



## **Kings County District Attorney**

### **Non-Discrimination Policy Concerning for People with Disabilities & Grievance Procedures**

The Kings County District Attorney’s Office (“KCDA” or the “Office”) is an Equal Opportunity Employer. As District Attorney, Eric Gonzalez (the “District Attorney”) reaffirms that it is the policy of this Office to maintain fair employment practices at all times for all its members and applicants for employment and to comply with Federal, State and City anti-discrimination laws. This policy extends to everyone who works within the office or its workplaces, those who seek employment within the office, as well as recipients of program services administered by KCDA. No employee may retaliate against or harass any person filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action. The Office acknowledges the right of all vendors, contractors and bidders, business owners, their managers and employees, to be treated fairly and equally, based on merit and ability and free from discrimination based on the protected status factors listed below. It is the expectation of the Office that all parties will conduct themselves in accordance with the NYC Human Rights Law and the Sexual Harassment Policy of the Office or risk being denied access to any Office facilities.

The Americans with Disabilities Act (Act) prohibits discrimination against qualified individuals with disabilities. This District Attorney has vowed and reaffirms that he and his office will comply with the Act to ensure that reasonable accommodations will be made for a person with a “disability” who is otherwise qualified to perform the essential functions of the job for which he, she has, or they have, applied or presently holds, unless providing such accommodation would impose an undue hardship.

## **Reasonable Accommodations**

A “disability” under the Act means “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment,” Title 42, Chapter 126 U.S.C. § 12102(1). By “reasonable accommodation” the Act describes reasonable accommodation as being:

- making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices ... the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. Title 42, Chapter 126 U.S.C. § 12111(9).

Employment related complaints for employees and applicants for employment seeking a reasonable accommodation are covered under the City’s EEO Policy which can be found at [nyc.gov/assets/dcas/downloads/pdf/agencies/nyc\\_eeo\\_policy.pdf](http://nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf)

A full text of the Americans with Disabilities Act, and materials concerning its interpretation, can be obtained from the EEO Officer, Room 1918 or the EEO Coordinator, Room 1938. Employees who believe they are covered by the definition and who wish to identify themselves so that reasonable accommodations may be made may contact the EEO Officer or the EEO Coordinator.

## **Issues Related to Disabilities**

Cynthia Aker is the 55-a Coordinator and is responsible for ensuring that the Office complies with laws designed to protect disabled employees. Additionally, Gregory Mitchel is the Office’s Disability Services Facilitator, and Howard Feldberg is the Office’s Digital Inclusion Officer.

## **Temporary or Permanent Accommodations**

The law requires that reasonable accommodations be made for disabled employees who are capable of performing the essential functions of the job in question unless providing such accommodation would impose an undue hardship. The law also requires that reasonable accommodations be made for employees’ religious observances. Any employee who wishes to request an accommodation should contact Ms. Aker or Mr. Mitchel.

Any member of the public who requires an auxiliary aid or service for effective communication, or a reasonable modification of policies or procedures in order to participate in our programs, services or activities (involving matters other than employment) is invited to direct their needs and preferences to KCDA’s Disability Service Facilitator, Gregory Mitchel by email at [accessibility@brooklynda.org](mailto:accessibility@brooklynda.org), phone at (718) 250-3962, and/or mail:

Accessibility At The Brooklyn District Attorney’s Office

350 Jay Street

Brooklyn, New York 11201

Attention: Howard Feldberg

Requests should be made as soon as possible but no later than three business days before the scheduled program, service or activity. Questions, concerns or requests for additional information may be directed to KCDA’s Disability Service Facilitator.

If you believe that you have been denied an auxiliary aid or service or a reasonable modification of policies or procedures that you need in order to participate in programs, services or activities provided by KCDA please see the Office's grievance procedure below.

**King's County District Attorney's Office**  
**Grievance Procedure for Members of the Public Alleging Discrimination**  
**Based on Disability**

Any member of the public alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by KCDA may file a grievance with the Office, which should contain:

- the name, address, telephone number and/or email of the grievant; and
- information about the alleged discrimination, such as the location, date, and description of the incident or alleged violation of the ADA, Rehabilitation Act, NY State Human Rights Law, or NYC Human Rights Law.

“Grievance” is the term for the allegation filed with KCDA by a member of the public.

“Grievant” is the term for the person alleging discrimination in the grievance.

**When and How to File a Grievance**

The grievance should be submitted as soon as possible, but no later than sixty calendar days after the date of the alleged violation to:

Gregory Mitchel

Accessibility At The Brooklyn District Attorney's Office

350 Jay Street

Brooklyn, New York 11201

Attention: Howard Feldberg

accessibility@brooklynda.org (Please include “Grievance” in subject line.)

The grievance may be filed in one of two ways:

1. By submitting the grievance in writing by mail or email using the above address; or
2. Upon request, by an alternative means, such as an in-person interview or an audio recording, describing the incident or alleged violation of the ADA, Rehabilitation Act, NY State Human Rights Law, or NYC Human Rights Law. A request for an alternative means of filing may be granted as an accommodation for a grievant with a disability.

**Timeline Following Filing of Grievance**

- Within fifteen calendar days after receipt of the grievance, the Disability Service Facilitator or designee will contact the grievant to discuss the grievance and possible resolutions.
- Within fifteen calendar days of this contact with the grievant, the Disability Service Facilitator or designee will provide a response in writing. Grievants may request the response in an additional format accessible to them, such as large print, Braille, or audio recording. This response will address the grievance, describe KCDA's position, and offer options for substantive resolution of the grievance, where applicable.

### **When and How to File an Appeal**

The grievant may appeal KCDA's decision within thirty calendar days of receipt of the Office's response.

The appeal should be mailed to:  
District Attorney Eric Gonzalez  
350 Jay Street  
Brooklyn, New York 11201

The appeal may be filed in one of two ways:

1. By submitting the appeal in writing and by mail using the above address; or
2. Upon request, by an alternative means, such as an in-person interview or an audio recording, describing the incident or alleged violation of the ADA, Rehabilitation Act, NY State Human Rights Law, or NYC Human Rights Law. A request for an alternative means of filing may be granted as an accommodation for a grievant with a disability.

### **Timeline Following Filing of Appeal**

KCDA's response to the appeal will be provided to the grievant in writing within sixty days following receipt of the appeal. Grievants may request the response in an additional format accessible to them, such as large print, Braille, or audio recording. This response will address the appeal, describe the Office's decision, and offer options for substantive resolution of the appeal, where applicable.

- All written grievances, appeals, and responses in connection with a grievance made to KCDA will be retained for at least three years.

Note: Upon request to the Disability Service Facilitator, this page can be made available in an alternative format.

