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BY MAIL AND EMAIL

April 24, 2017

Bridget G. Brennan
Special Prosecutor
Office of the Special Narcotics Prosecutor
80 Centre Street, 6th floor
New York, NY 10013

Re: Preliminary Determination for Audit: Review, Evaluation and Monitoring of the Office of the Special Narcotics Prosecutor's Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

Dear Special Prosecutor Brennan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you and your agency for the cooperation extended to our staff during the course of this audit. This letter contains the Commission's findings and preliminary determinations pursuant to our audit and analysis of your agency's Employment Practices and Procedures for the period covering July 1, 2013 to December 31, 2016.

The New York City Charter, Chapter 36, Section 831(d)(5) of the New York City Charter empowers this Commission to audit and evaluate the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for women and minority employees and applicants seeking employment. Sections 831(d)(2) and 832(c) authorize this Commission to make a determination that any agency's plan, program, procedure, approach, measure or standard does not provide equal employment opportunity, require appropriate corrective action and monitor the implementation of the corrective action it prescribes.

The Office of the Special Narcotics Prosecutor, 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

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



Counselors, 55-a Program Coordinators) and others involved in EEO program administration such as the Principal Human Resources Professional are given a two-week deadline to complete and return their individual questionnaires. The Commission's EEO Program Analysts also conduct additional research and follow-up discussions or interviews with EEO professionals, when appropriate.

Description of the Agency

The Office of the Special Narcotics Prosecutor (SNP) is an independent prosecutors' office with citywide jurisdiction, responsible for felony narcotics investigations and prosecutions in the five boroughs of New York City. Founded in 1971, it is the only agency of its kind in the United States. The agency maintains its own budget for operating expenses and is funded by the city, state and federal government. Assistant District Attorneys are assigned to SNP by the five District Attorneys' Offices and serve in one of three divisions: the Special Investigation Division, the Trial Division and the Alternative Sentencing Division. Cases are brought to SNP by federal, state and local law enforcement agencies, including the U.S. Drug Enforcement Administration; New York Drug Enforcement Task Force; the U.S. Postal Service; the New York City Police Department's Organized Crime Control Bureau, Patrol Bureau and Organized Crime Investigation Division; New York State Police; Port Authority Police; and the agency's Investigators Division. At the end of the period in review, the agency's employee headcount was 218 (115 of which were in the title Assistant District Attorney). (See Appendix 2.)

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. ISSUANCE, DISTRIBUTION AND POSTING OF EEO POLICIES:

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

1. Issue a general EEO Policy statement or memo reiterating commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO professionals, and attaching, or providing employees pertinent electronic links to, an EEO Policy/Handbook.
- ✓ On March 13, 2014, February 6, 2015, and February 2, 2016, the *Special Narcotics Prosecutor* distributed to all staff via hardcopy the agency's *Equal Employment Opportunity Policy*. The EEO Policy declared the agency's position as an equal employment opportunity employer and advised employees of the names of the agency's EEO professionals. New employees signed an "*Employee Agreement*" to acknowledge receipt of the new employee packet which included a copy of the aforementioned EEO Policy as well as the handbook, *About EEO: What You May Not Know*.

NOTE: The EEO Policy did not include contact information for the agency's EEO professionals. (See Section I.2 for more information.)

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.
- ✓ On March 13, 2014, February 6, 2015, and February 2, 2016, the *Special Narcotics Prosecutor* distributed to all staff via hardcopy the agency’s *Equal Employment Opportunity Policy, Policy Statement on Preventing Sexual Harassment in the Work Place, Reasonable Accommodation, and Discrimination Complaint Procedures*. The EEO Policy included the names of the agency’s EEO professionals and declared the agency’s position against employment discrimination based on actual or perceived: “...[a]ge, color, ... creed, citizenship status (except in certain positions), race, religion, national origin, gender (including ‘gender identity’ -which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, marital status, partnership status, predisposing genetic characteristic, sexual orientation or status as a victim or witness of domestic violence, sexual offenses and stalking.” Contact information for the federal, state and local agencies that enforce laws against discrimination was contained within the agency’s *Discrimination Complaint Procedures*. The agency also posted its EEO policies to an EEO bulletin board accessible to all employees.
 - The EEO Policy did not include the contact information of the agency’s EEO professionals or include *caregiver status, consumer credit history, unemployment status or prior record of arrest* as classes that are protected against employment discrimination. Corrective Action Required.

Corrective Action #1: Distribute/Post a paper or electronic copy of the agency’s *Equal Employment Opportunity Policy*, which includes, or attach as addenda: an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency’s EEO professionals.

II. EEO TRAINING FOR AGENCY:

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

3. Establish and implement an EEO training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on unlawful discriminatory practices under local, state and federal EEO laws; EEO rights and/or responsibilities; discrimination complaint and investigation procedures; prevention of sexual harassment; and reasonable accommodation procedures.



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- ✓ In 2016, 153 employees (70% of the workforce²) completed the Department of Citywide Administrative Services' (DCAS) computer-based EEO training; and 167 employees (77% of the workforce³) completed DCAS' computer-based training, *Understanding Implicit Bias*. The agency's *HR Deputy for NYCAPS/Compliance Officer* monitored the completion of EEO training and emailed all employees who did not complete training to notify them that they must complete EEO training. Subsequent to the period in review, in January 2017, ten (10) additional employees completed DCAS' computer-based EEO training.

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

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

4. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
- ✓ During the period in review, approximately half of the agency's workforce was composed of Assistant District Attorneys (ADAs); the other half consisted of support staff. The agency abided by the 1998 *New York Narcotics Court District Attorneys' Plan* which established that "[t]he assistant district attorneys ... will be drawn from the offices of the five District Attorneys [of New York City]. Each District Attorney, after conferring with the other District Attorneys and the Special Assistant District Attorney, in his or her discretion, shall determine the number of ADA(s) from his or her county available for assignment... The Special Assistant District Attorney shall advise the District Attorneys on operations, caseload, and investigative strategies and such other information as the District Attorneys shall require. The Special Assistant District Attorney and the Chief Assistant District Attorneys [or other designated representative of the District Attorney from each of the five counties] shall review the assignments of assistant district attorneys ... and make such changes as are appropriate." The agency reported that it cannot select ADAs for assignments to the agency. The 3rd quarter FY 2017 CEEDS Report: *Work Force Compared with Internal and External Pools* (the latest quarter available), did not indicate underutilization in the *Managers* job group (where the ADA job title is categorized). (See Appendix 5.)

Job vacancies for support staff positions were advertised in the *Chief Leader Civil Service* and on *Indeed.com*.

- The agency did not demonstrate that it assessed its recruitment efforts for support staff to determine whether such efforts adversely impacted women, minorities, or any other protected group. The 3rd quarter FY 2017 CEEDS Report: *Work Force Compared with Internal and External Pools* (the latest quarter available), indicated underutilization of Blacks in the *Police* job group. (See Appendix 5.) Corrective Action Required.

² Ibid.

³ Ibid.

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

5. The principal EEO Professional, HR Professional, and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), the annual number of EEO complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required to correct deficiencies.
 - The agency did not demonstrate that it reviewed its statistical information, 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 (e.g. underutilization or adverse impact). Corrective Action Required.

Corrective Action #3: Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), 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 demonstrate that it assessed the manner in which candidates were selected for employment to determine whether the agency's selection criteria adversely impacted women, minorities, or any other protected group. The 3rd quarter FY 2017 *CEEDS Report: Work Force Compared with Internal and External Pools* (the latest quarter available), indicated underutilization of Blacks in the *Police* job group. (See Appendix 5.) Corrective Action Required.

Corrective Action #4: Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the



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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 3rd quarter fiscal year (FY) 2017 CEEDS Report: *Work Force Compared with Internal and External Pools* (the latest quarter available), indicated underutilization of Blacks in the *Police* job group, which may have included discretionary titles. (See Appendix 5.) Corrective Action Required.

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

8. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with 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 3rd quarter FY 2017 CEEDS Report: *Work Force Compared with Internal and External Pools* (the latest quarter available), indicated underutilization of Blacks in the *Police* job group, which may have included *civil service* (list) titles. (See Appendix 5.) Corrective Action Required.

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

9. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform,

job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).

- ✓ The agency identified 29 managers and supervisors who were involved in recruiting and hiring support staff, eight (8) of whom completed DCAS' structured interview training.
 - The agency did not demonstrate that all human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring received structured interview training or a guide. Corrective Action Required.

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

10. Promote employees' awareness of opportunities for promotion and transfer within the agency, and ensure that employees are considered for such opportunities.

- ✓ The agency reported that during the period in review, job vacancy notices for promotion and transfer within the agency were posted to a *Job Vacancy Notices* bulletin board, which was maintained by Human Resources and accessible by all employees.

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

- ✓ During the period in review, the agency advertised several vacant positions including: *Grand Jury Reporter – D.A.; Junior Helpdesk and Court Support Analyst; Legal Assistant; Paralegal – SIB; and Transcriber/Translator Part time/Per Diem*. Each notice contained an EEO tagline: "The City of New York is an Equal Opportunity Employer" or "The Office of the Special Narcotics Prosecutor is an Equal Opportunity Employer."

NOTE: One (1) job vacancy notice (*Criminal Analyst, 2014*) did not contain an EEO tagline. 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.

- ✓ The agency's candidate tracking system, *Resume and Application Tracking/Disposition*, captured the *position, applicants'/candidates' names, interview date, ethnicity and gender* (via an "Ethnicity/Race" column) of each candidate. *Ethnicity and gender* data is recorded by Human Resources after candidates voluntarily disclosed such information via a self-identification form.



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- The agency did not demonstrate that it used or maintained an applicant/candidate tracking system which captured *identification number, disability or veteran status, interviewers' names, result, recruitment source, and reason selected/not selected* of each applicant. Corrective Action Required.

Corrective Action #8: Use and maintain an applicant/candidate log or tracking system which, at minimum, includes the *position, applicants'/candidates' names, identification number, ethnicity, gender, disability or veteran status, interview date, interviewers' names, result, reason selected/not selected (or disposition)* of each applicant, and *recruitment source*. Ensure that the process avoids the appearance of bias by delegating the responsibility for recording and maintaining this information to an individual other than the hiring manager.

IV. CAREER COUNSELING:

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

13. Designate a professional (may be referred to as the Career Counselor) with appropriate training, knowledge and familiarity with career opportunities in City government to provide career counseling to employees upon request. Remind employees of the identity/type of guidance available from the Career Counselor at least once each year.
- ✓ During the period in review, the *Director of Human Resources* was the agency's Career Counselor and was responsible for support staff training and career development. The Career Counselor completed the Society for Human Resource Management's (*SHRM*) *Learning System* in May 2005 and DCAS' *Agency Personnel Officer Master Class* in July 2005. Additionally, the agency reported that the Career Counselor was available to advise legal and support staff regarding training opportunities offered by DCAS.
- The agency did not demonstrate that employees were notified of the identity and type of guidance available from the Career Counselor. Corrective Action Required.

Corrective Action #9: Remind employees of the identity and type of guidance available from the Career Counselor at least once each year.

14. The Human Resources Professional distributes the identity of the agency Career Counselor and ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; ensures that all new employees are advised of the EEO policies, their rights and responsibilities under such policies and the discrimination complaint procedures; informs the principal EEO Professional of the number of 55-a program participants and efforts the agency has made to employ, promote or accommodate qualified individuals with disabilities; involves the principal EEO Professional in EEO-related matters; and promptly consults with the principal EEO Professional if informed of, or suspects that a violation of the EEO Policy has occurred.
- ✓ The *Director of Human Resources* (the agency's Principal Human Resources Professional) ensured that all employees had access to information regarding job postings and ensured that all new employees were advised of the EEO policies, their rights and responsibilities under

such policies and the discrimination complaint procedures when they signed an “Employee Agreement” to acknowledge receipt of the agency’s new employee packet which included the agency’s EEO policies, handbook and 55-a program brochure. With regard to other responsibilities, managers and supervisors notified support staff employees and supervisors as well as ADAs on assignment from New York County of their job responsibilities and performance evaluation standards. The principal EEO Professional was the Disability Rights Coordinator and was responsible for the agency’s efforts to employ, promote or accommodate qualified individuals with disabilities. The agency reported that the Principal Human Resources Professional would promptly consult the principal EEO Professional when a violation of the EEO Policy occurred or was suspected to have occurred. (See Section IV.13 for more information regarding the distribution of the identity of the Career Counselor.)

- The agency did not demonstrate that employees had access to information regarding examinations and training opportunities; and that support staff managers and ADAs on assignment from the Bronx, Kings, Richmond and Queens counties were notified of their job responsibilities and performance evaluation standards. The principal EEO Professional/Disability Rights Coordinator was not aware of the number of 55-a program participants. Corrective Action Required.

Corrective Action #10: Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; and informs the principal EEO Professional of the number of 55-a program participants.

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

Determination: The agency is in partial 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 and/or Braille) upon request to employees and applicants for employment with disabilities.
 - ✓ The agency reported that during the period in review, its EEO policies were available in large print. The agency also reported it was committed to providing its EEO policies in an audio format upon request.
16. Document reasonable accommodation requests and their outcomes.
 - ✓ The agency reported that reasonable accommodation requests were made via email or in-person to the principal EEO Professional. Accommodation requests in relation to the *Family and Medical Leave Act of 1993* (FMLA) regulations and were documented by Human Resources.

- The agency did not demonstrate that in-person reasonable accommodation requests and outcomes were documented. Additionally, the agency reported that it did not use regularly its reasonable accommodation request form. Corrective Action Required.

Corrective Action #11: Document reasonable accommodation requests and their outcomes. NOTE: In order to ensure appropriate and sufficient documentation is maintained, the agency should utilize its reasonable accommodation requests form.

VI. RESPONSIBILITY FOR EEO PLAN IMPLEMENTATION - EEO PROFESSIONALS:

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

17. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. The principal EEO Professional is trained and knowledgeable regarding city, state, and federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination complaints.
 - ✓ The *Administrative Assistant District Attorney* was designated as principal EEO Professional in October 2007. The identity of the principal EEO Professional was included in the agency's 2014, 2015, and 2016 *Equal Employment Opportunity Policy*. The principal EEO Professional's EEO training included Cornell ILR's *Equal Employment Opportunity Studies Compliant Handling* certificate in December 2008, DCAS' *Basic Training for Equal Employment Opportunity Representatives* in September 2008, a New York State CLE *Basic Mediation Skills for EEO Professionals* in November 2011, and DCAS' *Training on Effective Compliant Investigations and How to Handle Challenging Situations* in May 2012.
18. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy.
 - ✓ In addition to the principal EEO Professional, the agency reported that two EEO Counselors (the Principal HR Professional and the *Co-Chief Violent Gang Unit*) were available to intake EEO complaints. The agency reported both EEO Counselors completed DCAS' *Diversity & Equal Employment Opportunity Basic Training*, documentation was provided that the *Co-Chief Violent Gang Unit* completed such training in April 2012 and May 2012.
 - The agency did not demonstrate that all EEO professionals (specifically the Principal HR Professional) were trained in EEO laws and procedures and knew how to carry out their responsibilities under the EEO Policy. Corrective Action Required.

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

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

- ✓ As reflected on the agency's organizational chart, the principal EEO Professional was a direct report to the agency head.
20. To ensure the integrity and continuity of the EEO Program, maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
- ✓ During the period in review, the agency maintained a monthly log of EEO meetings between the principal EEO Professional and the agency head, which included the meeting date and subject.
 - The agency did not document decisions made as a result of meetings (between the principal EEO Professional and the agency head) that impacted the administration and operation of the agency's EEO program. Corrective Action Required.

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

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

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

21. Establish and administer an annual managerial/non-managerial performance evaluation program to be used for probationary periods, promotions, assignments, incentives and training.
- ✓ The agency established and administered annual performance evaluations for support staff employees. In May 2015 and June 2016, the Principal HR Professional emailed managers and supervisors of support staff supervisors and employees to initiate the annual performance evaluation program (with timetable) for the 2014 – 2015 and 2015 – 2016 evaluation periods, respectively. Support staff managers were directed to “[p]repare a Draft Evaluation prior to the scheduled Executive Review meeting. Be prepared to meet with the Executive Reviewer... Finally: After the Executive Review and your evaluation is finalized, schedule a meeting with your employee to review his or her evaluation. All evaluations should be returned to HR, signed by yourself and the employee.” The agency affirmed that ADAs assigned to the agency from New York County (approximately 83% of ADAs) received their 2015 – 2016 annual performance evaluations. ADAs received performance evaluations from their agency supervisors upon request from the county offices of the District Attorney from which they were assigned to the agency. The agency reported that the Principal HR Professional tracked performance evaluation completion for all employees and met with Bureau Chiefs, the *Chief Assistant District Attorney* and the agency head to review evaluations for employees in the ADA title.

- The agency did not demonstrate that it had an established performance evaluation program all employees (i.e. support staff managers and ADAs from the Bronx, Kings, Richmond and Queens counties). Corrective Action Required.

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

22. The managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ✓ The agency's *Managerial/Supervisory [Performance] Evaluation* form contained ratings for EEO; specifically "7. Unit Morale – refers to the supervisor's ability to create favorable attitudes with the employees by treating employees without favor or prejudice and by building a spirit of teamwork. 8. Administration Policy and Procedures – refers to supervisor's understanding and implementation of office policies and procedures, including but not limited to, personnel rules, leave regulations, safety regulations, EEO policies and procedures and his/her ability to secure compliance by his/her employees with those policies and procedures. 9. Evaluation Performance – refers to the supervisor's ability to prepare performance reports correctly and to constructively discuss them with employees."

VIII. REPORTING STANDARD FOR AGENCY HEAD:

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

23. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports⁴ (up to 30 days following each quarter) on efforts to implement the plan.
- During the period in review, the agency did not submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity. Corrective Action Required.

Corrective Action #15: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

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.

⁴Submission of *Quarterly Reports on EEO Activity* is optional for non-Mayoral agencies.



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 15 required corrective action(s) at this time.

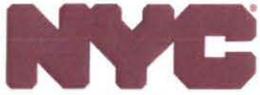
Pursuant to Chapter 36 of the New York City Charter, your agency has the *option* to respond to this *preliminary determination*, but must respond to our Final Determination if corrective action is required.

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.



**Equal Employment
Practices Commission**

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,

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

William Peterson, EEO Program Analyst

Approved by,

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

Charise L. Terry, PHR
Executive Director

c: Thomas Van Noy, Principal EEO Professional

Appendix - 1

Office of the Special Narcotics Prosecutor
EEO Job Group Descriptions

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

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

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

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

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

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

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

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

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

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

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

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

011 Sales: Not applicable.

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

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

014 Household Services: Not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix - 2

Office of the Special Narcotics Prosecutor
Workforce Composition Summary
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

RUN DATE: 01/04/17
 RUN TIME: 13:22:22.9

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 AGENCY 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS

PAGE: 269
 REPORT: EBEPR210

QUARTER 2 YEAR 2017

30832 SUPERVISING RACKETS INVEST	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
30836 CHIEF RACKETS INVESTIGATOR	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	4	1	1	0	0	0	0	0	0	0	0	0	0	0	6
	66.66	16.67	16.67	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 : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 EEO JOB GROUP : 018 POLICE

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
06201	RACKETS INVESTIGATOR (SPEC	1	0	1	0	0	1	0	0	0	0	0	0	0	0	3
06583	SENIOR RACKETS INVESTIGATO	8	0	5	0	0	0	1	0	1	0	0	0	0	15	
EEO JOB GROUP TOTAL.....:		9	0	6	0	0	1	1	0	1	0	0	0	0	18	
		49.99	0.00	33.33	0.00	0.00	5.56	5.56	0.00	5.56	0.00	0.00	0.00	0.00	100.00	

AGENCY CODE : 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 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		
56056	COMMUNITY ASSISTANT	1	0	1	0	0	1	0	0	0	0	0	0	0	3
56057	COMMUNITY ASSOCIATE	2	3	4	0	0	4	3	7	4	4	0	2	0	33
56058	COMMUNITY COORDINATOR	6	2	1	0	0	0	0	1	4	1	0	0	0	15
EEO JOB GROUP TOTAL.....:		9	5	6	0	0	5	3	8	8	5	0	2	0	51
		17.66	9.80	11.76	0.00	0.00	9.80	5.88	15.69	15.69	9.80	0.00	3.92	0.00	100.00

AGENCY TOTAL.....:	65	12	18	4	0	16	37	27	17	12	0	10	0	218
	29.82	5.50	8.26	1.83	0.00	7.34	16.97	12.39	7.80	5.50	0.00	4.59	0.00	100.00

Appendix - 3

Office of the Special Narcotics Prosecutor
Workforce Compared with Internal and External Pools
1st Quarter of Fiscal Year 2014
(Start of Audit Period)

RUN DATE: 10/11/13
 RUN TIME: 14:29:28
 FY2014 Q1

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: 720
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/13

AGENCY: 906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 JOB GROUP: 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	72	50	122	.5133	62.62	-9.38	1.70	0.045	
ETH	BLACK	12	110	122	.1889	23.05	-11.0	-2.55	<.01	U
ETH	HISPANIC	12	110	122	.1297	15.82	-3.82	-1.03	0.151	N-05%RUL
ETH	ASIAN / PAC ISL	11	111	122	.1017	12.41	-1.41	-0.42	0.337	
ETH	NATIVE AMERICAN	0	122	122	.0018	0.22	-0.22	-0.47	0.320	N-05%RUL
ETH	ETH UNKNOWN	15	107	122	.0402	4.90	10.10	4.65	<.01	O
GEN	MALE	65	57	122	.5345	65.21	-0.21	-0.04	0.485	
GEN	FEMALE	57	65	122	.4206	51.31	5.69	1.04	0.148	
GEN	GENDER UNKNOWN	0	122	122	.0197	2.40	-2.40	-1.57	0.059	N-05%RUL

RUN DATE: 10/11/13
 RUN TIME: 14:29:28
 FY2014 Q1

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: 724
 PROGRAM: EBPPP961
 EXTRACT DATE: 09/30/13

AGENCY:
 JOB GROUP:

906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 018 POLICE

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	12	6	18	.4164	7.50	4.50	2.15	0.016	O
ETH	BLACK	1	17	18	.3039	5.47	-4.47	-2.29	0.011	U
ETH	HISPANIC	5	13	18	.2189	3.94	1.06	0.60	0.273	
ETH	ASIAN / PAC ISL	0	18	18	.0487	0.88	-0.88	-0.96	0.169	N-05%RUL
ETH	NATIVE AMERICAN	0	18	18	.0040	0.07	-0.07	-0.27	0.394	N-05%RUL
ETH	ETH UNKNOWN	0	18	18	.0077	0.14	-0.14	-0.37	0.354	N-05%RUL
GEN	MALE	16	2	18	.7409	13.34	2.66	1.43	0.076	
GEN	FEMALE	2	16	18	.2529	4.55	-2.55	-1.38	0.083	U-80%RUL
GEN	GENDER UNKNOWN	0	18	18	.0056	0.10	-0.10	-0.32	0.375	N-05%RUL

Appendix - 4

Office of the Special Narcotics Prosecutor
Workforce Compared with Internal and External Pools
2nd Quarter of Fiscal Year 2017
(End of Audit Period)

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
 FY2017 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: 728
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/16

AGENCY:
 JOB GROUP:

906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 002 MANAGERS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	69	53	122	.5133	62.62	6.38	1.16	0.124	
ETH	BLACK	14	108	122	.1889	23.05	-9.05	-2.09	0.018	U
ETH	HISPANIC	11	111	122	.1297	15.82	-4.82	-1.30	0.097	N-05%RUL
ETH	ASIAN / PAC ISL	10	112	122	.1017	12.41	-2.41	-0.72	0.235	
ETH	NATIVE AMERICAN	0	122	122	.0018	0.22	-0.22	-0.47	0.320	N-05%RUL
ETH	ETH UNKNOWN	18	104	122	.0402	4.90	13.10	6.04	<.01	O
GEN	MALE	67	55	122	.5345	65.21	1.79	0.33	0.373	
GEN	FEMALE	55	67	122	.4206	51.31	3.69	0.68	0.249	
GEN	GENDER UNKNOWN	0	122	122	.0197	2.40	-2.40	-1.57	0.059	N-05%RUL

RUN DATE: 01/04/17
 RUN TIME: 13:18:37
 FY2017 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: 732
 PROGRAM: EBP961
 EXTRACT DATE: 12/31/16

AGENCY:
 JOB GROUP:

906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 018 POLICE

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	10	8	18	.4164	7.50	2.50	1.20	0.116	
ETH	BLACK	0	18	18	.3039	5.47	-5.47	-2.80	<.01	U
ETH	HISPANIC	7	11	18	.2189	3.94	3.06	1.74	0.041	
ETH	ASIAN / PAC ISL	0	18	18	.0487	0.88	-0.88	-0.96	0.169	N-05%RUL
ETH	NATIVE AMERICAN	0	18	18	.0040	0.07	-0.07	-0.27	0.394	N-05%RUL
ETH	ETH UNKNOWN	1	17	18	.0077	0.14	0.86	2.32	0.010	N-05%RUL
GEN	MALE	16	2	18	.7409	13.34	2.66	1.43	0.076	
GEN	FEMALE	2	16	18	.2529	4.55	-2.55	-1.38	0.083	U-80%RUL
GEN	GENDER UNKNOWN	0	18	18	.0056	0.10	-0.10	-0.32	0.375	N-05%RUL

Appendix - 5

Office of the Special Narcotics Prosecutor
Workforce Compared with Internal and External Pools
3rd Quarter of Fiscal Year 2017
(Most Recent Quarter Available)

RUN DATE: 04/04/17
 RUN TIME: 13:01:38
 FY2017 Q3

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

PAGE: 734
 PROGRAM: EBPPP961
 EXTRACT DATE: 03/31/17

AGENCY:
 JOB GROUP:

906 DISTRICT ATTORNEY - SPECIAL NARCOTICS
 018 POLICE

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	10	8	18	.4164	7.50	2.50	1.20	0.116	
ETH	BLACK	0	18	18	.3039	5.47	-5.47	-2.80	<.01	U
ETH	HISPANIC	7	11	18	.2189	3.94	3.06	1.74	0.041	
ETH	ASIAN / PAC ISL	0	18	18	.0487	0.88	-0.88	-0.96	0.169	N-05%RUL
ETH	NATIVE AMERICAN	0	18	18	.0040	0.07	-0.07	-0.27	0.394	N-05%RUL
ETH	ETH UNKNOWN	1	17	18	.0077	0.14	0.86	2.32	0.010	N-05%RUL
GEN	MALE	16	2	18	.7409	13.34	2.66	1.43	0.076	
GEN	FEMALE	2	16	18	.2529	4.55	-2.55	-1.38	0.083	U-80%RUL
GEN	GENDER UNKNOWN	0	18	18	.0056	0.10	-0.10	-0.32	0.375	N-05%RUL



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

NOV 8 2017 PM 4:

May 8, 2017

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel/Deputy Director
Equal Employment Practices Commission
City of New York
253 Broadway, Suite 602
New York, NY 10007

Dear Ms. Garcia Quiñonez,

Thank you for the opportunity to respond to your agency's audit and evaluation of our agency's employment practices, programs, policies, and procedures.

The Office of the Special Narcotics Prosecutor (OSNP) responds to the Equal Employment Practices Commission (EEPC) Preliminary Determination as follows:

Corrective Action #1: OSNP agrees to distribute/post an updated paper or electronic copy of the agency's Equal Employment Opportunity (EEO) Policy which contains 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. A copy of the updated policy is attached. An electronic copy has been posted on our agency's intranet and emailed to our current staff. A hard copy has been posted in the Human Resources (HR) bulletin boards on each of the floors OSNP occupies at 80 Centre Street.

Corrective Action #2: OSNP will contact the EEO Officer of the Department of Citywide Administrative Services (DCAS) and request assistance from his staff in identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be used when provisional positions or discretionary hires become available in OSNP.

Corrective Action #3: OSNP will consult with the City Law Department and the EEO Officer of DCAS to develop a method of statistically reviewing, on an annual basis, OSNP's EEO complaints, employment practices, policies, and programs to identify any barriers to equal employment opportunity within OSNP in order to take corrective actions to correct any deficiencies found.

Corrective Action #4: OSNP's HR Director and EEO Officer, in consultation with the New York City Training Center, will identify and conduct training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors.

Corrective Action #5: OSNP will consult with the City Law Department and the EEO Officer of DCAS to request assistance in identifying relevant professional and community organizations or publications serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be utilized to attract qualified candidates if OSNP finds that women, minorities, or other protected groups are underrepresented in discretionary hire titles when it conducts its internal EEO statistical analysis.

Corrective Action #6: OSNP will review the competencies, skills, and abilities required for each of its civil service positions to ensure that these standards are up to date, job-related, and required by business necessity. OSNP will also consult with the City Law Department and the EEO Officer of DCAS to request assistance in identifying relevant professional and community organizations or publications serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be utilized to attract qualified candidates if OSNP finds that women, minorities, or other protected groups are underrepresented in discretionary civil service titles when it conducts its internal EEO statistical analysis.

Corrective Action #7: OSNP's HR Director and EEO Officer, in consultation with the New York City Training Center, will identify and conduct training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors.

Corrective Action #8: OSNP currently uses an applicant/candidate log which is kept by a member of the HR Staff. OSNP will modify its current log to include all the criteria listed in Corrective Action #8. Note, while OSNP will include all the categories the EEPC calls for in Corrective Action #8 in its log, whether or not an applicant/candidate chooses to provide us with some of the information requested (e.g. ethnicity, gender, disability, etc.) is up to the applicant/candidate.

Corrective Action #9: OSNP will send out a memo from the agency head to all staff reminding them of the identity of OSNP's Career Counselors and the type of guidance/counseling that can be provided.

Corrective Action #10: All employees, except legal staff from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices currently assigned to OSNP, have access to a written evaluation that incorporates the tasks and standards required of their positions. These tasks and standards are reviewed with them annually during their evaluations. OSNP will attempt to obtain the task and standards for attorneys from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices in order to conduct annual evaluations of the attorneys from those offices based on those criteria. However, as stated during the audit, OSNP does not have the authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information as directed by each District Attorney's Office. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. The New York County District Attorney's Office has asked OSNP to directly provide performance evaluations to New York County ADAs assigned to OSNP.

OSNP's HR Director will post the current Citywide Training Center's Course Catalog on OSNP's intranet for staff to see what training opportunities are available through the city. OSNP's HR Director will inform OSNP's EEO officer of any 55-a program participants.

Corrective Action #11: OSNP does have a Reasonable Accommodation Log and does record requests for accommodations and the outcome of those requests. OSNP did not record in that log requests for minor things like mouse gel pads or ergonomically correct chairs when requested by employees in the past. Going forward, at the request of the EEPC, OSNP will have an employee complete a Request for Reasonable Accommodation Form for any type of request, regardless of how small the request is, and make a log entry for that request and the outcome of that request.

Corrective Action #12: OSNP's EEO Officer and Counselors have taken courses in EEO laws and procedures in the past in order to prepare them for their EEO roles within OSNP. OSNP plans on having the EEO Officer and Counselors take a refresher course in EEO laws and procedures in the near future.

Corrective Action #13: OSNP's EEO Officer did maintain a monthly log of EEO meetings between the EEO Officer and the agency head as noted in the EEPC's Preliminary Determination. This log was created to comply with the requirements set forth by the EEPC in its last audit of OSNP. Going forward, as requested by the EEPC's current audit, OSNP's EEO Officer will maintain more detailed records of the meetings/discussions between the EEO Officer and the agency head and the EEO Officer and the HR Director with regard to EEO matters that impact the administration and operation of the EEO program.

Corrective Action #14: OSNP has conducted annual managerial/non-managerial performance evaluations for all members of its staff, except, as has been previously noted in Corrective Action # 10, the attorneys assigned to OSNP by the Bronx, Kings, Queens, and Richmond County District Attorney's Offices. As stated in the audit interview and again in OSNP's response to Corrective Action #10 above, OSNP does not have the authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information to each District Attorney's Office when requested by them. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. OSNP will however request those offices to allow OSNP to conduct evaluations of their attorneys on an annual basis based on any tasks and standards they have for the attorneys of their offices. The New York County District Attorney's Office has already directed OSNP to directly provide performance evaluations to New York County ADAs assigned to OSNP.

Corrective Action #15: OSNP will submit to the EEPC, on an annual basis, a plan of all the measures and programs OSNP is conducting to provide equal employment opportunities within OSNP.

As its final action, OSNP will distribute a memorandum signed by the agency head informing all employees of the changes implemented in OSNP's EEO program pursuant to the EEPC's audit/analysis and the agency head's commitment to the EEO program at OSNP.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bridget G. Brennan".

Bridget G. Brennan
Special Narcotics Prosecutor
City of New York

Attachments



**Equal Employment
Practices Commission**

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

Charise L. Terry, PHR
Executive Director

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

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY MAIL AND EMAIL

May 25, 2017

Bridget G. Brennan
Special Prosecutor
Office of the Special Narcotics Prosecutor
80 Centre Street, 6th Floor
New York, NY 10013

RE: Audit Resolution #2017/210 - 906: Final Determination Pursuant to the Review, Evaluation and Monitoring of the Office of the Special Narcotics Prosecutor's Employment Practices and Procedures from July 1, 2013 to December 31, 2016.

Dear Special Narcotics Prosecutor Brennan:

On behalf of the members of the Equal Employment Practices Commission (Commission or EEPC), thank you for your May 8, 2017 response to our April 24, 2017 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 2017 to November 2017.

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 EEPCC'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 EEPCC 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 contact Judith Garcia Quiñonez, Esq., Executive Agency Counsel/Deputy Director at jquinonez@eepc.nyc.gov.

Thank you and your staff for your continued cooperation.

Sincerely,


Charise L. Terry, PHR
Executive Director

c: Thomas Van Noy, Principal EEO Professional, Office of the Special Narcotics Prosecutor

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:

Agree

Regarding your responses² to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #1

Distribute/Post a paper or electronic copy of the agency's *Equal Employment Opportunity Policy*, which includes, or attach as addenda: 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.

Agency Response: *"OSNP agrees to distribute/post an updated paper or electronic copy of the agency's Equal Employment Opportunity (EEO) Policy which contains 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. A copy of the updated policy is attached. An electronic copy has been posted on our agency's intranet and emailed to our current staff. A hard copy has been posted in the Human Resources (HR) bulletin boards on each of the floors OSNP occupies at 80 Centre Street."* (Response Pg. 1.)

EEPC Response: The EEPC accepts the agency's response and documentation that corrective action #1 has been implemented.

Monitoring Required

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

Corrective Action #2

Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups

² Excerpts are italicized.

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: "OSNP will contact the EEO Officer of the Department of Citywide Administrative Services (DCAS) and request assistance from his staff in identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be used when provisional positions or discretionary hires become available in OSNP." (Response Pg. 1.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #2. An assessment of the agency's 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 #3

Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's statistical information (i.e. workforce, hires, promotions, and separations by race/ethnicity and gender), 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: "OSNP will consult with the City Law Department and the EEO Officer of DCAS to develop a method of statistically reviewing, on an annual basis. OSNP's EEO complaints, employment practices, policies, and programs to identify any barriers to equal employment opportunity within OSNP in order to take corrective actions to correct any deficiencies found." (Response Pg. 1.)

EEPC Response: The EEPC recognizes the agency's commitment to address corrective action #3. Documentation which demonstrates implementation of corrective action #3 will be required during the compliance-monitoring period.

Corrective Action #4

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

Agency Response: "OSNP's HR Director and EEO Officer, in consultation with the New York City Training Center, will identify and conduct training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors." (Response Pg. 1.)

EEPC Response: The response does not address the requirements of corrective action #4. An assessment of the manner in which candidates are selected for employment will be required 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 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: *“OSNP will consult with the City Law Department and the EEO Officer of DCAS to request assistance in identifying relevant professional and community organizations or publications serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be utilized to attract qualified candidates if OSNP finds that women, minorities, or other protected groups are underrepresented in discretionary hire titles when it conducts its internal EEO statistical analysis.”* (Response Pg. 2.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #5. Documentation which demonstrates implementation of corrective action #5 will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #6

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

Agency Response: *“OSNP will review the competencies, skills, and abilities required for each of its civil service positions to ensure that these standards are up to date, job-related, and required by business necessity. OSNP will also consult with the City Law Department and the EEO Officer of DCAS to request assistance in identifying relevant professional and community organizations or publications serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be utilized to attract qualified candidates if OSNP finds that women, minorities, or other protected groups are underrepresented in discretionary civil service titles when it conducts its internal EEO statistical analysis.”* (Response Pg. 2.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #6. Documentation which demonstrates implementation of corrective action #6 will be required during the compliance-monitoring period. The EEPC will provide further guidance at the initiation of the compliance-monitoring period.

Corrective Action #7

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

Agency Response: "OSNP's HR Director and EEO Officer, in consultation with the New York City Training Center, will identify and conduct training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors." (Response Pg. 2.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #7. Documentation which confirms that all personnel involved in recruiting and hiring were trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates will be required during the compliance-monitoring period.

Corrective Action #8

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.

Agency Response: "OSNP currently uses an applicant/candidate log which is kept by a member of the HR Staff. OSNP will modify its current log to include all the criteria listed in Corrective Action #8. Note, while OSNP will include all the categories the EEPC calls for in Corrective Action #8 in its log, whether or not an applicant/candidate chooses to provide us with some of the information requested (e.g. ethnicity, gender, disability, etc.) is up to the applicant/candidate." (Response Pg. 2.)

EEPC Response: The EEPC recognizes the agency's efforts to implement corrective action #8. Documentation which confirms modification of the applicant tracking system for applicants and assigning responsibility for collecting this information to someone other than the hiring manager will be required during the compliance-monitoring period. Implementation of this corrective action will be monitored during the compliance-monitoring period.

Corrective Action #9

Remind employees of the identity and type of guidance available from the Career Counselor at least once each year.

Agency Response: "OSNP will send out a memo from the agency head to all staff reminding them of the identity of OSNP's Career Counselors and the type of guidance/counseling that can be provided." (Response Pg. 2.)

EEPC Response: The EEPC recognizes the agency's commitment to address corrective action #9. Documentation that demonstrates employees were notified of the identities and type of guidance available from the Career Counselors will be required during the compliance-monitoring period.

Corrective Action #10

Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; and informs the principal EEO Professional of the number of 55-a program participants.

Agency Response: "All employees, except legal staff from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices currently assigned to OSNP, have access to a written evaluation that incorporates the tasks and standards required of their positions. These tasks and standards are reviewed with them annually during their evaluations. OSNP will attempt to obtain the task and standards for attorneys from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices in order to conduct annual evaluations of the attorneys from those offices based on those criteria. However, as stated during the audit, OSNP does not have the authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information as directed by each District Attorney's Office. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. The New York County District Attorney's Office has asked OSNP to directly provide performance evaluations to New York County ADAs assigned to OSNP. OSNP's HR Director will post the current Citywide Training Center's Course Catalog on OSNP's intranet for staff to see what training opportunities are available through the city. OSNP's HR Director will inform OSNP's EEO officer of any 55-a program participants." (Response Pg. 2 - 3.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #10. Documentation that demonstrates implementation will be required during the compliance-monitoring period. The EEPC will provide further guidance during the compliance-monitoring period.

Corrective Action #11

Document reasonable accommodation requests and their outcomes.

Agency Response: "OSNP does have a Reasonable Accommodation Log and does record requests for accommodations and the outcome of those requests. OSNP did not record in that log requests for minor things... Going forward, at the request of the EEPC, OSNP will have an employee complete a Request for Reasonable Accommodation Form for any type of request... and make a log entry for that request and the outcome of that request." (Response Pg. 3.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #11. Documentation which demonstrates implementation of corrective action #11 will be required during the compliance-monitoring period.

Corrective Action #12

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

Agency Response: "OSNP's EEO Officer and Counselors have taken courses in EEO laws and procedures in the past in order to prepare them for their EEO roles within OSNP. OSNP plans on having the EEO Officer and Counselors take a refresher course in EEO laws and procedures in the near future." (Response Pg. 3.)

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #12. Documentation which verifies EEO professionals were trained in EEO laws and procedures will be required during the compliance-monitoring period.

Corrective Action #13

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

Agency Response: "OSNP's EEO Officer did maintain a monthly log of EEO meetings between the EEO Officer and the agency head as noted in the EEPC's Preliminary Determination... Going forward, as requested by the EEPC's current audit, OSNP's EEO Officer will maintain more detailed records of the meetings/discussions between the EEO Officer and the agency head and the EEO Officer and the HR Director with regard to EEO matters that impact the administration and operation of the EEO program." (Response Pg. 3.)

EEPC Response: This corrective action is focused on the agency's maintaining documentation of decisions that impact the administration and operation of the EEO program as a result of meetings and other communications between the agency head and the principal EEO Professional. Documentation which demonstrates implementation of corrective action #13 will be required during the compliance-monitoring period.

Corrective Action #14

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

Agency Response: "OSNP has conducted annual managerial/non-managerial performance evaluations for all members of its staff, except... the attorneys assigned to OSNP by the Bronx, Kings, Queens, and Richmond County District Attorney's Offices. ...OSNP does not have the

authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information to each District Attorney's Office when requested by them. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. OSNP will however request those offices to allow OSNP to conduct evaluations of their attorneys on an annual basis based on any tasks and standards they have for the attorneys of their offices.” (Response Pg. 3.)

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

Corrective Action #15

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Agency Response: *“OSNP will submit to the EEPC, on an annual basis, a plan of all the measures and programs OSNP is conducting to provide equal employment opportunities within OSNP.” (Response Pg. 4.)*

EEPC Response: The EEPC recognizes the agency's commitment to implement corrective action #15. Documentation of an agency annual plan of measures and programs to provide equal employment opportunity will be required 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 #2017/210-906: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Office of the Special Narcotics Prosecutor's Employment Practices and Procedures from July 1, 2013 through December 31, 2016.

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

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

Whereas, pursuant to its audit of the Office of the Special Narcotics Prosecutor's (OSNP) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 24, 2017, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the agency's Equal Employment Opportunity Policy, which includes, or attach as addenda: an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's 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.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or

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

5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in civil service (list titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with DCAS or the Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. 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.
9. Remind employees of the identity and type of guidance available from the Career Counselor at least once each year.
10. Ensure that the Human Resources Professional ensures that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; and informs the principal EEO Professional of the number of 55-a program participants.
11. Document reasonable accommodation requests and their outcomes. NOTE: In order to ensure appropriate and sufficient documentation is maintained, the agency should utilize its reasonable accommodation requests form.
12. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for

EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.

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

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on May 8, 2017 with documentation of its actions to rectify required corrective action no. 1; and

Whereas, on May 12, 2017, the EEPC issued an Amendment to the Preliminary Determination setting forth findings on two audit standards with no corrective actions; 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 25, 2017 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 2 - 15 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 2017 through November 2017, to determine whether it implemented remaining required corrective actions; and

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

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

Be It Resolved, that the Commission approves issuance of this Final Determination to Special Narcotics Prosecutor Brennan.

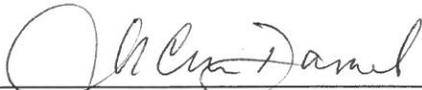
Approved unanimously on May 25, 2017.



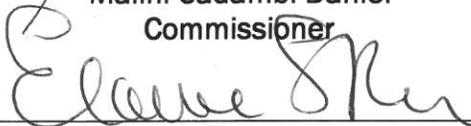
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



**Office of the
Special Narcotics Prosecutor
for the City of New York**

Bridget G. Brennan, Special Narcotics Prosecutor

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NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

June 26, 2017

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

Dear Ms. Terry,

Thank you for the opportunity to respond to your agency's audit and evaluation of our agency's employment practices, programs, policies, and procedures.

The Office of the Special Narcotics Prosecutor (OSNP) responds to the Equal Employment Practices Commission (EEPC) Final Determination as follows:

Corrective Action #1: OSNP agrees to distribute/post an updated paper or electronic copy of the agency's Equal Employment Opportunity (EEO) Policy which contains 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. A copy of the updated policy was attached to our response to your preliminary determination and is attached again for your convenience. An electronic copy has been posted on our agency's intranet and emailed to our current staff. A hard copy has been posted in the Human Resources (HR) bulletin boards on each of the floors OSNP occupies at 80 Centre Street. Based on the EEPC's Final Determination letter, OSNP has completed this corrective action.

Corrective Action #2: OSNP has been attempting and will continue to attempt to contact the EEO Officer of the Department of Citywide Administrative Services (DCAS) and request assistance from his staff in identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be used when provisional positions or discretionary hires become available in OSNP. OSNP has begun using El Diario NY and the Amsterdam News to reach more diverse groups for our job postings.

Corrective Action #3: OSNP will consult with the City Law Department and the EEO Officer of DCAS to develop a method of statistically reviewing, on an annual basis, OSNP's EEO complaints, employment practices, policies, and programs to identify any barriers to equal employment opportunity within OSNP in order to take corrective actions to correct any deficiencies found.

Corrective Action #4: OSNP's HR Director and EEO Officer, in consultation with the New York Citywide Training Center, has identified training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors. Due to vacations schedules during the summer months, we will conduct the training seminars in the fall in order to be able to train as many people as possible.

Corrective Action #5: OSNP has been attempting and will continue to attempt to contact the EEO Officer of the Department of Citywide Administrative Services (DCAS) and request assistance from his staff in identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be used when provisional positions or discretionary hires become available in OSNP. OSNP has begun using El Diario NY and the Amsterdam News to reach more diverse groups for our job postings.

Corrective Action #6: OSNP will review the competencies, skills, and abilities required for each of its civil service positions to ensure that these standards are up to date, job-related, and required by business necessity. OSNP has been attempting and will continue to attempt to contact the EEO Officer of the Department of Citywide Administrative Services (DCAS) and request assistance from his staff in identifying relevant professional and community organizations serving women, minorities, and other protected groups throughout the city to aid OSNP in updating its recruitment outreach resources which will be used when provisional positions or discretionary hires become available in OSNP. OSNP has begun using El Diario NY and the Amsterdam News to reach more diverse groups for our job postings.

Corrective Action #7: OSNP's HR Director and EEO Officer, in consultation with the New York Citywide Training Center, has identified training seminars in EEO hiring practices and protocols for members of OSNP's staff who have any input into the hiring of personnel for OSNP including but not limited to: Executive Staff, Managers and Supervisors. Due to vacations schedules during the summer months, we will conduct the training seminars in the fall in order to be able to train as many people as possible.

Corrective Action #8: OSNP has modified its current applicant/candidate log to include all the criteria listed in Corrective Action #8. See attached. Note, while OSNP will include all the categories the EEPC calls for in Corrective Action #8 in its log, whether or not an applicant/candidate chooses to provide us with some of the information requested (e.g. ethnicity, gender, disability, etc.) is up to the applicant/candidate.

Corrective Action #9: OSNP will send out a memo from the agency head to all staff reminding them of the identity of OSNP's Career Counselors and the type of guidance/counseling that can be provided.

Corrective Action #10: All employees, except legal staff from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices currently assigned to OSNP, have access to a written evaluation that incorporates the tasks and standards required of their positions. These tasks and standards are reviewed with them annually during their evaluations. OSNP will attempt to obtain the task and standards for attorneys from the Bronx, Kings, Queens, and Richmond County District Attorney's Offices in order to conduct annual evaluations of the attorneys from those offices based on those criteria. However, as stated during the audit, OSNP does not have the authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information as directed by each District Attorney's Office. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. The New York County District Attorney's Office has asked OSNP to directly provide performance evaluations to New York County ADAs assigned to OSNP.

OSNP's HR Director has posted the current Citywide Training Center's Course Catalog on OSNP's intranet for staff to see what training opportunities are available through the city (See attached screen capture). OSNP's HR Director will inform OSNP's EEO officer of any 55-a program participants.

Corrective Action #11: OSNP does have a Reasonable Accommodation Log and does record requests for accommodations and the outcome of those requests. OSNP did not record in that log requests for minor things like mouse gel pads or ergonomically correct chairs when requested by employees in the past. Going forward, at the request of the EEPC, OSNP will have an employee complete a Request for Reasonable Accommodation Form for any type of request, regardless of how small the request is, and make a log entry for that request and the outcome of that request.

Corrective Action #12: OSNP's EEO Officer and Counselors have taken courses in EEO laws and procedures in the past in order to prepare them for their EEO roles within OSNP. OSNP plans on having the EEO Officer and Counselors take a refresher course in EEO laws and procedures in the near future.

Corrective Action #13: OSNP's EEO Officer did maintain a monthly log of EEO meetings between the EEO Officer and the agency head as noted in the EEPC's Preliminary Determination. This log was created to comply with the requirements set forth by the EEPC in its last audit of OSNP. Going forward, as requested by the EEPC's current audit, OSNP's EEO Officer will maintain more detailed records of the meetings/discussions between the EEO Officer and the agency head and the EEO Officer and the HR Director with regard to EEO matters that impact the administration and operation of the EEO program.

Corrective Action #14: OSNP has conducted annual managerial/non-managerial performance evaluations for all members of its staff, except, as has been previously noted in Corrective Action # 10, the attorneys assigned to OSNP by the Bronx, Kings, Queens, and Richmond County District Attorney's Offices. As stated in the audit interview and again in OSNP's response to Corrective Action #10 above, OSNP does not have the authority to independently evaluate Assistant District Attorneys (ADAs). The tasks, standards, and evaluation methods for ADAs are developed by each District Attorney's Office. OSNP provides evaluation information to each District Attorney's Office when requested by them. Individual District Attorney's Offices also determine how each ADA is to be provided information regarding their job responsibilities and performance evaluations. OSNP will however request those offices to allow OSNP to conduct evaluations of their attorneys on an annual basis based on any tasks and standards they have for the attorneys of their offices. The New York County District Attorney's Office has already directed OSNP to directly provide performance evaluations to New York County ADAs assigned to OSNP.

Corrective Action #15: OSNP will submit to the EEPC, on an annual basis, a plan of all the measures and programs OSNP is conducting to provide equal employment opportunities within OSNP.

As its final action, OSNP will distribute a memorandum signed by the agency head informing all employees of the changes implemented in OSNP's EEO program pursuant to the EEPC's audit/analysis and the agency head's commitment to the EEO program at OSNP.

Sincerely,



Bridget G. Brennan
Special Narcotics Prosecutor
City of New York

Attachments



Office of the
Special Narcotics Prosecutor
for the City of New York

Bridget G. Brennan, Special Narcotics Prosecutor

80 CENTRE STREET, SIXTH FLOOR
NEW YORK, NY 10013
212-815-0400, GEN.
212-815-0440, FAX

November 29, 2017

TO: ALL STAFF

FROM: BRIDGET G. BRENNAN
SPECIAL NARCOTICS PROSECUTOR

RE: EQUAL EMPLOYMENT OPPORTUNITY POLICIES AND PROCEDURES

The Equal Employment Practices Commission (EEOC) is empowered to audit and evaluate the Equal Employment Opportunity Programs of all New York City agencies. The EEOC recently completed an audit of the Office of the Special Narcotics Prosecutor (OSNP) covering the period of July 1, 2013 through December 31, 2016.

In light of the EEOC'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 EEOC has made to strengthen our program. Under the leadership of the office's EEO Officer, Thomas Van Noy, 212-815-0502, tvannoy@snp.nyc.gov, 80 Centre Street, Room 664, we have ensured full and complete implementation of the EEOC's recommendations. These steps included:

- Annual review by EEO Officer, Thomas Van Noy and HR Director, Beatrice Miller of the agency's statistical, demographic information, the annual number of EEO complaints, and the agency's employment practices, policies and programs.
- Continuously assessing 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.
- Conducting an assessment of recruitment efforts for each job opening and reviewing and updating listings of recruitment outreach sources as needed.
- Identifying any job groups experiencing underutilization in discretionary hiring and advertising in diverse publications.
- Identifying job groups experiencing underutilization in civil service titles, advertising in diverse publications and working with DCAS, as needed, to recruit a diverse and inclusive talent pool.

- Continue to train human resources professionals, managers, supervisors, and other personnel to consider EEO laws, policies and procedures in the selection and hiring process they participate in.
- Continue to provide training opportunities and career counseling for all members of the staff.
- Continue to use and maintain a tracking system which includes the identification number, ethnicity, gender, disability or veteran status, interview date, and interviewers' names of all applicants/candidates for job openings within the agency.

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 #2017/216-906-C30: Determination of **Compliance** (Monitoring Period Required) by the Office of the Special Narcotics Prosecutor 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, 2013 to December 31, 2016.

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 and analysis of the Office of the Special Narcotics Prosecutor's (OSNP) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated April 24, 2017, setting forth findings and the following required corrective actions:

1. Distribute/Post a paper or electronic copy of the agency's *Equal Employment Opportunity Policy*, which includes, or attach as addenda: an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for the agency's EEO professionals.
2. Assess recruitment efforts to determine whether such efforts adversely impact any particular group. To the extent that adverse impact is discovered, at a minimum, identify relevant professional and community organizations serving women, minorities, and other protected groups throughout the City, review and update listings of recruitment outreach sources, and contact these organizations when provisional positions become available or where the agency may otherwise use discretion in hiring.
3. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the agency's 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.
4. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job-related, and adopt methods which diminish adverse impact.
5. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review

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

7. Ensure that human resources professionals, managers, supervisors, and other personnel involved in recruiting and hiring are trained to consider EEO laws/policies and use uniform, job-related techniques to identify, interview and select the most capable candidates (e.g. structured interview training or guide).
8. 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.
9. Remind employees of the identity and type of guidance available from the Career Counselor at least once each year.
10. Ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations and training opportunities; and informs the principal EEO Professional of the number of 55-a program participants.
11. Document reasonable accommodation requests and their outcomes.
12. Ensure that EEO professionals are trained in EEO laws and procedures and know how to carry out their responsibilities under the EEO Policy by promptly attending training for EEO professionals by DCAS or another appropriate agency/school. Obtain a certificate of completion.
13. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
14. Establish and implement an annual managerial/non-managerial performance evaluation program (with timetable) to be used for probationary periods, promotions, assignments, incentives and training.
15. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity.

Whereas, the OSNP submitted its response to the EEPC's Preliminary Determination letter, on May 8, 2017; 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 25, 2017 which indicated that corrective action nos. 1 - 15 required compliance monitoring; and

Whereas, the OSNP submitted its response to the EEPC's Final Determination letter, on June 26, 2017; 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 corrective actions from June 2017 - November 2017, with no extension of the monitoring period; and

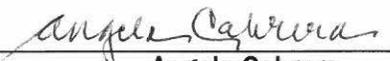
Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OSNP submitted a copy of the agency head's memorandum to staff dated November 29, 2017, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's 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,

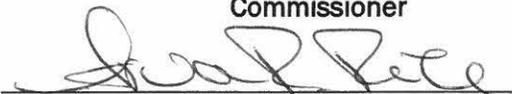
Be It Resolved, that the Office of the Special Narcotics Prosecutor has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission approves issuance of this Determination of Compliance to Bridget G. Brennan, Special Narcotics Prosecutor for the City of New York.

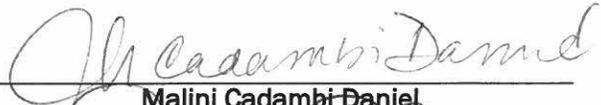
Approved unanimously on December 21, 2017.



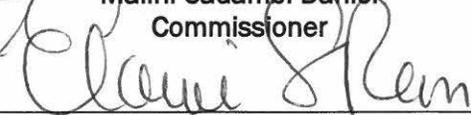
Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner



Elaine S. Reiss, Esq.
Commissioner



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

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Executive Agency Counsel

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY MAIL AND EMAIL

December 21, 2017

Bridget G. Brennan
Special Narcotics Prosecutor
Office of the Special Narcotics Prosecutor
80 Centre Street, 6th Floor
New York, NY 10013

Re: Resolution #2017/216-906-C30: Determination of Agency Compliance

Dear Special Narcotics Prosecutor Brennan:

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 Special Narcotics Prosecutor. This Commission has determined that the Office of the Special Narcotics Prosecutor 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 Thomas Van Noy for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

A handwritten signature in black ink that reads "Elaine S. Reiss". The signature is written in a cursive style with large, flowing letters.

Elaine S. Reiss, Esq.
Commissioner

c: Thomas Van Noy, Principal EEO Professional, Office of the Special Narcotics Prosecutor

EEPC

EQUAL EMPLOYMENT PRACTICES COMMISSION

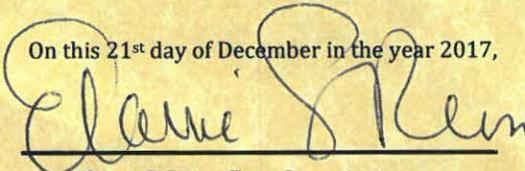
This
Determination of Compliance

is issued to

Office of the Special Narcotics Prosecutor

*for successfully implementing 15 of 15 required corrective actions pursuant to the Equal Employment Practices Commission's
Employment Practices and Procedures Audit From July 1, 2013 to this date.*

On this 21st day of December in the year 2017,



Elaine S. Reiss, Esq., Commissioner



Charise L. Terry, PHR, Executive Director

*In care of Special Narcotics Prosecutor Bridget G. Brennan, and
Principal EEO Professional Thomas Van Noy.*