



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

June 13, 2016

BY MAIL AND E-MAIL

Richard A. Brown
District Attorney
Queens County District Attorney's Office
135-01 Queens Boulevard
Kew Gardens, NY 11415

Re: Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Queens County District Attorney's Office's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear District Attorney Brown:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2013 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Queens County District Attorney's Office, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as 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 agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

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, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct

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



additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

Pursuant to Article 13, section 13 of the State Constitution, District Attorneys are constitutional officers elected every four years. Section 927 of the County Law imposes upon District Attorneys the duty to protect the public by investigating and prosecuting criminal conduct in the counties in which they hold office. At the end of the period in review, the agency's headcount was 636; 304 of which were in the title Assistant District Attorney (see Appendix 2).

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 general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The District Attorney during the period in review issued an amended EEO Policy statement in November 2006 which also was distributed to new employees during orientation. The District Attorney's EEO Policy statement reiterated the agency was "*committed to providing its employees with a work environment in which all individuals are treated with respect and dignity.*" The EEO Policy statement further stated that "[t]his office is an equal opportunity employer and strives to provide equal employment opportunity to all employees and applicants for employment without regard to actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking." (See Section I.2 for note on updated protections). The EEO Policy statement notified staff that the principal EEO professional and EEO coordinators were responsible for the agency's EEO program implementation. The agency's list of EEO professionals advised employees of the names of the EEO professionals and the contact information of the EEO coordinators.
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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual

harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ During the period in review, the agency distributed its EEO Policy, *Equal Employment Opportunity and Sexual Harassment Policy and Program Manual*, to all new employees during orientation, for which receipts were signed. The agency's EEO Policy included sections titled, *Overview of the Sexual Harassment Policy and Program*, *Responsibilities for Implementing the Equal Employment Opportunity and Sexual Harassment Program*, *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures*, and *Communication of the Goals and Procedures of the EEO and Sexual Harassment Program*. The EEO Policy also included the contact information for the federal, state and local agencies that enforce laws against discrimination, and was reported to have been posted to the agency's intranet site for access by all employees. Attached to the EEO Policy was the agency's EEO Policy statement, which included a more comprehensive list of protected classes under NYC and NYS Human Rights Laws. A list of the EEO professionals, with the contact information of the EEO coordinators, was provided to new employees upon hire.
 - The agency's EEO Policy did not include or attach as an addenda: a reasonable accommodation policy or an up-to-date list of protected classes under NYC and NYS Human Rights Laws (specifically, it did not include "pregnancy", "consumer credit history", or "unemployment status"). Additionally, the agency did not demonstrate that during the period in review, employees were notified of changes in personnel in the EEO Office. Corrective Action Required.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City's Human Rights Law: "caregiver status" (effective May 4, 2016); and "pregnancy" (enforcement guidance released on May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO

rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

- ✓ During the period in review, the agency's Assistant District Attorney new hire orientation included EEO training with the Deputy EEO Officer (the agency's EEO Trainer) within the first week of employment. Support Staff (job titles other than Assistant District Attorney) were reported to have attended EEO training within their first six (6) months of hire. The agency also reported between July 2012 and September 2015, 281 new hires (approximately 44% of its workforce) received "*The Professional Workplace Avoiding Sexual Harassment*" training as indicated in the agency's "*EEO Training Activity*" attachment to the EEPC's *Document Information Request Form* (see Appendix 2).

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ During the period in review, the agency contacted and scheduled interviews with the National Black Law Students Association; participated in the 2015 career fair for the Hispanic National Bar Association; and reported its participation in other recruiting events for minority candidates, such as National Black Prosecutors, Asian-Pacific American Law Students Association, and metroLALSA (a Latina/o law student organization in the New York-New Jersey metropolitan area). Additionally, the agency reported that it regularly recruited from the surrounding New York metropolitan area and increased its participation in minority job fairs. The agency's targeted recruitment of Black and Hispanic attorneys and law students for the Assistant District Attorney title (in the *Managers* job group) demonstrated an effort to address the underutilization of Blacks and Hispanics in the *Managers* job group which existed during the audit period. (See Appendices 2, 3 & 4).
- The agency did not assess recruitment efforts for its Support Staff to determine whether such efforts adversely impacted women, minorities, or any other protected group. Corrective Action Required.

Corrective Action #2: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ During the period in review, the principal EEO professional prepared and distributed workforce demographic reports via memorandum to the District Attorney, Chief Assistant District Attorney, General Counsel, and Executive Assistant District Attorney for Administration (the supervisor of the principal Human Resources professional). The principal EEO professional prepared workforce reports which contained a breakdown of Assistant District Attorneys (labeled *Professional Staff*) as of January 2013, July 2013, March 2014, and March 2015; and *Support Staff* as of July 2013. Each report included the employee headcount and a demographic breakdown of *Women, African-Americans, Hispanics, Asians, African-American Women, Hispanic Women, and Asian Women*. The principal EEO professional also annually distributed to the District Attorney a report of Assistant District Attorney demographics from the New York City, Westchester County, and Long Island District Attorney's Offices, as reported in the *New York Law Journal*. The agency reported that the principal EEO professional's Assistant District Attorney workforce reports were prepared for and reviewed by the District Attorney every six (6) months. The agency received no EEO complaints during the period in review.
 - The agency did not identify whether there were barriers to equal opportunity within the agency and determine what, if any, corrective actions were required to correct deficiencies. Corrective Action Required.

Corrective Action #3: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
 - The agency did not demonstrate that it assessed the manner in which candidates were selected for employment to determine whether such efforts adversely impacted women, minorities, or any other protected group. In addition, the 3rd quarter fiscal year (FY) 2013, *CEEDs Report – Work Force Compared with Internal and External Pools* (the beginning of the audit period) indicated underutilization of Blacks in six (6) job groups (*Managers, Clerical Supervisors, Clerical, Police Supervisors, Police, and Para*

Professionals), Hispanics in four (4) job groups (*Managers, Technicians, Clerical, and Police*), Asians in three (3) job groups (*Technicians, Clerical Supervisors, and Clerical*), and females in one (1) job group (*Police*) (see Appendix 3). The 2nd quarter FY 2016 (the last quarter of the audit period) CEEDs Report indicated underutilization of Blacks in six (6) job groups (*Managers, Management Specialists, Clerical Supervisors, Clerical, Police, and Para Professionals*), Hispanics in four (4) job groups (*Management Specialists, Technicians, Clerical Supervisors, and Police*), Asians in three (3) job groups (*Technicians, Clerical Supervisors, and Clerical*), and females in two (2) job groups (*Police Supervisors and Police*) (see Appendix 4). Corrective Action Required.

Corrective Action #4: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- ✓ The agency's aforementioned use of organizations serving minorities and participation in career fairs to attract and hire interested and qualified candidates for the Assistant District Attorney title (in the *Managers* job group) demonstrated an effort to address the underutilization of Blacks and Hispanics in the *Managers* job group which existed during the audit period. (See Section III.4, Section III.6, and Appendices 2, 3 & 4).
 - The agency did not determine whether the aforementioned job groups which indicated underutilization included discretionary titles and target its recruitment initiatives accordingly. (See Section III.4, Section III.6, and Appendices 2, 3 & 4). Corrective Action Required.

Corrective Action #5: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with The Department of Citywide Administrative Services (DCAS) or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open

houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

- The agency did not determine whether the aforementioned job groups which indicated underutilization included *civil service* (list) titles, or examine if the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in the job groups with underutilization to ensure that these standards were updated, job-related and required by business necessity in *civil service* (list) titles. (See Section III.6 and Appendices 3 & 4). Corrective Action Required.

Corrective Action #6: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ In November 2015, the Special Assistant to the District Attorney reviewed structured interview questions with a hiring manager for the Reporter/Stenographer title.
 - The agency did not demonstrate that during the period in review, all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were trained to consider EEO laws/policies and use uniform, job-related techniques or were provided with a structured interview guide for other titles. Corrective Action Required.

Corrective Action #7: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency reported that during the period in review, Assistant District Attorneys were informally advised of the procedure to request transfers and how transfers were granted (based on ranking by Bureau Chief and consideration of the Assistant District Attorney's top five (5) preferences). The agency reported that openings usually occurred every six (6) months, and that a similar process was used for paralegals/trial preparation assistants.

- The agency did not demonstrate that there was a formal process to promote employees' awareness of opportunities for promotion and transfer within the agency, or to inform employees of the procedure to request consideration for such opportunities. Corrective Action Required.

Corrective Action #8: Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- ✓ The agency advertised several job vacancies externally during the period in review, including *Senior Rackets Investigator, Appeals ADA, Timekeeper, Senior Assistant to Fiscal Director, Deputy Director of Personnel, and Time and Leave Supervisor*. Each job posting contained the tagline "Equal Opportunity Employer." In addition, the agency internally posted vacancies for *Systems Engineer* and *Timekeeper* which contained the tagline "Equal Opportunity Employer."

NOTE: Subsequent to the period in review, the agency demonstrated that its Career Opportunities webpages—for *Assistant District Attorneys, Paralegals, Appeals ADA, Clerical, Fiscal Analyst, Internship Programs, and Director Crime Advocate Program* positions—indicated the agency was an equal opportunity employer.

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- ✓ The agency reported that during the period in review, it tracked via an electronic database, the following information for the Assistant District Attorney title: *applicants'/candidates' names* ("Applicant Name"), *identification number* (Applicant address was given in lieu), *gender* ("Sex"), *interview date* ("Interview Date"), *interviewers' names* (maintained in the *Comments* field of the *Applicant Information* window), *result* (maintained in the *Comments* field of the *Applicant Information* window), *disposition* ("Recommendation Type"), and *recruitment source* ("School") of each applicant.

- During the period in review, the agency did not use an applicant/candidate log or tracking system for all staff including Support Staff. The agency did not demonstrate that the Assistant District Attorney applicant/candidate log or tracking system included the *ethnicity, disability status, or veteran status* of each applicant. Corrective Action Required.

Corrective Action #9: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result,*

reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency reported that during the period in review, Assistant District Attorneys were informally made aware that the Counsel to the Chief Assistant District Attorney was familiar with career opportunities at the agency and could provide career guidance upon request.
- The agency did not demonstrate that it reminded Assistant District Attorneys of the identity/type of guidance available from the Counsel to the Chief Assistant District Attorney at least once each year. In addition, the agency did not demonstrate that it designated a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling upon request to Support Staff. Corrective Action Required.

Corrective Action #10: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The agency reported that during the period in review, the Director of Payroll & Personnel Services (the agency's principal Human Resources professional) worked with the Disability Rights Coordinator to employ and accommodate qualified individuals with disabilities via its 55-a program participation and reasonable accommodation procedures. Additionally, the agency reported that the Human Resources Department advised new employees of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures via the EEO Policy and EEO Policy statement, which they received during onboarding.

- The agency reported that during the period in review, employees did not have formal tasks and standards and were not notified of performance evaluation standards, examinations, training opportunities, or job postings. (See Section IV.13 in regards to Career Counselor information). Corrective Action Required.

Corrective Action #11: Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

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

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
 - ✓ The agency reported that during the period in review, its EEO Policies were immediately available in large print and it was committed to provide its EEO Policies in alternative versions upon request.
16. Document reasonable accommodation requests and their outcomes.
 - ✓ During the period in review, the principal Human Resources professional maintained a reasonable accommodations request folder which was reported to have documentation regarding three (3) of the four (4) reasonable accommodation requests that the agency received during the period in review. The agency's reasonable accommodation request form identified that the Disability Rights Coordinator will document progress and monitor implementation of any reasonable accommodation request, and consult the *Reasonable Accommodation Policy and Procedure* for further guidance as needed.
 - The agency did not demonstrate that during the period in review, all reasonable accommodation requests and their outcomes were documented. The three (3) requests in the reasonable accommodations requests folder did not include the request outcomes, as determined by the Disability Rights Coordinator. Corrective Action Required.

NOTE: Subsequent to the period in review, the agency demonstrated its commitment to document its reasonable accommodation requests/outcomes by receiving and documenting one request via its reasonable accommodation request form and reasonable accommodation requests log. The principal Human Resources professional provided the outcome via email to the employee that requested accommodation.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

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

- ✓ Employees were notified of the Counsel to the Chief Assistant District Attorney's designation as the principal EEO professional via the agency's EEO professionals list, which was distributed to all employees via email in 2002 and to new employees during onboarding. The agency reported that the principal EEO professional completed Cornell University's School of Industrial and Labor Relations "*The Law of Equal Employment Opportunity*" training in September 2001; training material table of contents was provided.

NOTE: Refresher training would ensure that the principal EEO professional is knowledgeable of current city, state and federal EEO laws.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.

- ✓ During the period in review, the agency's EEO Unit consisted of the principal EEO professional, Deputy EEO Officer, and eight (8) EEO coordinators.
 - The agency did not demonstrate that the Deputy EEO Officer and EEO coordinators were trained in EEO laws and procedures. Corrective Action Required.

Corrective Action #12: Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ During the period in review, as reflected in the agency's organization chart, the principal EEO professional directly reported to the Chief Assistant District Attorney, who reported directly to the District Attorney.

20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

- ✓ During the period in review, the principal EEO professional and Deputy EEO Officer met with the District Attorney six (6) times to discuss the administration and operation of the agency's EEO program. Discussion topics included *Status of Training*, *Status of Complaints*, and *New Members of Support Staff and Detective Bureau*. The agency reported these meetings were regularly scheduled and occurred approximately every eight (8) weeks.
 - The agency did not maintain documentation regarding decisions that impacted the administration, operation and continuity of the EEO program. Corrective Action Required.

Corrective Action #13: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:

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

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ During the period in review, the agency established performance evaluation programs for Assistant District Attorneys and Support Staff, and administered annual evaluations to Assistant District Attorneys. Bureau Chiefs were notified of the performance evaluation periods and procedures for Assistant District Attorneys annually via memorandum from the Chief Assistant District Attorney, and for Support Staff in October 2014 via the Administration (Human Resources) Office. Completed performance evaluations were retained by the agency and copies were provided to employees.
 - The agency did not demonstrate that it had administered annual managerial/non-managerial performance evaluations for Support Staff. Corrective Action Required.

Corrective Action #14: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

22. 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 agency did not demonstrate that it maintained, or administered a managerial performance evaluation with a rating for EEO. Corrective Action Required.

Corrective Action #15: Ensure that 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).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- During the period in review, the agency did not submit an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. Corrective Action Required.

Corrective Action #16: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 16 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, 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*.

²Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



(*Optional Conference*) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(*No Response Option*) If your agency 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 actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond 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,

A handwritten signature in blue ink that reads "William Peterson".

William Peterson, EEO Program Analyst

Approved by,

A handwritten signature in blue ink that reads "Charise L. Terry".

Charise L. Terry, PHR
Executive Director

c: Vincent J. Carroll, Jr., Principal EEO Professional

Appendix - 1

Queens County District Attorney's Office
EEO Job Group Descriptions

**DESCRIPTION OF
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)
JOB GROUP CATEGORIES**

001 Administrators: Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.

002 Managers: Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

003 Management Specialists: Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

004 Science Professionals: Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

005 Health Professionals: Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

006 Social Scientists: Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

007 Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

008 Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

009 Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

010 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: health technicians (clinical laboratory, dental hygienists, health records, radiologic

and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

011 Sales: Not applicable.

012 Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

013 Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

014 Household Services: Not applicable.

015 Police Supervisors: Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

016 Fire Supervisors: Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

017 Firefighters: Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

018 Police and Detectives: Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

019 Guards: Occupations in which employees are entrusted with public safety and security. This category includes: school crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.

020 Food Preparation: Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

021 Health Services: Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.

022 Building Services: Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.

023 Personal Services: Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

024 Farming: Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

025 Craft: Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.

026 Operators: Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: printing press operators, high pressure boiler operators, laundry workers and kindred workers.

027 Transportation: Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

028 Laborers: Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

029 Sanitation Workers: Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: sanitation workers, debris removers and kindred workers.

030 Teachers: Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

031 Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Appendix - 2

Queens County District Attorney's Office
Workforce Composition Summary
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
RUN TIME: 08:37:43.5

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2016 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

PAGE: 255
REPORT: EBEP210

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY
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		
05329	SPECIAL ASSISTANT TO THE D	3	0	0	0	0	0	3	0	0	1	0	0	0	7
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	1	0	1	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	1	0	0	0	0	2
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
30114	ASSISTANT DISTRICT ATTORNE	91	4	9	6	1	20	102	19	13	18	0	21	0	304
3083A	SUPERVISING RACKETS INVEST	2	0	0	0	0	0	0	0	1	0	0	0	0	3
60801	DIRECTOR OF PUBLIC INFORMA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		97	4	9	6	1	20	108	20	16	19	0	21	0	321
		30.23	1.25	2.80	1.87	0.31	6.23	33.64	6.23	4.98	5.92	0.00	6.54	0.00	100.00

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

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		
1002C	ADMINISTRATIVE MANAGER NON	0	0	1	0	0	0	3	1	1	0	0	0	0	6
12626	STAFF ANALYST	0	0	0	0	0	0	0	0	0	1	0	0	0	1
22427	ASSOCIATE PROJECT MANAGER	0	0	1	0	0	0	0	0	0	0	0	0	0	1
30854	SUPERVISING ACCOUNTANT INV	2	0	0	0	0	0	1	0	0	0	0	0	0	3
EEO JOB GROUP TOTAL.....:		2	0	2	0	0	0	4	1	1	1	0	0	0	11
		18.19	0.00	18.18	0.00	0.00	0.00	36.36	9.09	9.09	9.09	0.00	0.00	0.00	100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY
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		
13622	COMPUTER SPECIALIST (OPERA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
13641	CERTIFIED IT ADMINISTRATOR	0	1	0	0	0	0	0	0	0	0	0	0	0	1
13643	CERTIFIED IT DEVELOPER (AP	1	0	0	0	0	0	0	0	0	0	0	0	0	1
13693	*CERTIFIED APPLICATIONS DE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		3	1	0	0	0	0	0	0	0	0	0	0	0	4
		75.00	25.00	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 : 904 DISTRICT ATTORNEY-QUEENS COUNTY
EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		

PAGE: 256
REPORT: EBEPR210

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RUN DATE: 01/05/16
RUN TIME: 08:37:43.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2016 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

PAGE: 257
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....:	11	2	2	0	0	0	0	0	0	0	0	0	1	0	16
	68.75	12.50	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.25	0.00	100.00

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

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
30831	SENIOR RACKETS INVESTIGATO	25	3	4	2	0	1	3	2	1	0	0	0	0	41
EEO JOB GROUP TOTAL.....:		25	3	4	2	0	1	3	2	1	0	0	0	0	41
		60.96	7.32	9.76	4.88	0.00	2.44	7.32	4.88	2.44	0.00	0.00	0.00	0.00	100.00

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

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
91406	CITY SEASONAL AIDE	0	0	0	0	0	0	0	0	0	1	0	1	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	0	1	0	1	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	50.00	0.00	100.00

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

		MALE						FEMALE						OTHER	TOTAL EMP
TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
52406	COMMUNITY SERVICE AIDE	3	2	5	0	0	0	3	1	7	0	0	0	0	21
56056	COMMUNITY ASSISTANT	1	5	4	1	0	1	2	6	7	1	0	0	0	28
56057	COMMUNITY ASSOCIATE	16	7	11	3	0	0	30	6	16	8	0	2	0	99
56058	COMMUNITY COORDINATOR	4	1	2	1	0	0	6	1	0	2	0	1	0	18
EEO JOB GROUP TOTAL.....:		24	15	22	5	0	1	41	14	30	11	0	3	0	166
		14.46	9.04	13.25	3.01	0.00	0.60	24.70	8.43	18.07	6.63	0.00	1.81	0.00	100.00

AGENCY TOTAL.....:	166	26	39	13	1	23	187	58	56	32	0	35	0	636
	26.10	4.09	6.13	2.04	0.16	3.62	29.40	9.12	8.81	5.03	0.00	5.50	0.00	100.00

Appendix - 3

Queens County District Attorney's Office
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2013
(Beginning of Audit Period)

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 121
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT I	BLACK OBSRV	EXPCT I	HISPANIC OBSRV	EXPCT I	ASIAN / OBSRV	EXPCT I	NATIVE A OBSRV	EXPCT I	ETH UNKN OBSRV	EXPCT I
002 MANAGERS	280	182	143 O	20	59 U	17	38 U	20	23	0	1 N	41	17 O
003 MNGMNT SPECS	4	2	2 N	1	1 N	0	1 N	1	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	1	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
008 LAWYERS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
009 PUBLIC REL	1	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
010 TECHNICIANS	11	3	4 U	5	4	1	2 U	0	1 U	0	0 N	2	0 O
012 CLERICAL SUPS	18	11	5 O	0	9 U	2	3 N	0	1 U	0	0 N	5	1 O
013 CLERICAL	52	27	12 O	15	26 U	4	8 U	0	4 U	0	0 N	6	3 O
015 POLICE SUPS	14	11	10	0	2 U	2	2	0	0 N	0	0 N	1	0 O
018 POLICE	41	29	17 O	6	13 U	3	9 U	2	2	0	0 N	1	0
028 LABORERS	2	0	1 N	0	1 N	1	0 N	1	0 N	0	0 N	0	0 N
031 PARA PROFESSION	150	63	54	30	43 U	45	34 O	9	12 N	0	1 N	3	6 N

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 122
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 904 DISTRICT ATTORNEY-QUEENS
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
002 MANAGERS	280	125 154 U	155 116 O	0 9 N
003 MNGMNT SPECS	4	1 2 N	3 2 N	0 0 N
004 SCIENCE PROFNS	1	1 1 N	0 0 N	0 0 N
008 LAWYERS	1	1 0 N	0 1 N	0 0 N
009 PUBLIC REL	1	1 1 N	0 0 N	0 0 N
010 TECHNICIANS	11	2 7 U	9 4 O	0 0 N
012 CLERICAL SUPS	18	1 4 U	17 14	0 0 N
013 CLERICAL	52	8 15 U	44 35 O	0 2 N
015 POLICE SUPS	14	11 12	3 2	0 0 N
018 POLICE	41	37 30 O	4 11 U	0 0 N
028 LABORERS	2	1 1 N	1 1 N	0 0 N
031 PARA PROFESSION	150	58 59	92 90	0 1 N

Appendix - 4

Queens County District Attorney's Office
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 121
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT	I	BLACK OBSRV	EXPCT	I	HISPANIC OBSRV	EXPCT	I	ASIAN / OBSRV	EXPCT	I	NATIVE A OBSRV	EXPCT	I	ETH UNKN OBSRV	EXPCT	I
002 MANAGERS	321	205	165	O	24	61	U	25	42	U	25	33	N	1	1		41	13	O
003 MNGMNT SPECS	11	6	5		1	3	U	3	1		1	1	N	0	0	N	0	0	N
004 SCIENCE PROFNS	4	3	2	N	1	1	N	0	0	N	0	1	N	0	0	N	0	0	N
008 LAWYERS	1	1	1	N	0	0	N	0	0	N	0	0	N	0	0	N	0	0	N
010 TECHNICIANS	11	3	4	U	6	4		1	2	U	0	1	U	0	0	N	1	0	
012 CLERICAL SUPS	13	7	3	O	1	7	U	1	2	U	0	1	U	0	0	N	4	0	O
013 CLERICAL	50	24	9	O	15	27	U	6	8	N	0	4	U	0	0	N	5	2	O
015 POLICE SUPS	16	11	11		2	2		2	2		0	0	N	0	0	N	1	0	O
018 POLICE	41	28	17	O	5	12	U	5	9	U	2	2		0	0	N	1	0	
028 LABORERS	2	0	1	N	0	1	N	0	0	N	1	0	N	0	0	N	1	0	N
031 PARA PROFESSION	166	65	54		29	44	U	52	41	O	16	16		0	0	N	4	4	

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 122
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
002 MANAGERS	321	137 172 U	184 135 O	0 6 N
003 MNGMNT SPECS	11	4 6 U	7 4	0 0 N
004 SCIENCE PROFNS	4	4 3 N	0 1 N	0 0 N
008 LAWYERS	1	1 0 N	0 0 N	0 0 N
010 TECHNICIANS	11	1 7 U	10 4 O	0 0 N
012 CLERICAL SUPS	13	0 3 U	13 10	0 0 N
013 CLERICAL	50	4 14 U	46 34 O	0 2 N
015 POLICE SUPS	16	15 14	1 2 U	0 0 N
018 POLICE	41	35 30	6 10 U	0 0 N
028 LABORERS	2	0 1 N	2 0 N	0 0 N
031 PARA PROFESSION	166	67 63	99 96	0 0 N



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie E. Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

June 29, 2016

Richard A. Brown
District Attorney
Office of the Queens County District Attorney
125-01 Queens Boulevard
Kew Gardens, NY 11415

RE: Final Determination #2016/904 Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Queens County District Attorney's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear District Attorney Brown:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit.

As the EEPC did not receive the Office of the Queens County District Attorney's response to our June 13, 2016 Preliminary Determination within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the attached Determination is now Final.

As indicated in our Preliminary Determination, this Commission has adopted uniform standards¹ to assess agencies' employment practices and programs for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. The attached Determination contains the Commission's findings and required corrective actions pertaining to the referenced review, evaluation and monitoring of your agency's employment practices and procedures.

Chapter 36, Section 832.c of the New York City Charter requires that: 1) the EEPC assign a 6-month compliance period to monitor your agency's efforts to eliminate remaining required corrective

¹ Founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; New York City Human Rights Law (NYC Administrative Code, §§8-107.1(a) and 8-107.13(d)); New York State Civil Service Law §55-a; Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7) and the equal employment opportunity requirements of the New York City Charter.



actions; and 2) the agency provide a written response within 30 days from the date of this letter indicating corrective action taken.

The assigned compliance-monitoring period is: JULY 2016 to DECEMBER 2016.

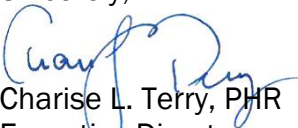
If corrective actions remain: Your agency's response should indicate what steps your agency has taken, or will take, to implement the corrective actions during the designated period. Documentation which supports the implementation of each corrective action shall be uploaded to TeamCentral, the EEPC's Automated Compliance-Monitoring System. Your agency will be monitored monthly until all corrective actions have been implemented. Instruction on how to access and navigate TeamCentral is attached. Upon your agency's completion of the final corrective action, this Commission requires that your agency upload a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. Upon receipt of the final memorandum, the EEPC will issue a *Determination of Compliance*.

If no corrective actions remain: Your agency is exempt from the aforementioned monitoring period. However, this Commission requires a final memorandum signed by the agency head which informs employees of the changes implemented pursuant to our audit and re-emphasizes commitment to the EEO program. This will be considered your agency's final action. Upon receipt of the memo, a *Determination of Compliance* will be issued.

If there are further questions regarding this Final Determination or the compliance-monitoring process, please have the Principal EEO Professional call Marie Giraud, Esq., Agency Attorney/Director of Compliance Monitoring at 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,



Charise L. Terry, PHR
Executive Director

c: Vincent J. Carroll, Jr., Principal EEO Professional



[FINAL DETERMINATION](#)
[06/29/2016](#)

June 13, 2016

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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

Marie Giraud, Esq.
Agency Attorney/
Director of Compliance Monitoring

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND E-MAIL

Richard A. Brown
District Attorney
Queens County District Attorney's Office
135-01 Queens Boulevard
Kew Gardens, NY 11415

Re: Preliminary Determination for Audit: Review, Evaluation, and Monitoring of the Queens County District Attorney's Office's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear District Attorney Brown:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering January 1, 2013 to December 31, 2015.

The New York City Charter, Chapter 36, Section 831(d)(5), empowers this Commission to audit and evaluate city agencies' employment practices, programs, policies and procedures, and their efforts to ensure fair and effective equal employment opportunity for employees and applicants seeking employment with city agencies. Section 832.c provides that this Commission may, pursuant to an audit, make a preliminary determination that any plan, program or procedure utilized by any city agency does not provide equal employment opportunity and recommend all necessary and appropriate procedures, approaches, measures, standards and programs to be utilized by agencies in these efforts.

The Queens County District Attorney's Office, which may herein be referred to as "the agency," falls within the Commission's purview under Chapter 36, Section 831(a) of the New York City Charter, which delineates city agency as 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 agency's Employment Practices and Procedures, not to issue findings of discrimination pursuant to the New York City Human Rights Law. This Commission has adopted *Uniform Standards for EEPC Audits*¹ and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants. These standards are founded upon and consistent with federal, state and local laws, regulations, procedures and policies including, but not limited to, the Citywide Equal Employment Opportunity Policy - Standards and Procedures to be Utilized by City Agencies; the New York City Human Rights Law (NYC Administrative Code §§8-107(1)(a) and (d), 8-107.13, and 8-107.1); the New York State Civil Service Law §55-a; the Uniform Guidelines on Employee Selection Procedures (29 CFR §§1607.3 - 1607.7); the Americans with Disabilities Act and its Accessibility Guidelines; and the equal employment opportunity requirements of the New York City Charter. Prescribed corrective actions are consistent with the aforementioned parameters.

Since this Commission is empowered to review and recommend actions which each agency should consider including in its annual plan of measures and programs to provide equal employment opportunity (Annual EEO Plan), the audited agency should incorporate required corrective actions in its current EEO Program and prospective Annual EEO Plans.

Scope and Methodology

This Commission's audit methodology includes collection and analysis of the documents, records and data the agency provides in response to the *EEPC Document and Information Request Form*; responses to the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, review of the agency's *Annual EEO Plans* and *Quarterly EEO Reports* and analysis of workforce and utilization data from the *Citywide Equal Employment Database System* (CEEDS).

This Commission reviews the workforce statistics and utilization analysis information available via CEEDS to understand the concentrations of race and gender groups within an agency's workforce. (CEEDS may be unavailable for certain non-mayoral agencies. In such cases, the EEPC requests that the agency submit similar statistics and analysis.) EEO Program Analysts examine imbalances between the number of employees in a particular job category and the number that would reasonably be expected when compared to their availability in the relevant labor market. Personnel transactions are reviewed in order to ascertain the agency's employment practices. Where underutilization is revealed within an agency's workforce, EEO Program Analysts assess whether the agency has undertaken reasonable measures to address it.

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, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct

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

additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

Pursuant to Article 13, section 13 of the State Constitution, District Attorneys are constitutional officers elected every four years. Section 927 of the County Law imposes upon District Attorneys the duty to protect the public by investigating and prosecuting criminal conduct in the counties in which they hold office. At the end of the period in review, the agency's headcount was 636; 304 of which were in the title Assistant District Attorney (see Appendix 2).

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 general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ The District Attorney during the period in review issued an amended EEO Policy statement in November 2006 which also was distributed to new employees during orientation. The District Attorney's EEO Policy statement reiterated the agency was "*committed to providing its employees with a work environment in which all individuals are treated with respect and dignity.*" The EEO Policy statement further stated that "[t]his office is an equal opportunity employer and strives to provide equal employment opportunity to all employees and applicants for employment without regard to actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking." (See Section I.2 for note on updated protections). The EEO Policy statement notified staff that the principal EEO professional and EEO coordinators were responsible for the agency's EEO program implementation. The agency's list of EEO professionals advised employees of the names of the EEO professionals and the contact information of the EEO coordinators.
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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy against sexual

harassment; uniform and responsive procedures for investigating discrimination complaints and providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals, as well as federal, state and local agencies that enforce laws against discrimination.

- ✓ During the period in review, the agency distributed its EEO Policy, *Equal Employment Opportunity and Sexual Harassment Policy and Program Manual*, to all new employees during orientation, for which receipts were signed. The agency's EEO Policy included sections titled, *Overview of the Sexual Harassment Policy and Program*, *Responsibilities for Implementing the Equal Employment Opportunity and Sexual Harassment Program*, *Internal Equal Employment Opportunity and Sexual Harassment Complaint Procedures*, and *Communication of the Goals and Procedures of the EEO and Sexual Harassment Program*. The EEO Policy also included the contact information for the federal, state and local agencies that enforce laws against discrimination, and was reported to have been posted to the agency's intranet site for access by all employees. Attached to the EEO Policy was the agency's EEO Policy statement, which included a more comprehensive list of protected classes under NYC and NYS Human Rights Laws. A list of the EEO professionals, with the contact information of the EEO coordinators, was provided to new employees upon hire.
 - The agency's EEO Policy did not include or attach as an addenda: a reasonable accommodation policy or an up-to-date list of protected classes under NYC and NYS Human Rights Laws (specifically, it did not include "pregnancy", "consumer credit history", or "unemployment status"). Additionally, the agency did not demonstrate that during the period in review, employees were notified of changes in personnel in the EEO Office. Corrective Action Required.

NOTE ON POLICY UPDATES: Subsequent to the audit period, the following protected categories were added to the New York City's Human Rights Law: "caregiver status" (effective May 4, 2016); and "pregnancy" (enforcement guidance released on May 16, 2016). All EEO policies/flyers and related documents must reflect these updates.

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO

rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.

- ✓ During the period in review, the agency's Assistant District Attorney new hire orientation included EEO training with the Deputy EEO Officer (the agency's EEO Trainer) within the first week of employment. Support Staff (job titles other than Assistant District Attorney) were reported to have attended EEO training within their first six (6) months of hire. The agency also reported between July 2012 and September 2015, 281 new hires (approximately 44% of its workforce) received "*The Professional Workplace Avoiding Sexual Harassment*" training as indicated in the agency's "*EEO Training Activity*" attachment to the EEPC's *Document Information Request Form* (see Appendix 2).

III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion):

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

- 4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ During the period in review, the agency contacted and scheduled interviews with the National Black Law Students Association; participated in the 2015 career fair for the Hispanic National Bar Association; and reported its participation in other recruiting events for minority candidates, such as National Black Prosecutors, Asian-Pacific American Law Students Association, and metroLALSA (a Latina/o law student organization in the New York-New Jersey metropolitan area). Additionally, the agency reported that it regularly recruited from the surrounding New York metropolitan area and increased its participation in minority job fairs. The agency's targeted recruitment of Black and Hispanic attorneys and law students for the Assistant District Attorney title (in the *Managers* job group) demonstrated an effort to address the underutilization of Blacks and Hispanics in the *Managers* job group which existed during the audit period. (See Appendices 2, 3 & 4).
 - The agency did not assess recruitment efforts for its Support Staff to determine whether such efforts adversely impacted women, minorities, or any other protected group. Corrective Action Required.

Corrective Action #2: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
- ✓ During the period in review, the principal EEO professional prepared and distributed workforce demographic reports via memorandum to the District Attorney, Chief Assistant District Attorney, General Counsel, and Executive Assistant District Attorney for Administration (the supervisor of the principal Human Resources professional). The principal EEO professional prepared workforce reports which contained a breakdown of Assistant District Attorneys (labeled *Professional Staff*) as of January 2013, July 2013, March 2014, and March 2015; and *Support Staff* as of July 2013. Each report included the employee headcount and a demographic breakdown of *Women, African-Americans, Hispanics, Asians, African-American Women, Hispanic Women, and Asian Women*. The principal EEO professional also annually distributed to the District Attorney a report of Assistant District Attorney demographics from the New York City, Westchester County, and Long Island District Attorney's Offices, as reported in the *New York Law Journal*. The agency reported that the principal EEO professional's Assistant District Attorney workforce reports were prepared for and reviewed by the District Attorney every six (6) months. The agency received no EEO complaints during the period in review.
- The agency did not identify whether there were barriers to equal opportunity within the agency and determine what, if any, corrective actions were required to correct deficiencies. Corrective Action Required.

Corrective Action #3: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

6. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
- The agency did not demonstrate that it assessed the manner in which candidates were selected for employment to determine whether such efforts adversely impacted women, minorities, or any other protected group. In addition, the 3rd quarter fiscal year (FY) 2013, *CEEDs Report – Work Force Compared with Internal and External Pools* (the beginning of the audit period) indicated underutilization of Blacks in six (6) job groups (*Managers, Clerical Supervisors, Clerical, Police Supervisors, Police, and Para*

Professionals), Hispanics in four (4) job groups (*Managers, Technicians, Clerical, and Police*), Asians in three (3) job groups (*Technicians, Clerical Supervisors, and Clerical*), and females in one (1) job group (*Police*) (see Appendix 3). The 2nd quarter FY 2016 (the last quarter of the audit period) CEEDs Report indicated underutilization of Blacks in six (6) job groups (*Managers, Management Specialists, Clerical Supervisors, Clerical, Police, and Para Professionals*), Hispanics in four (4) job groups (*Management Specialists, Technicians, Clerical Supervisors, and Police*), Asians in three (3) job groups (*Technicians, Clerical Supervisors, and Clerical*), and females in two (2) job groups (*Police Supervisors and Police*) (see Appendix 4). Corrective Action Required.

Corrective Action #4: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

7. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
- ✓ The agency's aforementioned use of organizations serving minorities and participation in career fairs to attract and hire interested and qualified candidates for the Assistant District Attorney title (in the *Managers* job group) demonstrated an effort to address the underutilization of Blacks and Hispanics in the *Managers* job group which existed during the audit period. (See Section III.4, Section III.6, and Appendices 2, 3 & 4).
 - The agency did not determine whether the aforementioned job groups which indicated underutilization included discretionary titles and target its recruitment initiatives accordingly. (See Section III.4, Section III.6, and Appendices 2, 3 & 4). Corrective Action Required.

Corrective Action #5: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with The Department of Citywide Administrative Services (DCAS) or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open

houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

- The agency did not determine whether the aforementioned job groups which indicated underutilization included *civil service* (list) titles, or examine if the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions in the job groups with underutilization to ensure that these standards were updated, job-related and required by business necessity in *civil service* (list) titles. (See Section III.6 and Appendices 3 & 4). Corrective Action Required.

Corrective Action #6: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
- ✓ In November 2015, the Special Assistant to the District Attorney reviewed structured interview questions with a hiring manager for the Reporter/Stenographer title.
 - The agency did not demonstrate that during the period in review, all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring were trained to consider EEO laws/policies and use uniform, job-related techniques or were provided with a structured interview guide for other titles. Corrective Action Required.

Corrective Action #7: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
- ✓ The agency reported that during the period in review, Assistant District Attorneys were informally advised of the procedure to request transfers and how transfers were granted (based on ranking by Bureau Chief and consideration of the Assistant District Attorney's top five (5) preferences). The agency reported that openings usually occurred every six (6) months, and that a similar process was used for paralegals/trial preparation assistants.

- The agency did not demonstrate that there was a formal process to promote employees' awareness of opportunities for promotion and transfer within the agency, or to inform employees of the procedure to request consideration for such opportunities. Corrective Action Required.

Corrective Action #8: Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

11. At minimum, indicate the agency is an equal opportunity employer in recruitment literature.

- ✓ The agency advertised several job vacancies externally during the period in review, including *Senior Rackets Investigator, Appeals ADA, Timekeeper, Senior Assistant to Fiscal Director, Deputy Director of Personnel, and Time and Leave Supervisor*. Each job posting contained the tagline "Equal Opportunity Employer." In addition, the agency internally posted vacancies for *Systems Engineer* and *Timekeeper* which contained the tagline "Equal Opportunity Employer."

NOTE: Subsequent to the period in review, the agency demonstrated that its Career Opportunities webpages—for *Assistant District Attorneys, Paralegals, Appeals ADA, Clerical, Fiscal Analyst, Internship Programs, and Director Crime Advocate Program* positions—indicated the agency was an equal opportunity employer.

12. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

- ✓ The agency reported that during the period in review, it tracked via an electronic database, the following information for the Assistant District Attorney title: *applicants'/candidates' names* ("Applicant Name"), *identification number* (Applicant address was given in lieu), *gender* ("Sex"), *interview date* ("Interview Date"), *interviewers' names* (maintained in the *Comments* field of the *Applicant Information* window), *result* (maintained in the *Comments* field of the *Applicant Information* window), *disposition* ("Recommendation Type"), and *recruitment source* ("School") of each applicant.

- During the period in review, the agency did not use an applicant/candidate log or tracking system for all staff including Support Staff. The agency did not demonstrate that the Assistant District Attorney applicant/candidate log or tracking system included the *ethnicity, disability status, or veteran status* of each applicant. Corrective Action Required.

Corrective Action #9: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result,*

reason selected/not selected (or disposition) of each applicant, and recruitment source. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ The agency reported that during the period in review, Assistant District Attorneys were informally made aware that the Counsel to the Chief Assistant District Attorney was familiar with career opportunities at the agency and could provide career guidance upon request.
- The agency did not demonstrate that it reminded Assistant District Attorneys of the identity/type of guidance available from the Counsel to the Chief Assistant District Attorney at least once each year. In addition, the agency did not demonstrate that it designated a professional with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling upon request to Support Staff. Corrective Action Required.

Corrective Action #10: Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The agency reported that during the period in review, the Director of Payroll & Personnel Services (the agency's principal Human Resources professional) worked with the Disability Rights Coordinator to employ and accommodate qualified individuals with disabilities via its 55-a program participation and reasonable accommodation procedures. Additionally, the agency reported that the Human Resources Department advised new employees of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures via the EEO Policy and EEO Policy statement, which they received during onboarding.

- The agency reported that during the period in review, employees did not have formal tasks and standards and were not notified of performance evaluation standards, examinations, training opportunities, or job postings. (See Section IV.13 in regards to Career Counselor information). Corrective Action Required.

Corrective Action #11: Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

**V. EEO AND REASONABLE ACCOMMODATIONS FOR EMPLOYEES/
APPLICANTS FOR EMPLOYMENT WITH DISABILITIES:**

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

15. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- ✓ The agency reported that during the period in review, its EEO Policies were immediately available in large print and it was committed to provide its EEO Policies in alternative versions upon request.
16. Document reasonable accommodation requests and their outcomes.
- ✓ During the period in review, the principal Human Resources professional maintained a reasonable accommodations request folder which was reported to have documentation regarding three (3) of the four (4) reasonable accommodation requests that the agency received during the period in review. The agency's reasonable accommodation request form identified that the Disability Rights Coordinator will document progress and monitor implementation of any reasonable accommodation request, and consult the *Reasonable Accommodation Policy and Procedure* for further guidance as needed.
- The agency did not demonstrate that during the period in review, all reasonable accommodation requests and their outcomes were documented. The three (3) requests in the reasonable accommodations requests folder did not include the request outcomes, as determined by the Disability Rights Coordinator. Corrective Action Required.

NOTE: Subsequent to the period in review, the agency demonstrated its commitment to document its reasonable accommodation requests/outcomes by receiving and documenting one request via its reasonable accommodation request form and reasonable accommodation requests log. The principal Human Resources professional provided the outcome via email to the employee that requested accommodation.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
- ✓ Employees were notified of the Counsel to the Chief Assistant District Attorney's designation as the principal EEO professional via the agency's EEO professionals list, which was distributed to all employees via email in 2002 and to new employees during onboarding. The agency reported that the principal EEO professional completed Cornell University's School of Industrial and Labor Relations "*The Law of Equal Employment Opportunity*" training in September 2001; training material table of contents was provided.

NOTE: Refresher training would ensure that the principal EEO professional is knowledgeable of current city, state and federal EEO laws.

18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
- ✓ During the period in review, the agency's EEO Unit consisted of the principal EEO professional, Deputy EEO Officer, and eight (8) EEO coordinators.
- The agency did not demonstrate that the Deputy EEO Officer and EEO coordinators were trained in EEO laws and procedures. Corrective Action Required.

Corrective Action #12: Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

19. The principal EEO Professional reports directly to the agency head (or an approved direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.
- ✓ During the period in review, as reflected in the agency's organization chart, the principal EEO professional directly reported to the Chief Assistant District Attorney, who reported directly to the District Attorney.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

- ✓ During the period in review, the principal EEO professional and Deputy EEO Officer met with the District Attorney six (6) times to discuss the administration and operation of the agency's EEO program. Discussion topics included *Status of Training*, *Status of Complaints*, and *New Members of Support Staff and Detective Bureau*. The agency reported these meetings were regularly scheduled and occurred approximately every eight (8) weeks.
 - The agency did not maintain documentation regarding decisions that impacted the administration, operation and continuity of the EEO program. Corrective Action Required.

Corrective Action #13: Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

VII. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION – SUPERVISORS/MANAGERS:

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

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ During the period in review, the agency established performance evaluation programs for Assistant District Attorneys and Support Staff, and administered annual evaluations to Assistant District Attorneys. Bureau Chiefs were notified of the performance evaluation periods and procedures for Assistant District Attorneys annually via memorandum from the Chief Assistant District Attorney, and for Support Staff in October 2014 via the Administration (Human Resources) Office. Completed performance evaluations were retained by the agency and copies were provided to employees.
 - The agency did not demonstrate that it had administered annual managerial/non-managerial performance evaluations for Support Staff. Corrective Action Required.

Corrective Action #14: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

22. 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 agency did not demonstrate that it maintained, or administered a managerial performance evaluation with a rating for EEO. Corrective Action Required.

Corrective Action #15: Ensure that 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).

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

- During the period in review, the agency did not submit an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan. Corrective Action Required.

Corrective Action #16: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports² (up to 30 days following each quarter) on efforts to implement the plan.

After implementation of the EEPC's corrective actions, if any:

1. The agency head distributes a memorandum informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Final Action: Distribute a memorandum signed by the agency head informing employees of the changes implemented in the EEO program pursuant to the EEPC's audit/analysis and re-emphasizing the agency head's commitment to the EEO program.

Conclusion

The agency has 16 required corrective action(s) at this time.

Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

Optional Response to preliminary determination: If submitted, your optional response should indicate, with attached documentation, what steps your agency has taken or will take to implement the prescribed corrective actions, 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*.

²Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.

(*Optional Conference*) During the Optional Conference, we will discuss the immediate steps your agency should take and address questions regarding your agency's implementation of the prescribed corrective action(s).

(*No Response Option*) If your agency 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 actions based on verified information; identify remaining action which requires further monitoring in order to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Chapter 36 of the New York City Charter your agency must respond 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,



William Peterson, EEO Program Analyst

Approved by,



Charise L. Terry, PHR
Executive Director

c: Vincent J. Carroll, Jr., Principal EEO Professional

Appendix - 1

Queens County District Attorney's Office
EEO Job Group Descriptions

**DESCRIPTION OF
CITYWIDE EQUAL EMPLOYMENT OPPORTUNITY DATABASE SYSTEM (CEEDS)
JOB GROUP CATEGORIES**

001 Administrators: Occupations in which employees set broad policies and exercise overall responsibility for the execution of these policies. This category includes: elected officials, commissioners, executive directors, deputy commissioners, chairpersons, general counsels, controllers, chiefs of department, inspector generals and kindred workers.

002 Managers: Occupations in which employees direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. This category includes: assistant commissioners, deputy directors, assistant directors, project managers, special assistants, superintendents, deputy counsels and kindred workers.

003 Management Specialists: Occupations which require specialized and theoretical knowledge of management, finance or personnel, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: accountants, underwriters, financial analysts, personnel analysts, staff analysts, program analysts, buyers, purchasing specialists, inspectors, research analysts, program officers, project coordinators and kindred workers.

004 Science Professionals: Occupations which require specialized and theoretical knowledge of various scientific or mathematical fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: architects, engineers (chemical, nuclear, civil, electrical, industrial, mechanical, marine), computer specialists, telecommunications specialists, actuaries, statisticians, physicists, chemists, geologists, biologists, foresters and kindred workers.

005 Health Professionals: Occupations which require specialized and theoretical knowledge of the medical or health fields, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: physicians, dentists, veterinarians, optometrists, podiatrists, registered nurses, pharmacists, dieticians, occupational therapists, physical therapists, speech therapists, physician's assistants and kindred workers.

006 Social Scientists: Occupations which require specialized and theoretical knowledge of the social sciences, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: librarians, archivists, economists, psychologists, sociologists, urban planners and kindred workers.

007 Social Workers: Occupations which require specialized and theoretical knowledge of social work, youth and family counseling, addiction treatment and casework, which is usually acquired through college or training or through work experience and other training which provides comparable knowledge. This category includes: caseworkers, probation officers, correctional counselors, juvenile counselors, addiction treatment counselors, eligibility specialists, human rights specialists, community liaison workers, clergy and kindred workers.

008 Lawyers: Occupations which require specialized and theoretical knowledge of the law and the judicial process, which is usually acquired through college training. This category includes: attorneys, assistant district attorneys, counsels, assistant counsels, deputy counsels, law judges, and kindred workers.

009 Public Relations: Occupations which require special knowledge or skills in public relations, journalism, modern language or the fine arts, which are usually acquired through college training, specialized post-secondary school education, or work experience or training which provides comparable knowledge. This category includes: technical writers, graphic designers, musicians, actors, directors, announcers, painters, illustrators, photographers, artists, editors, press officers, public relations specialists, public relations advisors, interpreters, customer service specialists and kindred workers.

010 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: health technicians (clinical laboratory, dental hygienists, health records, radiologic

and licensed practical nurses), electrical and electronic technicians, engineering technicians (electrical, electronic, industrial, and mechanical), drafting occupations, surveying and mapping technicians, science technicians, airline pilots and navigators, air traffic controllers, broadcast equipment operators, computer programmers, legal assistants, investigators, and kindred workers.

011 Sales: Not applicable.

012 Clerical Supervisors: Occupations in which employees are responsible for overseeing and supervising the duties of clerical staff. This category includes: chief clerks, supervising clerks, principal administrative associates, supervising cashiers, telegraph superintendents, supervising stenographers and kindred workers.

013 Clerical: Occupations in which employees are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. This category includes: cashiers, computer operators, word processors, secretaries, stenographers, typists, ticket agents, receptionists, clerks (information, personnel, file, library, records), bookkeepers, office machine operators, telephone operators, messengers, dispatchers, stock clerks, meter readers, office aides, general office clerks, bank tellers and kindred workers.

014 Household Services: Not applicable.

015 Police Supervisors: Occupations in which uniformed employees with peace officers status set broad policies in the area of public safety and security, exercise overall responsibility for execution of policies, direct individual units or special phases of the agency's operations, or supervise on a regional, district or area basis. This category includes: sergeants, captains, lieutenants, inspectors, captains (correction), wardens and kindred workers.

016 Fire Supervisors: Occupations in which uniformed employees set broad policies in the area of public safety and protection; exercise overall responsibility for execution of policies; direct individual units or special phases of the agency's operations; or supervise on a regional, district or area basis. This category includes: lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals, supervising fire prevention inspectors and kindred workers.

017 Firefighters: Occupations in which uniformed employees are entrusted with public safety, security and protection from destructive forces. This category includes: firefighters, marine engineers (uniformed), fire prevention inspectors, fire protection inspectors and kindred workers.

018 Police and Detectives: Occupations in which uniformed employees with peace officer status are entrusted with public safety, security and protection. This category includes: police officer, detectives, correction officers, bridge and tunnel officers, sheriffs, special officers, enforcement agents (traffic, sanitation) and kindred workers.

019 Guards: Occupations in which employees are entrusted with public safety and security. This category includes: school crossing guards, housing guards, watch persons, lifeguards, park rangers, school guards and kindred workers.

020 Food Preparation: Occupations in which employees are responsible for the preparation and distribution of food, or management of food services, in City facilities (e.g. schools, correctional institutions, and concessions). This category includes: cooks, school lunch helpers, school lunch managers, food service managers, commissary managers and kindred workers.

021 Health Services: Occupations in which employees are responsible for assisting health professionals in maintaining and promoting the health, hygiene and safety of the general public. This category includes: dental assistants, dietary aides, public health assistants, nurse's aides, institutional aides, health aides, orderlies, and kindred workers.

022 Building Services: Occupations in which employees perform duties which result in or contribute to the upkeep and care of buildings and facilities. This category includes: custodians, cleaners, caretakers, maintainers, elevator operators and starters, exterminators, pest control aides and kindred workers.

023 Personal Services: Occupations in which employees perform duties which result in or contribute to the comfort or convenience of the general public. This category includes: housekeepers, barbers, attendants, railroad porters, homemakers, matrons and kindred workers.

024 Farming: Occupations in which employees perform duties which result in or contribute to the upkeep and care of agricultural/botanical/zoological facilities or grounds of public property. This category includes: herbarium aides, aquarium technicians, botanical gardening aides, gardeners, groundskeepers, pruners, hostlers, menagerie keepers, horseshoers and kindred workers.

025 Craft: Occupations in which employees perform duties which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work in which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: mechanics, equipment repairers, telephone line installers, small instrument repairers, brick masons, carpenters, electricians, plumbers, mining occupations, tool and die makers, sheet metal workers, tailors, butchers, bakers, machine operators, locksmiths, precision handworking occupations and kindred workers.

026 Operators: Occupations in which employees perform duties which require specialized machine skills which are required through on-the-job training and experience or through apprenticeship or other formal training programs. This category includes: printing press operators, high pressure boiler operators, laundry workers and kindred workers.

027 Transportation: Occupations in which employees perform duties which require motor vehicle, bus, train, or other transportation operation skills which are acquired through on-the-job training and experience or through other formal training programs. This category includes: bus drivers, chauffeurs, motor vehicle operators, trainmasters, ferry terminal supervisors and kindred workers.

028 Laborers: Occupations in which employees perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings and facilities. There are no job qualification requirements for titles in this category. This category includes: skilled craft helpers and apprentices, construction laborers, stock handlers, garage and service station related occupations, car cleaners, seasonal park helpers, track workers, assistant highway repairers and kindred workers.

029 Sanitation Workers: Occupations in which employees perform duties which result in or contribute to the cleanliness, hygiene and safety of the public domain. Qualification requirements, which include civil service examinations, exist for titles in this category. This category includes: sanitation workers, debris removers and kindred workers.

030 Teachers: Occupations which require specialized and theoretical knowledge of education and instructional methods, which is usually acquired through college training or through work experience and other training which provides comparable knowledge. This category includes: teachers, instructors, professors, lecturers, fitness instructors, graduate assistants, fellows, adjunct professors, substitute teachers, trade instructors, education/vocational counselors, education analysts, education officers, institutional instructors and kindred workers.

031 Paraprofessionals: Occupations in which employees perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion. This category includes: administrative assistants, project associates, coordinators, community associates and assistants, community service aides, research associates, welfare service workers, child care workers and kindred workers.

Appendix - 2

Queens County District Attorney's Office
Workforce Composition Summary
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
RUN TIME: 08:37:43.5

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2016 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

PAGE: 255
REPORT: EBEP210

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY
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		
05329	SPECIAL ASSISTANT TO THE D	3	0	0	0	0	0	3	0	0	1	0	0	0	7
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	1	0	1	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	0	0	0	0	0	0	1	0	1	0	0	0	0	2
10033	ADMINISTRATIVE PUBLIC INFO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
30114	ASSISTANT DISTRICT ATTORNE	91	4	9	6	1	20	102	19	13	18	0	21	0	304
3083A	SUPERVISING RACKETS INVEST	2	0	0	0	0	0	0	0	1	0	0	0	0	3
60801	DIRECTOR OF PUBLIC INFORMA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		97	4	9	6	1	20	108	20	16	19	0	21	0	321
		30.23	1.25	2.80	1.87	0.31	6.23	33.64	6.23	4.98	5.92	0.00	6.54	0.00	100.00

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

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		
1002C	ADMINISTRATIVE MANAGER NON	0	0	1	0	0	0	3	1	1	0	0	0	0	6
12626	STAFF ANALYST	0	0	0	0	0	0	0	0	0	1	0	0	0	1
22427	ASSOCIATE PROJECT MANAGER	0	0	1	0	0	0	0	0	0	0	0	0	0	1
30854	SUPERVISING ACCOUNTANT INV	2	0	0	0	0	0	1	0	0	0	0	0	0	3
EEO JOB GROUP TOTAL.....:		2	0	2	0	0	0	4	1	1	1	0	0	0	11
		18.19	0.00	18.18	0.00	0.00	0.00	36.36	9.09	9.09	9.09	0.00	0.00	0.00	100.00

AGENCY CODE : 904 DISTRICT ATTORNEY-QUEENS COUNTY
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		
13622	COMPUTER SPECIALIST (OPERA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
13641	CERTIFIED IT ADMINISTRATOR	0	1	0	0	0	0	0	0	0	0	0	0	0	1
13643	CERTIFIED IT DEVELOPER (AP	1	0	0	0	0	0	0	0	0	0	0	0	0	1
13693	*CERTIFIED APPLICATIONS DE	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		3	1	0	0	0	0	0	0	0	0	0	0	0	4
		75.00	25.00	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 : 904 DISTRICT ATTORNEY-QUEENS COUNTY
EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		

PAGE: 256
REPORT: EBEPR210

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RUN DATE: 01/05/16
RUN TIME: 08:37:43.6

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
WORK FORCE COMPOSITION SUMMARY
QUARTER 2 YEAR 2016 AGENCY 904 DISTRICT ATTORNEY-QUEENS COUNTY

PAGE: 257
REPORT: EBEPR210

EEO JOB GROUP TOTAL.....:	11	2	2	0	0	0	0	0	0	0	0	0	1	0	16
	68.75	12.50	12.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.25	0.00	100.00

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

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
30831	SENIOR RACKETS INVESTIGATO	25	3	4	2	0	1	3	2	1	0	0	0	0	41
EEO JOB GROUP TOTAL.....:		25	3	4	2	0	1	3	2	1	0	0	0	0	41
		60.96	7.32	9.76	4.88	0.00	2.44	7.32	4.88	2.44	0.00	0.00	0.00	0.00	100.00

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

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
91406	CITY SEASONAL AIDE	0	0	0	0	0	0	0	0	0	1	0	1	0	2
EEO JOB GROUP TOTAL.....:		0	0	0	0	0	0	0	0	0	1	0	1	0	2
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	0.00	50.00	0.00	100.00

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

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN- KNOWN		
52406	COMMUNITY SERVICE AIDE	3	2	5	0	0	0	3	1	7	0	0	0	0	21
56056	COMMUNITY ASSISTANT	1	5	4	1	0	1	2	6	7	1	0	0	0	28
56057	COMMUNITY ASSOCIATE	16	7	11	3	0	0	30	6	16	8	0	2	0	99
56058	COMMUNITY COORDINATOR	4	1	2	1	0	0	6	1	0	2	0	1	0	18
EEO JOB GROUP TOTAL.....:		24	15	22	5	0	1	41	14	30	11	0	3	0	166
		14.46	9.04	13.25	3.01	0.00	0.60	24.70	8.43	18.07	6.63	0.00	1.81	0.00	100.00

AGENCY TOTAL.....:	166	26	39	13	1	23	187	58	56	32	0	35	0	636
	26.10	4.09	6.13	2.04	0.16	3.62	29.40	9.12	8.81	5.03	0.00	5.50	0.00	100.00

Appendix - 3

Queens County District Attorney's Office
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2013
(Beginning of Audit Period)

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 121
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT I	BLACK OBSRV	EXPCT I	HISPANIC OBSRV	EXPCT I	ASIAN / OBSRV	EXPCT I	NATIVE A OBSRV	EXPCT I	ETH UNKN OBSRV	EXPCT I
002 MANAGERS	280	182	143 O	20	59 U	17	38 U	20	23	0	1 N	41	17 O
003 MNGMNT SPECS	4	2	2 N	1	1 N	0	1 N	1	0 N	0	0 N	0	0 N
004 SCIENCE PROFNS	1	1	0 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
008 LAWYERS	1	1	1 N	0	0 N	0	0 N	0	0 N	0	0 N	0	0 N
009 PUBLIC REL	1	0	1 N	0	0 N	1	0 N	0	0 N	0	0 N	0	0 N
010 TECHNICIANS	11	3	4 U	5	4	1	2 U	0	1 U	0	0 N	2	0 O
012 CLERICAL SUPS	18	11	5 O	0	9 U	2	3 N	0	1 U	0	0 N	5	1 O
013 CLERICAL	52	27	12 O	15	26 U	4	8 U	0	4 U	0	0 N	6	3 O
015 POLICE SUPS	14	11	10	0	2 U	2	2	0	0 N	0	0 N	1	0 O
018 POLICE	41	29	17 O	6	13 U	3	9 U	2	2	0	0 N	1	0
028 LABORERS	2	0	1 N	0	1 N	1	0 N	1	0 N	0	0 N	0	0 N
031 PARA PROFESSION	150	63	54	30	43 U	45	34 O	9	12 N	0	1 N	3	6 N

RUN DATE: 04/01/13
 RUN TIME: 8:19:42
 FY2013 Q3

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 122
 PROGRAM: EBP961
 EXTRACT DATE: 03/30/13

AGENCY: 904 DISTRICT ATTORNEY-QUEENS
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
002 MANAGERS	280	125 154 U	155 116 O	0 9 N
003 MNGMNT SPECS	4	1 2 N	3 2 N	0 0 N
004 SCIENCE PROFNS	1	1 1 N	0 0 N	0 0 N
008 LAWYERS	1	1 0 N	0 1 N	0 0 N
009 PUBLIC REL	1	1 1 N	0 0 N	0 0 N
010 TECHNICIANS	11	2 7 U	9 4 O	0 0 N
012 CLERICAL SUPS	18	1 4 U	17 14	0 0 N
013 CLERICAL	52	8 15 U	44 35 O	0 2 N
015 POLICE SUPS	14	11 12	3 2	0 0 N
018 POLICE	41	37 30 O	4 11 U	0 0 N
028 LABORERS	2	1 1 N	1 1 N	0 0 N
031 PARA PROFESSION	150	58 59	92 90	0 1 N

Appendix - 4

Queens County District Attorney's Office
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2016
(End of Audit Period)

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 121
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: ETH ETHNICITY
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	WHITE OBSRV	EXPCT	I	BLACK OBSRV	EXPCT	I	HISPANIC OBSRV	EXPCT	I	ASIAN / OBSRV	EXPCT	I	NATIVE A OBSRV	EXPCT	I	ETH UNKN OBSRV	EXPCT	I
002 MANAGERS	321	205	165	O	24	61	U	25	42	U	25	33	N	1	1		41	13	O
003 MNGMNT SPECS	11	6	5		1	3	U	3	1		1	1	N	0	0	N	0	0	N
004 SCIENCE PROFNS	4	3	2	N	1	1	N	0	0	N	0	1	N	0	0	N	0	0	N
008 LAWYERS	1	1	1	N	0	0	N	0	0	N	0	0	N	0	0	N	0	0	N
010 TECHNICIANS	11	3	4	U	6	4		1	2	U	0	1	U	0	0	N	1	0	
012 CLERICAL SUPS	13	7	3	O	1	7	U	1	2	U	0	1	U	0	0	N	4	0	O
013 CLERICAL	50	24	9	O	15	27	U	6	8	N	0	4	U	0	0	N	5	2	O
015 POLICE SUPS	16	11	11		2	2		2	2		0	0	N	0	0	N	1	0	O
018 POLICE	41	28	17	O	5	12	U	5	9	U	2	2		0	0	N	1	0	
028 LABORERS	2	0	1	N	0	1	N	0	0	N	1	0	N	0	0	N	1	0	N
031 PARA PROFESSION	166	65	54		29	44	U	52	41	O	16	16		0	0	N	4	4	

RUN DATE: 01/05/16
 RUN TIME: 8:35:10
 FY2016 Q2

NEW YORK CITY DEPARTMENT OF PERSONNEL
 C E E D S S Y S T E M
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS
 AT THE AGENCY/JOBGROUP LEVEL

PAGE: 122
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY: 904 DISTRICT ATTORNEY-QUEENS COUNTY
 EEO VARIABLE: GEN GENDER

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: .050

JOB GROUP	INCMB TOTAL	MALE OBSRV EXPCT I	FEMALE OBSRV EXPCT I	GENDER U OBSRV EXPCT I
002 MANAGERS	321	137 172 U	184 135 O	0 6 N
003 MNGMNT SPECS	11	4 6 U	7 4	0 0 N
004 SCIENCE PROFNS	4	4 3 N	0 1 N	0 0 N
008 LAWYERS	1	1 0 N	0 0 N	0 0 N
010 TECHNICIANS	11	1 7 U	10 4 O	0 0 N
012 CLERICAL SUPS	13	0 3 U	13 10	0 0 N
013 CLERICAL	50	4 14 U	46 34 O	0 2 N
015 POLICE SUPS	16	15 14	1 2 U	0 0 N
018 POLICE	41	35 30	6 10 U	0 0 N
028 LABORERS	2	0 1 N	2 0 N	0 0 N
031 PARA PROFESSION	166	67 63	99 96	0 0 N

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

RESOLUTION #2016/904: Final Determination pursuant to the Audit, Review, Evaluation and Monitoring of the Office of the Queens County District Attorney's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Whereas, pursuant to Chapter 36, Section 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit of the Office of the Queens County District Attorney's (QCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 13, 2016, setting forth findings and the following required corrective actions:

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda an up-to-date list of protected classes under NYC and NYS Human Rights Laws.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender) and the agency's employment practices on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or

gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
9. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Ensure that all employees have access to information regarding performance evaluation standards, and training opportunities.
12. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of

completion.

13. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that 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).
16. Submit to the EEPc an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency did not submit a response to the EEPc's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPc issued a Final Determination on June 29, 2016 which indicated that corrective action(s) nos. 1 through 16 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPc is required to monitor the agency for a period not to exceed six months, from July 2016 through December 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPc's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved, that the Commission approves issuance of this Final Determination to District Attorney Richard A. Brown of the Office of the Queens County District Attorney.


| Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner



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

Richard A. Brown
District Attorney

(718) 286-6000
www.queensda.org

July 29, 2016

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

Dear Ms. Terry:

I have reviewed your letter of June 29, 2016 and the Final Determination #2016/904.

I have met on a number of occasions with our EEO Officer, Vincent J. Carroll, Jr, regarding the Corrective Actions Required. He has advised me of the progress made in each of the sixteen areas listed. I will review all submissions before they are uploaded to the EEPC's Automated Compliance-Monitoring System. I have directed that the compliance steps be completed as soon as possible.

I look forward to a successful completion of the compliance process.

Sincerely,


Richard A. Brown
District Attorney

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

RESOLUTION #2016AP/904NC-30: Determination of **Non-Compliance** by the Office of the Queens County District Attorney with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2013 through December 31, 2015.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of the Queens County District Attorney's (QCDA) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated June 13, 2016, setting forth findings and the following required corrective actions:

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 EEO Policy that conforms to city, state and federal laws – for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: a policy providing reasonable accommodations; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the

extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female- oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.
9. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.
10. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
11. Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.
12. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
13. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.

14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Ensure that 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).
16. Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports¹ (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the QCDA did not submit a response to the EEPD's Preliminary Determination letter within 14 days from the date of its issuance, and consistent with the audit protocol referenced therein, the Preliminary Determination became Final; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD issued a Final Determination on June 29, 2016, with corrective actions #1 – 16, remaining; and

Whereas, the QCDA submitted its response to the EEPD's final determination letter, on July 29, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the QCDA's implementation of the remaining corrective actions from July 2016 to December 2016, with no extension of the monitoring period; and

Whereas, the QCDA did not implement corrective actions #2, 4–7, 9, 11, 12 and 14–16; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD informed District Attorney Richard A. Brown by letter on December 28, 2016 and on January 24, 2017, that corrective actions remained incomplete, and informed him of the documentation required to demonstrate implementation of the remaining corrective actions for remediation of areas of non-compliance in its EEO program; and

Whereas, the QCDA submitted status updates throughout the compliance monitoring period. On August 26, 2016; October 21, 2016; January 20, 2017 and February 3, 2017; the QCDA provided documentation of implementation of corrective actions #1, #3, #8, #10 and #13; and

Whereas, the QCDA submitted its last compliance report on February 3, 2017, which demonstrated that the QCDA implemented 5 of 16 required corrective actions; and

Whereas, despite the Commission's aforementioned efforts, as of the date of this Resolution, the QCDA has not implemented all of the prescribed corrective actions; and

Whereas, during its February 16, 2017 meeting, this Commission reviewed a Compliance Summary Report and determined that 11 of the 16 aforementioned recommendations have not been implemented to its satisfaction; and

¹ Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.

Whereas, all of the EEP's recommended corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, the Equal Employment Practices Commission is empowered by the New York City Charter, Chapter 36, Section 832(c), to publish a report after the Commission determines that an agency has not taken appropriate and effective corrective action to correct non-compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; Now Therefore,

Be It Resolved, that the Office of the Queens County District Attorney did not implement 11 corrective actions deemed necessary to ensure compliance with equal employment opportunity standards of this Commission and the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved, that the Commission has adopted the Resolution to forward the Determination of Non-Compliance to Richard A. Brown, District Attorney, the Office of the Queens County District Attorney formally informing him that the Office of the Queens County District Attorney is not in compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter because the Office of the Queens County District Attorney has not implemented all of the required corrective actions pursuant to the Commission's audit and analysis of the Office of the Queens County District Attorney's Employment Practices and Procedures; and

Be It Further Resolved, that the Commission hereby adopts the position that it is appropriate, pursuant to Section 832(c) of the New York City Charter, to publish a report regarding the Office of the Queens County District Attorney's Non-Compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Finally Resolved, that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission will initiate another audit of the Office of the Queens County District Attorney prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

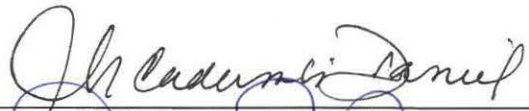
Approved unanimously on February 16, 2017.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/
Deputy Director

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

BY MAIL AND EMAIL

February 16, 2017

Richard A. Brown
District Attorney
Office of the Queens County District Attorney
135-01 Queens Boulevard
Kew Gardens, NY 11415

Re: Resolution #2016AP/904NC-30: Pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Queens County District Attorney's Employment Practices and Procedures from January 1, 2013 to December 31, 2015.

Dear District Attorney Brown:

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Section 832(c) authorizes this Commission to make a determination that any agency's 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 it prescribes for up to 6 months.

After reviewing the Monthly Compliance Reports submitted by the Office of the Queens County District Attorney (QCDA) for the 6-month compliance monitoring period (July 2016 – December 2016), this Commission has determined that (QCDA) did not implement the following corrective actions:

Corrective Action #2: Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.



Corrective Action #4: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.

Corrective Action #5: If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Corrective Action #6: If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

Corrective Action #7: Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

Corrective Action #9: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

Corrective Action #11: Ensure that employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings.

Corrective Action #12: Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.



Corrective Action #14: Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

Corrective Action #15: Ensure that 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).

Corrective Action #16: Submit to the EEPD an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports¹ (up to 30 days following each quarter) on efforts to implement the plan.

In the letter dated January 24, 2017 the EEPD requested that your agency submit documentation, which demonstrates the implementation of the remaining corrective actions on or before Friday February 3, 2017 to avert issuance of a resolution determination of non-compliance. Accordingly, this Commission has issued the enclosed **Determination of Non-Compliance**, and will conduct a **follow-up audit within 1 year** to assess whether and how your agency has implemented the above-referenced corrective actions.

In addition, this serves as notification to the Office of the Queens County District Attorney of this determination and that this Commission may also exercise the option to publish a report of the Commission's findings, as delineated in Section 832(c), Chapter 36 of the New York City Charter.

Sincerely,

A handwritten signature in black ink, appearing to read "Malini Cadambi Daniel". The signature is fluid and cursive.

Malini Cadambi Daniel
Commissioner

c: Vincent J. Carroll, Jr., Principal EEO Professional

¹ Submission of Quarterly Reports on EEO Activity is optional for non-Mayoral agencies.