

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #05/13-901: Preliminary Determination Pursuant to the Audit of the New York County District Attorney's Office's (DANY) Equal Employment Opportunity Program from January 1, 2003 through December 31, 2004.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members, women and other protected classes, and to make recommendations to city agencies to insure equal employment opportunity for minority group members, women and other protected classes; and

Whereas, the Equal Employment Practices Commission audited the DANY's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any City agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

That pursuant to the audit of DANY's compliance with its Equal Employment Opportunity Program, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Pamphlet contains an out-of-date address and telephone number for the U.S. Equal Employment Opportunity Commission.
2. The agency's EEO Policy Statement and Internal Discrimination Complaint Procedure do not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
3. DANY's Internal Discrimination Complaint Procedure lacks several important components contained in the City's Discrimination Complaint Procedures Implementation Guidelines.
4. The nine internal job vacancy notices submitted by DANY do not contain the EEO tag line.
5. The agency's EEO policies are not available in alternate formats for persons with disabilities.

6. DANY has not issued a reasonable accommodation procedure for persons with disabilities.
7. The agency does not participate in the Section 55-A Program.
8. The EEO Officer and the EEO Counselors have not received a certificate in EEO Studies from Cornell University's School of Industrial and Labor Relations or attended DCAS's training for EEO professionals.
9. The Assistant District Attorney who conducts EEO training has also not completed the certificate program in EEO Studies from Cornell University or attended DCAS's training for EEO professionals.
10. The EEO Officer does not keep agendas or notes of his meetings on EEO matters with the agency head.
11. The EEO Officer does not devote 100% of his work time to EEO matters.
12. None of agency's five performance evaluation forms contain a rating for EEO performance.
13. Forty-four percent of survey respondents indicated they do not know who is the EEO Officer.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the New York County District Attorney, Robert M. Morgenthau, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York County District Attorney will take to bring the agency into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 26, 2005.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair