

# EQUAL EMPLOYMENT PRACTICES COMMISSION

## SUMMARY COMPLIANCE REPORT

**Agency:** New York County District Attorney's Office

**Agency Head:** Honorable Robert M. Morgenthau, District Attorney

**EEO Officer:** Frederick J. Watts

**Audit Period:** **January 1, 2003 – December 31, 2004**

Date of Preliminary Determination Letter:	<i>October 26, 2005</i>
Date of Response Letter:	<i>December 22, 2005</i>
Date of Final Determination's Letter:	<i>January 18, 2006</i>
Date of Response Letter to the Commission's Final Determinations Letter:	<i>February 17, 2006</i>
Compliance Initiated:	<i>July 2006</i>
Compliance Completed:	<i>January 2007</i>
Covering Months:	<i>June 2006 - December 2006</i>

**Date:** **January 25, 2007**

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the New York County District Attorney's Office (DANY) with the City's Equal Employment Opportunity Policy (EEOP), EEOC initiated Audit Compliance with the DANY in July 2006. The DANY's final Monthly Compliance Report was submitted on January 17, 2007.

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

- DANY's EEO Pamphlet should be revised to reflect the current address and telephone number for the U.S. Equal Employment Opportunity Commission.**

The DANY stated that it revised the EEO Pamphlet to reflect the current address and telephone number for the U.S. Equal Employment Opportunity Commission. It submitted a copy of the EEO Pamphlet.

The required action was completed in May 2006.

2. **The agency's EEO Policy Statement and Internal Discrimination Complaint Procedure should be revised to include all of the "protected classes" under the New York City and New York State Human Rights Laws.**

The DANY stated that it has revised its EEO Policy Pamphlet which contains its Internal Discrimination Complaint Procedure to include all of the "protected classes" under the New York City and New York State Human Rights Laws. The document was distributed to staff on November 2, 2006. It submitted a copy of the revised EEO Pamphlet.

The required action was completed in November 2006.

3. **DANY's Internal Discrimination Complaint Procedures should be revised to include the following requirements of the City's Discrimination Complaint Procedures Implementation Guidelines: 1) the EEO investigator's confidential written report should be submitted to the agency head for his or her signature (to signify review and approval), and 2) the respondent(s) should be notified in writing of the disposition of the case.**

The DANY pledged to have the EEO Officer's report reviewed by the Chief Assistant District Attorney and to notify respondents of the disposition of matters in writing. The DANY reported no investigative reports were completed during the audit compliance monitoring period.

The response to the required action was completed in December 2006.

4. **All agency recruitment literature, including internal job postings, should indicate that DANY is an equal opportunity employer.**

The DANY submitted copies of internal job postings that indicate it is "A Equal Opportunity Employer."

The required action was completed in May 2006.

5. **The agency should ensure that its EEO policies are available in "appropriate alternate formats to employees with disabilities."**

The DANY has submitted sample pages of EEO Policies in large print. It stated that upon request of any employee, it will make the software available, which will convert text to speech.

The required action was completed in October 2006.

6. **DANY should adopt and tailor the City's Reasonable Accommodation Policy and Procedure, available at [www.nyc.gov/html/dcas/html/resources/eoo.html](http://www.nyc.gov/html/dcas/html/resources/eoo.html).**

The DANY stated that it has adopted and tailored the City's Reasonable Accommodation Policy and Procedure. It submitted a copy of the above document.

The required action was completed in November 2006.

7. **DANY should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the Department of Citywide Administrative Services.**

The DANY stated that on December 15, 2006 it sent an email to staff informing them of the Section 55-A Program and attached the Program brochure obtained from DCAS. It submitted a copy of the email and brochure.

The required action was completed in December 2006.

8. **The EEO Officer and EEO Coordinators should be scheduled for training conducted by DCAS (Office of Citywide EEO) or enrolled in training conducted by another appropriate agency or school, such as the EEO Studies Program at Cornell University's School of Industrial and Labor Relations. The EEO professionals should obtain the certificate or otherwise complete the program at the institutions selected by DANY.**

The DANY said that the EEO Officer and EEO Coordinator received the DCAS EEO professionals training and it has contacted the DCAS about training all EEO personnel but the DCAS has no classes scheduled currently. The DANY said it will enroll staff as classes are offered. The EEO Officer and the trained EEO Coordinator, who are not of the same gender, will handle all EEO complaints.

The response to the required action was accepted in January 2007.

9. **The Assistant District Attorney who conducts EEO training should be scheduled for training conducted by DCAS or enrolled in training conducted by another appropriate agency or school, such as the EEO Studies Program at Cornell University's School of Industrial and Labor Relations. The Assistant District Attorney should obtain the certificate or otherwise complete the program at the institution selected by DANY.**

The DANY said that it has contacted the DCAS about scheduling all EEO personnel for training but DCAS has no classes scheduled currently. It said it will enroll staff as classes are offered. The DANY said that the EEO Officer and the Support Staff Training Director who have completed the DCAS EEO professionals training will conduct all EEO training until the Assistant District Attorney is trained.

The response to the required action was accepted in January 2007.

10. **It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO decisions should be maintained.**

The DANY submitted copies of memos-to-the-file of meetings between the EEO Officer and the agency head.

The required action was completed in January 2007.

11. **It is the Commission's position that agencies with at least 750 employees should have full-time EEO Officers.**

The DANY said that its budget has declined substantially since 2002. It simply does not have the resources to employ a full-time EEO Officer. However, it will continue to assign all appropriate resources to its EEO Program. Currently, it has one EEO Officer, five EEO Coordinators and two EEO trainers.

The response to the required action was accepted in May 2006.

12. **The agency's performance evaluation forms should be revised to include a rating for the EEO performance of supervisors/managers. The agency may adopt the rating ("Utilizing Human Resources") contained in the citywide managerial performance evaluation form.**

The DANY said that its current performance evaluation forms account for EEO performance (discussed at the compliance initiation meeting and accepted). It stated that a memorandum informing supervisors/managers that they will be rated on EEO performance will be issued at the commencement of the evaluation process in the spring of 2007. It submitted a draft of the memorandum.

The response to the required action was accepted in November 2006.

13. **All employees should receive written notification of the identity, location, and telephone number of the agency's EEO Officer.**

The DANY said that all employees were notified via email of the identity, location, and telephone number of the agency's EEO Officer. It submitted a copy of the email.

The required action was completed in May 2006.

14. **The New York County District Attorney should disseminate an agency-wide memorandum to discuss audit findings.**


The attached memorandum from District Attorney Robert M. Morgenthau was distributed on November 13, 2006.

The required action was completed in November 2006.

**Recommendation**

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to District Attorney Robert M. Morgenthau informing him that the DANY has implemented the recommended corrective actions to the Commission's satisfaction.

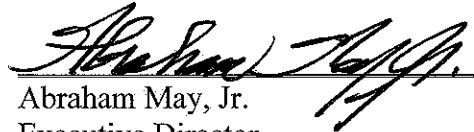
Respectfully Submitted,



Lisa Badner  
Counsel



Eric Matusewitch  
Deputy Director



Abraham May, Jr.  
Executive Director

Attachment