



Agency: Office of the District Attorney, Kings County
Agency Head: District Attorney Charles J. Hynes
EEO Officers: Dianne Malone
Audit Period: July 1, 2007 – June 30, 2010
Agency Census as of June 30, 2010: 1,144

Date of Preliminary Determination Letter: November 10, 2011
Date of Response Letter: November 22, 2011
Date Final Determination Letter: December 5, 2011
Date of Agency Response: January 4, 2012

Compliance Initiated: January 20, 2012
Compliance Completed: August 22, 2012
Covering Months: February, 2012 – July, 2012

Date: September 13, 2012

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (Commission or EEP) Audit of Compliance by the Kings County District Attorney's Office (KCDA) with its Equal Employment Opportunity Policy (EEO), EEP initiated Audit Compliance with the KCDA on January 20, 2012. The KCDA submitted its final Monthly Compliance Report for July, 2012 on August 6, 2012, and supplemental documentation on August 22, 2012.

All seven required actions were completed or accepted. The following is a summary of the compliance reports:

1. **It is the EEP's position that in order for an agency to demonstrate it has a meaningful and responsive procedure for investigating discrimination complaints, as required by City Human Rights Law, the agency's complaint procedure should require written communication of the conclusion of the complaint investigation to the parties involved. Therefore, the agency should revise its complaint procedure to require that the complainant and respondent be informed in writing of the outcome of the complaint investigation. (Adm. Code, Sect. 8-107.13; EEP/Sect. 831, City Charter)**

The agency provided a copy of the revised EEO Policy and amended complaint procedure, which includes the requirement for written notification of the complaint investigation outcome to all parties involved. The agency also provided a redacted copy of a notification letter.

The required action was implemented in March, 2012

2. **Because the agency head is responsible for the administration of EEO in the agency, the agency should revise its complaint procedure to require that the agency head sign-off (in electronic or written form) on each Investigative Report to indicate that it has been reviewed and adopted. (EEPC/Sect. 831, City Charter)**

The recommendation was enacted in December 2011. A copy of an EEO memorandum with the District Attorney's endorsement to indicate he had reviewed the report was provided.

The implementation of the required action was accepted in April, 2012.

3. **Since the *Guidelines for Evaluation Managerial Performance in NYC Agencies* require that managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate managerial employees annually. (EEPC/Sect.831, City Charter)**

The agency created an annual managerial performance evaluation plan and timeline. A copy of the plan was provided.

The required action was implemented in August, 2012.

4. **Because the EEO Officer should report directly to the agency head or a direct report, the DAKC should revise its organization chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)**

Though the KCDA does not maintain an organization Chart, the agency was able to demonstrate the reporting relationship between the EEO Officer and the District Attorney.

The response to the required action was accepted in March, 2012.

5. **To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should distribute to all employees in writing the name, location, and telephone number of this person. (EEPC/Sect. 831, City Charter)**

The agency distributed a memorandum to all staff noting the name, title, location, and telephone number of the person responsible for handling reasonable accommodation requests.

The implementation of the required action was accepted in March, 2012.

6. **Because EEO representatives should be trained in federal, state, and city EEO laws and procedures and know how to carry out their responsibilities under the agency's EEOP, the EEO Officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Officer should obtain a certificate of completion. (EEPC/Sect. 831, City Charter)**

The EEO Officer attended the DCAS Diversity and EEO Basic Training for EEO Professionals. The agency provided a copy of the certificate of completion.

The required action was implemented in May, 2012.

7. **Since the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the agency head should distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program**

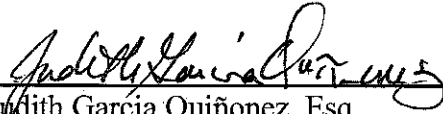
The District Attorney issued a memorandum informing staff of the changes the KCDA has implemented to its EEO program pursuant to the EEPC audit, and reaffirming his commitment to the KCDA's EEO program. A copy is attached.

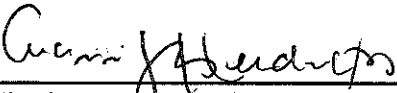
The required action was implemented in August, 2012

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to the District Attorney, Charles J. Hynes, informing him that the Office of the Kings District Attorney has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Judith García Quiñonez, Esq.
Agency Counsel
Director of Compliance


Charise L. Hendricks, PHR
Interim Executive Director

Attachment