

GUIDELINES FOR THE IMPLEMENTATION  
OF THE CITY OF NEW YORK'S  
DISCRIMINATION COMPLAINT PROCEDURES

**Section 1. PURPOSE**

The Department of Personnel has established these guidelines for the implementation of the City's Discrimination Complaint Procedures to assist Equal Employment Opportunity Officers and Counselors in carrying out their responsibilities in the administration and enforcement of their agency's Equal Employment Opportunity complaint and investigation system. These guidelines are designed to further the goals of: (1) resolving complaints of discrimination within the agency through a fair and prompt process of conciliation and/or investigation, and (2) taking immediate and appropriate corrective action to remedy unlawful discrimination in the workplace. The Department of Personnel, based on suggestions and requests for revisions from interested persons, may from time to time amend and revise these guidelines.

**Section 2. DEFINITIONS**

Complainant - A current or former employee, or an applicant for employment, who files or makes either a written or oral complaint of discrimination or a request for conciliation.

The agency may be a complainant where the EEO Officer or Counselor files a complaint of discrimination on behalf of the agency based on an anonymous or oral complaint.

Respondent - A person and/or agency, or any subdivision of an agency, or independent contractor accused of committing an unlawful discriminatory act(s).

**Note:** An agency may be liable for the unlawful discriminatory acts or practices committed by a person employed as an independent contractor to carry out work in furtherance of the agency's business enterprise where such discriminatory conduct was committed in the course of such employment and the agency had actual knowledge of and acquiesced in such conduct.

Parties - The complainant(s) and the respondent(s).

Complaint - A written or oral statement of facts, including pertinent dates, which describes the alleged discriminatory act(s); and identifies the respondent with specificity. If the complaint is written, it must be signed by the complainant(s), or a person authorized to act on behalf of the complainant(s), or, in an appropriate case, the EEO Officer on behalf of the agency.

When the EEO Officer or Counselor decides that (s)he must investigate an oral complaint, the complaint must be reduced to writing in accordance with the procedures set out in Section 10 before the investigation can begin.

### **Section 3. TIME PERIOD FOR FILING COMPLAINTS OF DISCRIMINATION**

A complaint of discrimination based on age, alienage or citizenship, color, creed, disability, gender (including sexual harassment), marital status, national origin, prior record of arrest or conviction, race, religion, and/or sexual orientation must be filed with the EEO Officer or Counselor within one year of the date the alleged discriminatory act(s) occurred.

#### **Section 4. WHO CAN FILE A COMPLAINT OF DISCRIMINATION**

Any current or former employee of the City of New York, or applicant for employment with the City of New York who feels that (s)he has been discriminated against on the basis of age, alienage or citizenship, color, creed, disability, gender (including sexual harassment), marital status, national origin, prior record of arrest or conviction, race, religion, and/or sexual orientation may file a complaint of discrimination.

#### **Section 5. HOW TO FILE A COMPLAINT OF DISCRIMINATION**

A complaint may be filed with the EEO Officer or EEO Counselor in person or by mail or telephone. Written complaints should be prepared on the Discrimination Complaint Form. Agencies should take all appropriate steps to ensure that individuals desiring to use the City's Complaint Procedures are provided with the necessary assistance. The Affirmative Employment Plan is available at the Department of Personnel Bureau of Citywide EEO in Braille and on audio tape for the blind and visually-impaired.

The complainant should provide a statement of the facts, including pertinent dates, which constitutes the alleged discriminatory act(s). While the preference is for the complaint to be typed on the Complaint Form, any communication that is given to the EEO Officer or Counselor that identifies the respondent(s) with reasonable specificity and provides the essence of the circumstances which gave rise to the alleged discrimination, may be deemed an acceptable complaint. The EEO Officer will determine whether the statement is an acceptable complaint of discrimination.

#### **Section 6. ACCESSIBILITY**

City agencies shall provide such assistance and aid (for example, Braille complaint procedures, telecommunications devices for the deaf and sign language interpreters) as may be necessary to enable a complainant(s) to understand and participate in the complaint process.

## **Section 7. WHERE TO FILE A COMPLAINT OF DISCRIMINATION**

A complaint may be filed with the EEO Officer or EEO Counselor at the agency where the person(s) is employed, was employed, or seeks employment.

## **Section 8. RIGHT TO MEET WITH EEO OFFICER**

When a person(s) feels that (s)he has experienced unlawful discrimination, (s)he has the right to meet privately with the EEO Officer or Counselor during office hours to discuss the complaint. An employee's request to meet with the EEO Officer or Counselor at a reasonable time during office hours must be cleared by the employee's supervisor; however, the supervisor cannot deny a reasonable request. An employee is not required to give his/her supervisor specific information about why (s)he wishes to meet with the EEO Officer or Counselor. An employee may bring a representative of his/her choice to the meeting.

It may be appropriate, in certain circumstances, for the meeting between the employee and the EEO Officer or Counselor to be scheduled before or after office hours, or during the employee's lunch hour.

## **Section 9. COUNSELING**

When the person(s) meets with the EEO Officer or Counselor, the EEO Officer or Counselor will interview the person(s) to elicit the details of the complaint.

The EEO Officer or Counselor will make the necessary inquiries to determine whether the complaint is EEO-related and will discuss the options available to the person(s). These options include:

- (a.) further actions the person(s) could take on his or her own behalf, for example, bringing the matter to the attention of his/her supervisor;

- (b.) filing a complaint with the following: New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, the United States Department of Labor, and the United States Department of Justice;
- (c.) conciliation by the EEO Officer;
- (d.) investigation by the EEO Officer; and/or
- (e.) referring the person(s) to appropriate personnel if the complaint is not EEO-related.

**Section 10.     ANONYMOUS AND ORAL COMPLAINTS**

A person(s) who feels that (s)he has experienced unlawful discrimination and wishes to notify the EEO Officer or Counselor of the problem with or without revealing his/her identity, is encouraged to do so by either telephoning, or writing the EEO Officer.

A person(s) who anonymously or orally reports discriminatory behavior to an EEO Officer or Counselor should be aware that it may be necessary for the EEO Officer or Counselor to investigate the alleged discriminatory behavior and take action, or recommend that action be taken, to remedy the unlawful discriminatory behavior, notwithstanding the complainant's wish not to file a "formal" complaint or bring the matter to the attention of the respondent.

The EEO Officer or Counselor will evaluate the anonymous or oral complaint to determine whether an investigation is warranted. If, based upon the information contained in the anonymous or oral complaint, the EEO Officer or Counselor determines that an investigation is warranted, the EEO Officer or Counselor will conduct an investigation on behalf of the agency.

The EEO Officer or Counselor will complete an Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form (See Appendix D) and commence the investigation in accordance with Section 12 of these guidelines.

Data on all anonymous complaints will be maintained by the EEO Officer and provided to the Department of Personnel in the agency's monthly complaint logs.

## **Section 11.     CONCILIATION AND MEDIATION**

### **A.     REQUEST FOR CONCILIATION**

In order to begin the conciliation process, the complainant(s) must file a written request for conciliation (See Appendix E). When the EEO Officer receives a written request for conciliation from the complainant(s), the procedures outlined in this section shall govern.

### **B.     CONCILIATION PROCESS**

The EEO Officer shall attempt to conciliate the dispute with the parties and to reach an informal resolution of the complaint within forty-five (45) working days of receipt of the request for conciliation. In conducting conciliations, the EEO Officer shall consult with the complainant(s), respondent(s) and other persons as appropriate.

Conciliation efforts to resolve the complaint shall not exceed forty-five (45) working days, unless this time period is extended by the EEO Officer.

### **C.     TERMINATION OF CONCILIATION**

The EEO Officer must issue a written report confirming the termination of conciliation. Termination of conciliation efforts occurs when:

- (a.) the complaint is withdrawn;

- (b.) resolution is agreed upon by both the complainant(s) and respondent(s), and, if the terms of the resolution require agency action, the head of the agency or his/her designee; or
- (c.) the EEO Officer deems conciliation efforts unproductive.

When a resolution is agreed upon, the terms of the resolution will be embodied in a written report that confirms the termination of conciliation. The report must be signed by the complainant(s) and respondent(s). Copies of the report will be given to the complainant(s) and respondent(s).

When a resolution is not agreed upon, and/or the EEO Officer determines that further conciliation efforts would be unproductive, the EEO Officer shall issue to the parties a written notice confirming termination of conciliation, which shall inform the complainant(s) of his/her right to request an investigation of the complaint of discrimination.

Information regarding complaints handled through the conciliation process will be reported to the Department of Personnel in the agency's monthly complaint logs.

## **Section 12.     INVESTIGATION PROCESS**

### **(a.)     WHEN DOES THE INVESTIGATION BEGIN?**

- The investigation begins immediately after the EEO Officer or Counselor: (1) receives either an oral or written complaint of discrimination, and (2) determines that the allegations in the complaint are sufficient to establish a case of unlawful discrimination.
- If the complaint is in writing but not prepared on the City's Discrimination Complaint Form, the EEO Officer or Counselor should ensure that the information required on the City's Discrimination Complaint Form is captured either by having the complainant(s), or his/her agent

amend the original complaint, or file the complaint using the City's Discrimination Complaint Form.

- The EEO Officer must indicate on the complaint form the date the complaint is filed, and the time the complaint is filed. This information should be logged.
- If the EEO Officer has initiated the investigation on his/her own, based upon an oral or anonymous complaint, the EEO Officer must complete the Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form and mark the date and time the complaint is filed.

(b) RECOMMENDATIONS FOR CONDUCTING THE INVESTIGATION<sup>1</sup>

**Fact Gathering**

- Learn all facts concerning the alleged incident by speaking to the complainant(s) and/or the person(s) who brought the matter to the EEO Officer or Counselor's attention.
- Conduct a thorough interview with the complainant(s) and/or the person(s) who brought the matter to the EEO Officer or Counselor's attention in order to supplement and clarify information contained in the complaint.
- All questions should be asked in a non-judgmental manner. Never give the impression that you do not believe the person speaking and do not express an opinion as to whether something inappropriate occurred.
- If the complainant and the EEO Officer or Counselor are of the opposite sex, determine whether the interview

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<sup>1</sup> Some of the recommendations were taken with permission from the National Employment Law Institute ("NELI") from material that appeared in the 1993 NELI Employment Law Briefing.

should be conducted by two individuals, at least one of whom is of the same sex as the complainant.

- Determine precisely who was involved; what occurred; when and where it took place; the identity of all witnesses; whether this was an isolated incident or part of a pattern; what impact, if any, the alleged discriminatory conduct has had; the identities of all persons with whom the alleged discriminatory conduct has been discussed; and whether there are any relevant notes, recordings, photographs, physical evidence, or other documentation in existence and available. Determine whether the complainant has missed any work days, incurred any non-reimbursable medical expenses or had any monetary losses as a result of the alleged discriminatory conduct.
- Speak with other persons who may have witnessed the treatment or behavior or incident in question, who may have been identified as having been subjected to similar conduct or who have information concerning any aspect of the alleged discriminatory conduct.
- Take thorough notes, as close to verbatim as possible, during each interview. Report words spoken and facts provided, do not add your subjective assessments in the notes. At the conclusion of the interview, review with the witness the points contained in your notes to confirm their accuracy and determine whether the interviewee has anything to add. Follow this process with all interviewees.

### **The Respondent: Service of Notice and Complaint**

- After interviewing the complainant, witnesses and other appropriate persons who might provide information in support of the complainant's allegations, the EEO Officer or Counselor shall serve the respondent with a notice of complaint along with a copy of the complaint. The

following information shall not be given to the respondent: the complainant's home address and telephone number, and the name(s), title(s), and division(s) of witnesses to the alleged discriminatory act(s). The Discrimination Complaint Form contains a separate sheet for capturing this information. This sheet shall not be served on the respondent.

- After being served with the notice and copy of the complaint, the respondent has the right to respond in writing at any time after service has occurred. The respondent's right to respond shall remain in effect until the investigation process has ended. Respondents are encouraged to submit their written response as soon as possible after service.
- Whenever possible, the EEO Officer should hand-deliver the notice of complaint and copy of the complaint to the respondent(s). If hand delivery is not possible, the respondent(s) should be served by sending the notice of complaint and the copy of complaint to the respondent's home address via certified mail, return receipt requested. In any event, the respondent(s), or someone authorized to sign for the respondent(s), should sign the receipt indicating that the notice of complaint and copy of the complaint were received by the respondent(s) or his agent.
- The EEO Officer should keep all receipts and log all information regarding the service of the notice of complaint and copy of the complaint on the respondent(s).
- If the complainant(s) is employed (was employed or seeks employment) at one agency, and the respondent(s) is employed at another agency, the EEO Officer or Counselor should contact the EEO Officer at the agency where the respondent(s) is employed to coordinate the investigation. EEO Officers and Counselors should work cooperatively with other Officers and Counselors in resolving complaints of discrimination.

## Contents of Notice of Discrimination Complaint

Below is a notice of complaint which may be used for service on the respondent:

### NOTICE OF DISCRIMINATION COMPLAINT

\_\_\_\_\_  
Complainant v. Respondent

On \_\_\_\_\_, \_\_\_\_\_  
Date Complainant's Name(s)

filed the enclosed copy of a complaint of unlawful discrimination against you. You may respond in writing to the allegations contained in this complaint after receiving this notice and a copy of the complaint. Any response you wish to make must be received by \_\_\_\_\_, EEO Officer  
Name  
for \_\_\_\_\_, before the investigation is completed.  
Agency

The investigation is usually completed within 30 days of the date on which the complaint was filed. You are encouraged to respond to the allegations as soon as possible.

Responsibility for investigating this complaint rests with the agency's EEO Officer. At the conclusion of the investigation, a confidential written report on the investigation will be submitted to the agency head. The confidential written report is usually issued within 30 days of the date the investigation begins. If, based upon the investigation, it is determined that an act of unlawful discrimination occurred, a recommendation will be made to the agency head that appropriate corrective action be taken, which may include disciplinary action. All parties will be notified in writing of the outcome of the investigation. You will be notified immediately if it is determined that no act of unlawful discrimination occurred or if the results of the investigation are inconclusive.

During the investigation, the agency EEO Officer will need to meet with you to discuss the complaint. You have a right to

be accompanied by a representative of your choice at the meeting.

Please note that no employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

Complaints can sometimes be promptly resolved by agreement of the parties without the necessity of completing a formal investigation. If you wish to pursue this possibility, please contact me in writing or by telephone at (area code)\_\_\_\_\_.

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EEO Officer

Date

### **Meeting with the Respondent**

- Schedule a meeting with the respondent after (s)he has been served with the notice of complaint filed against him/her. Inform the respondent of his/her right to be accompanied by a representative of his/her choice.
- When interviewing the respondent, remind him/her of the agency's policy against unlawful discrimination and its policy forbidding retaliation against or harassment of any person for filing an EEO complaint or for cooperating in the investigation of an EEO complaint.
- Give the respondent an opportunity to explain his/her recollection of what took place, along with any other relevant information which the respondent may wish to provide.
- Ask the respondent to list any persons who are likely to have relevant information about the incident and interview those persons.

## **Confidential Written Report**

- Once all the facts have been gathered as accurately as possible from the appropriate persons, the EEO Officer must prepare a confidential written report on the complaint and must submit the report to the agency head for review.
- The confidential written report shall be issued within 30 days of the date the discrimination complaint was filed, unless the time period is extended by mutual agreement of the EEO Officer and the complainant.
- In preparing the written report, the EEO Officer should consider not only the evidence and actual statements of the parties and witnesses, but also their motive, if any, to fabricate and other conduct as reported by eyewitnesses. EEO Officers are encouraged, and should routinely, consult the agency's General Counsel when questions arise during the preparation of the written report, or at any other phase of the investigation.
- If, based upon the facts, the EEO Officer determines that the respondent(s) engaged in unlawful discriminatory behavior, (s)he must determine the most appropriate action to be taken in light of the facts and circumstances and make a written recommendation to the agency head.

## **Preparing the Written Report**

- The written report shall be divided into three sections and shall be labeled "Confidential" in large bold print. The agency head must sign each written report, whether disciplinary action is recommended or not.

Section 1 shall be entitled "Findings of Facts." This section shall include all relevant facts gathered during the course of the investigation including: the name(s) of each interviewee; date(s) of the interview; and the time of the interview.

There should be a detailed account of each interviewee's statement. **NOTE:** This section shall not contain the EEO Officer or Counselor's impressions or assessments of the interviewee's statements.

Section 2 shall be entitled "Discussion and Conclusion." In this section, the EEO Officer or Counselor shall assess the/ significance and credibility of the statements of the interviewees. There should be a detailed assessment of the strengths and weaknesses of the case. If the action complained of was based on a legitimate business interest, there should be a discussion of that business interest.

Section 3 shall be entitled "Recommendation." An appropriate recommendation, which may include corrective action, should be made to the agency head.

- The agency head must sign each written report to indicate that it had been reviewed and whether the recommendation, if any, is approved and adopted. After review of the report by the agency head, the EEO Officer shall inform all parties in writing of the outcome of the investigation.

### **Corrective Action**

- Where corrective action is recommended, determine the most appropriate action which might be taken in light of the facts and circumstances uncovered during the investigation. Disciplinary action should be taken in accordance with applicable provisions of law, rules and regulations or any relevant collective bargaining agreement.

Determining the appropriate disciplinary action is often a difficult and sensitive matter with potential legal consequences. Therefore, the agency's General Counsel, Agency Advocate and/or Labor Relations Officer should be consulted for advice.

### **Informing Parties of Outcome**

- Communicate the decision to the parties, in writing, in a discreet and confidential manner, indicating the conclusion reached; whether the misconduct alleged has been substantiated; and the agency's opposition to that kind of activity. If the results of the investigation are inconclusive, do not indicate that the agency concludes that no discrimination occurred because that is tantamount to accusing the complainant of lying (unless such dishonesty has been established by clear and convincing evidence. If clear and convincing evidence of dishonesty exists, the agency must conclude and report to the parties that no discrimination occurred.)

#### **(c.) AGENCY/AGENCY HEAD/ CABINET MEMBER AS RESPONDENT**

##### **Agency**

Whenever an agency and/or subdivision of an agency is named as a respondent, the agency head should designate an appropriate person to accept service of the notice and the copy of the complaint and to respond to the allegations in the complaint on behalf of the agency, or subdivision.

##### **Agency Head**

When the agency's EEO Officer or Counselor receives a complaint of unlawful discrimination which alleges that the agency head has engaged, or is engaging, in unlawful discriminatory conduct, the agency EEO Officer shall notify the Office of the Deputy Mayor to whom the agency head reports.

The Deputy Mayor shall designate an appropriate person(s) to investigate the complaint. The designated investigator and the agency head under investigation shall not be employed at the same agency. The investigation shall be conducted in a manner that is consistent with Section 12 of these Guidelines, except that the confidential written report shall be submitted to the Deputy Mayor to whom the agency head reports.

The Deputy Mayor will sign the written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted.

A complaint of unlawful discrimination which alleges that a member of the Mayor's Cabinet -- the First Deputy Mayor, Deputy Mayor for Public Safety, Counsel to the Mayor, Deputy Mayor for Public and Community Affairs, Deputy Mayor for Health and Human Services, Deputy Mayor for Finance and Economic Development, Deputy Mayor for Planning and Development, and Corporation Counsel -- has engaged, or is engaging, in unlawful discriminatory conduct will be referred to the Mayor for appropriate action and resolution.

(d.) EEO OFFICER AS RESPONDENT

Where the EEO Officer is named as a respondent, the Department of Personnel recommends that the agency's General Counsel investigate the complaint and make the findings of fact and recommendation for corrective action to be submitted to the agency head.

(e.) AMENDMENT OF COMPLAINT OF DISCRIMINATION

A complaint of discrimination and the written response to a complaint of discrimination may be amended in writing to correct omissions or to clarify the allegations. Amendments related to the original complaint will relate back to the date of filing of the original complaint.

(f.) WITHDRAWAL OF COMPLAINT OF DISCRIMINATION

A complaint of discrimination may be withdrawn at any time. Only the complainant(s), or his/her authorized agent, may withdraw the

complaint. All requests for withdrawals must be in writing.

In most cases, the EEO Officer will find it appropriate to end the investigation when the complainant(s) has withdrawn the complaint. However, the EEO Officer, prior to making the determination to end the investigation, must consider whether evidence has been found that may lead to the conclusion that the agency has an obligation to take action to correct unlawful discriminatory behavior. If there is such evidence, the EEO Officer should continue to investigate until he or she has reached a conclusion as to whether the agency should take corrective action.

In either event, the EEO Officer shall notify the respondent in writing that the complainant has withdrawn the complaint. The EEO Officer shall also notify the respondent whether the investigation has been terminated or is continuing.

(g.) MULTIPLE FILING OF COMPLAINT

If the complainant(s) files a complaint with an external agency simultaneous with or subsequent to filing the complaint with the EEO Officer, the EEO Officer shall complete the investigation of the internal complaint and make such recommendations for corrective action as warranted. The EEO Officer shall consult and work with his/her General Counsel's Office whenever the complainant has filed his/her complaint in several forums.

(h.) RIGHT TO BE ACCOMPANIED BY REPRESENTATIVE

Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of his/her choice.

**Section 13.** INTERIM RELIEF

When the EEO Officer believes that harm will be sustained by one or more of the parties if relief is not granted pending resolution of the charge of discrimination, [s]he may take such necessary and appropriate actions that are within his/her authority to ensure that no one is harmed. In addition, the EEO Officer may request on behalf of the party who may

be harmed, that the agency head, or other appropriate official, grant such interim relief as may be appropriate under the circumstances.

**Section 14.     CONFIDENTIALITY AND RECORD KEEPING**

Every effort will be made to avoid the disclosure of the identity of parties and witnesses and information regarding a complaint of discrimination, except to those who have a need to know. Parties and witnesses should be advised not to discuss the investigation with workplace colleagues or friends.

All complaints and documents related to complaints, including all documents related to the conciliation process will be treated confidentially, and will be retained by the EEO Officer. These records are not to be released to any third party without the written consent of both the complainant(s) and respondent(s), except as required by law and the guidelines and procedures implementing the City's Affirmative Employment Plan. EEO Officers should seek advice from the agency's General Counsel's Office if a request for documents relating to a complaint is received.

This section does not preclude the placing of disciplinary documents in an employee's personnel file in accordance with the EEO Officer's investigation and recommendation for corrective action. Such disciplinary documents will remain in the personnel file and travel with the employee should (s)he transfer, or be transferred to another agency.

APPENDIX A

DO NOT WRITE IN THIS SPACE  
FOR USE BY EEO OFFICE

\_\_\_\_\_ VS \_\_\_\_\_  
COMPLAINANT                      RESPONDENT

CASE NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

AUTHORIZATION TO FILE  
COMPLAINT OF DISCRIMINATION

Believing that I have a valid complaint of unlawful discrimination, and, due to my \_\_\_\_\_,  
(SPECIFY: HOSPITALIZATION, ILLNESS, INJURY, DISABILITY, ETC.)

I hereby request and authorize \_\_\_\_\_  
NAME OF PERSON, GROUP, ORGANIZATION

to prepare and/or file on my behalf a complaint of discrimination. I have signed this authorization willingly, freely, and voluntarily.

\_\_\_\_\_  
COMPLAINANT

\_\_\_\_\_  
The above-named complainant appeared before me personally and [s]he signed the foregoing authorization.

In witness thereof, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Notary Public

APPENDIX B

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____ VS _____	
COMPLAINANT                      RESPONDENT	
CASE NO. _____	
DATE FILED _____	

AUTHORIZATION TO FILE  
REQUEST FOR CONCILIATION

Believing that I have a valid complaint of unlawful discrimination, and, due to my \_\_\_\_\_,  
(SPECIFY: HOSPITALIZATION, ILLNESS, INJURY, DISABILITY, ETC.)

I hereby request and authorize \_\_\_\_\_  
NAME OF PERSON, GROUP, ORGANIZATION

to prepare and/or file on my behalf a request for conciliation. I have signed this authorization willingly, freely, and voluntarily.

\_\_\_\_\_  
COMPLAINANT

\_\_\_\_\_  
The above-named complainant appeared before me personally and [s]he signed the foregoing authorization.

In witness thereof, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Notary Public

APPENDIX C

DO NOT WRITE IN THIS SPACE  
FOR USE BY EEO OFFICE

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COMPLAINANT vs RESPONDENT

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CASE NO. \_\_\_\_\_

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DATE FILED \_\_\_\_\_

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ACKNOWLEDGEMENT OF AUTHORIZATION

I, \_\_\_\_\_, the undersigned, affirm under the  
PERSON, GROUP, OR ORGANIZATION

penalty of perjury that \_\_\_\_\_ willingly, freely, and voluntarily  
COMPLAINANT

authorized me to prepare and/or file this complaint of unlawful discrimination/request for  
conciliation on his/her behalf. I further affirm, under the penalty of perjury, that I have read  
and fully understand the City of New York's Discrimination Complaint Procedures.

\_\_\_\_\_  
SIGNATURE OF AFFIANT

\_\_\_\_\_

The above-named affiant appeared before me personally and [s]he signed the foregoing  
acknowledgement.

In witness thereof, I have hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_, 199\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

APPENDIX D

**AGENCY COMPLAINT OF DISCRIMINATION  
BASED UPON ANONYMOUS/ORAL COMPLAINT**

NAME OF AGENCY: \_\_\_\_\_

NAME OF AGENCY HEAD: \_\_\_\_\_

AGENCY'S ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

EEO OFFICER'S TELEPHONE NO. \_\_\_\_\_  
\_\_\_\_\_

What is the alleged basis of discrimination: (check any which apply)

Age__	National Origin__	Alienage/Citizenship__	Arrest/Conviction__		
Color__	Race__	Creed__	Religion__	Disability__	Sexual Harassment__
Gender__	Sexual Orientation__	Marital Status__	Retaliation__		

Who is alleged to have engaged in unlawful discrimination?  
(Provide the name and division/unit where [s]he is employed)

When did the alleged discrimination occur?

Where did it happen?

Were there witnesses to the discrimination?

(Please give the name(s) and division/unit where [s]he is employed on the attached sheet marked confidential.)

Was the alleged unlawful conduct reported to anyone?

(Give the name(s) and division/unit where [s]he is employed.)

Describe the alleged unlawful discriminatory conduct that was reported in the anonymous complaint. (If the anonymous complaint was written, attach the complaint to this form.)

I certify that the above is a true recitation of an allegation of unlawful discrimination received by me either orally or anonymously in my capacity as the agency EEO Officer or Counselor.

---

EEO Officer or Counselor

---

Date

DO NOT WRITE IN THIS SPACE  
FOR USE BY EEO OFFICE

\_\_\_\_\_  
COMPLAINANT VS RESPONDENT

CASE NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

**CONFIDENTIAL**

**Personal**

Complainant's Name: \_\_\_\_\_

Complainant's Office Address: \_\_\_\_\_

Complainant's Home Address: \_\_\_\_\_

Office Telephone: \_\_\_\_\_

Home Telephone: \_\_\_\_\_

**Witnesses**

Please give the names, titles and divisions of any witnesses to the unlawful discrimination.

<u>Name</u>	<u>Title</u>	<u>Division</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

APPENDIX E

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____	VS _____
COMPLAINANT	RESPONDENT
CASE NO.	_____
DATE FILED	_____

**REQUEST FOR CONCILIATION**

Believing that I have a valid complaint of discrimination and desiring to resolve that complaint, if possible, without resorting to formal investigation, I respectfully request that the agency EEO Officer attempt to conciliate my complaint in accordance with the City of New York's Discrimination Complaint Procedures and the guidelines implementing those procedures.

\_\_\_\_\_  
**COMPLAINANT OR AUTHORIZED AGENT**