

Addendum
to
Equal Employment Opportunity Policy
Standards and Procedures to Be Utilized By City Agencies (2005)

NOTE:
This addendum supersedes the prior addendum to the 2005 Citywide Equal Employment Opportunity Policy, dated October 5, 2005. Amendments are denoted by bold text.

The Equal Employment Opportunity Policy is hereby amended to read as follows:

1. Section I. - Equal Employment Opportunity Policy, on pages 1-2, is amended as follows:

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against and treatment of City employees and applicants for employment 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 status¹**, **predisposing genetic characteristic²**, sexual orientation, or status as a victim **or witness³** of domestic violence, sexual offenses and stalking.

2. Section I. A. - Types of Prohibited Conducted, on page 2, is amended to add the following paragraph:

The City's EEO Policy also prohibits any City employee from aiding, abetting, inciting, compelling or coercing any person present in a City facility, whether or not an employee of the City, from engaging in any conduct

¹ "Partnership status" was added as a protected class under New York City's Human Rights Law on October 3, 2005.

² The term "predisposing genetic characteristic" was adopted on August 30, 2005 to streamline the terms "genetic predisposition" and "carrier status" in the previous version of the New York State Human Rights Law.

³ The New York State Penal law provides that it is a crime for employers to penalize an employee who is required to be a witness or pursue legal action related to domestic violence.

prohibited by this policy, including, but not limited to conduct that creates a hostile work environment based on any protected characteristic.

3. Section I. B. - Applicability, on pages 2-3, is amended to add the following:

In addition, Work Experience Program (“WEP”) Participants 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 City’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. To this end, the attached Notice must be posted at all locations at City agencies that assign work to WEP Participants.

All City employees and **WEP Participants** are expected to be respectful of everyone in the City’s workplaces and members of the public, and to be sensitive to the effects of their behavior on those around them.

4. Section III. - Procedures, on pages 6-12, is amended to add the following paragraph:

J. Additional Sources of Procedural Information:

The Guidelines for the Implementation of the City’s Discrimination Complaint Procedures may be found online at:

http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaintprocedures.pdf .

The City’s Reasonable Accommodation Policy and Procedure may be found online at:

http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf

5. Section IV. - Agency Specific Plans, second “bullet” on page 14 (regarding the agency’s commitment to make career counseling about civil service jobs available for employees) is amended to add the following:

Employees should be reminded of the identity of the agency’s Career Counselor and the type of guidance which is available from the Career Counselor, at least once

each fiscal year. Each agency should promptly notify agency employees and DCAS of any change in the identity of the agency Career Counselor.

6. Section IV. - Agency Specific Plans, on page 16, first paragraph, is amended to add the following language:

Each agency head will then submit quarterly reports to DCAS, as well as to the Mayor, City Council and EEPC, on the agency's efforts during the previous quarter to implement the agency plan, culminating in a final fourth quarter report (which will also serve as the cumulative annual report), which must be submitted to DCAS at the end of the fourth quarter. Such quarterly reports will also include a review and documentation of EEO complaints and requests for reasonable accommodations for said quarter. Quarterly and annual EEO reports must, pursuant to the City Charter, be timely submitted to DCAS and the other entities mentioned above, no later than thirty (30) days following the reporting period using the reporting format provided by DCAS.

December 14, 2006

NOTICE

Work Experience Program (WEP) Participants

Work Experience Program (“WEP”) participants are public assistance recipients who are required to accept workfare assignments in order to receive benefits. The City of New York is committed to protecting WEP participants who perform work at City agencies from unlawful discrimination. WEP participants are protected under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq. (“Title VII”); the Americans with Disabilities Act, 42 U.S.C. §12101, et seq. (“ADA”); and the Age Discrimination in Employment Act, 29 U.S.C. §621, et seq. (“ADEA”). Accordingly, WEP participants have a right to a workplace that is free of discrimination, including harassment, based on race, color, national origin, religion, gender, disability, or age, as provided for in the above laws.

In addition, as a matter of City policy, WEP participants should not be harassed or discriminated against on any basis that could otherwise be determined to be prohibited behavior pursuant to the City’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 City employees who direct, oversee, or interact with WEP participants performing work assignments at City agencies are required to treat WEP participants in a manner consistent with the treatment of City employees, as mandated by Title VII, the ADA, the ADEA and the City’s EEO Policy.

If a WEP participant believes that he or she has been discriminated against or harassed in violation of Title VII, the ADA, the ADEA or any basis set forth in the City’s EEO Policy, the WEP participant may file a complaint with the EEO Officer at the agency at which he or she is assigned. The EEO Officer will then take appropriate action, following the procedures outlined in the City’s EEO Policy.

In addition, a WEP participant who believes that he or she has been discriminated against or harassed in violation of Title VII, the ADA or the ADEA may also have the right to file a complaint with the United States Equal Employment Opportunity Commission (“EEOC”), 33 Whitehall Street, 5th Floor, New York, New York 10004, (212) 336-3620, TTY: (212) 336-3622, website: www.eeoc.gov.