	4	1	12	45	24	16	16	0	4	1	221
	27.61	7.69	9.05	1.81	0.45	5.43	20.36	10.86	7.24	7.24	0.00	1.81	0.45	100.00

Appendix – 2

Office of the Special Narcotics Prosecutor for the City of New York
Equal Employment Opportunity Policy
February 23, 2018



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0413, OFFICE
212- 815-0144, FAX

February 23, 2018

TO: All Staff

FROM: Bridget G. Brennan

RE: **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Office of Special Narcotics Prosecutor is an Equal Employment Opportunity Employer. As Special Narcotics Prosecutor, it is my policy that this office will maintain fair employment practices for all its members at all times.

Federal, State and local law prohibit employment discrimination based on: 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, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and familial status.

In addition to those persons who fall within one of the protected groups, those who are perceived to be within one of the above categories or who have a relationship or association with someone who is, or is perceived to be, within one of the categories, are also protected.

These laws prohibit discrimination, which affects all aspects of employment policies and practices insofar as hiring, promotions salary and agency sponsored benefits, training, assignments, evaluations transfers, disciplinary procedures, working conditions, leave of absence and other terms and conditions of employment.

The law also requires that this office be in compliance with the provisions of the Americans with Disabilities Act of 1990.

All employees must comply with the letter as well as the spirit of these laws. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. All managers and supervisors must

make all employment decisions in accordance with this EEO Policy, and ensure compliance with the policy in their areas of responsibility.

If any employee feels that a manager, supervisor or another employee has discriminated against him or her, the employee should contact one of the EEO Counselors or the EEO Officer.

No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

EEO Officer/Counselors

Administrative Assistant District Attorney Thomas Van Noy is the office's EEO Officer. The EEO Officer has the authority to recommend to the Special Narcotics Prosecutor that disciplinary actions be taken against any employee who has committed an unlawful discriminatory act. Thomas Van Noy is also the office's Disability Rights Coordinator. Unit Chief Nigel Farinha and Human Resources Director, Beatrice Miller are the office's EEO Counselors.

The EEO counselors and the EEO Officer are responsible for receiving any EEO complaint that is made by a member of this office. The office's internal as well as external resources to file a complaint are outlined in the office's Discrimination Complaint Procedures. All complaints will be handled with discretion.

Contact Info:

EEO Officer &: Thomas Van Noy
Disability Rights Coordinator Room 664
212-815-0502
[tvannoy@snp.nyc.gov](mailto:tvanney@snp.nyc.gov)

EEO Counselors Beatrice Miller
Room 694A
212-815-0515
bmiller@snp.nyc.gov

Nigel Farinha
Room 638
212-815-0424
nfarinha@snp.nyc.gov

Appendix – 3

Office of the Special Narcotics Prosecutor for the City of New York
Equal Employment Opportunity Policy
February 28, 2019



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0413, OFFICE
212- 815-0144, FAX

February 28, 2019

TO: All Staff

FROM: Bridget G. Brennan

RE: **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Office of Special Narcotics Prosecutor is an Equal Employment Opportunity Employer. As Special Narcotics Prosecutor, it is my policy that this office will maintain fair employment practices for all its members at all times.

Federal, State and local law prohibit employment discrimination based on: 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, caregiver status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, and familial status.

In addition to those persons who fall within one of the protected groups, those who are perceived to be within one of the above categories or who have a relationship or association with someone who is, or is perceived to be, within one of the categories, are also protected.

These laws prohibit discrimination, which affects all aspects of employment policies and practices insofar as hiring, promotions salary and agency sponsored benefits, training, assignments, evaluations transfers, disciplinary procedures, working conditions, leave of absence and other terms and conditions of employment.

The law also requires that this office be in compliance with the provisions of the Americans with Disabilities Act of 1990.

All employees must comply with the letter as well as the spirit of these laws. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. All managers and supervisors must

make all employment decisions in accordance with this EEO Policy, and ensure compliance with the policy in their areas of responsibility.

If any employee feels that a manager, supervisor or another employee has discriminated against him or her, the employee should contact one of the EEO Counselors or the EEO Officer.

No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

EEO Officer/Counselors

Administrative Assistant District Attorney Thomas Van Noy is the office's EEO Officer. The EEO Officer has the authority to recommend to the Special Narcotics Prosecutor that disciplinary actions be taken against any employee who has committed an unlawful discriminatory act. Thomas Van Noy is also the office's Disability Rights Coordinator. Deputy Bureau Chief Bernice Ordonez, Human Resources Director Arthur Simmons, and Confidential Secretary/Extradition Specialist Carla Jenkins are the office's EEO Counselors.

The EEO counselors and the EEO Officer are responsible for receiving any EEO complaint that is made by a member of this office. The office's internal as well as external resources to file a complaint are outlined in the office's Discrimination Complaint Procedures. All complaints will be handled with discretion.

Contact Info:

EEO Officer &
Disability Rights Coordinator

Thomas Van Noy
Room 664
212 815-0502
tvannoy@snp.nyc.gov

EEO Counselors

Bernice Ordonez
Room 520
212 815-0520
bordonez@snp.nyc.gov

Arthur Simmons
Room 694A
212 815-0515
asimmons@snp.nyc.gov

Carla Jenkins
Room 667B
212 815-0184
cjenkins@snp.nyc.gov

Appendix – 4

Office of the Special Narcotics Prosecutor for the City of New York
Discrimination Complaint Procedures
February 23, 2018



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

February 23, 2018

TO: ALL STAFF

FROM: BRIDGET G. BRENNAN
SPECIAL NARCOTICS PROSECUTOR

RE: **DISCRIMINATION COMPLAINT PROCEDURES**

Any employee of the Office of the Special Narcotics Prosecutor (OSNP) or applicant for employment with the OSNP who feels that (s) he has been discriminated against on the basis of:

- race, creed, color, religion, national origin;
- citizenship status (except in certain positions)
- gender (including actual or perceived sex and gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to a person at birth);
- disability;
- pregnancy;
- salary history;
- age (18 or over);
- military status;
- marital or partnership status;
- predisposing genetic characteristic;
- sexual orientation; or
- status as a victim or witness of domestic violence, sexual offenses or stalking;
- caregiver status;
- consumer credit history;
- unemployment status;
- prior record of arrest
- status as a Veteran or Active Military Service Member

in regard to the terms and conditions of employment, including but not limited to hiring, promotions, salary and agency sponsored benefits, training, assignments, evaluations, transfers, disciplinary procedures, working conditions, and other terms of employment may file an internal complaint.

I. How To File an EEO Complaint:

A complaint may be made in person or in writing to an EEO Counselor or to the EEO Officer.

An EEO Counselor will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory act(s). A copy of this confidential report will be sent to the EEO Officer.

An initial conference will be held, within five (5) days after the preparation of the complaint report, between the complainant and the EEO Counselor. 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 merit 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 inquiry shall be immediately commenced by the EEO Officer. The EEO Officer has sixty (60) business days to complete this inquiry, prepare and submit a report of the findings to the complainant, and prepare a detailed report of the findings 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. Upon completion of the report, the EEO Officer will request a subsequent conference between the most directly concerned parties to discuss the report and to determine if a resolution is possible without further proceedings. Any member of the OSNP who may have relevant information will be directed to cooperate with the inquiry.

If discriminatory conduct is found, action appropriate to the severity of the unlawful conduct will be taken against those found to have practiced such conduct. Such action may include, but is not limited to:

- a warning;
- transfer to another unit;
- a formal disciplinary hearing;
- suspension;
- probation;
- demotion; or
- termination

If it is found that there is no reasonable cause to believe discriminatory conduct 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 their right to retain an attorney privately or to file a complaint with the appropriate agencies listed below.

II. Prohibition on Retaliation:

It is unlawful to retaliate against or harass any person for filing an EEO complaint or for his or her cooperation in the investigation of an EEO complaint. Any employee who engages in such retaliation or harassment shall be disciplined.

III. External Resources:

You are advised that, regardless of whether you make an internal complaint, you may, at any time during or subsequent to the conclusion of these internal proceedings, retain an attorney privately or file a complaint with the agencies listed below:

New York City Commission on Human Rights

22 Reade Street-First Floor

New York, NY 10007

Tel. # 212 306 7450

Web site: <http://www.nyc.gov/html/cchr/html/home/home.shtml>

New York State Division of Human Rights

One Fordham Plaza

4th Floor

Bronx, NY 10458

Tel. # (718) 741-8322

Web site: www.dhr.ny.gov

United States Equal Employment Opportunity Commission

New York District Office

33 Whitehall Street, 5th Floor

New York, NY 10004

Tel. # 1-800-669-4000

Web site: www.eeoc.gov

Appendix – 5

Office of the Special Narcotics Prosecutor for the City of New York
Discrimination Complaint Procedures
February 28, 2019



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

February 28, 2019

TO: ALL STAFF

FROM: BRIDGET G. BRENNAN
SPECIAL NARCOTICS PROSECUTOR

RE: **DISCRIMINATION COMPLAINT PROCEDURES**

Any employee of the Office of the Special Narcotics Prosecutor (OSNP) or applicant for employment with the OSNP who feels that (s) he has been discriminated against on the basis of:

- race, creed, color, religion, national origin;
- citizenship status (except in certain positions)
- gender (including actual or perceived sex and gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to a person at birth);
- disability;
- pregnancy;
- salary history;
- age (18 or over);
- military status;
- marital or partnership status;
- predisposing genetic characteristic;
- sexual orientation; or
- status as a victim or witness of domestic violence, sexual offenses or stalking;
- caregiver status;
- consumer credit history;
- unemployment status;
- prior record of arrest
- status as a Veteran or Active Military Service Member

in regard to the terms and conditions of employment, including but not limited to hiring, promotions, salary and agency sponsored benefits, training, assignments, evaluations, transfers, disciplinary procedures, working conditions, and other terms of employment may file an internal complaint.

I. How To File an EEO Complaint:

A complaint may be made in person or in writing to an EEO Counselor or to the EEO Officer.

An EEO Counselor will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory act(s). A copy of this confidential report will be sent to the EEO Officer.

An initial conference will be held, within five (5) days after the preparation of the complaint report, between the complainant and the EEO Counselor. 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 merit 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 inquiry shall be immediately commenced by the EEO Officer. The EEO Officer has sixty (60) business days to complete this inquiry, prepare and submit a report of the findings to the complainant, and prepare a detailed report of the findings 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. Upon completion of the report, the EEO Officer will request a subsequent conference between the most directly concerned parties to discuss the report and to determine if a resolution is possible without further proceedings. Any member of the OSNP who may have relevant information will be directed to cooperate with the inquiry.

If discriminatory conduct is found, action appropriate to the severity of the unlawful conduct will be taken against those found to have practiced such conduct. Such action may include, but is not limited to:

- a warning;
- transfer to another unit;
- a formal disciplinary hearing;
- suspension;
- probation;
- demotion; or
- termination

If it is found that there is no reasonable cause to believe discriminatory conduct 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 their right to retain an attorney privately or to file a complaint with the appropriate agencies listed below.

II. Prohibition on Retaliation:

It is unlawful to retaliate against or harass any person for filing an EEO complaint or for his or her cooperation in the investigation of an EEO complaint. Any employee who engages in such retaliation or harassment shall be disciplined.

III. External Resources:

You are advised that, regardless of whether you make an internal complaint, you may, at any time during or subsequent to the conclusion of these internal proceedings, retain an attorney privately or file a complaint with the agencies listed below:

New York City Commission on Human Rights

22 Reade Street-First Floor

New York, NY 10007

Tel. # 212 306-7450

Web site: <http://www.nyc.gov/html/cchr/html/home/home.shtml>

New York State Division of Human Rights

One Fordham Plaza

4th Floor

Bronx, NY 10458

Tel. # (718) 741-8322

Web site: www.dhr.ny.gov

United States Equal Employment Opportunity Commission

New York District Office

33 Whitehall Street, 5th Floor

New York, NY 10004

Tel. # 1-800-669-4000

Web site: www.eeoc.gov



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

By Email

September 28, 2020

Charise L. Terry
Executive Director
Equal Employment Practices Commission
City of New York
253 Broadway
Suite 602
New York, NY 10007

Dear Ms. Terry,

Thank you for the opportunity to respond to your agency's audit and evaluation of our agency's employment practices, programs, policies, and procedures. The Office of the Special Narcotics Prosecutor (OSNP) responds to the Equal Employment Practices Commission (EEOC) Preliminary Determination as follows:

Corrective Action #1:

OSNP currently distributes/posts a paper and electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies for use by managers, supervisors, and legal, human resources and EEO professionals. *See*, Attachment A. Our policy does include current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

OSNP agrees to create a manual which will contain specific uniform and responsive procedures for investigating discrimination/sexual harassment complaints as requested by the EEOC which will be distributed as an attachment to an office-wide email as well as by a link where the manual may be found on the office network. The manual will include, but not be limited to, the following:

- 1) The option to file a complaint anonymously;
- 2) A sample Complaint Intake form;
- 3) A requirement that the respondent be given 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;

- 4) A requirement that a written confirmation be issued and maintained when an internal complaint/mediation is terminated, withdrawn, or resolved by agreement of the parties or EEO Office;
- 5) A requirement that thorough notes, of words spoken and facts provided, during each interview, be included in the complaint file;
- 6) A requirement that where a complaint investigation cannot be commenced immediately, or where a conclusive report cannot be issued within 90 days, the reasons for the delay and a projected time frame for completion of the report will be included in the complaint file and the complainant and respondent notified of the delay;
- 7) A requirement that a conclusive, confidential report be generated 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 of the matter; a recommendation to the agency head; and documentation of the review of the report by the agency head;
- 8) A requirement that both the complainant and the respondent be informed in writing of the conclusion and outcome of the complaint investigation;
- 9) A requirement that each internal discrimination complaint file contains a final report (See #6 above) and any corrective actions taken as a result;
- 10) A requirement that both the complainant and the respondent be notified in writing if an investigation being conducted by the EEO Professional has been transferred as a result of the filing of an external complaint;
- 11) A requirement that the complaint tracking and monitoring system utilized by OSNP allows for the ability to identify the status, length of time elapsed in the complaint investigation process, the issues and bases of a complaint, the parties to the complaint, and other information which can aid in the analysis of complaint activity;
- 12) A statement that the Chief Assistant District Attorney 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; 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 #2:

SNP currently has an office-wide training plan for new and existing employees. That plan has been in place for many years. The plan ensures that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as on discrimination complaint and investigation procedures when they are first hired and thereafter. In addition, OSNP staff receives other EEO related training offered by DCAS (e.g. IgbTq-Power of Inclusion) The statistics cited in the EEPC's preliminary determination are inaccurate because they do not differentiate between Central Staff (staff who work at 80 Centre Street who are under OSNP's direct supervision) and De-Central Staff (staff who work for other DA Offices at various locations and are not under OSNP's direct supervision). During 2018, OSNP had 260 staff members, 196 Central and 64 De-Central. One hundred and sixty (160) out of 196 Central Staff and 20 out of 64 De-Central Staff members completed Sexual Harassment Training that year. During 2019, OSNP had 268 staff members, 204 Central and 64 De-Central. Ninety-two (92) out of 204 Central Staff and 25 of 64 De-Central Staff completed Sexual Harassment training that year. In addition, 103 Central Staff completed

the IgbTq-Power of Inclusion training during the audit period. Please see Attachment B for documentation. Going forward, OSNP will attempt to make sure more staff have completed the annual EEO training by directly following up with Central Staff who have not completed the training and by reaching out to the home offices of our De-Central Staff and inquiring if they have completed the training.

Corrective Action #3:

OSNP will distribute in the Discrimination/Sexual Harassment Procedural Manual described in Corrective Action #1 above, a sample Complaint Intake form. When a complaint is initiated, a completed Complaint Intake Form will be included in the complaint file.

Corrective Action #4:

The agency head is aware of the location of complaint files, and currently has access to them. OSNP will continue to maintain complaint files in a secure location in the EEO Officer's and HR Director's offices and will continue to make sure that the agency head and whomever she deems appropriate, will have access to them in order to review them.

Corrective Action #5:

OSNP does not have a position of General Counsel in the agency. The Chief Assistant District Attorney for OSNP performs the duties that are normally associated with that position including: identifying and determining appropriate responses to sexual harassment; working with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informing the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; consulting on internal sexual harassment complaint investigations; and investigating and responding to external sexual harassment complaints. The manual described in Corrective Action #1 above will specifically describe the Chief Assistant's role in the oversight of Sexual Harassment Prevention Training, investigation of complaints, and related matters.

Corrective Action #6:

OSNP will ensure that the principal EEO Professional, HR Professional, and Chief Assistant District Attorney review any 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 findings will be discussed with the agency head, on an annual basis and any deficiencies promptly addressed.

Corrective Action #7:

OSNP's Agency Head appointed the current principal EEO Professional to implement EEO policies and standards within the agency in 2007. 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. A copy of his training credentials was provided with OSNP's response to the EEPC's preliminary inquiries through Survey Monkey. Another copy of those training credentials is included with this document as Attachment C.

Corrective Action #8:

OSNP's Agency Head has appointed EEO professionals from different office locations and from a variety of levels within the organizational structure. They are from different floors/units and some are attorneys and some are non-legal staff. Due to retirements or promotions, some EEO professionals have had to be replaced recently. OSNP will ensure that the newly appointed EEO professionals receive the proper training in EEO laws and procedures, and their responsibilities under the EEO Policy.

Corrective Action #9:

OSNP will ensure that the principal EEO Professional works cooperatively and closely with the Chief Assistant District Attorney in the implementation of policies and procedures concerning EEO and sexual harassment.

Corrective Action #10:

OSNP's Agency Head has already assigned the principal EEO Professional the responsibility to supervise the activities of EEO professionals. The policies against sexual harassment and complaint procedures have been distributed in employees' mailboxes and posted at various locations of the agency; employees/managers receive annual sexual harassment prevention training; EEO-related policies are 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.

Corrective Action #11:

OSNP currently maintains documentation regarding directives or decisions between the agency head and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment. Some examples were submitted through Survey Monkey during OSNP's response to the EEPC's preliminary questions. Some additional examples are included herein as Attachment D.

Corrective Action #12:

OSNP will submit to the EEPC a copy of its 2021 Annual Plan of measures and programs to provide equal employment opportunity on or before December 31, 2020, and quarterly reports on efforts to implement the Plan within 30 days following each subsequent quarter which will include a breakout of sexual harassment complaint activity in each quarterly report.

As its final action, OSNP will distribute a memorandum signed by the agency head informing all employees of the changes implemented in OSNP's EEO program pursuant to the EEPC's audit/analysis and the agency head's commitment to the EEO program at OSNP.

Sincerely,

A handwritten signature in cursive script, reading "Bridget G. Brennan".

Bridget G. Brennan
Special Narcotics Prosecutor
City of New York

Attachments



Sasha Neha Ahuja
Chair

Angela Cabrera
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry
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

September 30, 2020

Bridget G. Brennan
Special Narcotics Prosecutor
Office of the Special Narcotics Prosecutor for the City of New York
80 Centre Street, 6th Floor
New York, NY 10030

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2018 to December 31, 2019.
Determination: **FINAL**
Resolution #: 2020AP/243-906-(2020)

Dear Special Narcotics Prosecutor Brennan:

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: September 14, 2020
Response Received: September 28, 2020

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 Special Narcotics Prosecutor for the City of New York's Sexual Harassment Prevention and Response Practices.

As the Office of the Special Narcotics Prosecutor for the City of New York 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 standards¹ 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 Special Narcotics Prosecutor for the City of New York'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: October 1, 2020 to March 31, 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 Special Narcotics Prosecutor for the City of New York has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The Office of the Special Narcotics Prosecutor for the City of New York will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The Office of the Special Narcotics Prosecutor for the City of New York 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 Special Narcotics Prosecutor for the City of New York's implementation of the final corrective action, if any, the EEPC requires that the Office of the Special Narcotics Prosecutor for the City of New York 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 Special Narcotics Prosecutor for the City of New York must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the Office of the

¹ 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.



Special Narcotics Prosecutor for the City of New York will be exempt from the abovementioned compliance-monitoring period.

Conclusion

This is the EEPD's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eeepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charise L. Terry".

Charise L. Terry
Executive Director

c: Thomas Van Noy, Principal EEO Professional, Office of the Special Narcotics Prosecutor
for the City of New York

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of the Office of the Special Narcotics Prosecutor for the City of New York'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 response² (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we Agree based on documentation that is attached to your response.

Corrective Action #4: 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.

Agency Response: *"The agency head is aware of the location of complaint files, and currently has access to them. OSNP will continue to maintain complaint files in a secure location in the EEO Officer's and HR Director's offices and will continue to make sure that the agency head and whomever she deems appropriate, will have access to them in order to review them."*

EEPC Response: The EEPC accepts the entity's written explanation of the process used to secure its complaint files and to ensure that they can be reviewed by individuals deemed appropriate by the agency head, as confirmation that corrective action #4 has been implemented.

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: *"OSNP currently maintains documentation regarding directives or decisions between the agency head and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment. Some examples were submitted through Survey Monkey during OSNP's response to the EEPC's preliminary questions."*

EEPC Response: The EEPC accepts the entity's response, a February 2019 memorandum of topic: *EEO Counselors* and representative email correspondence between the principal EEO Professional and the Agency Head, which memorialize decisions related to the agency-wide communication of the appointment of new

² Excerpts are italicized.

EEO Counselors; and the entity's Lactation Policy and a memorandum of the topic: *Lactation Policy* that memorialized decisions between the Agency Head and the principal EEO Professional regarding the need for entity's Lactation Policy, as confirmation Corrective Action #11 has been implemented.

Monitoring Required

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

Corrective Action #1: 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.

Agency Response: *“OSNP currently distributes/posts a paper and electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies for use by managers, supervisors, and legal, human resources and EEO professionals. ... Our policy does include current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. OSNP agrees to create a manual which will contain specific uniform and responsive procedures for investigating discrimination/sexual harassment complaints as requested by the EEPC which will be distributed as an attachment to an office-wide email as well as by a link where the manual may be found on the office network. The manual will include, but not be limited to, the following:*

- 1) The option to file a complaint anonymously;*
- 2) A sample Complaint Intake form;*
- 3) A requirement that the respondent be given 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;*
- 4) A requirement that a written confirmation be issued and maintained when an internal complaint/mediation is terminated, withdrawn, or resolved by agreement of the parties or EEO Office;*
- 5) A requirement that thorough notes, of words spoken and facts provided, during each interview, be included in the complaint file;*
- 6) A requirement that where a complaint investigation cannot be commenced immediately, or where a conclusive report cannot be issued within 90 days, the reasons for the delay and a projected time frame for completion of the report will be included in the complaint file and the complainant and respondent notified of the delay;*
- 7) A requirement that a conclusive, confidential report be generated 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 of the matter; a recommendation to the agency head; and documentation of the review of the report by the agency head;

8) A requirement that both the complainant and the respondent be informed in writing of the conclusion and outcome of the complaint investigation;

9) A requirement that each internal discrimination complaint file contains a final report (See #6 above) and any corrective actions taken as a result;

10) A requirement that both the complainant and the respondent be notified in writing if an investigation being conducted by the EEO Professional has been transferred as a result of the filing of an external complaint;

11) A requirement that the complaint tracking and monitoring system utilized by OSNP allows for the ability to identify the status, length of time elapsed in the complaint investigation process, the issues and bases of a complaint, the parties to the complaint, and other information which can aid in the analysis of complaint activity;

12) A statement that the Chief Assistant District Attorney 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; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints."

EEPC Response: The EEPC recognizes the entity's commitment to implement Corrective Action #1. To demonstrate compliance, submit the aforementioned manual containing uniform and responsive procedures for investigating discrimination/sexual harassment complaints. The EEPC requests that the entity clarify whether it follows the Citywide EEO Policy or its own OSNP EEO Policy and OSNP Complaint Procedures.

Corrective Action #2: 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: "SNP currently has an office-wide training plan for new and existing employees. That plan has been in place for many years. The plan ensures that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as on discrimination complaint and investigation procedures when they are first hired and thereafter. In addition, OSNP staff receives other EEO related training offered by DCAS (e.g. IgBTq-Power of Inclusion) The statistics cited in the EEPC's preliminary determination are inaccurate because they do not differentiate between Central Staff (staff who work at 80 Centre Street who are under OSNP's direct supervision) and De-Central Staff (staff who work for other DA Offices at various locations and are not under OSNP's direct supervision). During 2018, OSNP had 260 staff members, 196 Central and 64 De-Central. One hundred and sixty (160) out of 196 Central Staff and 20 out of 64 De-Central Staff members completed Sexual Harassment Training that year. During 2019, OSNP had 268 staff members, 204 Central and 64 De-Central. Ninety-two (92) out of 204 Central Staff and 25 of 64 De-Central Staff completed Sexual Harassment training that year. In addition, 103 Central Staff completed the IgBTq-Power of Inclusion training during the audit period. Please see Attachment B for documentation. Going forward, OSNP will attempt to make sure more staff have completed the annual EEO training by directly following up with Central Staff who have not completed the

training and by reaching out to the home offices of our De-Central Staff and inquiring if they have completed the training.”

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #2. The entity reported that “[d]uring 2018, OSNP had 260 staff members, 196 Central and 64 De-Central. One hundred and sixty (160) out of 196 Central Staff and 20 out of 64 De-Central Staff members completed Sexual Harassment Training that year. During 2019, OSNP had 268 staff members, 204 Central and 64 De-Central.” The agency provided a training completion report prepared by the Department of Citywide Administrative Services (DCAS) of its computer-based *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* training (Sexual Harassment Prevention training) that indicated 180 of 260 (approximately 69%) total employees completed DCAS’ Sexual Harassment Prevention training in 2018 and 117 of 268 (approximately 44%) total employees completed DCAS’ Sexual Harassment Prevention training in 2019. To demonstrate compliance, submit documentation of OSNP’s training plan that includes a timetable for implementation and documentation that demonstrates all OSNP employees (Centralized – De-Centralized) received and completed training during, or subsequent to, the period in review on the prevention of sexual harassment and discrimination complaint and investigation procedures. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #3: 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.

Agency Response: *“OSNP will distribute in the Discrimination/Sexual Harassment Procedural Manual described in Corrective Action #1 above, a sample Complaint Intake form. When a complaint is initiated, a completed Complaint Intake Form will be included in the complaint file.”*

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #3. To demonstrate compliance, provide a completed (redacted) complaint intake form or a written complaint from an investigation completed subsequent to the period in review that captures/identifies: the respondent with reasonable specificity; pertinent dates; and facts/essence of the circumstances which gave rise to the complaint. If no complaints have been filed subsequent to the period in review, provide a sample complaint intake form. 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: *“OSNP does not have a position of General Counsel in the agency. The Chief Assistant District Attorney for OSNP performs the duties that are normally associated with that position including: identifying and determining appropriate responses to sexual harassment; working with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informing the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; consulting on internal sexual harassment complaint investigations; and*

investigating and responding to external sexual harassment complaints.” The manual described in Corrective Action #1 above will specifically describe the Chief Assistant’s role in the oversight of Sexual Harassment Prevention Training, investigation of complaints, and related matters.

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #5. To demonstrate compliance, provide the aforementioned manual that outlines the role and EEO responsibilities of the Chief Assistant District Attorney, who serves in lieu of a General Counsel, as outlined in Corrective Action #5. 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: *“OSNP will ensure that the principal EEO Professional, HR Professional, and Chief Assistant District Attorney review any 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 findings will be discussed with the agency head, on an annual basis and any deficiencies promptly addressed.”*

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #6. To demonstrate compliance, provide documentation that demonstrates the principal EEO Professional, HR Professional, and Chief Assistant District Attorney met to review statistical information (i.e. annual number of sexual harassment complaints; related employment practices/procedures); the barriers identified/outcome of the review; and any action(s) taken. 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: *“OSNP’s Agency Head appointed the current principal EEO Professional to implement EEO policies and standards within the agency in 2007. 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. A copy of his training credentials was provided with OSNP’s response to the EEPC’s preliminary inquiries through Survey Monkey. Another copy of those training credentials is included with this document as Attachment C.”*

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #7. The EEPC recognizes a certificate of completion from Cornell University’s School of Industrial and Labor Relations which confirms the principal EEO Professional completed the *Equal Employment Opportunity Studies Complaint Handling* certification program on December 12, 2008. To demonstrate compliance, provide documentation that demonstrates the principal EEO Professional is trained in current city, state, federal EEO laws, and the requirements of the agency’s EEO policies, standards and procedures (e.g. certificates of completion, training

sign-in logs, acknowledgment of attendance, etc.) and a copy of the training curriculum(s). Also provide the training curriculum for the “*Complaint Handling*” course conducted by Cornell University or another course in complaint investigation procedures completed by the principal EEO Professional. 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: “OSNP’s Agency Head has appointed EEO professionals from different office locations and from a variety of levels within the organizational structure. They are from different floors/units and some are attorneys and some are non-legal staff. Due to retirements or promotions, some EEO professionals have had to be replaced recently. OSNP will ensure that the newly appointed EEO professionals receive the proper training in EEO laws and procedures, and their responsibilities under the EEO Policy.”

EEPC Response: The EEPC recognizes the entity’s commitment to implement Corrective Action #8. To demonstrate compliance, provide documentation that the Deputy Bureau Chief, the Confidential Secretary/Extradition Specialist, and any recently appointed EEO professionals completed training in EEO laws and procedures, and their responsibilities under the OSNP EEO Policy and the OSNP Complaint Procedures. 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: “OSNP will ensure that the principal EEO Professional works cooperatively and closely with the Chief Assistant District Attorney in the implementation of policies and procedures concerning EEO and sexual harassment.”

EEPC Response: The EEPC recognizes the entity’s commitment to implementing Corrective Action #10. To demonstrate compliance, provide documentation of the procedure/policy which requires a cooperative relationship between the principal EEO Professional and the Chief Assistant District Attorney 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: “OSNP’s Agency Head has already assigned the principal EEO Professional the responsibility to supervise the activities of EEO professionals. The policies against sexual harassment and



complaint procedures have been distributed in employees' mailboxes and posted at various locations of the agency; employees/managers receive annual sexual harassment prevention training; EEO-related policies are 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."

EEPC Response: The EEPC recognizes the entity's commitment to implement Corrective Action #10. To demonstrate compliance, provide documentation that demonstrates the formal assignment to the principal EEO Professional (or designee) of the responsibility to ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; and EEO-related policies are made available in alternative formats upon request. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #12: 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: "OSNP will submit to the EEPC a copy of its 2021 Annual Plan of measures and programs to provide equal employment opportunity on or before December 31, 2020, and quarterly reports on efforts to implement the Plan within 30 days following each subsequent quarter which will include a breakout of sexual harassment complaint activity in each quarterly report."

EEPC Response: The EEPC recognizes the entity's commitment to implement Corrective Action #12. To demonstrate compliance, submit the OSNP's EEO Annual Plan for FY 2021, or an alternative plan of measures and programs to provide equal employment opportunity. 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.
2020AP/243-906-(2020)
Office of the Special Narcotics Prosecutor for the City of New York
Special Narcotics Prosecutor Bridget G. Brennan
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL

S Y N O P S I S

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 14, 2020	Response Received	September 28, 2020
Final Determination Issued:	September 30, 2020	Response Due	October 30, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 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 Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 14, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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.
2. 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.
3. 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.
4. 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.
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. Submit to the EEPD 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 EEPD's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPD issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPD assigned a monitoring period from October 1, 2020 to March 31, 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 September 30, 2020, the entity was required to issue a response to the EEPD'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 EEPD approves the issuance of this Final Determination to Special Narcotics Prosecutor Bridget G. Brennan to assign compliance-monitoring.

Approved unanimously on October 22, 2020.

/s/Sasha Neha Ahuja

Sasha Neha Ahuja
Chair

/s/Angela Cabrera

Angela Cabrera
Commissioner

/s/Arva R. Rice

Arva R. Rice
Commissioner

/s/Elaine S. Reiss

Elaine S. Reiss, Esq.
Commissioner

On behalf all Commissioners in attendance,



Charise L Terry
Executive Director



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

By Email

November 13, 2020

Charise L. Terry
Executive Director
Equal Employment Practices Commission
City of New York
253 Broadway
Suite 602
New York, NY 10007

Dear Ms. Terry,

Thank you for the opportunity to respond to your agency's audit and evaluation of our agency's employment practices, programs, policies, and procedures. The Office of the Special Narcotics Prosecutor (OSNP) responds to the Equal Employment Practices Commission (EEPC) Final Determination as follows:

Corrective Action #1:

OSNP currently distributes/posts a paper and electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies for use by managers, supervisors, and legal, human resources and EEO professionals. That policy does include current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. Based on the EEPC's Final Determination letter, OSNP has completed that portion of Corrective Action #1,

OSNP agrees to create and submit to the EEPC for its approval, a manual which will contain specific uniform and responsive procedures for investigating discrimination/sexual harassment complaints. The manual, once approved by the EEPC, will be distributed as an attachment to an office-wide email as well as by a link where the manual may be found on the office network. The manual will include, but not be limited to, the following:

- 1) The option to file a complaint anonymously;
- 2) A sample Complaint Intake form;
- 3) A requirement that the respondent be given 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;

- 4) A requirement that a written confirmation be issued and maintained when an internal complaint/mediation is terminated, withdrawn, or resolved by agreement of the parties or EEO Office;
- 5) A requirement that thorough notes, of words spoken and facts provided, during each interview, be included in the complaint file;
- 6) A requirement that where a complaint investigation cannot be commenced immediately, or where a conclusive report cannot be issued within 90 days, the reasons for the delay and a projected time frame for completion of the report will be included in the complaint file and the complainant and respondent notified of the delay;
- 7) A requirement that a conclusive, confidential report be generated 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 of the matter; a recommendation to the agency head; and documentation of the review of the report by the agency head;
- 8) A requirement that both the complainant and the respondent be informed in writing of the conclusion and outcome of the complaint investigation;
- 9) A requirement that each internal discrimination complaint file contains a final report (See #6 above) and any corrective actions taken as a result;
- 10) A requirement that both the complainant and the respondent be notified in writing if an investigation being conducted by the EEO Professional has been transferred as a result of the filing of an external complaint;
- 11) A requirement that the complaint tracking and monitoring system utilized by OSNP allows for the ability to identify the status, length of time elapsed in the complaint investigation process, the issues and bases of a complaint, the parties to the complaint, and other information which can aid in the analysis of complaint activity;
- 12) A statement that the Chief Assistant District Attorney 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; 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 #2:

SNP currently has an office-wide training plan for new and existing employees. That plan has been in place for many years. The plan ensures that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as on discrimination complaint and investigation procedures when they are first hired and thereafter. In addition, OSNP staff receives other EEO related training offered by DCAS (e.g. IgbTq-Power of Inclusion) The statistics cited in the EEPC's preliminary determination are inaccurate because they do not differentiate between Central Staff (staff who works at 80 Centre Street who are under OSNP's direct supervision) and De-Central Staff (staff who work for other DA Offices at various locations and are not under OSNP's direct supervision). During 2018, OSNP had 260 staff members, 196 Central and 64 De-Central. One hundred and sixty (160) out of 196 Central Staff and 20 out of 64 De-Central Staff members completed Sexual Harassment Training that year. During 2019, OSNP had 268 staff members, 204 Central and 64 De-Central. Ninety-two (92) out of 204 Central Staff and 25 of 64 De-Central Staff completed Sexual Harassment training that year. In addition, 103 Central Staff completed

the IgbTq-Power of Inclusion training during the audit period. Documentation for that training was previously provided. Going forward, OSNP agrees to send the EEPC a copy of OSNP's 2021 training plan that will include a timetable for implementation of training for the prevention of sexual harassment and discrimination complaint and investigation procedures and to send documentation to prove that OSNP employees (Central & De-Central) completed training during or subsequent to the period in review. Note, since De-Central staff are not directly under OSNP's control, OSNP will attempt to make sure De-Central staff complete the training by reaching out to the home offices of our De-Central Staff and inquire if they have completed the training.

Corrective Action #3:

OSNP agrees to distribute in the Discrimination/Sexual Harassment Procedural Manual described in Corrective Action #1 above, and send to the EEPC a sample Complaint Intake form which captures/identifies the respondent with reasonable specificity, pertinent dates, and facts/essence of the circumstances which gave rise to the complaint. When a complaint is initiated, a completed Complaint Intake Form will be included in the complaint file.

Corrective Action #4:

The agency head is aware of the location of complaint files, and currently has access to them. OSNP will continue to maintain complaint files in a secure location in the EEO Officer's and HR Director's offices and will continue to make sure that the agency head and whomever she deems appropriate, will have access to them in order to review them. Based on the EEPC's Final Determination letter, OSNP has completed Corrective Action #4,

Corrective Action #5:

OSNP does not have a position of General Counsel in the agency. The Chief Assistant District Attorney for OSNP performs the duties that are normally associated with that position including: identifying and determining appropriate responses to sexual harassment; working with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informing the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; consulting on internal sexual harassment complaint investigations; and investigating and responding to external sexual harassment complaints. OSNP agrees that the Agency Head will issue a memo outlining the role and EEO responsibilities of the Chief Assistant District Attorney as described above, who serves in lieu of a General Counsel at OSNP.

Corrective Action #6:

OSNP will ensure that the principal EEO Professional, HR Professional, and Chief Assistant District Attorney review any 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 findings will be discussed with the agency head, on an annual basis and any deficiencies promptly addressed. OSNP agrees to file with the EEPC a copy of the meeting notes

of said annual meeting of the EEO Professional, HR Professional, and Chief Assistant District Attorney to demonstrate its commitment to implement this corrective action.

Corrective Action #7:

OSNP's Agency Head appointed the current principal EEO Professional to implement EEO policies and standards within the agency in 2007. 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. A copy of his training credentials was provided with OSNP's response to the EEP's Preliminary Determination. OSNP agrees to provide the EEP a copy of training curriculums from classes the EEO Professional Completed as part of the certificate program he completed at the Cornell University, School of Industrial and Labor Relations for Equal Employment Opportunity Studies and Complaint Handling and for the Basic Training for EEO Representative program given by DCAS.

Corrective Action #8:

OSNP's Agency Head has appointed EEO professionals from different office locations and from a variety of levels within the organizational structure. They are from different floors/units and some are attorneys and some are non-legal staff. Due to retirements or promotions, some EEO professionals have had to be replaced recently. OSNP will ensure that the newly appointed EEO professionals receive the proper training in EEO laws and procedures, and their responsibilities under the EEO Policy. OSNP agrees to provide the EEP with documentation that the EEO professionals within OSNP (currently Deputy Bureau Chief and HR Director) completed training in EEO laws and procedures.

Corrective Action #9:

OSNP will ensure that the principal EEO Professional works cooperatively and closely with the Chief Assistant District Attorney in the implementation of policies and procedures concerning EEO and sexual harassment. OSNP agrees to provide the EEP with a memo to be issued by the Agency Head which will document the procedure/policy requiring a cooperative relationship between the principal EEO Professional and the Chief Assistant District Attorney in implementing EEO policies and procedures.

Corrective Action #10:

OSNP's Agency Head has already assigned the principal EEO Professional the responsibility to supervise the activities of EEO professionals. The policies against sexual harassment and complaint procedures have been distributed in employees' mailboxes and posted at various locations of the agency; employees/managers receive annual sexual harassment prevention training; EEO-related policies are 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. OSNP agrees to provide the EEP with a memo to be issued by the Agency Head which will document the formal assignment to the principal EEO professional of the responsibility to ensure that: the policies against sexual harassment and complaint procedures

are distributed/posted at all agency locations; all OSNP employees and managers receive sexual harassment training; and that all EEO-related policies and procedures are available in alternative formats upon request.

Corrective Action #11:

OSNP currently maintains documentation regarding directives or decisions between the agency head and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment. Some examples were submitted through Survey Monkey during OSNP's response to the EEPC's preliminary questions. Some additional examples were provided with OSNP's response to the EEPC's Preliminary Determination letter. Based on the EEPC's Final Determination letter, OSNP has completed Corrective Action #11.

Corrective Action #12:

OSNP agrees it will submit to the EEPC a copy of its FY 2021 EEO Annual Plan of measures and programs to provide equal employment opportunity on or before December 31, 2020, and quarterly reports on efforts to implement the Plan within 30 days following each subsequent quarter which will include a breakout of sexual harassment complaint activity in each quarterly report.

As its final action, OSNP agrees to distribute a memorandum signed by the agency head informing all employees of the changes implemented in OSNP's EEO program pursuant to the EEPC's audit/analysis and the agency head's commitment to the EEO program at OSNP.

Sincerely,



Bridget G. Brennan
Special Narcotics Prosecutor
City of New York



Office of the Special Narcotics Prosecutor for the City of New York

Bridget G. Brennan, Special Narcotics Prosecutor

80 Centre Street, Sixth Floor, New York, NY 10013

Phone: 212-815-0400 Fax: 212-815-0440

April 1, 2021

TO: ALL STAFF

FROM: BRIDGET G. BRENNAN *BGB*
SPECIAL NARCOTICS PROSECUTOR

RE: EEPC Audit

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 Special Narcotics Prosecutor for the City of New York’s practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations. I am pleased to report that the office is in full compliance with all relevant legal and administrative standards. During the audit, the EEPC made recommendations which the office has implemented to enhance the EEO program at the office. These recommendations included:

1. Distributing and posting a copy of the Office’s Equal Employment Opportunity Policy, Standards and Procedures that conforms to city, state and federal laws against sexual harassment to be used by managers, supervisors, and legal, human resources and EEO professionals within the office. This includes 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.
2. Establishing and implementing 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.

3. Inclusion in the complaint file a completed Complaint Intake Form, or 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.
4. Maintaining 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.
5. Ensuring that the Chief Assistant District Attorney who acts as the office's General Counsel assists the Special Narcotics Prosecutor in identifying and determining appropriate responses to sexual harassment; works with the EEO Officer in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the 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.
6. Ensuring that the EEO Officer, HR Professional, and Chief Assistant District Attorney 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. Ensuring the EEO Officer and EEO Counselors are periodically trained/re-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. Selecting EEO professionals from different office locations and, where possible, from a variety of levels within the organizational structure.
9. Ensuring that the EEO Officer works cooperatively and closely with the Chief Assistant District Attorney in the implementation of policies and procedures concerning EEO and sexual harassment.
10. Assigning the EEO Officer 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; manager, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
11. Maintaining documentation regarding directives or decisions between the Special Narcotics Prosecutor and the EEO Officer that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

12. Submitting to the EEPD 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 EEPD's audit, evaluation, and monitoring processes and the aforementioned enhancements I reaffirm my commitment to ensuring that the Office of the Special Narcotics Prosecutor for the City of New York'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.



Vacant
Chair

Angela Cabrera
Elaine S. Reiss, Esq.
Arva R. Rice
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

April 22, 2021

Bridget G. Brennan
Special Narcotics Prosecutor
Office of the Special Narcotics Prosecutor for the City of New York
80 Centre Street, 6th Floor
New York, NY 10030

Re: Resolution #2020AP/248-906-(2021)C12
DETERMINATION: Compliance

Dear Special Narcotics Prosecutor Brennan:

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 Thomas Van Noy 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 black ink, appearing to read "Elaine S. Reiss". The signature is fluid and cursive, with the first name "Elaine" being more prominent.

Elaine S. Reiss, Esq.
Commissioner

c: Thomas Van Noy, principal EEO Professional, Office of the Special
Narcotics Prosecutor

Monitoring of Sexual Harassment Prevention and Response Practices
RESOLUTION NO.
2020AP/248-906-(2021)C12
Office of the Special Narcotics Prosecutor for the City of New York
Special Narcotics Prosecutor Bridget G. Brennan
DETERMINATION: COMPLIANCE

S Y N O P S I S

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2018 to December 31, 2019		
Preliminary Determination Issued:	September 14, 2020	Response Received	September 28, 2020
Final Determination Issued:	September 30, 2020	Response Received	November 13, 2020
Compliance-Monitoring:	Required	October 1, 2020 to March 31, 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 Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the Office of the Special Narcotics Prosecutor for the City of New York’s Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated September 14, 2020, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. 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 confirms 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.
2. 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.
3. Include in the complaint file a completed Complaint Intake Form, or 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.
4. 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.
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 cooperative 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; manager, 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. 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 submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPc issued a Final Determination on September 30, 2020, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 5, 6, 7, 8, 9, 10 and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPc assigned a monitoring period from October 1, 2020 to March 31, 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 November 13, 2020, 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 Special Narcotics Prosecutor for the City of New York was monitored until March 31, 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 Special Narcotics Prosecutor submitted a copy of a memorandum to staff dated April 1, 2021, which recognized the EEPc's audit and reiterated commitment to the Office of the Special Narcotics Prosecutor for the City of New York's equal employment practices; Now Therefore,

Be It Resolved, that the Office of the Special Narcotics Prosecutor for the City of New York has satisfied the equal employment standards set by the EEPc pursuant to its authority under New York

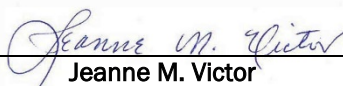
City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Special Narcotics Prosecutor Bridget G. Brennan of the Office of the Special Narcotics Prosecutor for the City of New York.

Approved unanimously on April 22, 2021.

<hr/> <div>/s/Angela Cabrera Angela Cabrera Commissioner/Mayoral Appointee</div>	<hr/> <div>/s/Elaine S. Reiss Elaine S. Reiss, Esq. Commissioner/Mayoral Appointee</div>
<hr/> <div>/s/Arva R. Rice Arva R. Rice Commissioner/City Council Appointee</div>	<hr/> <div>Vacant Commissioner/City Council Appointee</div>
<hr/> <div>Vacant Chair/Commissioner/Joint Appointee</div>	

On behalf of all Commissioners in attendance,


Jeanne M. Victor
Executive Director



This

Determination of Compliance

is hereby issued to the

Office of the Special Narcotics Prosecutor for the City of New York

*for successful implementation of 12 of 12 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2018 to this date.*

On this 22nd day of April in the year 2021,

Jeanne M. Victor, Executive Director

*In care of Special Narcotics Prosecutor Bridget G. Brennan,
and Principal EEO Professional Thomas Van Noy*