

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

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

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

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

Whereas, the Equal Employment Practices Commission audited the Kings County District Attorney (DAKC) Office's Equal Employment Opportunity Program; and

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

Be It Resolved,

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

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

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

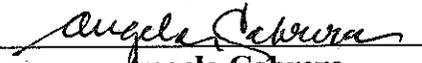
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Kings County District Attorney Charles J. Hynes, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Kings County District Attorney's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on November 10, 2011.

Arva R. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Angela Cabrera
Chair for the Meeting