



THE DISTRICT ATTORNEY
BRONX COUNTY

DARCEL D. CLARK

February 17, 2022

Jerzy Warman
DCAS Office of Citywide Equity and Inclusion
New York City Equal Employment Practice Commission
Joan Richards, Secretary of the CSC (for Nancy G. Chaffetz)
New York City Civil Service Commission
New York City Council

Dear Colleagues:

Enclosed please find attached a copy of the Bronx District Attorney's Office FY'22 EEO Plan. The enclosed Plan will help us to continue to make improvements to our Equal Employment Opportunity ("EEO) infrastructure. We have already begun to implement the recommendations contained in the FY'21 Plan.

As the District Attorney, I will be personally committed to the implementation of the Plan and my colleagues will utilize all the available resources to execute its recommendations. I thank you for the review and the recommendations and look forward to working with you on the FY'23 Plan this Fall.

If there are any questions or a need for follow-up, please contact our acting EEO Officer, Assistant District Attorney Ms. Sonya Tennell directly at 718-838-7356.

Respectfully Submitted,

Darcel D. Clark



DARCEL D. CLARK

THE DISTRICT ATTORNEY
BRONX COUNTY

BRONX COUNTY DISTRICT ATTORNEY OFFICE
DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PLAN
FISCAL YEAR 2022

I. Introductory, Commitment and Accountability Statement by the Agency Head

On behalf of the Bronx County District Attorney's Office, I hereby reaffirm my ongoing commitment as the District Attorney to support and enforce the rights and protections afforded by the New York City EEO Policy, the City and State Human Rights Law, and all other relevant laws, for all employees, applicants for employment, external contractors, consultants, and agency partners, and members of the public served by our Agency.

As diversity continues to be a priority for me, I strive to achieve the equity among our workforce by creating an inclusive culture of openness, respect, and cooperation in our workplaces; and eliminating the structural obstacles to equal treatment in recruitment, selection, development, advancement, and retention of our diverse workforce to ensure that our staff is reflective of the City's population.

All executives, managers and supervisors in our agency will be responsible for ensuring a safe, equitable and inclusive work environment for all our employees, and for delivering equitable, fair and effective services to the public we serve. I will continue to involve my entire leadership team in our efforts to enhance and promote respect for all staff, applicants and interns.

I will hold the leadership, as well as the EEO Officer, Chief Diversity Officer, all EEO professionals, human resources professionals, legal professionals, managers and supervisors accountable for ensuring that the agency does not discriminate against employees or applicants. We support the diversity, equity and inclusion initiatives at the agency by observing EEO mandates, participating in DCAS' diversity training initiatives, and working in earnest in order to attain agency goals in this area. To date, even more of our employees have completed the Preventing Sexual Harassment and Discrimination Training than last year at this time. Our goal this year is to achieve one hundred percent compliance. Please note that the Office successfully completed the EEPC audit process and received our compliance communication.

I will involve the EEO Officer, Chief of Recruitment, Chief Diversity Officer, and Chief Human Resources Office in critical personnel decisions, including recruitment, retention and selection strategies, workforce projections, succession planning, promotion of training/career development opportunities, and strategic planning.

The Office will report to DCAS as required on a quarterly and annual basis regarding all legal mandates and the provisions of the various Executive Orders and laws prohibiting employment discrimination in New York City, and on the progress in implementing this Plan.

The Agency EEO Officer and Chief Diversity and Inclusion Officer will serve as the primary resource for staff by providing best practices and direction in addressing EEO, diversity, equity and inclusion concerns. Their contact information will be available to all employees.

During Fiscal Year 2022, I will continue to issue a Commitment Statement on a quarterly basis to our employees as I have done since 2020, affirming the principles of diversity, equity, and inclusion, along with equal employment opportunity.

This statement is the same as last year.

II. Recognition and Accomplishments

Describe below key initiatives and accomplishments that your agency undertook last fiscal year (2021) to advance Equal Employment Opportunity, Equity, Diversity, and Inclusion; for example, completing training goals, introducing new equity programs, or launching employee resource groups. Use the Additional Comments section to list more than five items.

In the past year, our agency accomplished the following as part of our commitment to Equal Employment Opportunity, Equity, Diversity, and Inclusion:

1. The Agency hired a Chief Diversity, Equity & Inclusion Officer
- 2.
- 3.
- 4.
- 5.

The agency recognizes employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity, equity, and equal employment opportunity through the following:

- Diversity & EEO Awards*
- Diversity and EEO Appreciation Events*
- Public Notices
- Positive Comments in Performance Appraisals
 - Other: The new Chief of Diversity has already organized panels and events including the first Hispanic Heritage Month event.

* Please specify under "Additional Comments"

- Under the leadership of the District Attorney and support of the new Diversity Chief, the agency will work on developing ways to recognize employees, supervisors, managers, and agency units demonstrating superior accomplishment in diversity and equal employment opportunity in the future. With respect to EEO and pursuant to an EEPC Audit, management evaluations will include an EEO component about the completion of the Annual Preventing Sexual Harassment & Discrimination Training. To date, our training numbers are better than last year.

Additional Comments:

III. Workforce Review and Analysis

Please provide the total agency headcount as of 6/30/2021

Total Headcount: 1086

Please provide the number of employees whose Race/Eth and/or Gender is 'Unknown'

Race/Ethnicity:

Race/Ethnicity: Unknown (M) 5 Unknown (F) 7 | Other:0 | TOTAL: 12

(These figures are available on the total line for your agency in the EBEP210 CEEDS report)

1. Describe steps taken to encourage all employees at your agency to update self-ID information regarding race/ethnicity, gender, and veteran status through either NYCAPS Employee Self Service (ESS) or other means.

In FY 2022, the agency will remind and encourage its employees to update self-ID information regarding race/ethnicity, gender, and veteran status through any of the following means:

- NYCAPS Employee Self Service (by email; strongly recommended every year)
- Agency's intranet site
- Newsletters and internal Agency Publications
- On-boarding of new employees
- Employees unable to complete the self-identification form using ESS will be provided an opportunity to submit paper form to the EEO Office.
- In FY 2022, the agency will inform and remind employees of the option to add preferred name in ESS.

Additional Comments: The Agency hired a new CHRO in addition to a Diversity Chief. The NYCAPS recommendation may be a part of the new HR goals.

- Describe the review process of the quarterly CEEDS reports on workforce composition, utilization, and new hires and promotions data presented in your quarterly agency workforce dashboard and/or internal workforce reporting. Describe how your agency's EEO Officer, Personnel Officer and Agency Head work together to review demographic trends. These reports must be reviewed regularly with the Agency Head.

NOTE: If necessary, the agency can reach out to DCAS OCEI for guidance on interpreting their underutilization reports. However, it is the agency's responsibility to use that data to inform the formulation of its recruitment plans and efforts to reduce/eliminate underutilization.

- The agency conducts regular reviews of the CEEDS workforce reports, and the summary dashboard sent to the EEO Officer by DCAS' Office of Citywide Equity and Inclusion (OCEI) to provide demographic data and trends. The review includes an analysis of workforce composition by job title, job group, race/ethnicity and gender for all employees; new hires, promotions and separation data; and utilization analysis.

Reviewed with	Frequency
Agency Head	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
Human Resources	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
General Counsel	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____
Other EEO Officer	<input checked="" type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually <input type="checkbox"/> Other _____

- The agency review now entails a discussion with the Chief Diversity Officer concerning perceived workplace barriers for job groups that may surface in underutilization reports and for factors that may be creating these barriers (e.g., hiring patterns in specific job titles). There are also discussions with the Chief of Recruitment.

- The agency reaches out to DCAS to serve as a resource in identifying strategies and best practices to address barriers to entry as well as to receive guidance concerning the interpretation of underutilization reports.

Additional Comments:

IV. EEO, Diversity, Inclusion, and Equity Initiatives for FY 2022

1. Proactive Strategies to Enhance Diversity, Equity, Inclusion and EEO in areas of Workforce, Workplace, and Community.

State below the central goals of your strategy for FY 2022 focused on promoting equity, increasing diversity, assuring equal employment opportunity, and enhancing the value of inclusion at your agency. Categorize your goals according to the strategic area targeted. Workforce goals are directed at the composition of your workforce, recruitment, retention, promotion, and professional development. Workplace goals have to do with inclusion, workplace culture, and employee activities. Community goals are directed at the external environment of your agency: the public and entities served by the agency. Describe special initiatives to enhance equity and focus on race relations in item 4.

1. Workforce:

The new Chief of Diversity, the CHRO, the Chief of Recruitment, and the head of Community Affairs will be collaborating about each of the four areas described herein. There are no specific details available yet.

2. Workplace:

The Human Resources department is in the process of restructuring in order to provide ongoing professional development.

3. Community:

Community events held this year: 5K Walk, Run, Roll Against Domestic Violence; two Gun Buy Backs; Re-Entry Fair and Child Safety Fair.

4. Equity and Race Relations Initiatives:

Equity and Race Relations Initiatives: Initiated new recruiting schedule and strategy focused on law schools with strong diversity pipelines. Initiating an all agency culture calendar promoting greater understanding of different communities and their cultural traditions and partnering with external groups and stakeholders.

Participating in the events of such organizations as National Association of Black Prosecutors, the Association of Black Women Attorneys, Participating on law school panel discussion re: recruitment of Black and Brown attorneys.

2. Describe the ongoing and new programs, actions, and initiatives planned for FY 2022, which are aimed toward enhancement and expansion of the three foundations of Diversity and EEO strategy: **WORKFORCE, WORKPLACE, and COMMUNITY.**

A. WORKFORCE:

In addition to the strategic goals above, please indicate here specific actions and initiatives planned with respect to Workforce.

NOTE: Please address the specific recruitment, selection and promotion strategies, sources and procedures in Sections V and VI, below.

The actions listed below require internal agency collaboration and are not limited to the EEO Office.

The agency will address underutilization in FY 2022 by:

- Expanding internal and external applicant pools to address the underutilization through outreach strategies for broader recruitment.
- Launching outreach efforts to inform and encourage applications for the upcoming civil service examinations.
- Using the quarterly workforce report and dashboard to identify specific job groups where underutilization exists and guide recruitment efforts.
- The agency will implement the following strategies to address the impending retirement of employees and possible loss or gap in talent:
 - Integrate succession planning in the agency activities to develop a pipeline, facilitate a seamless transition and continuity of service, especially for critical managerial positions.
 - Encourage agency employees to take promotional civil service examinations.

The agency will implement the following initiatives to develop and retain employees:

- Identification of Ready Now & High Potential Talent.
- Institute coaching, mentoring and cross training programs.

- Implement initiatives to improve the personal and professional development of employees.
- Conduct assessment to ensure pay and promotions are equitable.

Describe specific actions designed to enhance equity:

New recruitment strategy focused on law school partnerships through the Dean's Office, student organizations, faculty to optimize connections and hiring from diverse talent pipelines. Conducted Equity Workplace Survey. Created demographic dashboards per each Trial Bureau. Created training work group to incorporate D&I training.

Additional Initiatives, Programs, or Comments: The Bronx District Attorney's Office already engages in the suggested practices to develop and retain staff and promote staff. The office will continue these practices.

B. WORKPLACE:

In addition to the strategic goals above, please indicate here specific actions and initiatives planned with respect to Workplace.

- The agency will take initiatives to create an inclusive work environment that values differences, and to maintain focus on retaining talent across all levels.
- Promote employee involvement by supporting Employee Resource Groups (ERGs).

List below the names of existing ERGs:

We do not have any formal ERGs, but we have had discussions with staff who are considering starting them. Towards that end, we have provided guidance and sample charters for use. Our CDO will also be a resource as needed.

Working Parents

BXDA 15 years and over

- Agency will create a Diversity Council to leverage equity and inclusion programs.
- Agency Diversity Council is in existence and active.

- Agency has already sponsored focus groups, Town Halls and learning events on race, equity, and inclusion.
- Agency will continue to actively inform employees of their rights and protections under the New York City EEO Policy.
- Agency will keep employees informed of the EEO complaint and reasonable accommodation processes and circulates *DCAS EEO Complaint Procedural Guidelines and Reasonable Accommodations Procedural Guidelines*.
- Agency has posted and will ensure that its workplaces post any new anti-hate or anti-discrimination posters.
- In FY 2021, the agency conducted the following survey(s) to improve the recruitment, hiring, inclusion, retention, and advancement of people in underrepresented groups:
 - Engagement /Job Satisfaction/ Employee Morale Survey(s)
 - Workplace Insight Survey for Exiting (WISE) Managers
 - Exit interview or surveys developed by the agency
 - Other (specify): We did not conduct these surveys. We did, however, increase our participation in the Preventing Sexual Harassment Training

- The agency will adopt in FY 2022 the following initiatives based on the analysis of the results of these survey(s):
 - 1.
 - 2.

Describe specific actions designed to enhance equity and initiatives to address race relations in the agency:

Additional Initiatives, Programs, or Comments:

C. COMMUNITY:

In addition to the strategic goals above, please indicate here specific actions and initiatives planned with respect to Community.

In FY 2022, the agency will:

- Continue or plan to promote diversity and EEO community outreach in providing government services.
- Promote participation with minority and women owned business enterprises (MWBES).
- Conduct a customer satisfaction survey.
- Identify best practices for establishing a brand of inclusive customer service.
- Undertake initiatives to improve community relations, community awareness, and to engage communities being served in recruitment efforts, service development and delivery.
- Expand language services for the public.

Describe specific actions designed to enhance equity:

The new CDO is now working very closely with the head of Community Affairs to identify any needs relative to diversity and the community. The new CDO have connected with Community Affairs to consult with them on community resources and stakeholders to participate in Diversity's cultural calendar programming as speakers and panel participants.

Additional Initiatives, Programs or Comments: Community Affairs Unit serves as a liaison between the District Attorney and residents of Bronx County. Community Affairs engages the entire community of the Bronx in provision of services and outreach. Additionally, CAU attends 14 precinct, 12 Community General Board and District service cabinet monthly meetings from September through June. Community Affairs also participates in National Night Out (16 Bronx Precincts), oversight of 25 Saturday Night Lights locations, 2 Walks against Breast Cancer, 4 Menorah lightings, 10 Anti Violence Marches, cultural parades (Yemeni-American, Columbus, St. Patrick's, Dominican, Puerto Rican, Memorial, Ghanafest and 9/11). 28 NYCHA family days, 2 Old Timers Days, meeting with the African Advisory Council and Opening of the Islamic Cultural Center. Residents seeking to inquire about issues or communicate concerns to the District Attorney can do so by contacting our Community Affairs Unit at our 198 E. 161st Street address.

V. Recruitment

A. Recruitment Efforts

1. Summary of Recruitment Efforts – Include steps that will be taken to give notice to all employees of discretionary job postings within the agency as well as proactive efforts/strategies planned to market positions externally.

The agency will implement the following recruitment strategies and initiatives in FY 2022:

- Review policies, procedures, and practices related to targeted outreach and recruitment.
- We have requested and will utilize Inclusive Recruitment Guide Issued by the Office of Citywide Equity and Inclusion to develop strategic recruitment plans.
- Review underutilization in job groups to inform recruitment efforts.
- Identify resources to bolster efforts aimed at increasing the effectiveness of diversity recruitment.
- Put in place an operating, up-to-date, accessible website, mobile application and social media presence related to EEO protection and rights.
 - Currently in operation.
- Assess agency job postings to ensure new diversity, inclusion, and equal opportunity employer messaging is included. This has already been implemented.
- Share job vacancy notices with the Mayor's Office for People with Disabilities at nycatwork@mopd.nyc.gov, (212) 788-2830 and ACCES VR by sending the job vacancy notices to Maureen Anderson at Maureen.Anderson@nysed.gov (212) 630-2329 so they can share it with their clients.
- Reach out to the DCAS Office of Citywide Recruitment (OCR) as a resource at citywiderecruitment@dcas.nyc.gov The EEO Office regularly contacts DCAS about EEO issues. I will inform our Chief of Recruitment that DCAs is a Recruitment Resource as well.
- If your agency is an eHire agency, post ALL vacancies on NYC Careers. This is being considered.
- Ensure that agency personnel involved in both the discretionary and the civil service hiring process have received:
 - Structured Interviewing training
 - Unconscious Bias training
 - Everybody Matters EEO and Diversity and Inclusion Training

Assess recruitment efforts to determine whether such efforts adversely impact any group.

Additional Strategies, Initiatives and Comments:

These trainings are required as part of participation on the Hiring ~~Committees~~Committees.

B. Recruitment Sources

Diverse Recruitment Source(s)	What sort of return do you expect to see from the effort? Indicate if this source yielded diverse applicant pools.
1. Law schools (local, national, HBCUs), PILC Fair, Lavender Law conference, BLSA, APALSA, law school affinity groups.	1. <input checked="" type="checkbox"/> Previous hires from this source
2. Bronx Workforce 1 Career Center (Department of Labor)	2. <input type="checkbox"/> Previous hires from this source
3. U.S. Department of Veterans Affairs	3. <input type="checkbox"/> Previous hires from this source
4. NYS Office of Children and Family Services Commission for the Blind	4. <input type="checkbox"/> Previous hires from this source
5. ICD Institute for Career Development	5. <input type="checkbox"/> Previous hires from this source

C. Internships/Fellowships

Indicate the type of internship/fellowship opportunities available at your agency. Please provide the number of student interns/fellows employed in FY 2021 and their demographic profiles, based on self-ID data. Indicate your plans to provide internship/fellowship opportunities in FY 2022.

The agency provided the following internship opportunities in FY 2021:

Type of Internship\Fellowship	Total	Race/Ethnicity *[#s] * Use self-ID data	Gender * [#s] * Use self-ID data

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1. Urban Fellows			M __ F__ Non-Binary __ Other __ Unknown __
2. Public Service Corps			M __ F__ Non-Binary __ Other __ Unknown __
3. Summer College Interns	23	Two or more races 1 Black or African American 6 Hispanic or Latino 10 South Asian 1 White 3 Asian 2	M 6 F17 Non-Binary __ Other _1_ Unknown __
4. Summer Graduate Interns			M __12 F__28_ Non-Binary __ Other __ Unknown __
5. Other (specify):			M __ F__ Non-Binary __ Other __ Unknown __

*** Self-ID data is obtained by EEO Office from NYCAPS.**

- The agency will utilize the internship/fellowship programs to improve a pipeline of candidates from underutilized groups for entry-level positions, including in mission-critical occupations.
- The agency has hired former interns/fellows.
- The agency plans to provide internship/fellowship opportunities in FY 2022.

Additional Comments:

Our internship program is limited by budgetary constraints; therefore, the numbers do not vary significantly unless there is an increase specifically allotted for intern hiring.

D. 55-a Program

Section 55-a of the New York State Civil Service Law allows a qualified person with a certified mental or physical disability to be hired into a competitive civil service position without having to take a civil service examination. The City encourages agencies to use the 55-a program as a tool to build a diverse workforce and create greater access to City employment for qualified candidates with disabilities.

1. Please discuss plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities.

- Agency uses mostly non-competitive titles which are not eligible for the 55-a Program.
- Agency does not use the 55-a Program and has no participating employees.

2. Indicate the goals of your 55-a Program Coordinator for FY 2022. Also include your agency plans to do the following: participate in career and job fairs; use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants; and promote and encourage 55-a program participants to take civil service examinations.

The agency uses the 55-a Program to hire and retain qualified individuals with disabilities and plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities in FY 2022.

Currently, there are 0 [number] 55-a participants.

There are 0 [number] participants who have been in the program less than 2 years.

Last year, a total of 0 [number] new applications for the program were received and 0 participants left the program due to [state reasons] _____.

If there have been no new participants in the program for less than two years, please indicate initiatives taken to hire new 55-a employees.

The Bronx District Attorney's Office presently has not 55-a Program Employees.

The agency will actively educate hiring managers about the 55-a program and the benefits of hiring individuals with disabilities.

Based on the June 7, 2016, 55-a memorandum, issued by DCAS, the agency will carefully evaluate each request by longtime provisional employees for designation under §55-a to serve non-competitively in a competitive title position to ensure that the request is not made solely to avoid the consequences of Civil Service Law §65(3). In addition, the agency will reiterate to provisional staff that 55-a certification should not be used as a substitute for passing a civil service exam. The agency will encourage 55-a participants to take civil service examinations.

The agency plans to participate in career and job fairs and use internship, work-study, co-op, and other programs to attract a pool of diverse 55-a program applicants.

The goals of the 55-a Coordinator for FY 2021 are:

- 1.
- 2.
- 3.
- 4.

These goals are the same as last year.

Additional Goals, Initiatives, and Comments: The Bronx District Attorney's Office presently has no 55-a Program employees.

VI. Selection (Hiring and Promotion)

NOTE: This section must be prepared in consultation with the Agency Personnel Officer.

A. Career Counselors

For FY 2022, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties of the agency Career Counselor(s) with regard to advising employees of opportunities for promotion as well as overall career development.

In FY 2022, the agency's Career Counselor will perform the following tasks:

- Review policies, procedures, and practices related to hiring (including vacancy announcements, use of certification lists, and the selection process for mission critical occupations).
- Promote employee awareness of opportunities for promotion and transfer within the agency.
- Arrange for agency wide notification of promotional and transfer opportunities.
- Encourage the use of training and development programs to improve skills, performance and career opportunities.
 - Provide information to staff on both internal and external Professional Development training sources.
 - Explain the civil service process to staff and what it means to become a permanent civil servant.
 - Provide technical assistance in applying for upcoming civil service exams.
- Provide agency staff with citywide vacancy announcements, civil service exams notices and other career development information.
- Assist employees and Job Training Program participants in assessing and planning to develop career paths.
- Provide resources and support for:
 - Targeted job searches
 - Development job search strategies
 - Resume preparation
 - Review of effective interview techniques
 - Review of techniques to promote career growth and deal with change
 - Internship exploration

Additional Initiatives and Comments: In May 2021, an agency-wide rollout of a new Career Counseling initiative to improve career advancement and retention was launched by the Bronx DA's Office. Appointing the ADA for Operations to serve as the executive lead for the initiative; a structured process for obtaining career advice using designated career counselors to serve as resources, advisors for legal and professional staff; recordkeeping contact sheets to document meetings. To date 55% of our professional staff and 45% of our legal staff have reached out to speak with counselors. The development of a bridge between Career Counseling and our Training Coordinators to identify training gaps for people who wish to advance into key roles or wish to

elevate their performance. Special attention has been paid to our Trial Prep Assistant team and best practices for their retention and advancement.

B. New Hires and Promotions

Monitoring, review, and assessment of the current new hire and promotional procedures for selection, especially for mid- and high-level discretionary positions.

In FY 2022, the agency will do the following:

- Review, revise and/or develop a protocol for in-title promotions and salary increases.
 - Promotion and salary increase protocol in existence.
- Assess the criteria for selecting/promoting persons for mid-level to high level positions.
- Publicly post announcements for all positions, including senior level positions.
- Actively reach out to networks of underrepresented groups as part of its outreach.
- Reach out to the Mayor's Office of Appointments for help to identify diverse pools of talent and additional networks for finding qualified candidates.
- Compare the demographics of current employees to the placements.
- Ensure promotion justification is included in all promotion requests.
- Review and analyze the demographics race\ethnicity and gender for those who received the promotion\salary raises to ensure such practices are equitable.
- Review on a regular basis the demographics of those who received promotion and share the information with the Commissioner and Human Resources (by EEO Officer).
- Monitor the results of action plans for any changes in the agency workforce including increases or decreases in applications of qualified applicants and selection rates.

Additional Comments:

The office has a newly hired Diversity Officer who will be spearheading these initiatives.

C. Selection Process

Identify the steps that are taken to ensure that selection process is objective, and job related.

During FY 2022, the agency will do the following:

- Ensure that hiring managers are trained in structured interviewing techniques to avoid unintentional biases in the hiring process.
- 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.
- If adverse impact is discovered, determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method.
- Engage in a collaborative effort between EEO, HR and managers where necessary, develop action plans to eliminate identified barriers.
- In conducting job interviews, ensure nondiscriminatory treatment by conducting a structured interview, where the same questions are asked of all applicants for a particular job or category of job and inquiring about matters directly related to the position in question.
- Use a diverse panel of interviewers to conduct the interview.
- EEO Officer is asked to review the interview questions.

Additional Comments:

The EEO Officer reviews questions as part of the role as a member of the hiring committee.

D. Review of Hiring, Promotion and selection Practices

For FY 2022, what steps will your agency take to review the positions filled during the year?

- A. Discuss your current practice in utilizing the NYCAPS Applicant Interview Log reports to identify applicants by gender and race/ethnicity.
- The agency will use the NYCAPS Applicant Interview Log Report to track applicant sources and identify the best sources of applicants.
 - The agency does not use the NYCAPS Applicant Interview Log Report.
 - The agency will schedule orientation with NYCAPS Central.
- B. Discuss all planned steps taken to identify barriers to entry for positions and actions under consideration to address such barriers.
- Identify at least two or three people from diverse gender and racial\ethnic backgrounds to review received applications.
 - Ensure hiring panels are composed of staff from diverse backgrounds (e.g., diversity based on experience, gender, age, race and ethnicity).
- C. When identifying groups of subject matter experts to assist the DCAS test development team in creating civil service exams, please describe efforts that will be taken to select a diverse and inclusive group of individuals in the test development process:
- The agency will identify a diverse group of subject matter experts (e.g. race, gender, age, assignments location, etc.) when requested by DCAS.
 - The agency will use objective job-related criteria to identify the subject matter experts who will participate in test development.
 - The agency will make an effort to ensure different staff members are given the opportunity to participate in test development.

Additional Comments:

E. EEO Role in Hiring and Selection Process

Briefly detail which stages of selection involve your EEO Officer (pre- and post-selection).

In FY 2022, the agency EEO Officer will do the following:

PRE-SELECTION:

- Collaborate with the Director of Human Resources to ensure that an updated listing of sources for diverse applicants, including schools and professional organizations, is maintained.
- EEO reviews vacancy postings to ensure elimination of language that has the potential for gender stereotyping and other unlawful discrimination. (It is recommended to use gender-neutral terms and pronouns).
- Actively monitor agency job postings.
- Ensure all job postings include updated EEO Employer statement released in 2021.
- EEO is consulted regarding creation/review of objective criteria for evaluating candidates for hire or promotion and applying those criteria consistently to all candidates.
- In collaboration with the Director of Human Resources, review interview questions to ensure that they are EEO-compliant, job-related, and required by business necessity.
- Advise Human Resources in the development of a comprehensive guide for hiring managers.
- Assist the hiring manager if a reasonable accommodation is requested during the interview.
- Observe interviews, when necessary, especially for underutilized job titles and/or mid- and high-level discretionary positions.
- Advise Human Resources to use candidate evaluation form for uniform assessment and equity.
- Other: Please note that we have a Chief of Recruitment in our office who is solely responsible for recruitment and related functions for both legal and non-legal hires. HR is not involved.

POST-SELECTION:

- Periodically review candidate evaluation forms and conduct a job applicant analysis via the NYCAPS eHire Applicant Interview Log reports to advise Human Resources of any demographic trends and/or EEO concerns based on available self-ID data.
- Perform advisory role to Human Resources in the selection process and conduct post-audit review.
- Review hiring package to evaluate that the selection process was conducted in accordance with EEO best practices. N.B. The EEO Officer performs these functions as part of the hiring committee.
- Other: _____

Additional Comments: The Bronx District Attorney's Office already adheres to the Best Practices described above and will continue to implement.

F. Layoffs

During periods of layoffs, terminations, and demotions due to legitimate business/operational reasons, what is your protocol for analyzing the impact of such actions based upon gender, race and age? *It is most useful to conduct this analysis prior to finalizing the list of titles that will be impacted. Ensure that the Agency General Counsel and the Law Department are involved in the review.*

- The agency will use the DCAS Layoff Procedure as guidance, should there be any layoffs, terminations and demotions due to legitimate business/operational reasons in FY 2021.
- The agency will analyze the impact of layoffs or terminations on racial, gender, age groups, and people with disabilities.
- Where layoffs or terminations would have a disproportionate impact on any of these groups, the agency will document that the targeted titles or programs were selected based on objective criteria and justified by business necessity.
- The Agency Personnel Officer, EEO Officer and General Counsel will be involved in making layoff or termination decisions. It should be noted that layoffs must be conducted by seniority in compliance with civil service law (for competitive titles) and union contract (for non-competitive and labor class titles).

VII. Training

Please refer to **Section IX** to ensure the agency complies with training requirements under local laws and Executive Orders.

Training Topic	Type of Audience (e.g. All Staff, Front-line Employees, Managers, Supervisors, etc.)	Target Number of Participants	Targeted Dates
1. Everybody Matters – EEO and Diversity & Inclusion (e-learning)			
2. Everybody Matters – EEO and Diversity and Inclusion (classroom/live webinar)			
3. Sexual Harassment Prevention (e-learning)	All employees	800 – goal:1036	12/31/21
4. Sexual Harassment Prevention (classroom/live webinar)	All employees		
5. LGBTQ– Power of Inclusion (e-learning)	Managers, Supervisors, and Front-line employees All other employees	1- completed	9/1/21
6. LGBTQ– Power of Inclusion (classroom/live webinar)	Managers, Supervisors, and Front-line employees All other employees		
7. Disability Etiquette			
8. Structured Interviewing and Unconscious Bias (classroom/live webinar)		On-going – all panels are required to take structured interviewing as a condition of panel service	
9. Other (specify)			
10. Other (specify)			

VIII. Reasonable Accommodation

Please indicate the actions your agency will take to ensure that the process of reviewing reasonable accommodation requests is compliant with the EEO Policy as well as the applicable federal, state, and local laws. Additionally, please detail any best practices currently implemented in this area. Lastly, please describe your current appeal protocol.

- Managers, supervisors, human resources personnel and discipline personnel are **required** to report to the EEO Office any reasonable accommodation requests and needs that are received, observed, learned about or suspected, so that the EEO Office may facilitate discussions, research appropriate accommodations, and assist with the resolution of the matter.
- Absent any undue hardship, the agency provides reasonable accommodation for disability, religion, victims of domestic violence, sex offense and stalking, pregnancy, childbirth or a related medical condition.
- The agency follows the City's Reasonable Accommodation Procedure.
- The agency grants or denies request 30 days after submission or as soon as possible.
- The Agency Head or designee must review and grant or deny the appeal fifteen (15) days after submission of appeal.
- If the review and decision on appeal is not done by the Agency Head.
Provide the name and title of the designee¹ : Allison Green, Supervising ADA, Beverly Ma, Chief of Litigation & Deputy Chief of Staff
- The designee reports directly to the Agency Head.
- The agency will input the Reasonable Accommodation activity on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database and update the information as needed.
- The agency analyzes the reasonable accommodation data and trends.

¹ EEO Officer and General Counsel should **NOT** be appointed as agency head designee for review of appeals to reasonable accommodation decisions. Refer to the revised guidelines below. Note the conflict of interest; in the event of an external challenge to the denial of a reasonable accommodation, the agency's General Counsel would be tasked with defending the agency against a decision in which that office was a decision maker on appeal.

<http://extranet.dcas.nycnet/eo/diversityeeo/media/19647/reasonable-accommodation-procedural-guidelines-lc-12116.pdf> (p17).

The agency has posted/will circulate the *Reasonable Accommodations at a Glance* sheet for the workforce.

Briefly describe procedures and speed of resolution, including the protocol for deciding appeals of Reasonable Accommodation decisions. Does the agency analyze statistics with regard to volume, trends, and speed of disposition of EEO complaints and reasonable accommodation requests and appeals?

Since the new EEO Officer was hired in May '20, there have been no denials of RA. The receipt of the request including the interactive process and the drafting and review of the accommodation take anywhere from 2-4 weeks. Denials when they occur will occur within the required time frame.

IX. Compliance and Implementation of Requirements Under Executive Orders and Local Laws

A. Executive Order 16: Training on Transgender Diversity and Inclusion

Under Executive Order No. 16 of 2016, the agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. Pursuant to Executive Order No. 16, this training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.

- The agency plans to train all new employees within 30 days of start date.
- All the managers, supervisors, and front-line employees were re-trained within the last two years.
- All managers, supervisors, and front-line employees will be re-trained every two years, no later than the third quarter of the Fiscal Year, as indicated in Section VII Training above.
- In addition, all other employees will be trained or re-trained every two years, as indicated in Section VII Training above.
- The agency will ensure that the Transgender Restroom Access notice/poster is posted where required, e.g., on bulletin boards, near restrooms and, in digital form, where other EEO notices and announcements can be found.

Additional Comments:

We agree that this training is important, but request that DCAS provide the specific training link or module. Upon receipt, the EEO Officer will deploy to the entire office.

B. Executive Order 59: Chief Diversity Officer/Chief MWBE Officer

Under Executive Order No. 59 of 2020, all agencies shall appoint a Chief Diversity Officer/Chief MWBE Officer, with the appropriate experience and knowledge to oversee the agency's MWBE program, to report directly to the agency head. Agency heads shall ensure internal candidates are considered for the Chief Diversity Officer/Chief MWBE Officer.

- The agency appointed a Chief Diversity Officer/ Chief MWBE Officer by August 28, 2020.

Provide the name and title of the Chief MWBE Officer: _____

Additional Comments:

We appointed a Chief Diversity Officer who stated on June 1, 2021. The CDO does not have a dual MWBE function. Whenever possible we engage local MWEs who have city contacts to purchase goods and services. As it the case when we purchase items for the 5k walk run roll against domestic violence, the sound person, tents and chairs.

C. Local Law 92 (2018): Annual Sexual Harassment Prevention training

- The agency plans to train all new employees on Sexual Harassment Prevention within 30 days of start date.
- The agency will train all current employees on Sexual Harassment Prevention (Cycle 4 – September 1, 2021 – August 31, 2022) as indicated in the Section VII Training above.

Additional Comments:

The Agency has trained approximately 80% of staff which is more than 2020. Our goal is to train all remaining staff before the end of the year.

D. Local Law 97 (2018): Annual Sexual Harassment and Complaint Reporting

- The agency will input sexual harassment complaint data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will input **all types of complaint** data on the DCAS Citywide Complaint and Reasonable Accommodation (CAD) Database, contemporaneously update the information, and affirm the data in a timely manner when requested by DCAS.
- The agency will ensure that sexual harassment complaints are closed within 90 days.
- The agency will ensure that all other complaints are closed within 90 days.

Additional Comments: As previously noted, the agency only inputs Reasonable Accommodation information into the database.

E. Local Law 101 (2018): Climate Survey

The agency, in collaboration with DCAS, conducted a climate survey in FY 2021 and will proceed to do the following in FY 2022:

- Continue to implement initiatives identified in the 2018 Climate Survey Action Plan which was submitted to DCAS and reported to City Council Speaker in 2020.
- Analyze FY 2021 survey data once provided by DCAS.
- Develop an Action Plan to address concerns raised in the FY 2021 Climate Survey and submit it to DCAS by July 31, 2022. *[Further guidance will be provided to agency by DCAS in 2022.]*

Additional Comments:

We have not received any survey results as of my May 25, 2021 email that was sent to DCAS. Upon receipt, a plan or strategy will be developed.

X. Audits and Corrective Measures:

Please check the statement(s) that apply to your agency.

- The agency is NOT involved in an audit conducted by NYC EEPC or another governmental agency specific to our EEO practices.
- The agency is currently being audited or preparing responses to an audit conducted by the EEPC or _____ **[another governmental agency – please specify]** specific to our EEO practices. **Upon forwarding our responses to the recommendations issued by the EEPC, the agency will submit to OCEI an amendment letter, which shall amend the agency plan for FY 2022 to include and implement EEPC recommendations that will be implemented during the fiscal year.**
- The agency is subject to any other oversight or review by a federal, state or city civil rights agency [please specify _____]. **Please attach a copy of the document setting out the oversight parameters and the agency's most recent report to the oversight agency.**

- Within the last two years the agency was involved in an audit conducted by the EEPD or _____ **[another governmental agency – please specify]** specific to our EEO practices.
- The agency will continue/be required to implement measures during the year that this plan is in effect (please attach a copy of the audit findings.)
- The agency received a Certificate of Compliance from the auditing agency.
Please attach a copy of the Certificate of Compliance from the auditing agency.

XI. Agency Head Signature

NOTE: Agency Head's signature and date should be provided for final submission only after the agency receives approval of the plan by DCAS.

Darcel D. Clark
Print Name of Agency Head


Signature of Agency Head

2.17.22
Date

APPENDIX

Contact Information for Agency EEO Personnel

Please provide contact information (name, title, e-mail, telephone number and full office address) for the following EEO roles at your agency. If several roles are performed by the same individual enter only the name in further entries. Insert table rows as needed.

	Title/Function	Name	Email	Telephone
1.	Agency EEO Officer	Interviews were held. Someone has been selected. An offer letter has been sent.		
2.	Agency Deputy EEO Officer			
3.	Agency Chief Diversity and Inclusion Officer	Valerie Kennedy	kennedyva@bronxda.nyc.gov	718-838-7658
4.	Agency Diversity & Inclusion Officer [if designated]			
5.	Chief Diversity Officer/Chief MWBE Officer per E.O. 59			
6.	ADA Coordinator	Sonya Tennell	tennells@bronxda.nyc.gov	718-838-7356
7.	Disability Rights Coordinator	Sonya Tennell	<u>tennells@bronxda.nyc.gov</u>	718-838-7356
8.	Disability Services Facilitator			
9.	55-a Coordinator			
10.	Career Counselor(s)	Benny Rivera	<u>riverab@bronxda.nyc.gov</u>	718-838-7304
11.	Training Liaison(s)	Justin Braun Jeannette Rucker	<u>braunj@bronxda.nyc.gov</u> <u>ruckerj@bronxda.nyc.gov</u>	718-838-7311 718-590-2083
12.	EEO Counselor(s)			