



ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

DISTRICT ATTORNEY
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COUNTY OF NEW YORK
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February 17, 2006

VIA HAND DELIVERY

Ernest F. Hart, Esq.
Chair
Equal Employment Practices Commission
City of New York
40 Rector Street, 14th Floor
New York, New York 10006

Re: Response to Final Determination Pursuant to the Audit
of the New York County District Attorney's Office

Dear Mr. Hart:

We respond to your letter dated January 18, 2006, organized by the headings used in your letter, as follows:

Agree

No further response is required.

Partially Agree

Recommendation # 2

It appears you accept the propriety of a law enforcement agency employer considering an arrest and conviction record as a relevant to one's qualifications to hold a position with that agency. It is evident from a review of the New York City Police Department EEO policy that they function as such. I believe therefore, there is some confusion about our position. Nowhere have we asserted that Human Rights Law, or our internal EEO policy does not apply to those with arrest or conviction records. We simply responded, consistent with the NYPD's policy, that arrest and conviction records are relevant factors upon which to make employment decisions.

We agree to amend our policy to include language that reflects the above position.

NEW YORK COUNTY DISTRICT ATTORNEY

Recommendation #3(1)

We respectfully disagree. The EEO officer reports directly to the District Attorney on all matters for which he is responsible. There is no person on staff with the training, experience, or authority to review the work of the EEO officer in these matters. To follow this recommendation would add a layer of bureaucracy, with no substantive added value.

Recommendation # 7

As stated in our original response, DANY is willing to explore participation in the Section 55-A program.

Recommendations #8 and #9

The EEO officer, and two EEO trainers are enrolled in DCAS's next EEO training session, which commences on March 14, 2006. DCAS initially limited this office to two seats in the class. After some negotiation, we were offered a third seat. We will continue to enroll all EEO professionals in the DCAS training.

Disagree

Recommendation #3(2)

The EEPC's position suggests that it is "unfair" not to document an unfounded accusation. It is not at all evident how this is unfair. However, DANY's response simply indicates we find the recommended practice unnecessary. We will nonetheless yield to the EEPC's best judgment, and endeavor to make written notifications as requested.

Recommendation # 12

The EEPC's bald assertion that "interpersonal relations" and "professional judgment" do not refer to EEO performance is simply incorrect. The office will nonetheless consider the EEPC's recommendation.

Recommendation #13

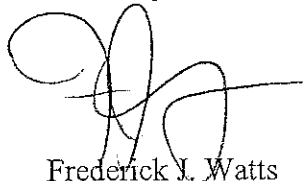
The DANY response is not at odds with the EEPC rationale. We have diligently circulated the relevant EEO information to all staff. The EEPC survey data supports this

NEW YORK COUNTY DISTRICT ATTORNEY

conclusion. Redistribution of that information is done routinely. DANY is happy make yet another written reminder to all staff identifying the EEO officer.

We look forward to the compliance process.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a 'J' and a 'W', with a horizontal line extending to the right.

Frederick J. Watts
Administrative Assistant District Attorney

FJW:rg

cc: Abraham May, Jr.
Eric Matusewitch