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March 22, 2016

Cyrus R. Vance, Jr.
District Attorney
New York County District Attorney's Office
1 Hogan Place
New York, NY 10013

Re: Preliminary Determination: Audit, Evaluation, Monitoring of the
New York County District Attorney's Office's Employment Practices
and Procedures from July 1, 2014 to December 31, 2015.

Dear District Attorney Vance:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPCC), 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 July 1, 2014 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 New York 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

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



return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

To encourage response, the EEPC requests that the head or deputy of each agency send emails to employees and to supervisors/managers that provide links to our questionnaires.

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.

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 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's September 2013 EEO Policy statement declared "*I reaffirm that it is the stated policy of this office to comply with City, State and Federal anti-discrimination laws as they relate to employment in this office, consistent with the concept of merit in employment.*" The agency's principal EEO Professional and EEO Coordinators were named in the District Attorney's EEO Policy statement and a copy of the agency's EEO Policy was attached.

NOTE: Although the EEO Policy statement did not include the names or contact information for the agency's EEO professionals, in October 2014, the District Attorney advised employees via email of the appointment of a new principal EEO Professional and EEO Coordinators. In June 2015, the Human Resources department notified employees via email of the contact information for the agency's EEO Professionals.

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.

- ✓ The agency's EEO Policy was posted to its bulletin boards and intranet site. Newly hired employees received the "Equal Employment Opportunity Program Manual," which included sections titled "Equal Employment Opportunity and Sexual Harassment Policies and Programs, Reasonable Accommodation Policy and Procedures, Americans with Disabilities Act Grievance Procedures, and the Internal Complaint Procedures." The EEO Policy also included a list of protected classes under NYS and NYC Human Rights Laws, and the contact information for federal, state and local agencies that enforce laws against discrimination. The District Attorney required that the "Equal Employment Opportunity Program Manual be regularly distributed to all office employees" in the EEO Policy Statement.

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 conducted ten (10) EEO training sessions for 866 employees (approximately 62% of the agency's workforce - See Appendix 4), 366 new employees and 500 existing employees.

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.
- The agency did not assess recruitment efforts to determine whether such efforts adversely impacted any particular group. Corrective Action Required.

Corrective Action #1: 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 and the principal HR Professional met regularly to discuss EEO matters. The agency provided summary reports of hiring, promotions, and separations for the period in review (See Appendix 2).
 - The agency did not provide documentation that the principal EEO Professional, principal HR Professional, and General Counsel, reviewed the agency's statistical information, the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to 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 #2: 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), 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 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 assess the manner in which candidates were selected for employment to determine whether agency selection criteria adversely impacted any particular group. In addition, the *2nd quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicated underutilization of protected classes in ten (10) job groups (See Appendix 3). Corrective Action Required.

Corrective Action #3: 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 *2nd quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicated underrepresentation of protected classes in ten (10) job groups, which may have included discretionary titles. Corrective Action Required.

Corrective Action #4: 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 *2nd quarter of fiscal year 2016 CEEDs Report – Work Force Compared with Internal and External Pools* (the last quarter of the audit period) indicated underrepresentation of protected classes in ten (10) job groups, which may have included civil service titles. Corrective Action Required.

Corrective Action #5: 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).

- ✓ Employees were allowed to voluntarily register for DCAS' structured interview training. The agency provided documentation that one employee—an *Interpreter*—completed structured interview training on April 28, 2015.
- The agency did not provide documentation that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring attended structured interview training. Corrective Action Required.

Corrective Action #6: 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.

- ✓ Employees were made aware of opportunities for promotion and transfer within the agency via email. The Human Resources department emailed—to all employees—a link to the agency's intranet site on August 21, 2014 and April 27, 2015. The agency's intranet site featured job vacancy notices, linked to DCAS' Monthly Exams Schedule, and stated "*the Recruiter in Human Resources coordinates the hiring process for support staff employees...for further detailed information, please contact Louise Glover [Deputy Director, Human Resources] or e-mail HR-Support Staff Recruitment.*"

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

- ✓ The agency advertised several job vacancies during the period in review, including *Education Specialist, Press Office Internship, Computer Forensic Analyst, Carpenter Supervisor, and Grand Jury Stenographer (Temporary)*. Each job vacancy notice contained the tagline "*Equal Opportunity Employer.*"
- Four (4) other job vacancies advertised in print/newspaper during the period in review, including *Investigators, Senior Rackets Investigator (in April 2014 and June 2015), and Supervising Rackets Investigator* did not identify the agency as an equal opportunity employer. Corrective Action Required.

Corrective Action #7: At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.

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.

- ✓ During the period in review the agency utilized *ApplicantStack*, an applicant tracking system, for support staff vacancies. *ApplicantStack* captured the *position, applicants'/candidates' names, result, reason selected/not selected (or disposition), application stage, and recruitment source* for each applicant.
- *ApplicantStack* did not capture the *identification number, ethnicity, gender, disability status, veteran status, interview date, or interviewers' names* for each applicant/candidate. In addition, *ApplicantStack* only allowed applicants to select from predetermined recruitment sources (*Indeed, SimplyHired*). The agency did not document the use of a tracking system for applicants other than support staff. Corrective Action Required.

Corrective Action #8: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names* of *all applicants*. 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 principal HR Professional was designated as the agency's Career Counselor.
 - The agency did not provide documentation that employees were notified of the identity or duties and responsibilities of the agency's Career Counselor. Corrective Action Required.

Corrective Action #9: Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.

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.
- ✓ During the period in review the principal HR Professional/ Career Counselor regularly met with the principal EEO Professional to discuss EEO matters. The Human Resources department distributed links to job vacancy notices, DCAS' Monthly Exams Schedule, training

opportunities, and posted the agency's EEO Policy to the agency's intranet site. The Human Resources department also ensured that all new employees were advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures via the distribution of the "Employee Orientation Material" (the agency's New Hire Package). As per the "Tasks and Expectations/ Performance Review" policy, supervisors were responsible for ensuring that support staff (of their respective divisions) were provided a copy of their job responsibilities and performance evaluation standards for which employees were required to sign and a copy of which was maintained by the Human Resources department.

**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 provided EEO policies in large print format and stated its commitment to provide its EEO policies in Braille or audio tape upon request.

16. Document reasonable accommodation requests and their outcomes.

✓ The agency maintained documentation of reasonable accommodation requests via its reasonable accommodation requests log. During the period in review the agency recorded five requests for reasonable accommodation, all of which were granted. Requests for reasonable accommodation were completed by the employee and reviewed by the principal EEO Professional. Determinations for reasonable accommodation requests were provided in writing.

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, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.

✓ The agency appointed a principal EEO Professional to implement EEO policies and standards within the agency. The agency's principal EEO Professional completed the following DCAS sponsored trainings, "Implicit Bias," which examined "the importance of understanding the unconscious or hidden biases that inform our behaviors and decisions at work," in March 2015, and "Everybody Matters," which was "designed to develop inclusive leadership skills," in April 2015.

- The principal EEO Professional attended but did not complete the Department of Citywide Administrative Services, Office of Citywide Equal Employment Opportunity “*Diversity and Equal Employment Opportunity Basic Training*” in November 2014. Corrective Action Required.

Corrective Action #10: Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.

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

- ✓ The agency’s EEO Unit included the District Attorney, Chief Assistant District Attorney, principal EEO Professional, and six EEO Coordinators. The principal EEO Professional conducted an EEO training session for the agency’s EEO Coordinators in May 2015.

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 the principal EEO professional reported to the Chief Assistant District Attorney who was a direct report to the District Attorney. The agency’s EEO Coordinators reported to the principal EEO Professional. These reporting relationships were reflected in the agency’s organizational chart dated April 2015.

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.

- The agency did not maintain documentation of meetings and other communications between the principal EEO Professional and the District Attorney or the Chief Assistant District Attorney. Corrective Action Required.

Corrective Action #11: 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.

- ✓ The agency established an annual performance evaluation program for Assistant District Attorneys, who comprised approximately 38% of the agency's workforce and 89% of the agency's management team (See Appendix 4). An annual performance evaluation program for "support staff" was established effective July 1, 2013 via the agency's "Tasks and Expectations/ Performance Review" policy.
- The agency did not provide documentation that performance evaluations were conducted for all managerial and non-managerial employees during the period in review. Corrective Action Required.

Corrective Action #12: 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 performance evaluation form for Assistant District Attorneys (who comprised approximately 89% of the agency's management team) did not contain an EEO rating. In addition the agency did not provide documentation that other managers were evaluated on EEO responsibilities. Corrective Action Required.

Corrective Action #13: Ensure that all managerial performance evaluation forms contain 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 EEPD 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 #14: Submit to the EEPD 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.

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



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 14 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*.

(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

William Peterson, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Nitin Savur, Principal EEO Professional

Appendix - 1

District Attorney of New York
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, dietitians, 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

District Attorney of New York
Hires, Promotions and Separations by Ethnicity and Gender
July 1, 2014 - December 31, 2015*

* As presented by the agency.

Summary of Hires

Agency: 901

Indicate the number of HIRES in each EEO Job Group by ethnicity and gender.

EEO Job Group #	Total Hires within Job Group	Race/Ethnicity						Gender	
		Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
002	4	0	0	1	0	3	0	3	1
003	4	0	0	0	0	4	0	2	2
006	1	0	0	0	0	1	0	1	0
007	3	0	0	1	0	2	0	0	3
008	125	5	13	6	0	95	6	57	68
009	1	0	0	0	0	1	0	0	1
010	8	0	3	0	0	5	0	6	2
012	1	0	1	0	0	0	0	1	0
013	200	15	20	40	0	118	7	88	112
018	17	1	4	4	0	8	0	14	3
019	1	0	1	0	0	0	0	1	0
025	3	0	0	0	0	2	1	3	0
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

There were no hires during the period in review. _____ (Initial)

Attachment: Summary of Promotions

Agency: 901

Indicate the number of PROMOTIONS in each EEO Job Group by ethnicity and gender.

EEO Job Group #	Total Promotions within Job Group	Race/Ethnicity						Gender	
		Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
002	4	0	2	1	0	1	0	1	3
003	1	0	1	0	0	0	0	0	1
008	29	4	1	3	0	21	0	11	18
012	3	0	1	0	0	2	0	0	3
013	44	3	4	6	0	31	0	21	23
018	1	0	0	0	0	1	0	1	0
022	1	0	0	0	0	1	0	0	1
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

There were no promotions during the period in review. _____ (Initial)

Attachment: Summary of Separations

Agency: 901

Indicate the number of SEPARATIONS due to layoffs or firings:

EEO Job Group # or Civil Service Title	Total	Total Terminated by		Race/Ethnicity						Gender	
	Employees within Job Group	Firing	Layoff	Asian	Black	Hispanic	Native American	White	Unknown	Male	Female
10	1	1	0	0	0	0	0	1	0	1	0
13	9	9	0	0	1	3	0	2	3	4	5
18	2	2	0	0	1	1	0	0	0	2	0
22	2	2	0	0	2	0	0	0	0	2	0
25	1	1	0	0	0	0	0	1	0	1	0
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

There were no separations the period in review. _____ (Initial)

Appendix - 3

District Attorney of New York
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: 115
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/15

AGENCY:
 EEO VARIABLE:

901 DISTRICT ATTORNEY-NEW YORK COUNTY
 ETH ETHNICITY

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

JOB GROUP	INCMB TOTAL	WHITE			BLACK			HISPANIC			ASIAN /			NATIVE A			ETH UNKN		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
002 MANAGERS	602	451	309	O	57	114	U	39	78	U	48	61	N	0	1	N	7	24	N
003 MNGMNT SPECS	12	6	5		1	4	U	2	2		3	2		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	6	1	3	N	0	1	N	5	1	N	0	1	N	0	0	N	0	0	N
010 TECHNICIANS	10	5	4		2	3	U	3	2		0	1	U	0	0	N	0	0	N
012 CLERICAL SUPS	10	3	2		5	6		2	1		0	1	U	0	0	N	0	0	N
013 CLERICAL	56	26	10	O	19	30	U	9	8		2	4	N	0	0	N	0	3	N
015 POLICE SUPS	14	9	10		2	2		2	2		1	0		0	0	N	0	0	N
018 POLICE	77	40	32		15	23	U	15	17		7	4		0	0	N	0	1	N
022 BUILD SERV	14	2	3	U	8	4	O	3	5	U	1	1		0	0	N	0	0	N
025 CRAFT	14	13	5	O	1	4	U	0	2	U	0	1	U	0	0	N	0	1	U
026 OPERATORS	1	1	0	N	0	0	N	0	0	N	0	0	N	0	0	N	0	0	N
028 LABORERS	7	1	2	N	0	2	N	4	2	N	2	1	N	0	0	N	0	0	N
031 PARA PROFESSION	572	256	185	O	119	153	U	134	140		56	55		0	1	N	7	15	N

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: 116
 PROGRAM: EBPPP961
 EXTRACT DATE: 12/31/15

AGENCY: 901 DISTRICT ATTORNEY-NEW YORK COUNTY
 EEO VARIABLE: GEN GENDER

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

JOB GROUP	INCMB TOTAL	MALE			FEMALE			GENDER U		
		OBSRV	EXPCT	I	OBSRV	EXPCT	I	OBSRV	EXPCT	I
002 MANAGERS	602	260	322	U	342	253	O	0	12	N
003 MNGMNT SPECS	12	6	7		6	5		0	0	N
008 LAWYERS	1	1	0	N	0	0	N	0	0	N
009 PUBLIC REL	6	1	3	N	5	2	N	0	0	N
010 TECHNICIANS	10	7	6		3	4		0	0	N
012 CLERICAL SUPS	10	3	2		7	8		0	0	N
013 CLERICAL	56	9	16	U	47	38	O	0	2	N
015 POLICE SUPS	14	13	12		1	2	U	0	0	N
018 POLICE	77	59	57		18	19		0	0	N
022 BUILD SERV	14	13	9	O	1	5	U	0	0	N
025 CRAFT	14	14	11		0	1	U	0	1	U
026 OPERATORS	1	1	1	N	0	0	N	0	0	N
028 LABORERS	7	7	5	N	0	2	N	0	0	N
031 PARA PROFESSION	572	230	217		342	332		0	1	N

Appendix - 4

District Attorney of New York
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
 AGENCY 901 DISTRICT ATTORNEY-NEW YORK COUNTY

PAGE: 243
 REPORT: EBEP210

QUARTER 2 YEAR 2016

AGENCY CODE : 901 DISTRICT ATTORNEY-NEW YORK 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			
05450	SPECIAL ASSISTANT TO THE D	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	12	3	0	3	0	0	14	4	3	5	0	0	0	0	44
30114	ASSISTANT DISTRICT ATTORNE	185	17	16	9	0	3	223	33	17	30	0	4	0	0	537
30856	PRINCIPAL ACCOUNTANT INVES	12	0	0	0	0	0	3	0	3	1	0	0	0	0	19
EEO JOB GROUP TOTAL.....:		209	20	16	12	0	3	242	37	23	36	0	4	0	0	602
		34.72	3.32	2.66	1.99	0.00	0.50	40.20	6.15	3.82	5.98	0.00	0.66	0.00	100.00	

AGENCY CODE : 901 DISTRICT ATTORNEY-NEW YORK 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			
30853	SENIOR ACCOUNTANT INVESTIG	3	0	0	1	0	0	1	1	2	2	0	0	0	0	10
30854	SUPERVISING ACCOUNTANT INV	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
40502	MANAGEMENT AUDITOR	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		5	0	0	1	0	0	1	1	2	2	0	0	0	0	12
		41.67	0.00	0.00	8.33	0.00	0.00	8.33	8.33	16.67	16.67	0.00	0.00	0.00	100.00	

AGENCY CODE : 901 DISTRICT ATTORNEY-NEW YORK 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			
94353	DISTRICT ATTORNEY	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
		100.00	0.00	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 : 901 DISTRICT ATTORNEY-NEW YORK COUNTY
 EEO JOB GROUP : 009 PUBLIC RELATIONS

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			
31013	INTERPRETER (SPANISH)	0	0	1	0	0	0	0	0	3	0	0	0	0	0	4
90610	PHOTOGRAPHER	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		0	0	1	0	0	0	1	0	4	0	0	0	0	0	6
		0.01	0.00	16.67	0.00	0.00	0.00	16.67	0.00	66.67	0.00	0.00	0.00	0.00	100.00	

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
 AGENCY 901 DISTRICT ATTORNEY-NEW YORK COUNTY

PAGE: 246
 REPORT: EBEP210

QUARTER 2 YEAR 2016

EEO JOB GROUP TOTAL.....: 1 0 0 0 0 0 0 0 0 0 0 0 0 0 1
 100.00 0.00 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 : 901 DISTRICT ATTORNEY-NEW YORK 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		
90702	CITY LABORER	1	0	4	1	0	0	0	0	0	0	0	0	0	6
91722	ELECTRICIAN'S HELPER	0	0	0	1	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		1	0	4	2	0	0	0	0	0	0	0	0	0	7
		14.29	0.00	57.14	28.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 901 DISTRICT ATTORNEY-NEW YORK 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		
10209	COLLEGE AIDE	1	1	0	0	0	1	5	1	0	0	0	0	0	9
56056	COMMUNITY ASSISTANT	3	9	8	0	0	0	4	9	6	1	0	0	40	
56057	COMMUNITY ASSOCIATE	81	26	32	15	0	2	106	47	76	24	4	0	413	
56058	COMMUNITY COORDINATOR	28	10	4	9	0	0	28	16	8	7	0	0	110	
EEO JOB GROUP TOTAL.....:		113	46	44	24	0	3	143	73	90	32	4	0	572	
		19.77	8.04	7.69	4.20	0.00	0.52	25.00	12.76	15.73	5.59	0.70	0.00	100.00	

AGENCY TOTAL.....: 397 91 85 45 0 6 418 138 133 75 0 8 0 1396
 28.44 6.52 6.09 3.22 0.00 0.43 29.94 9.89 9.53 5.37 0.00 0.57 0.00 100.00

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

April 5, 2016

William Peterson
EEO Program Analyst
Equal Employment Practices Commission
253 Broadway
Suite 602
New York, NY 10007

Dear Mr. Peterson:

Enclosed you will find the New York County District Attorney's Office's response to the Equal Employment Practices Commission's (EEPC) Preliminary Determination.

Sincerely,

A handwritten signature in black ink, appearing to read "George Argyros".

George Argyros
Director of Human Resources
EEO Compliance Coordinator
55-a Coordinator
Career Counselor

Correction Action #1

Employment Practices (Recruitment, Hiring & Promotion)

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 Taken:

As a strong commitment to workforce analysis, DANY appointed two DANY employees to assist with EEO analytics and research. DANY also created a 2016-2017 EEO events/meetings calendar and has scheduled specific meetings to assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, we will identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City. In addition, we will 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.

Correction Action #2

Employment Practices (Recruitment, Hiring & Promotion)

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), 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 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.

Corrective Action Taken:

As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer and Principal HR Professional to 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 in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, we will consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.

Correction Action #3

Employment Practices (Recruitment, Hiring & Promotion)

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 Taken:

As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer and Principal HR Professional to review the agency's statistical information to 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 to ensure we discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.

Correction Action #4

Employment Practices (Recruitment, Hiring & Promotion)

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 Taken:

We requested a copy of CEEDS report from Jodi Bryon, Director of Workforce Analytics. In addition, we have recently compiled a number of EEO workforce analysis reports. We are focusing on women, minorities, or other protected groups which are underrepresented in titles where there is discretion in hiring. We will 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.

Correction Action #5

Employment Practices (Recruitment, Hiring & Promotion)

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 Taken:

We have requested a copy of CEEDS report from Jodi Bryon, Director of Workforce Analytics. In addition, we recently compiled a number of EEO workforce analysis reports. We are focusing on women, minorities, or other protected groups that 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 we will 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.

Correction Action #6

Employment Practices (Recruitment, Hiring & Promotion)

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 Taken:

As part of our strong commitment to EEO training, we have scheduled a number of EEO trainings, refreshers for all legal and non-legal staff including Single Sex Facilities and Structured Interviewing training to take place during the remainder of 2016.

Correction Action #7

Employment Practices (Recruitment, Hiring & Promotion)

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

Corrective Action Taken:

As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our EEO Officer and Principal HR professional to review agency recruiting related material ensuring that all of our literature states that the New York County District Attorney's Office is an Equal Opportunity Employer.

Correction Action #8

Employment Practices (Recruitment, Hiring & Promotion)

Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names* of all applicants. 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 Taken:

We are working with our application tracking vendors to modify data in our applicant tracking systems to be able to capture at minimum the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants. We also prepared an "interview guide" document to be completed by an individual other than the hiring manager to avoid the appearance of bias.

Correction Action #9

Career Counseling

Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.

Corrective Action Taken:

Please see DANYwide email dated 3/29/2016.

In April of 2016 an additional DANY wide notification will go out to remind employees of the identity and type of career guidance available.

Correction Action #10

Responsibility for EEO Plan Implementation – EEO Professionals

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

Corrective Action Taken:

EEO Officer will register and attend the final day of the upcoming DCAS "Diversity and Equal Employment Opportunity Basic Training."

Correction Action #11

Responsibility for EEO Plan Implementation – EEO Professionals

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.

Corrective Action Taken:

As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer, Principal HR Professional, EEO Coordinators, EEO Analytics and Research Assistants. In addition, we have created a meeting agenda and attendance form to be used in all future meetings/communications.

Correction Action #12

Responsibility for EEO Plan Implementation – Supervisors/Managers

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 Taken:

We are aggressively working on the implementation of non-managerial performance reviews using our empPerform system. We anticipate the completion of our first cycle by 1/30/2017. We will assess our efforts quarterly.

We are currently discussing the best approach in implementing annual managerial performance reviews using our empPerform system. We anticipate the completion of our first cycle by 1/30/2017. We will assess our efforts quarterly.

Correction Action #13

Responsibility for EEO Plan Implementation – Supervisors/Managers

Ensure that all managerial performance evaluation forms contain 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 Taken:

We are currently working aggressively on updating all managerial performance evaluation forms to include 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).

Suggested language:

- Reiterates and supports Diversity and EEO policies as required
- Assists in the monitoring of employees' completion of required EEO training
- Proactively monitors work environment to ensure accessibility for individuals with disabilities, and contacts facilities manager if there are concerns
- Makes effort to increase representation of under-represented populations in the organization through internships, co-op program, hires, promotions, etc.
- Contacts EEO Office for technical assistance or advice at earliest possible stage, before conflicts rise to EEO complaints or grievances
- Cooperates with EEO officials in discrimination complaint process

Correction Action #14

Reporting Standard for Agency Head

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.

Corrective Action Taken:

Please review first draft of our proposed DANY EEO 2016-2017 Plan.



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 EMAIL

May 5, 2016

Cyrus R. Vance, Jr.
District Attorney
New York County District Attorney's Office
1 Hogan Place
New York, NY 10013

RE: Final Determination #2016/901: Pursuant to the Audit: Review, Evaluation and Monitoring of the New York County District Attorney's Office's Employment Practices and Procedures from July 1, 2014 to December 31, 2015.

Dear District Attorney Vance:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your April 5, 2016 response to our March 22, 2016 Preliminary Determination and for the cooperation extended to our staff during the course of this audit.

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

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.



The assigned compliance-monitoring period is: June 2016 to November 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: Nitin Savur, Principal EEO Professional

FINAL DETERMINATION

Agency response indicating corrective action taken with documentation is due within 30 days.

The Equal Employment Practices Commission's findings and required corrective actions are based on the audit methodology which includes collection and analysis of the documents, records and data the agency provided in response to the *EEPC Document and Information Request Form*; the *EEPC Interview Questionnaires* for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*; the *EEPC Supervisor/Manager Survey*; the agency's *Annual EEO Plans* and *Quarterly EEO Reports*; and workforce and utilization data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the agency's optional response (if applicable) to the EEPC's preliminary Determination, our Final Determination is as follows:

Monitoring Required

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

Corrective Action #1

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.

Agency Response: [...] DANY also created a 2016-2017 EEO events/meetings calendar and has scheduled specific meetings to assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, we will identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City. In addition, we will 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. (Agency Response Corrective Action Taken # 1)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #1. An agency assessment of its recruitment efforts will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #2

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), 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 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.

Agency Response: As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer and Principal HR Professional to 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 in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, we will consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance. (Agency Response Corrective Action Taken # 2)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. A review of the annual number of EEO complaints, and the agency's employment practices, policies and programs will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #3

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.

Agency Response: As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer and Principal HR Professional to review the agency's statistical information to 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 to ensure we discontinue using criteria that are not job related, and adopt methods which diminish adverse impact. (Agency Response Corrective Action Taken # 3)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #3. An agency assessment of 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 will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #4

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.

Agency Response: We requested a copy of CEEDS report [...and] recently compiled a number of EEO workforce analysis reports. We are focusing on women, minorities, or other protected groups which are underrepresented in titles where there is discretion in hiring. We will 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. (Agency Response Corrective Action Taken # 4)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #4. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #5

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.

Agency Response: We have requested a copy of CEEDS report [...and] recently compiled a number of EEO workforce analysis reports. We are focusing on women, minorities, or other protected groups that 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 we will 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. (Agency Response Corrective Action Taken # 5)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #5. The agency's efforts to address the underrepresentation of protected groups in titles where there is discretion in hiring will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #6

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).

Agency Response: [W]e have scheduled a number of EEO trainings and refreshers for all legal and non-legal staff including Structured Interviewing training to take place during the remainder of 2016. (Agency Response Corrective Action Taken # 6)

EEPC Response: The EEPC accepts the agency's efforts to address corrective action #6. Implementation of this corrective action will be monitored.

Corrective Action #7

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

Agency Response: As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/ meetings including meetings with our EEO Officer and Principal HR professional to review agency recruiting related material ensuring that all of our literature states that the New York County District Attorney's Office is an Equal Opportunity Employer. (Agency Response Corrective Action Taken # 7)

EEPC Response: The EEPC recognizes the agency's efforts to address corrective action #7. Implementation of this corrective action will be monitored.

Corrective Action #8

Use and maintain an applicant/candidate log or tracking system which, at minimum, includes *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.

Agency Response: We are working with our application tracking vendors to modify data in our applicant tracking systems to be able to capture at minimum the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants. We also prepared an "interview guide" document to be completed by an individual other than the hiring manager to avoid the appearance of bias. (Agency Response Corrective Action Taken # 8)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #8. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #9

Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.

Agency Response: Please see DANY wide email dated 3/29/2016. In April of 2016 an additional DANY wide notification will go out to remind employees of the identity and type of career guidance available. (Agency Response Corrective Action Taken # 9)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #9 pending documentation which verifies that employees received notification of the type of career guidance available. Documentation which verifies implementation will be reviewed during the compliance-monitoring period.

Corrective Action #10

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

Agency Response: EEO Officer will register and attend the final day of the upcoming DCAS "Diversity and Equal Employment Opportunity Basic Training." (Agency Response Corrective Action Taken # 10)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #10. Implementation of this corrective action will be monitored.

Corrective Action #11

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.

Agency Response: As part of our proposed DANY EEO Plan 2016-2017 we have prepared a two year calendar of EEO related events/ meetings including meetings with our Agency Head, General Counsel, Chief Assistant, EEO Officer, Principal HR Professional, EEO Coordinators, EEO Analytics and Research Assistants. In addition, we have created a meeting agenda and attendance form to be used in all future meetings/ communications. (Agency Response Corrective Action Taken # 11)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #11. Implementation of this corrective action will be monitored.

Corrective Action #12

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

Agency Response: We are aggressively working on the implementation of non-managerial [...] annual managerial performance reviews using our empPerform system. We anticipate the completion of our first cycle by 1/30/2017. We will assess our efforts quarterly. (Agency Response Corrective Action Taken # 12)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #12. Documentation which verifies implementation will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #13

Ensure that all managerial performance evaluation forms contain 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).

Agency Response: We are currently working aggressively on updating all managerial performance evaluation forms to include 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) [...]. (Agency Response Corrective Action Taken #13)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #13. Documentation which verifies implementation will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #14

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.

Agency Response: Please review first draft of our proposed DANY EEO 2016-2017 Plan. (Agency Response Corrective Action Taken # 14)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #14. Documentation which verifies implementation will be reviewed during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Thank you and your staff for your continued cooperation.

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

RESOLUTION # 2016/901: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the New York County District Attorney's Office's Employment Practices and Procedures from July 1, 2014 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 EEPCC 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 New York County District Attorney's Office (DANY) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

1. 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.
2. 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), 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 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.
3. 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.

4. 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.
5. 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.
6. 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).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants*. 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.
9. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.

13. Ensure that all managerial performance evaluation forms contain 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).
14. 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 submitted its response to the EEPC's Preliminary Determination letter, on April 5, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which agreed and indicated that corrective action(s) nos., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 require compliance monitoring; and

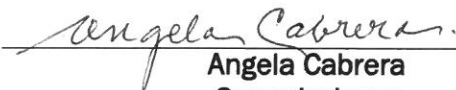
Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from June 2016 through November 2016, to determine whether it implemented remaining required corrective actions; and

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

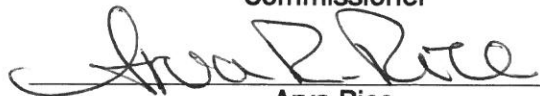
Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from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

Be It Resolved, that the Commission will forward this Final Determination to the District Attorney of the New York County District Attorney's Office.

Approved unanimously on May 5, 2016.




Angela Cabrera
Commissioner



Arva Rice
Commissioner

Absent

Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N.Y. 10013
(212) 335-9000

CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

BY MAIL AND EMAIL

June 24, 2016

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

Dear Director Terry:

On behalf of the District Attorney's Office of New York County (DANY), we are in receipt of your May 5th, 2016 letter and we acknowledge your final determination. We have prepared and submitted a response to Corrective Actions (6, 7, 9, 10, 11 and 12) through TeamCentral, the EEPC's Automated Compliance-Monitoring System. We are in the process of submitting the remaining Corrective Actions (1, 2, 3, 4, 5, 8, 13 and 14). We are also aware and looking forward to actively working with you during the remainder of the monitoring period.

Our Equal Employment Opportunity Program and its goal of achieving and maintaining equal employment opportunity for all persons is of the highest priority for this office.

If there are any further questions regarding our response to your Final Determination or the compliance monitoring period, please contact our Principal EEO Professional, Nitin Savur, EEO Officer and Executive ADA of Strategic Initiatives at 212-335-4314.

Thank you for your continued cooperation and support through this process.

Sincerely,

Cyrus R. Vance, Jr.

cc: Nitin Savur, Principal EEO Professional

DISTRICT ATTORNEY OF THE COUNTY OF NEW YORK
INTEROFFICE MEMORANDUM

TO: All Staff
FROM: Cyrus R. Vance, Jr. *CRV*
SUBJECT: EEO Program
DATE: Friday, October 28, 2016

The Equal Employment Practices Commission (EEPC) is the City agency tasked with evaluating and auditing the equal employment programs, practices, policies, and procedures of all city agencies.

Recently, the EEPC conducted a routine audit of this office in order to evaluate our EEO program.

In light of the EEPC's findings, I am pleased to report that the office's administration of its EEO policies is generally in compliance with the relevant legal and administrative standards. We strive to be a leader in this area, and we welcome the recommendations the EEPC has made to strengthen our program. Under the leadership of the office's EEO Officer, Nitin Savur, 212-335-4314, savurn@dany.nyc.gov, One Hogan Place, Rm. 856, we are working to ensure full and speedy implementation of the EEPC's recommendations. These steps include:

- The office conducted an assessment of recruitment efforts and reviewed and updated listings of recruitment outreach sources.
- We will ensure that the EEO Officer, Nitin Savur, HR Professional, George Argyros, and General Counsel, Benjamin Rosenberg, review the agency's statistical information, the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis.
- We will continuously 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.
- We will continue to identify job groups experiencing underutilization in discretionary hiring and we will continue to advertise in diverse publications.
- We will continue to identify job groups experiencing underutilization in civil service titles and we will continue to advertise in diverse publications and work with DCAS and the Civil Service Commission to recruiting a diverse and inclusive talent pool.
- We will continue to train human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring to consider EEO laws, policies and procedures in the selection and hiring process.
- All agency recruitment material will indicate that the District Attorney's Office of New York County is an "Equal Opportunity Employer."
- We will maintain a tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants.

- The office's Career Counselor is George Argyros; his office is located at 40 Worth Street, 9th Floor; and he can be contacted at 212-335-9883 or via email at argyros@dany.nyc.gov.
- The office's EEO Officer, Nitin Savur, is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints -- to implement EEO policies and standards within the agency.
- We will continue to maintain appropriate documentation of meetings and other communications between myself, Benjamin Rosenberg (the general counsel), and Nitin Savur (EEO Officer) regarding decisions that impact the administration and operation of the EEO program.
- We will continue to implement a non-managerial performance evaluation program.
- All managerial and non-managerial performance evaluation forms contain a rating for EEO.
- Our office maintains an annual plan of measures and programs which includes EEO policies, procedures, trainings and quarterly workforce analyses to provide equal employment opportunity, and efforts to implement the plan.

The office will continue to maintain its firm commitment to implementing a model EEO program, which affords its employees and all who encounter this office with fair treatment under the law.

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

RESOLUTION #2016/901C-13: Determination of **Compliance** (Monitoring Period Required) by the Office of the New York County District Attorney with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the Employment Practices and Procedures from July 1, 2014 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 New York County District Attorney's (DANY) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated March 22, 2016, setting forth findings and the following required corrective actions:

1. 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.
2. 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), 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 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.
3. 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.
4. 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.

5. 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.
6. 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).
7. At minimum, indicate the agency is an equal opportunity employer in all recruitment literature.
8. Use and maintain an applicant/candidate log or tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants. 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.
9. Re-distribute the identity of the Career Counselor at least once each year to remind employees of the identity and type of career guidance available.
10. Appoint a principal EEO Professional – who is trained and knowledgeable regarding city, federal and state EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints – to implement EEO policies and standards within the agency.
11. 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.
12. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
13. Ensure that all managerial performance evaluation forms contain 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).
14. 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, DANY submitted its response to the EEPC's Preliminary Determination letter, on April 7, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on May 5, 2016 which indicated that corrective actions Nos. 1 - 14 require compliance monitoring; and

Whereas, DANY submitted its response to the EEPC's Final Determination letter, on June 24, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from June 2016 - October 2016, with no extension of the monitoring period; and

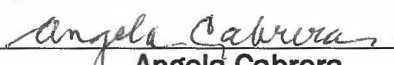
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, DANY submitted a copy of the agency head's memorandum to staff dated October 28, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; 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 Office of the New York County District Attorney has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Final Determination to Cyrus R. Vance, Jr., District Attorney of New York County.

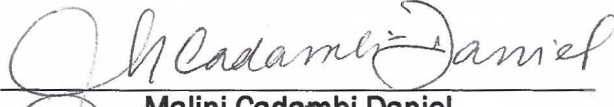
Approved unanimously on November 3, 2016.



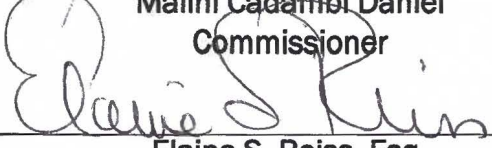
Angela Cabrera
Commissioner



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,
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212. 615. 8931 fax

BY MAIL AND EMAIL

November 3, 2016

Cyrus R. Vance, Jr.
District Attorney
Office of the New York County District Attorney
1 Hogan Place
New York, NY 10013


Re: Resolution #2016/901C-13: Determination of Agency Compliance

Dear District Attorney Vance:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to inform you that the Commission has issued the attached Determination of Compliance to the Office of the New York County District Attorney. This Commission has determined that the Office of the New York County District Attorney has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Principal EEO Professional Nitin Savur for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,


Malini Cadambi Daniel
Commissioner

c: Nitin Savur, Principal EEO Professional
Marie E. Giraud, Esq. Agency Attorney / Director of Compliance

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

This

Determination of Compliance

is issued to the

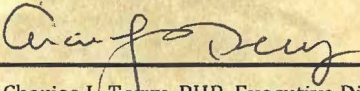
Office of the New York County District

for successfully implementing 14 of 14 required corrective actions pursuant to the Equal Employment Practices Commission's Employment Practice and Procedures Audit from July 1, 2014 to this date.

On this 3rd day of November in the year 2016,



Malini Cadambi Daniel, Commissioner



Charise L. Terry, PHR, Executive Director

In care of District Attorney Cyrus R. Vance, Jr.
and Principal EEO Professional Nitin Savur