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THE CITY OF NEW YORK

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Mark D. Levine, Borough President

To: All MBPO and Manhattan Community Board Staff
From: Borough President Mark D. Levine
Date: March 25, 2022
Re: Our Commitment to EEO and Sexual Harassment Prevention

This memo is to let all employees of the Office of the Manhattan Borough President and the offices of the 12 Community Boards in Manhattan know of my complete commitment to Equal Employment Opportunity ("EEO") as well as the prevention of sexual harassment, and all forms of discrimination in all our offices, and wherever the work of city employees is conducted.

A complete copy of our EEO policy, which includes anti-sexual harassment provisions, is attached here. A copy is being provided to each MBPO employee and I ask that each Community Board provide their employees with copies. We are also providing copies to the chair of each board.

I am fully committed to the elimination and prevention of all forms of sexual discrimination and harassment in our workplaces. In addition to the anti-sexual harassment provisions that you'll find in our attached EEO policy, we will fully cooperate with the Anti-Sexual Harassment Training program administered by the New York City Department of Citywide Administrative Services.

You will find in the attached EEO policy the names and contact information for our current EEO Officers. I urge you to contact them with any complaints regarding violation of our EEO policies.

Thank you,

Mark D. Levine,
Manhattan Borough President



THE CITY OF NEW YORK
OFFICERS OF THE PRESIDENT
BOROUGH OF MANHATTAN

MARK D. LEVINE
BOROUGH PRESIDENT

**Manhattan Borough President's Officers
Equal Employment Opportunity (EEO)
Policy and Plan**

I. Equal Employment Opportunity Policy

The Manhattan Borough President's Office (MBPO) is an equal opportunity employer and prohibits employment actions and treatment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, 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, prior record of arrest or conviction, marital status, partnership status, predisposing genetic characteristic, sexual orientation, status as a victim of domestic violence, sexual offenses and stalking or discrimination based on unemployment status, caregiver status¹ or consumer credit history.²

A. Types of Prohibited Conduct

Decisions and practices based on an individual's protected status (e.g., race, religion, age, and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions or privileges of an individual's employment or potential employment with the MBPO are prohibited by the policy. This includes unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge or any other application or selection process relating to employment.

¹ The protected category of "caregiver status" was added to the New York City's Human Rights Law on January 5, 2016 and took effect on May 4, 2016. A caregiver is defined as a person who provides direct and ongoing care for a minor child (under the age of 18) or a care recipient. A "care recipient" is defined as a person with a disability who is either a covered relative, or a person who resides in the caregiver's household and who relies on the caregiver for medical care or to meet the needs of daily living. A covered relative is defined as a caregiver's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver's spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the New York City Commission on Human Rights.

² "Consumer credit history" was added as a protected category to the New York City Human Rights Law on May 6, 2015, and went into effect on September 3, 2015. Certain positions are exempt, such as police officers and peace officers. The New York City Commission on Human Rights has issued interpretative guidance (available on its website) on this law.

The MBPO's EEO Policy also prohibits sexual harassment—that is conduct or language of a sexual nature—and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation). Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation or reasonable accommodation processes are strictly prohibited.

This policy also prohibits the denial of reasonable accommodations (for disabilities; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses or stalking) that do not create undue hardship.

Some offensive acts or remarks may violate this policy, even if they are not so severe that they violate federal, state, or local discrimination laws. The MBPO may discipline conduct that violates this policy even if the conduct does not violate a law prohibiting discrimination.

This policy also prohibits any MBPO employee from aiding, abetting, inciting, compelling or coercing any person in an MBPO facility, whether or not an MBPO employee, from engaging in any conduct prohibited by this policy, including, but not limited to, conduct that creates a hostile work environment based on any protected characteristic.

B. Applicability

Everyone who works within the MBPO or its workplaces, or who seeks employment within the MBPO, is covered by federal, state, and local employment laws and this policy. This includes all current employees, managers (including executives and senior level staff members), supervisors, co-workers, and job applicants.

This policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin, or disability) but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin or disability, etc., of other persons with whom they are associated. For example, this policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious, or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious, or national origin group is prohibited.

These protections apply to actions that violated this policy, whether or not intentionally offensive or directed at a particular person or group.

This policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site business-related social function, MBPO vehicle or facility where MBPO government business is being conducted and discussed.

In addition, interns (paid or unpaid) have a right to a workplace that is free of discrimination, including harassment, based on race, color, national origin, religion, gender, disability, or age, and any basis that could otherwise be determined to be prohibited behavior pursuant to the MBPO's Equal Employment Opportunity ("EEO") Policy (such as alienage or citizenship status, sexual orientation, gender identity, or status as a victim of domestic violence) as applied to employees or applicants for employment.

All MBPO employees are expected to be respectful of all of their co-workers and members of the public, and to be sensitive to the effects of their behavior on those around them. All employees must be trained in the requirements of this policy and be referred to the New York City EEO Policy, found at https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf.

II. Specific Protections

The following sections are provided to enable individuals to understand the unique definitions, issues, rights, and responsibilities under this policy pertaining to sexual harassment and discrimination based on disability, religion, retaliation and status as a victim of domestic violence, a sex offense or stalking.

A. Sexual harassment:

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government has created guidelines which define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."³

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse, or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

B. Disabilities

Discrimination against a person based on that person's actual or perceived disability, record of disability, or relationship with a person with a disability will not be tolerated by the MBPO. For the purpose of this policy, a disability is: 1) a physical, medical, mental, or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment.

The MBPO will take appropriate action to provide reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations creates an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position to

³ Code of Federal Regulations, Title 29, Section 1604.11

perform their jobs, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Some examples of accommodations that may be reasonable include: making facilities physically accessible to, and usable by, persons with disabilities; job restructuring; modifying work schedules; providing or modifying equipment or devices; providing qualified readers, interpreters, auxiliary aides and/or other support services; and providing leave and/or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate the civil service law, personnel rules and regulations or other applicable laws, regulations and/or collective bargaining agreements.

Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, or disruptive, or would change the nature or operation of any agency's business.

The MBPO encourages employment of and promotional opportunities for qualified persons with disabilities. For example, pursuant to Section 55-a of the New York State Civil Service Law, where agency needs and availability permit, the MBPO encourages the use of the 55-a program, which will allow MBPO to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis. Individuals who wish to apply for the 55-a program are encouraged to seek assistance from the MBPO personnel officer or 55-a coordinator.

C. Religion

The MBPO's EEO Policy prohibits adverse employment actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility or other adverse actions because of a person's creed, religious affiliation, or religious beliefs, observances, or practices.

In addition, depending on the circumstances, the MBPO must try to reasonably accommodate the religious observances, beliefs or practices of an employee or applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect their religious observances, beliefs or practices. The MBPO may be required to provide accommodations for religion such as: flexible arrival and departure times; leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; modifying workplace practices, policies and/or procedures.

The MBPO is not required to provide accommodations that are too costly or difficult to provide, that would be disruptive or that would interfere with job performance.

D. Retaliation

It is a violation of this policy to retaliate against or harass any person who asserts their rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct; or 3) participating in any way in the complaint, investigation or reasonable accommodation processes. It is also a violation of this policy to retaliate against or harass someone because of their association with such an individual.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions or privileges of employment.

Examples of behavior that is protected against retaliation under this policy include but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation, administrative proceeding, hearing or trial; and/or seeking a reasonable accommodation.

E. Domestic Violence, Sex Offenses or Stalking:

The MBPO prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking. The MBPO shall provide reasonable accommodations that do not create undue hardship and that enable such persons to satisfy the essential requisites of a job, provided that the status as a victim of domestic violence, or victim of sex offenses or stalking is known, or should have been known, by the MBPO.

III. Procedures

A. Reporting Violations:

Anyone who believes that they have been subjected to any action, decision or harassment in violation of this policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to their supervisor or manager, to MBPO personnel supervising the application, testing and interviewing process, or directly to an EEO Officer. Supervisors, managers, or human resources personnel who receive EEO complaints, or who otherwise become aware of any improper discrimination, must notify an EEO Officer at the MBPO. Supervisors and managers should also encourage individuals who believe that the MBPO's EEO Policy has been violated to consult with an EEO Officer.

An individual who believes that this policy has been violated may report the incident orally or in writing. Where the complaint is taken orally, the manager, supervisor, or EEO Officers shall document the complaint. The EEO Officers will assist any individual to determine whether the conduct or decision is appropriate for the complaint process. Where an individual chooses to file an internal complaint with the MBPO EEO Officers, that complaint must be filed within one year of the event which is the subject of the complaint. An individual wishing to file an internal complaint may do so by completing the **MBPO EEO Discrimination Complaint Form** and, if applicable, the **Witness Form**, both of which are attached to this policy.

Persons who wish to discuss a possible violation of this policy without revealing their identity may do so by telephoning or writing the EEO Officers. In such cases, an EEO Officer will provide counseling and take such follow-up action as may be appropriate and possible, given the restraints of anonymity.

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline.

A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

B. Contact with the EEO Officers:

An employee has a right to meet privately with an EEO Officer. Such a meeting may take place either during or outside of office hours. If an employee makes a request to meet with an EEO Officer during Office hours, the employee should obtain approval from a manager or supervisor in order to leave their work assignment. An employee need not disclose the purpose for or details of the meeting with an EEO Officers. Reasonable leave requests to meet with an EEO Officer during work hours cannot be denied by managers or supervisors. Managers and supervisors shall allow employees to meet with EEO Officers at the earliest practicable time consistent with the operational needs of their units.

At the employee's request, arrangements may also be made to hold the meeting before or after Office hours, or during the employee's lunch period. Should such a meeting take place entirely on the employee's own time, they need not advise a manager or supervisor of the meeting or obtain the consent or approval of a manager or supervisor. The EEO Officers will arrange to meet with an employee at outside premises where appropriate and/or necessary in order to ensure confidentiality. If necessary, EEO Officers will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities to facilitate access to EEO services.

The EEO Officers will discuss and research appropriate options, including actions an individual could take on their own behalf, referrals to other Officers and/or agencies, mediation, investigation and/or interim relief. The EEO Officers may also facilitate any further discussions with other agency personnel.

In appropriate cases, an EEO investigation may be conducted in conjunction with or by the MBPO's General Counsel's Officers or disciplinary Officers. In addition, there may be exceptional circumstances under which an investigation may be conducted by another individual or entity, as deemed appropriate by the MBPO's General Counsel.

Any person who is interviewed during the course of an EEO investigation has a right to be accompanied by a representative of their choice. This includes individuals who make complaints, persons against whom complaints are made or witnesses. It is preferable that the EEO Officers have advance notice that the person who is being interviewed will be bringing a representative.

Any person who is the subject of the complaint will have an opportunity to respond in writing.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action.

C. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. In some instances, the MBPO EEO Officers will find it appropriate to end the investigation when the complaint is withdrawn. Prior to ending the investigation, the EEO Officers must determine whether the agency should take corrective action to address inappropriate conduct. If the EEO Officers determines

that corrective action is required, it may be necessary for the EEO Officers to continue the investigation or recommend action to remedy inappropriate behavior.

D. Mediation

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint should be resolved. It is an alternative that may quickly resolve complaints without a full investigation.

All requests for mediation should be made to the EEO Officers. Mediation may be requested by any party involved and may be declined by any party.

The EEO Officers will determine whether the complaint is appropriate for mediation. The EEO Officers may choose to conduct the mediation internally within the agency, or through the Center for Mediation Services (the “Center”) at the City’s Officers of Administrative Trials and Hearings. If the Center is chosen, the EEO Officers will advise the Center of the names of the parties, and their contact information. The Center will then arrange a date and time for the mediation with the parties. If the parties agree to a resolution of the situation during mediation at the Center, and any action needed to resolve the matter has received all necessary approvals, the Center will forward a copy of the resolution agreement to the EEO Officers.

Mediation may be terminated by any party to the mediation. If this occurs, the EEO Officers or the Center will inform the other party or parties in writing that the mediation has been terminated. In the event that mediation does not result in a resolution, the EEO Officers or the Center will provide the parties with a written statement informing the parties of the complainant’s right to an investigation of the allegation. Where efforts to mediate complaints are unsuccessful, complaints will be investigated by the EEO Officers. Additional information about the Center is available online at <https://www1.nyc.gov/site/oath/conflict-resolution/what-is-mediation.page>.

E. Concluding the Complaint Investigation:

The EEO Officers will advise all parties in writing of the outcome of a complaint. If the EEO Officers conclude that a violation of this policy has occurred, the EEO Officers will recommend appropriate corrective action. The agency head will review the EEO Officers’ report and promptly issue a determination adopting, rejecting or modifying the recommended action. Such determination shall be in writing and may be issued electronically.

Any person found to have engaged in conduct or practices in violation of this policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, the MBPO may take such steps as may be necessary to address the impact that any violation of this policy has had on the complainant or within the agency.

F. Other Places Where Complaints May Be Filed

The following federal, state, and local agencies enforce laws against discrimination: The New York City Commission on Human Rights, the New York State Division of Human Rights, the United States Equal

Employment Opportunity Commission (the “EEOC”) or the Department of Justice. Information about how to contact these agencies can be found in the Citywide EEO Policy at https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf, or from the MBPO EEO Officers. Please note that there are statutory deadlines for filing complaints with each of these agencies.

Where a person exercises their right to file a complaint with a federal, state, or local administrative agency (known as an “external complaint”) based on or related to the same facts and circumstances of an internal complaint, the MBPO EEO Officers will transfer the matter to the MBPO General Counsel, who will be responsible for any further handling of the matter. The EEO Officers will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officers has been transferred because of the filing of the external complaint. The MBPO General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed but prior to the completion of the agency’s internal EEO procedures). The transfer of the complaint to the MBPO General Counsel’s Office should in no way preclude the EEO Officers from cooperating with the General Counsel’s Office with respect to the ultimate resolution of the complaint.

G. Requests for Reasonable Accommodations

The MBPO may be required to provide reasonable accommodations when requests are made in connection with disabilities, religion and/or to accommodate individuals who are victims of domestic violence, sex offenses or stalking. The reasonable accommodation process should be flexible and interactive, involving MBPO representatives who are necessary to the reasonable accommodations process and the individual who is requesting a reasonable accommodation. In all instances, the MBPO EEO Officers should be notified of the request in order to facilitate discussions, research appropriate accommodations and assist in the resolution of the matter.

EEO Officers, agency personnel supervising any phase of the application process, and/or managers and supervisors involved in the process shall notify individuals who request reasonable accommodations whether the request has been granted. Where the specific accommodation requested is impractical, MBPO representatives will seek to implement an appropriate alternative reasonable accommodation. The following procedures detail the specific aspects of each type of request.

(1) Disabilities: An employee or applicant requesting reasonable accommodations for disabilities may make such requests to their manager or supervisor, agency personnel supervising the application, process, or directly to the agency EEO Officers or Disability Rights Coordinator. A request for a reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who receives the request.

EEO Officers and/or Disability Rights Coordinators, agency personnel supervising the application process, and managers and supervisors involved in the process shall provide reasonable assistance (such as help in completing forms) to an individual requesting an accommodation. Additionally, if a reasonable accommodation is requested to facilitate an individual’s ability to apply for employment, the MBPO staff supervising the application procedures may be required to assist the applicant in completing the application process.

By law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work and accommodations required. Furthermore, medical information may be provided: 1) to first aid safety personnel, if the disability might require emergency treatment; 2) to government officials investigating the agency's compliance with applicable laws; 3) to workers' compensation Officers in accordance with Workers' Compensation Law; and 4) for insurance purposes.

(2) Religious Accommodations: An employee or applicant requesting reasonable accommodations for religion may make such requests to their manager or supervisor, agency personnel supervising the application process, or directly to the MBPO EEO Officers. Requests for religious accommodations should be documented by the individual receiving the request.

(3) Victims of Domestic Violence, Sex Offenses or Stalking: An employee or applicant requesting reasonable accommodations for domestic violence, sex offenses, or stalking may make such requests to their manager or supervisor, agency personnel supervising the application process, or directly to the MBPO EEO Officers.

The MBPO may require a person requesting a reasonable accommodation to provide certification that the person is a victim of domestic violence, sex offenses, or stalking. The person requesting the reasonable accommodation shall provide a copy of such certification to the MBPO within a reasonable period after the request is made. A person may satisfy the certification requirement by providing documentation from: an employee, agent, or volunteer of a victim services organization; an attorney; a member of the clergy; a medical or other professional service provider; or that individual's family or household member, from whom they have sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for accommodation.

(4) Pregnancy: An employee or applicant for employment requesting reasonable accommodations due to pregnancy and those who suffer medical conditions related to pregnancy and childbirth or a related medical condition may make such requests to her manager or supervisor, agency personnel supervising the application process, or directly to the MBPO EEO Officers. Such a reasonable accommodation may include bathroom breaks, leave for a period of disability arising from childbirth, breaks to facilitate increased water intake, periodic rest for those who stand for long periods of time, and assistance with manual labor among other things.

All information, including a statement of the person requesting a reasonable accommodation or any other documentation, record, and the fact that the individual has requested or obtained a reasonable accommodation, shall be retained in the strictest confidence by the MBPO, except to the extent that disclosure is requested or consented to in writing by the person requesting the reasonable accommodation, or is otherwise required by applicable federal, state, or local law.

Where an employee or applicant has requested a reasonable accommodation consistent with these procedures and the MBPO representative has not provided the reasonable accommodation, an appeal

may be made to the Director of Human Resources. Within 10 business days of receipt of an appeal, the Director of Human Resources, or their designee, shall:

1. obtain the request for reasonable accommodation made by the employee or applicant and review all related documentation, standards, procedures and potential accommodations;
2. meet and/or consult with the employee or applicant, the EEO Officers, and any MBPO representative that the Director of Human Resources deems necessary to the reasonable accommodation request;
3. evaluate the reasonableness of employee or applicant and supervisor preferences regarding the accommodation request, giving primary consideration to the employee's or applicant's preferences; and
4. consult with the Officers of Citywide EEO or the Law Department.

Within 15 business days of receipt of the appeal, the Director of Human Resources shall issue a written determination on the request for reasonable accommodation, specifying what accommodation shall be provided, if any, and, where necessary, directing the appropriate MBPO representative to implement such accommodation promptly. The EEO Officers shall monitor implementation of the reasonable accommodation.

H. Confidentiality

All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion or based on status as a victim of domestic violence, a sex offense or stalking. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

I. Documentation

All inquiries, complaints, requests, mediation efforts, investigations, requests for accommodation and their outcomes will be documented by the EEO Officers.

IV. MBPO Procedures

A. The Borough President or, at his direction, the MBPO EEO Officers and/or personnel officers, should review MBPO statistical information (including total employment and new hires and promotions, by race/ethnicity and gender), EEO complaints made during the previous fiscal year and the MBPO's employment practices, policies, and programs.

B. The MBPO will ensure fair employment practices pursuant to the requirements of the City Charter, and hold EEO Officers, human resources professionals, managers and supervisors accountable for ensuring that the MBPO does not discriminate against employees or applicants for employment.

C. The MBPO will ensure fair recruitment efforts, identify relevant professional and community organizations serving women and minorities throughout the city, and review and update listings of recruitment outreach sources.

D. When the MBPO advertises vacancies in discretionary positions, the MBPO will include a statement that the MBPO and the City of New York is an equal opportunity employer, and when pictures are used in recruitment advertisements, diversity will be displayed.

E. The MBPO will ensure that all new employees are advised of the MBPO's EEO policies, their rights and responsibilities under such policies, and the discrimination complaint procedure.

F. The MBPO will ensure that all individuals who work within the MBPO, including managers and supervisors, are trained concerning EEO-related rights and responsibilities.

G. The MBPO will retain information about personnel actions, discretionary hiring, applicants, promotions, demotions, transfers, rates of pay, terms of compensation and selection for training.

V. Accountability Standards

A. Borough President

The Borough President will ensure that the MBPO does not discriminate against employees or applicants for employment as prohibited by federal, state, and local laws. The Borough President will also ensure that legal, human resource and EEO Officers, managers and supervisors: 1) receive a copy of this policy (and any addenda); 2) are trained in EEO laws and procedures and 3) know how to carry out their responsibilities under this policy.

In order to meet the MBPO's obligations under the City Charter and other federal, state, and local laws, and to achieve the goals of this agency plan, the Borough President must appoint trained EEO Officers whose responsibility it will be to implement the MBPO's EEO Policy within the MBPO. The EEO Officers must report directly to the Director of Human Resources. The Director of Human Resources must ensure that the responsibilities of the EEO Officers are competently discharged.

The Borough President should appoint at least two EEO Officers, who may not be of the same gender, to receive discrimination complaints and conduct investigations. The Borough President should designate a Disability Rights Coordinator, whose responsibility it will be to ensure compliance with all federal, state, and local laws, as well as City and MBPO policies, pertaining to persons with disabilities. Usually, the EEO Officers of the MBPO should serve as the Disabilities Rights Coordinator; however, when circumstances warrant, the Borough President may designate a person other than the EEO Officers of the MBPO.

The Director of Human Resources is required to approve all MBPO EEO plans and final determinations concerning EEO complaint resolutions and should conduct a regular review (no less frequently than annually) of EEO complaints and requests for accommodations. The Director of Human Resources will ensure that all employees are provided with information regarding employee rights and obligations regarding this policy, and with information about the complaint and reasonable accommodation procedures. The Director of Human Resources will also ensure that the MBPO's EEO policies and complaint procedures are posted at each site where the MBPO conducts business. Such posting may include postings on electronic bulletin boards and intranet sites. The Director of Human Resources will

ensure that each of the MBPO's employees is accountable for their compliance with EEO-related policies and receives training in EEO laws.

B. EEO Officers

The MBPO's EEO Officers have primary responsibility for assisting the Borough President and Director of Human Resources in implementing the MBPO's EEO policies and standards. Specifically, the MBPO's EEO Officers must be knowledgeable regarding EEO laws, the requirements of the City's EEO policies, standards, and procedures, and how to prevent, investigate, and resolve discrimination complaints. The EEO Officers and/or Disabilities Rights Coordinator will also receive requests for accommodations and recommend appropriate action to the Borough President regarding EEO-related issues. The EEO Officers should work closely and cooperatively with the MBPO's General Counsel and the DCAS Officers of Citywide EEO, and provide guidance and assistance to MBPO managers, supervisors, and human resource professionals in addressing issues relating to equal employment opportunity.

The EEO Officers will also: 1) ensure that all MBPO employees receive EEO training; 2) supervise the EEO-related activities of EEO counselors and/or investigators, if applicable; and 3) ensure that EEO policies and complaint procedures are posted at each site where the MBPO conducts business. The MBPO's EEO Officers shall make a copy of these standards and procedures, and any subsequent revisions and supplemental materials, available upon request by an employee or applicant.

C. General Counsel

The MBPO General Counsel should: 1) assist the Borough President and Director of Human Resources in identifying and determining appropriate responses to EEO issues; 2) work cooperatively and closely with the EEO Officers in the implementation of the MBPO's EEO policies and related procedures; 3) inform the EEO Officers when external complaints or litigation involving EEO matters are brought against the MBPO; 4) be available to consult on internal EEO investigations; and 5) be responsible for the investigation of, and response to, external complaints.

D. Managers and Supervisors

Managers and supervisors will make every effort to maintain a work environment that fosters sensitivity and respect for the diversity of all individuals. Specifically, each manager or supervisor shall: 1) be accountable to the Borough President and Director of Human Resources for effectively implementing EEO-related policies; 2) perform managerial or supervisory responsibilities in a non-discriminatory manner; 3) receive training in EEO laws; 4) cooperate with the EEO Officers in the implementation of EEO policies and standards (including training, complaint resolutions, processing, recording and reporting reasonable accommodation requests, EEO-related recruitment and selection standards, and modifying MBPO procedures to ensure equal employment opportunity for applicants and employees); 5) promptly consult with the MBPO's EEO Officers if they observe, learn about, or suspect that a violation of this policy has occurred; 6) where appropriate, encourage subordinates to consult with the EEO Officers; 7) allow employees to meet with EEO Officers at the earliest practical time consistent with the operational needs of their unit; and 8) maintain confidentiality with respect to EEO-related matters.

E. Personnel Officers

Personnel Officers have primary responsibility for assisting the Borough President and Director of Human Resources in implementing the MBPO's personnel policies and shall be knowledgeable regarding the interplay of EEO-related laws and other work-related statutory schemes including the Family Medical Leave Act, the Civil Service Law, and the Workers' Compensation Law. Personnel Officers should cooperate with the EEO Officers in the implementation of EEO policies and standards, including training objectives, complaint resolutions, and modifying agency procedures to ensure equal employment opportunity for applicants and employees.

Personnel Officers will also: 1) ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities, and job postings; 2) ensure that all new employees are advised of the City's EEO policies, the employees' rights and responsibilities under such policies, and the discrimination complaint procedures; 3) inform the EEO Officers on an annual basis of the number of 55-a program participants and efforts that the MBPO has made to employ promote or accommodate qualified individuals with disabilities; 4) involve the MBPO EEO Officers in the review of EEO-related decisions, actions and practices; and 5) promptly consult with the MBPO's EEO Officers if they know, have been informed of, or suspect that a violation of the MBPO's policy has occurred.

EEO CONTACTS:

EEO Officer:	Brian Lafferty	212-669-4564 blafferty@manhattanbp.nyc.gov
Disability Rights Coord.:	Brian Lafferty	212-660-4564 blafferty@manhattanbp.nyc.gov
EEO Officer:	Kyra Cuevas	212-669-2206 kcuevas@manhattanbp.nyc.gov
Personnel Officers:	Deirdre Lyles	212-669-2375 dlyles@manhattanbp.nyc.gov
55-a Coordinator:	Deirdre Lyles	212-669-2375 dlyles@manhattanbp.nyc.gov

EEO Complaint Form

What is the alleged basis of discrimination? (Please check all that apply)

- ☐ Age
- ☐ Alienage/Citizenship
- ☐ Caregiver Status
- ☐ Color
- ☐ Consumer Credit History
- ☐ Creed/Religion
- ☐ Disability
- ☐ Familial Status
- ☐ Gender/Sex
- ☐ Marital Status
- ☐ Military Status
- ☐ National Origin
- ☐ Partnership Status
- ☐ Predisposing Genetic Characteristics/Genetic Information
- ☐ Prior Record of Arrest or Conviction
- ☐ Race/Ethnicity
- ☐ Salary History
- ☐ Sexual Orientation
- ☐ Sexual and Reproductive Health Decisions
- ☐ Unemployment Status
- ☐ Victim of Domestic Violence
- ☐ Victim of Sex Offenses or Stalking
- ☐ Retaliation for filing a complaint or assisting in the investigation of an EEO complaint

Were there witnesses to the discrimination?

- ☐ Yes ☐ No

Did you report this incident to anyone?

- ☐ Yes ☐ No

Have you filed a complaint about the alleged discrimination with any of the following agencies?

- ☐ New York City Commission on Human Rights
- ☐ New York State Division of Human Rights
- ☐ United States Equal Employment Opportunity Commission
- ☐ United States Department of Labor
- ☐ United States Department of Justice

(If so, please state the complaint number and date filed)

Complaint Number _____ Date Filed _____

Please give the name(s), title(s) and division of the person(s) you believe discriminated against you.

When did the alleged discrimination occur? Date _____

Please describe what happened to you on the following pages, what you believe is unlawful discrimination, and/or how other persons were treated differently using all of the questions below. This statement may be amended to correct omissions. Please answer all of the questions and use extra pages if necessary.

What is the basis of your complaint?

What is the specific behavior that you experienced?

When did the incident(s) take place?

Was the behavior repeated or has it happened before?

How long has this been going on?

Where did the incident take place?

How, if at all, did you react?

Was your ability to work affected in any way?

How were you affected otherwise?

Do you know of anyone who witnessed this or similar incidents? Identify all employees or individuals who witnessed discrimination.

Do you know of other employees or individuals who have been subjected to discrimination, have received the same treatment, or have the same concerns? Identify all employees or individuals that you know of who have been subjected to discrimination, have received the same treatment, or have the same concerns.

Do you have any evidence or documentation regarding this matter? (Photos, notes, letters, personal emails, texts, social media messages, voice mail messages, any objects of any kind, etc.)

What resolution are you seeking? In other words, what is the outcome that you expect to result from filing this complaint? What corrective action do you want taken?

Are you interested in discussing conciliation (i.e. work on an informal resolution of this matter) at this time? Please indicate yes or no.

Have you previously complained about this or any related acts to any other agency employee, supervisor, or other city, state, or federal official? If so, please identify the person(s) to whom you complained and the dates complaints were made.

Should we have to contact you during the investigation, please indicate how you would like to be contacted, and list the corresponding information.

- ☐ Home phone _____
- ☐ Work phone _____
- ☐ Cell phone _____
- ☐ Office email _____
- ☐ Personal email _____
- ☐ Mail to office _____
- ☐ Mail to home _____

I certify that I have read the above charge and any attached pages, and that this information is true to the best of my knowledge, information, and belief.

Complainant's Signature _____ Date _____

Note: Discrimination complaints filed with the Manhattan Borough President's Office (MBPO) must be made within one year of the incident to which this complaint pertains.

Witness Information Form

Complainant's Name _____

Complaint Number (if applicable) _____

Please provide the name, address, and telephone number of any witness to the alleged unlawful discrimination. Please provide their agency, division, and title, if known.

Please complete a separate form for each witness.

Name _____

Agency _____

Division _____

Title _____

Address _____

Telephone _____