THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

DIRECTIVE

[X] NEW [ ] INTERIM* [ ] REVISED		SUBJECT	EQUAL EMPLOYMENT OPPORTUNITY OFFICE
EFFECTIVE DATE 2/10/92	*TERMINATION DATE		

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RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER	AUTHORIZED BY THE COMMISSIONER
SIGNATURE	SIGNATURE

I. PURPOSE

The purpose of this Directive is to define the role of the Department's Equal Employment Opportunity Office (hereinafter referred to as E.E.O. or E.E.O. Office) and to establish policy and procedure governing the internal functioning of the Department's E.E.O. Office. Furthermore, purpose is to ensure the processing and resolution of all employee complaints of discrimination under Title VII, of the Civil Rights Act, as well as State and City Laws, promptly and fairly.

II. POLICY

A. Employment discrimination, which includes sexual harassment as a form of sex discrimination, is a violation of Federal, State, and City anti-discrimination statutes, and is also a violation of both this Department's Equal Employment Opportunity Policy Statement (see attached Exhibit "A") and this Directive. Employees of this Department who are found by the Departments' E.E.O. Office to have engaged in acts which constitute employment discrimination shall be counseled and/or disciplined accordingly. The Director of Equal Employment Opportunity may in certain circumstances, seek corrective action to rectify past or current discrimination.

B. Retaliation
It is unlawful to retaliate against and/or harass any person for filing an Equal Employment Opportunity Complaint or for cooperating in the investigation of an Equal Employment Opportunity Complaint. Any employee found to have engaged in such conduct shall be disciplined.

III. DEFINITION

"Equal Employment Opportunity" exists when employment decisions are made without unlawful discrimination based on race, color, sex, national origin, religion, religious observance, age, disability, marital status, sexual orientation, citizenship, or alienage status.

Federal, State and City laws prohibit the following types of discrimination:

A. Discriminatory treatment of employees in hiring, assignments, working conditions, salary and benefits, evaluation, promotions, training, transfers, discipline, termination, and any other terms and conditions of employment;

B. Policies that have a disparate impact on a group protected by law, unless they are justified by business necessity;

C. Failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious observance; and/or

D. Discriminatory harassment, intimidation, ridicule, or insults.

IV. PROCEDURE

A. DUTIES AND RESPONSIBILITIES OF THE E.E.O. OFFICER

1. It is the responsibility of the Director of Equal Employment Opportunity to receive and investigate complaints of employment discrimination. An E.E.O. Investigator or Counselor may also receive and investigate employment discrimination complaints under the direction and supervision of the Director. (Supervisors who are aware of a problem involving discrimination or sexual harassment within their areas of responsibility shall counsel those involved as to the illegality of said conduct and as to the Department's policy on those issues. Any case requiring further investigation and/or corrective action shall be referred to the Director of the Equal Employment Opportunity Office immediately for further action. A person accused of discrimination or harassment may also request that the complaint be referred to the Director of E.E.O. for resolution.)

IV. PROCEDURE (cont.)

A. DUTIES AND RESPONSIBILITIES OF THE E.E.O. OFFICE

Employees of this Department who believe that they have been the victim of employment discrimination may:

a. Informally approach their facility, unit, or division E.E.O. counselor and seek informal resolution of their complaint;

b. Seek counselling from the Director of E.E.O. without having to pursue further action, such as the filing of a complaint;

c. File an internal formal complaint of employment discrimination with the Director of E.E.O.; and/or

d. File a formal complaint of discrimination with the Federal, State, or Local Civil Rights Enforcement Agencies (see attached Exhibit "B").

2. The Director of E.E.O. shall ensure that upon receipt of a formal written complaint of employment discrimination, received internally or from an external civil rights enforcement agency, the following procedures will be followed:

a. The complaint shall be logged onto an open case list and become active;

b. A target date for case disposition shall be assigned:

i. Internal complaints - Sixty (60) days

ii. External complaints - Ninety (90) days

These deadlines may be extended by the Director of E.E.O on an internal case if extenuating circumstances exist, and on external cases with the consent of the outside civil rights enforcement agency;

c. An investigator is assigned to investigate the complaint under the direct supervision of the Director of E.E.O.;

IV. **PROCEDURE** (cont.)

A. DUTIES AND RESPONSIBILITIES OF THE E.E.O. OFFICE

d. The investigator reports their findings to the Director who renders a determination of either "Probable Cause" or "No Probable Cause" to believe that employment discrimination has occurred;

e. In cases of Probable Cause where formal discipline is appropriate, the director shall prepare a report detailing his/her findings and recommendation for discipline to the Commissioner;

f. The Commissioner may adopt or reject those findings. If adopted, the Director shall ensure imposition of discipline. If rejected, the complainant reserves the right to file with an outside civil rights enforcement agency;

g. In appropriate cases, where the Director of E.E.O. has found Probable Cause, and the underlying conduct may constitute a violation of Departmental rules or regulations, the Director may refer the complaint to the Department's Trial Division for appropriate action;

h. The Director may also, pursuant to an evaluation of the complaint, deem it a non-E.E.O. based grievance and make the appropriate referral;

i. In all cases, the complainant must be advised of the disposition of the complaint and in cases where an investigation is conducted so must the respondent be advised.

CONCILIATION: In appropriate cases, an attempt will be made to mediate a complaint with the goal that the parties will voluntarily agree to a resolution of the matter involved. The conciliation process is designed to be concluded within forty-five (45) business days from the time complaint is filed.

C. The Director of Equal Employment Opportunity shall ensure that both the integrity and confidentiality of the investigation are maintained.

IV. PROCEDURE (cont.)

A. DUTIES AND RESPONSIBILITIES OF THE E.E.O. OFFICE

Any inquires made regarding a pending or closed Equal Employment Opportunity case must be made to the Director of Equal Employment Opportunity or his/her designee. Inquiries on pending cases are strictly limited to "Status Updates" so as not to impair the integrity of an ongoing investigation or compromise its confidentiality. Status Updates will only be given when a "need to know" is demonstrated by the employee requesting the information.

B. ASSIGNMENT OF EQUAL EMPLOYMENT OPPORTUNITY COUNSELORS

1. At least one (1) E.E.O. Counselor is assigned to each command of the Department. E.E.O. Counselors are available to counsel employees who feel they have been victims of employment discrimination. Counselors are further authorized to conduct facility level investigations of E.E.O. based complaints under the supervision of the Director of Equal Employment Opportunity.

2. Counselors may attempt to resolve complaints informally. However, any reports and/or documentation generated in conjunction with an investigation must be forwarded to the Director of Equal Employment Opportunity.

3. Monthly reports must be prepared and forwarded by the Counselors to the Director of Equal Employment Opportunity. The reports must include the number of complaints handled, the nature of the complaints, status, and their disposition.

4. When an E.E.O. Counselor is investigating a person of superior rank, the Counselor may direct investigatory inquiries to the respondent's superior officer.

5. When the E.E.O. Counselor, the complainant, or the respondent request that the complaint be handled through the Department's Equal Employment Opportunity Office, the facility level investigation shall cease, and the complaint shall be referred to the Director of E.E.O. for handling, or to an outside agency if the complainant chooses to file there.

VI. **PROCEDURE** (cont)

C. MAINTENANCE OF E.E.O. BULLETIN BOARD WITHIN EACH FACILITY, DIVISION, AND UNIT

Commanding Officers and civilian managers shall ensure that an E.E.O. bulletin board is maintained in a highly visible area within their respective command. This bulletin board will exhibit the following information:

1. Current Equal Employment Opportunity Policy Statement;

2. Current Sexual Harassment Policy Statement;

3. E.E.O. Counselor poster which identifies the E.E.O. Counselors assigned to that facility, division or unit;

4. Copy of the Department's Affirmative Employment Plan.

V. **ATTACHMENTS**

A. Exhibit "A" - Department of Correction Equal Employment Opportunity Policy Statement.

B. Exhibit "B" - Memorandum entitled "Where to File Discrimination Complaints".

C. Exhibit "C" - Department of Correction Equal Employment Opportunity Discrimination Form.

exhibit "A"

EXHIBIT "A"

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

I. POLICY STATEMENT

JUNE 30, 1991

In July 1981, Mayor Koch issued Executive Order No. 61, which affirmed the City's commitment to equal employment opportunity in City employment. The Executive Order required compliance with applicable federal, state and local laws and required each agency to develop and implement a written equal employment opportunity program.

The New York City Department of Correction wishes to reaffirm that it is determined to be in compliance with the City, State and Federal anti-discrimination laws as they relate to employment in this agency, consistent with the concept of merit in employment.

As Commissioner of the Department of Correction, I affirm that the policy stated herein and the Equal Employment Opportunity Program executed simultaneously herewith reflect this agency's attitude and its intention within the framework of the Civil Service Law to:

1. Review all aspects of employment policies and practices as they relate to selection criteria, recruitment, hiring, promotion, transfer, disciplinary procedures, separations, benefits, agency sponsored training, educational tuition assistance and other terms and conditions of employment.
2. Determine whether any of the above practices and policies reflect past discrimination and are preventing women, minorities and/or the handicapped from entry into or advancement in employment in accordance with their skill and ability.
3. Recruit, hire and promote (all within the framework, of the Civil Service Law) all job classifications without regard to race, color, religion, sex and national origin.
4. Base decisions on employment so as to further the principles of equal employment opportunity.
5. Ensure that promotion decisions are in accord with principles of equal employment opportunity.
6. Ensure that all other personnel actions such as compensation benefits, transfers, terminations, agency sponsored training, educational tuition assistance, social and recreation programs will be administered without regard to race, color, religion, sex, age, national origin or sexual preference.
7. Provide, pursuant to the Vocational Rehabilitation Act of 1973, equal employment opportunity as set forth above to qualify disabled or handicapped persons.
8. Provide, pursuant to the Vietnam Era Veteran's Readjustment Act of 1974, equal employment opportunity as set forth above, to those who are qualified disabled veterans or veterans of the Vietnam Era.

The Department of Correction will make pertinent portions of the Equal Employment Opportunity Program available to employees in the Department and will give copies to all new employees. I have appointed Patricia Mulligan: the E.E.O. Officer. She has overall responsibility for the establishment, development and monitoring of the equal employment program and will be working with agency managerial and supervisory personnel on the program. She will be reporting to me, at least quarterly, on problems and progress in providing equal employment opportunity.

This endeavor, and the goal of achieving and maintaining equal employment opportunity for all persons, is of the highest priority for this agency and the City of New York. It has the full and positive support of the management of this administration.

Allyn R. Sielaff

ALLYN R. SIELAFF

Commissioner

THE NEW YORK CITY DEPARTMENT OF CORRECTION IS AN EQUAL OPPORTUNITY EMPLOYER.

Exhibit "B"

WHERE TO FILE DISCRIMINATION COMPLAINTS

If you believe you have been discriminated against because of your race, sex, age, national origin, religion, or sexual preference, you may file an internal complaint with:

Patricia M. Mulligan
Director E.E.O.
60 Hudson Street,6th floor
New York, New York 10013
Tel. (212) 266-7131

Deputy Commissioner
for Human Resources
60 Hudson Street,6th floor
New York, New York 10013

You may file a complaint with one but not all of the following Human Rights Agencies:

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
40 Rector Street - 9th floor
New York, New York 10006
Tel. (212) 306-7549/7415

NEW YORK STATE DIVISION ON HUMAN RIGHTS
270 Broadway
New York, New York 10007
Tel. (212) 417-5041

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
90 Church Street
New York, New York 10007
Tel. (212) 264-7188

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
201 Varick Street, Room 750
New York, New York 10014
Tel. (212) 337-2007

Members are advised to contact the above-referenced agencies to ascertain the time within which a complaint must be filed.

You do not have to file an internal complaint with the Director of E.E.O. before you file a complaint with one of the Human Rights Agencies. However, it is advisable that you do so because of the likelihood of a faster determination.

Exhibit "C"

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
COMPLAINT OF EMPLOYMENT DISCRIMINATION

CASE NO.

FOR OFFICE USE ONLY
☐ PERSON
☐ PHONE
☐ MAIL

TIME REC'D.	DATE REC'D.	E.E.O. COUNSELOR	COMPLAINANT'S NAME

COMMAND	COMMAND TELE. NO.	TITLE OR RANK		DATE OF PRESENT RANK/TITLE

APPOINTMENT DATE	HOME ADDRESS (CITY, STATE, ZIP CODE)	HOME TELE. NO.

BASIS OF ALLEGED DISCRIMINATION (CHECK APPROPRIATE BOX(ES)

☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ SEX ☐ SEXUAL ORIENTATION ☐ AGE ☐ CREED ☐ HANDICAPPED DISABILITY ☐ OTHER

WHO DISCRIMINATED AGAINST YOU? GIVE THE TITLE OR RANK, NAME AND COMMAND OF THE PERSON(S) THAT YOU BELIEVE DISCRIMINATED AGAINST YOU:

NAME	TITLE	COMMAND
NAME	TITLE	COMMAND

WHEN AND WHERE DID THE ALLEGED DISCRIMINATORY ACTION OCCUR? (USE EXTRA SHEET OF PAPER IF NECESSARY)

MONTH	DAY	YEAR	WHERE DID IT TAKE PLACE?

HAVE YOU FILED THIS CHARGE WITH A CITY, STATE OR FEDERAL AGENCY? ☐ YES ☐ NO

☐ U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ____ | ____ | ____ (MONTH DAY YEAR) NUMBER _____

☐ N.Y. STATE DIVISION OF HUMAN RIGHTS ____ | ____ | ____ (MONTH DAY YEAR) NUMBER _____

☐ N.Y. CITY COMMISSION ON HUMAN RIGHTS ____ | ____ | ____ (MONTH DAY YEAR) NUMBER _____

☐ OTHER ____ | ____ | ____ (MONTH DAY YEAR) NUMBER _____

EXPLAIN HOW YOU WERE DISCRIMINATED AGAINST AND/OR HOW YOU WERE TREATED DIFFERENTLY. (USE EXTRA SHEET OF PAPER IF NEC.)

WHAT CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR BEHALF?

I AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SIGN YOUR NAME HERE _____ DATE _____

1-WHITE - OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY 2-BUFF - COUNSELOR'S COPY 3-BLUE - COMPLAINANT'S COPY

FROM: CHIEF'S ORDERS
TO :
SUBJ: 5647-0

MSG#: 98-00020214
SENT: 12/21/98 05:59 PM PRIORITY: 2

TELETYPE ORDER NO. 5647-0

DATE DECEMBER 21, 1998

TO COMMANDING OFFICERS, FACILITIES AND DIVISIONS

FROM BERNARD B. KERIK, COMMISSIONER

SUBJECT EEO BULLETIN BOARD

1. PURSUANT TO DIRECTIVE #2221 IV (C). COMMANDING OFFICERS AND CIVILIAN MANAGERS ARE TO ENSURE THAT AN EEO BULLETIN BOARD WITHIN EACH FACILITY, DIVISION AND UNIT BE MAINTAINED IN A HIGHLY VISIBLE AREA WITHIN THEIR RESPECTIVE COMMANDS.

2. THE BULLETIN BOARD WILL EXHIBIT THE FOLLOWING INFORMATION:

A. CURRENT EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT;

B. CURRENT SEXUAL HARASSMENT POLICY STATEMENT;

C. EEO COUNSELOR POSTER WHICH IDENTIFIES THE EEO COUNSELORS ASSIGNED TO THAT FACILITY, DIVISION OR UNIT;

D. COPY OF THE DEPARTMENT'S EEO PLAN.

3. ALL COMMANDING OFFICERS/CIVILIAN MANAGERS ARE TO ENSURE THAT THE ABOVE MENTIONED DIRECTIVE BE COMPLIED WITH BY DECEMBER 28, 1998. AN INSPECTION WILL FOLLOW SHORTLY THEREAFTER.

4. IF A PICTURE OF THE EEO COUNSELOR IS NOT PRESENTLY AVAILABLE FOR THE EEO COUNSELOR POSTER, PLEASE HAVE A POLAROID PICTURE TAKEN OF THE EEO COUNSELOR SO IT MAY BE INCLUDED ON THE POSTER.

5. IF YOU NEED ASSISTANCE IN OBTAINING ANY OF THE ABOVE MENTIONED INFORMATION, PLEASE CONTACT THE EEO OFFICE AT (212) 266-1025.

AUTHORITY:
COMMISSIONER
HA/SM

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION
60 HUDSON STREET
NEW YORK, N.Y. 10013-4393

BERNARD B. KERIK
COMMISSIONER

DATE: January 26, 1999

TO: Department of Correction Employees

FROM: Bernard B. Kerik, Commissioner

SUBJECT: **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT AND THE SEXUAL HARASSMENT POLICY STATEMENT**

Since joining the Department, I have had an opportunity to meet and work with many of the fine men and women who dedicate so much of their time and effort to upholding this agency's tradition of professionalism and excellence. I am proud to be a part of this great institution and to have the privilege of serving this City and its citizens. In order to preserve this great tradition, I believe that we must create and maintain an environment in which all employees can perform their work free of any improper conduct, such as discrimination and harassment, including sexual harassment. Discrimination or harassment of any kind simply will not be tolerated in a Department charged with enforcing the law.

The New York City Department of Correction wishes to reaffirm that it is determined to be in compliance with the City, State and Federal anti-discrimination laws as they relate to employment in this agency, consistent with the concept of merit in employment.

The New York City Department of Correction is an equal opportunity employer and is strongly committed to a policy of non-discrimination in the hiring and promoting of applicants and employees in the pursuit of equal opportunity employment. Equal Employment Opportunity exists when employment decisions are made without unlawful discrimination based on race, creed, color, national origin, religion, religious observance, sex, age, disability, marital status, sexual orientation or citizenship or alienage status.

As Commissioner of this Department, I am personally committed to promoting equal employment opportunity for all persons in the workplace, and providing maximum

opportunities at all levels of the organization. This includes bringing down any real or perceived barriers denying that opportunity.

I expect the head of each component to conduct an extensive campaign to ensure that all employees and managers are aware of their responsibilities in this area, and that they understand the penalties that may be imposed if they fail to adhere to these policies. I have asked Luis R. Burgos, Jr., Deputy Commissioner for EEO, to work with components heads to assist them in implementing this policy.

Attached you will find a copy of the Equal Employment Opportunity Policy Statement, and a copy of the Sexual Harassment Policy Statement. These statements can be found in the Equal Employment Opportunity Policy and Procedure (EEOPP) booklet that was distributed to all staff in February 1998 to be placed in the back of your Rules and Regulations.

I ask each of you to join me in this important effort. We must ensure that the Department is a model agency among public and private employers. Differences in gender, race, color, national origin, or religion must be fully respected. Together, we can achieve this goal.

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The Department of Correction is an Equal Employment Opportunity Employer. As Commissioner, I reaffirm the Department's strong commitment to maintaining fair employment practices for all of its members.

Employment decisions in the Department will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination[1] on the basis of:

- Age
- Alienage
- Color
- Creed
- Disability
- Gender
- Marital Status
- National Origin
- Prior record of arrest or conviction
- Race
- Religion
- Sexual Orientation

The laws prohibit discrimination which affects:

- Recruitment
- Hiring
- Assignments
- Working Conditions
- Salary and Benefits
- Evaluations
- Promotions
- Testing
- Training
- Transfers
- Discipline
- Termination

Any other terms and conditions of employment

The law requires that reasonable accommodations be made for employees with disabilities. The law also requires that reasonable accommodations be made for employees' religious observances.

All employees are directed to comply with both the letter and the spirit of these laws. All personnel should work to maintain an atmosphere appreciative of the diversity

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[1] The term "unlawful discrimination" implies that some discrimination is legal. For example, employment discrimination is legal where denial of employment rights to persons within protected classifications is permitted by law, such as where an employer may deny employment on the basis of an applicant's prior record of arrest or conviction if there is a direct relationship between one or more of the applicant's criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (See Corrections Law, Art. 23-A, Section 752.)

reflected in our staff, and to promote understanding among our co-workers. The Department will promote these objectives through regular anti-discrimination and bias reduction training. Managers and supervisors are directed to make all employment decisions in accordance with the Department's EEO Policy, and to ensure compliance with the policy in their areas of responsibility.

If any employee feels that he or she has been discriminated against by a manager, supervisor, another employee, or an independent contractor, the employee should contact the Equal Employment Opportunity Officer or an Equal Employment Opportunity Counselor. The Deputy Commissioner for Equal Employment Opportunity is Luis R. Burgos, Jr., Esq., who may be contacted at (212)266-7132; his office is located at 60 Hudson Street, New York, New York 10013. The EEO counselor should be posted on the EEO Bulletin Board at the various facilities.

The Deputy Commissioner for Equal Employment Opportunity has the authority to recommend to the Commissioner that disciplinary action be taken against any employee who has committed an unlawful discriminatory act. The disciplinary action may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the Department shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant. The Deputy Commissioner also has overall responsibility for the establishment, development and monitoring of the equal employment opportunity program and will be working with agency managerial and supervisory personnel on the program. He will report to me on problems and progress in providing equal employment opportunity.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of the complaint. Any person who believes that he or she is being retaliated against for having made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the EEO Officer. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine or termination..

BERNARD B. KERIK
Commissioner

Dated:

SEXUAL HARASSMENT

POLICY STATEMENT

Sexual Harassment which affects one's job is a form of employment discrimination prohibited by law. All Department of Correction employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

The Department of Correction is committed to creating an environment that maintains maximum productivity, fair treatment and respect for human dignity for all its uniformed and civilian employees and is free of sexually offensive behavior that is antithetical to the ideals of equal employment opportunity.

Guidelines issued by the Equal Employment Opportunity Commission state that unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such 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 interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcomed and/or which create an intimidating and hostile work environment.

The policy of the Department is that gender neutral language is to be used in all forms of oral and written communication.

There is a broad range of conduct by supervisors, superiors, co-workers, or peers which can, in certain circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary physical contact.

It should also be noted that treating someone differently on the basis of gender may be viewed as sex discrimination or sexual harassment.

ANY MEMBER OF THE DEPARTMENT WHO IS FOUND TO HAVE ENGAGED IN CONDUCT WHICH CONSTITUTES SEXUAL HARASSMENT WILL BE DISCIPLINED UNDER DEPARTMENTAL RULES AND REGULATIONS. SUPERVISORS WHO EITHER CONDONE OR FAIL TO ACT PROMPTLY TO CORRECT INAPPROPRIATE CONDUCT BROUGHT TO THEIR ATTENTION WILL BE SUBJECT TO DISCIPLINARY ACTION.

The disciplinary action may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the Department shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant.

Supervisors and managers will be held responsible for enforcing this policy. Each manager in this Department is expected to set the example in his or her organization by ensuring that the work environment is free of such behavior. Each manager must be aware of his or her work environment and the potential for problems.

The head of each facility is expected to ensure that all employees and managers are aware of their responsibilities in this area, and that they understand the penalties that may be imposed if they fail to adhere to these policies. Luis R. Burgos, Jr., Deputy Commissioner for Equal Employment Opportunity, has been asked to work with facility/component heads to assist them in implementing this policy.

Any manager or supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct should consult with the Deputy Commissioner of Equal Employment Opportunity, Luis R. Burgos, Jr. immediately.

Any employee who has a complaint about sexual harassment is urged to contact Mr. Burgos, or an EEO Counselor. The EEO office is located at 60 Hudson Street, 6th Floor, New York, New York 10013, (212)266-7132. The EEO counselor should be posted on the EEO Bulletin Board at the various facilities.

Complaints of sexual harassment will be handled in accordance with the Department of Correction's Equal Employment Opportunity Complaint Procedure. All cases will be investigated and the facts presented will be objectively analyzed prior to any decision being rendered.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Any person who believes that he or she is being retaliated against for having made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the EEO officer. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine or termination.

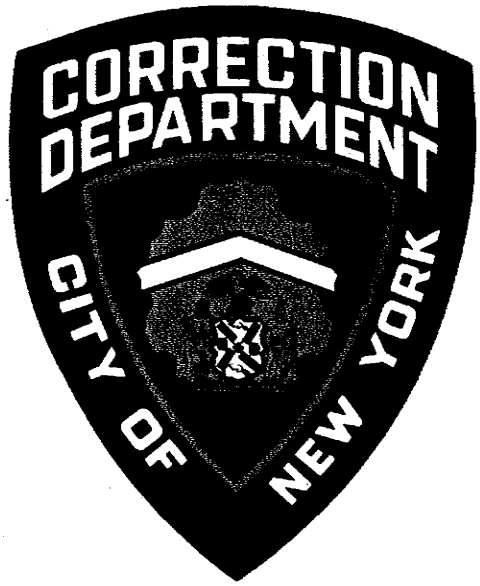
BERNARD B. KERIK
Commissioner

Dated:

Correction Department
City of New York

Office of Equal Employment Opportunity

Equal Employment Opportunity Plan
Fiscal Year 1999
(July 1, 1998 - June 30, 1999)



Bernard B. Kerik
Commissioner

Gary M. Lanigan
First Deputy Commissioner

Edward Reilly
Chief of Department

Luis R. Burgos, Jr.
Deputy Commissioner, E.E.O.

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

MAYOR'S POLICY STATEMENT

Employment with New York City is based on principles of merit and fitness, and equal employment opportunity. These principles create a diverse municipal work force which reflects the tremendous talent of the residents of New York City. As the state's largest employer, New York City has an important role in ensuring equal employment opportunity for its employees, and in serving as a model for other employers.

As set forth in the City's Equal Employment Opportunity Policy, and consistent with federal, state, and local law, New York City makes employment decisions without regard to the race, color, gender, age, religion, creed, disability, sexual orientation, marital status, national origin, alienage status, or citizenship status of a prospective employee. Through the City's comprehensive anti-discrimination policies and aggressive complaint and investigation procedures, employees are informed of anti-discrimination protections afforded them by the City. Vigorous training, accountability, and reporting requirements ensure that agency heads, managers, and supervisors know what the law requires, as well as understand their obligation to prevent and resolve discrimination. Data collection and analysis provisions enable the City to know the composition of its work force. Action-oriented, agency-specific annual plans delineate strategies to be used to remove barriers and create a level playing field for all applicants and employees interested in promotions. Wide distribution of the City's Equal Employment Opportunity Policy will inform employees, potential applicants, and the public at large about the City's commitment to equal employment opportunity, and to combating employment discrimination.

The ability of New York City to create and maintain a work force which is based on merit and fitness, and equality of opportunity depends upon the commitment of all City employees at every level. I require the support of all agency heads, managers, supervisors, and employees to help the City continue to realize this goal.

Rudolph W. Giuliani
Mayor

POLICY STATEMENT OF THE COMMISSIONER

The New York City Department of Correction is an equal opportunity employer and is strongly committed to a policy of non-discrimination in the hiring and promoting of applicants and employees in the pursuit of equal opportunity employment. Equal employment opportunity exists when employment decisions are made without unlawful discrimination based on race, color, national origin, religion, religious observance, sex, age, disability, marital status, sexual orientation or citizenship or alienage status.

Equal Employment Opportunity is not only the policy of this administration, but also the law of the land. The Equal Employment Opportunity Plan (EEO Plan) is designed to increase the representation of those groups that are underrepresented or underutilized in the Department's workforce. This administration endorses the comprehensive measures outlined in the Department's Equal Employment Opportunity Plan which the Deputy Commissioner for Equal Employment Opportunity has prepared.

I will hold the heads of all departments, units and commands of this agency accountable for the implementation of our Equal Employment Opportunity Plan so that we are able to achieve its objectives.

It is the Department's hope that, as equality of opportunity is provided in all aspects of our society, all people may have the realistic opportunity of achieving a place in the workforce which meets their capabilities. For this reason the Department has set as an ultimate objective the development of a Department workforce which is representative of the community it serves. In the setting of specific goals for improved representation, however, the Department clearly understands that achievement of both short range and long range goals depends on the availability of qualified and interested applicants, the use of merit practices, and the availability of revenue to support the level of services and activities currently provided by the Department. The overriding objective is to provide each person with a realistic opportunity to develop and succeed according to his or her potential.

This program, therefore, expands our commitment to the achievement of equal employment opportunity. It assigns responsibility to various Department managers and employees and calls for increased participation of all parties in the implementation and enforcement of the Department's Equal Employment Opportunity Plan.

The program calls for ambitious and comprehensive action programs to improve the Department's personnel system; to remove institutionalized barriers; and to improve the representation of qualified members of various groups at levels of the Department's workforce where their skills have not been fully utilized. It provides for a responsive discrimination complaint procedure at each institution to provide relief for persons who believe they have been victims of discrimination.[1]

I expect and support vigorous efforts by all units within this Department to implement the personnel programs and achieve the objectives outlined in the

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[1] 1. The discrimination complaint procedure is provided in the Department's Equal Employment Opportunity Policy and Procedures Manual which was distributed to all employees.

Department's Equal Employment Opportunity Plan. In adopting this Plan I ask for the full cooperation of all employees in carrying out their program responsibilities to make "Equal Employment Opportunity" one of the basic principles of the Department's merit system, and an established fact in the New York City Department of Correction.

BERNARD B. KERIK
Commissioner

Dated: 7/6/98

I. PURPOSE AND POLICY:

The Department of Correction Equal Employment Opportunity Plan for Equal Employment Opportunity (hereinafter referred to as the "EEO Plan" or "the Plan") is a set of specific and result-oriented guidelines, standards and procedures designed to ensure equal employment opportunity for all employees and applicants for employment. Chapters 35 and 36 of the New York City Charter, as revised, required that the City Personnel Director establish and enforce uniform procedures and standards to be utilized by City Agencies in establishing an effective affirmative employment plan for equal opportunity for minority group members and women who are employed, or seek employment with City agencies. In the context of this Plan, the term "minorities" refers to African-Americans, Latinos, Asians, Native Americans and person(s) with disabilities. This document sets forth the minimum requirements, standards, procedures, and schedules to be followed by the Department of Correction in establishing measures, programs and plans to effectuate a fair and effective plan for equal employment opportunity for minority group members and women. Implementation of this Equal Employment Opportunity Plan will aid in the Departments' good faith effort to achieve promptly the full utilization of the abilities of minorities and women at all levels and in all segments of the work force. The plan is result oriented and based on the implementation of flexible goals and timetables established where necessary to accomplish the objectives of this plan. The objective of the Department's Equal Employment Opportunity Plan is to make significant progress, within a five year time frame, toward the achievement of an employment profile in each major job classification which will be an appropriate reflection of the labor pool in the City of New York and to maintain the City's continuing commitment to appointment and promotion based upon merit and fitness.

A. NONDISCRIMINATION IN CITY EMPLOYMENT

It is the policy and practice of the Department of Correction to provide equal opportunity in City government for all qualified applicants and employees; to prohibit discrimination in employment based on race, color, religion, religious observance, national origin, sex, age, disability, sexual orientation, marital status, citizenship or alienage status, and to promote the full realization for equal employment opportunity through a continuing Equal Employment Opportunity Plan in the New York City Department of Correction. This policy must be an integral part of every aspect of personnel policy and practice in employment, development, advancement and treatment of all employees. Equal employment opportunity shall be provided in all personnel actions of the Department, including those related to recruitment, selection, hiring, assignment, transfer, training, evaluation, promotion, wages, benefits and separation, in accordance with applicable federal, state and local laws.

NEW YORK CITY DEPARTMENT OF CORRECTION

EQUAL EMPLOYMENT OPPORTUNITY PLAN

The following is the Equal Employment Opportunity Plan for the Department of Correction (DOC) for the period July 1, 1998 to June 30, 1999. This plan incorporates the requirements of the City's Equal Employment Opportunity Policy and addresses the Corrective Actions/Recommendations issued by the Equal Employment Practices Commission Audit Findings Report.

I. EEO STAFFING

Agency Plan: The Department recently obtained hiring authority for two(2) civilian positions to handle matters related to the rights of the disabled, consistent with the Americans with Disabilities Act. These individuals will also be conducting investigations.

II. 55-a PROGRAM

Agency Plan: Brochures provided by the Department of Citywide Administrative Services on the 55a Program was distributed to all personnel on July 25, 1997 along with their payroll checks.

A brochure highlighting the 55a Program will again be distributed to all employees during fiscal year 1999.

Also, the 55a Program is mentioned in the Equal Employment Policy and Procedures Manual.

III. WORKFORCE UNDERUTILIZATION

1. **Agency Plan:** DOC Personnel Orders will contain the mandatory EEO Statement.

2. **Agency Plan:** The EEO Office will participate in developing and monitoring future recruitment efforts/strategies for both provisional and uniform employees. The Office will also be notified of vacancies in provisional titles where underutilization exits. DOC's recruitment list of organizations and community groups will be viewed to ensure that it is current.

3. **Agency Plan:** DOC has appointed a person familiar with civil service and provisional jobs who can be available to provide career counseling to employees requesting such guidance. Her name is Ms. Carolyn Berry, Assistant Director of

Personnel, whose name was provided in last year's Equal Employment Opportunity Plan (EEOP).

4. **Agency Plan:** The selection, evaluation and promotion criteria will be carefully reviewed to determine if a disparate impact on protected group members exist.

5. **Agency Plan:** Rejection rates for protected group members will be examined and compared to rejection rates for non-majority and male applicants.

6. **Agency Plan:** Applicant data (for discretionary applicants only) will be maintained by DOC which includes the ethnicity, and gender of applicants, reasons for hire or rejection and referral source of applicant.

7. **Agency Plan:** Where collective bargaining agreements allow for an annual evaluation, the Department will comply.

8. **Agency Plan:** After exhausting internal and external redeployment as well as the Citywide vacancy posting process, the agency will identify organizations serving women and minorities throughout the City and inform such organizations when positions become available.

IV. EEO TRAINING

Agency Plan: The Department has modified its training, entitled Sexual Harassment Prevention to address all of the protected classes covered in the New York City EEO Policy. This modification brings the Department into full compliance with the city policy. This training has been expanded to include civilian members of the Department and a separate course for uniformed and civilian managers. The revised course includes diversity training, an overview of relevant EEO laws, and laws against harassment of protected classes.

The Deputy Commissioner for EEO will continue to train recruit officers on EEO Policy. The number of trainees is dependent upon the hiring of recruits, we expect to train about five hundred recruits in FY99. Recruit Officers also receive classroom instruction on EEO, sexual harassment, and complaint procedures.

During Fiscal Year 1998 the Department trained six thousand one hundred and fifty employees in EEO policy, this includes sixty managers. The Department anticipates that it will be funded for approximately the same number of in-service training hours for FY99 and will continue to train approximately one-third to one half of the work force (officers, captains, assistant deputy wardens and civilian employees) annually. Newly promoted managers will be trained through the Correction Academy's Leadership Institute. This training plan has been approved by the Department of Citywide Administrative Services.

V. PREVENTION ACTIVITIES

1. **Agency Plan:** The Department of Correction is presently working on making the Equal Employment Policy and Procedure (EEPP) and the Department's EEOP available in additional formats.

2. **Agency Plan:** The Managerial Performance Evaluation "Guidelines for Evaluating Managerial Performance in NYC Agencies" dated January 1996 provided by DCAS, is being utilized by this Department. Managers/Supervisors will be reminded via teletype the impact their EEO performance may have on their careers. Also, uniform personnel are reminded during their pre-promotion classes of the impact their EEO performance may have on their careers.

3. **Agency Plan:** The Training Academy is in the process of training all Department personnel on the DCAS approved EEO curriculum, which informs personnel of our commitment to EEO and refers to DOC's EEOP and discrimination complaint procedure. This training will be reinforced at roll call, and non-uniform supervisors will hold documented discussions with their staff.

4. **Agency Plan:** Newly hired civilian employees are informed about the EEOP.

5. **Agency Plan:** DOC has ensured that all employees have copies of the EEO Policy Statement. This was complied with in February 1998, when all employees received a copy of the EEO Policy and Procedures Manual.

6. **Agency Plan:** The Department's Sexual Harassment Policy Statement contains language regarding a supervisor's and manager's rights and responsibilities. Also, when uniform personnel are promoted, they are reminded of their duties and responsibilities under EEO laws. In addition, the EEO training provided by the Correction Academy informs the supervisors/managers of their duties and responsibilities.

7. **Agency Plan:** The name of the EEO Officer is provided in the Department's EEOP and the EEPP. The EEO Officer's name is also posted on the EEO Policy Statement and the Sexual Harassment Policy Statement which are found in all the facilities. Please also note that the EEO Officer's name was mentioned on a teletype that was read at twelve consecutive roll calls. The EEO Officer's name is also found in the Department Directory. The EEO Officer's name is Luis R. Burgos, Jr.

8. **Agency Plan:** DOC has ensured that all staff members have copies of the discrimination complaint procedures. The EEO discrimination complaint procedure is stated in the Department's EEPP that was distributed to all employees.

9. Agency Plan: DOC has ensured that employees know how to file EEO complaints. The process on how to file an EEO complaint is explained in the Department's EEPP which was provided to all personnel.

10. Agency Plan: The Department's EEOP was distributed to all facilities in December 1997. All personnel were informed of where to obtain a copy of the EEOP.

For fiscal year 1999 employees will be made aware of the purpose and content of fiscal year 1999's EEOP, and will be informed of how to obtain a copy.

The City of New York

NEW YORK CITY DEPARTMENT OF CORRECTION
Bernard B. Kerik, Commissioner
Office of the Commissioner

60 Hudson Street
New York, NY 10013
212 • 266 • 1212
Fax 212 • 266 • 1219

DATE: February 16, 2000

TO: Department of Correction Employees

FROM: Bernard B. Kerik, Commissioner

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT AND THE SEXUAL HARASSMENT POLICY STATEMENT

Since joining the Department, I have had an opportunity to meet and work with many of the fine men and women who dedicate so much of their time and effort to upholding this agency's tradition of professionalism and excellence. I am proud to be a part of this great institution and to have the privilege of serving this City and its citizens. In order to preserve this great tradition, we must maintain an environment in which all employees can perform their work free of any improper conduct, such as discrimination and harassment, including sexual harassment. Discrimination or harassment of any kind simply will not be tolerated in this agency.

Compliance with the City, State and Federal anti-discrimination laws as they relate to employment, consistent with the concept of merit in employment, remains a priority for the New York City Department of Correction.

This Department is an equal opportunity employer and is strongly committed to a policy of non-discrimination in the hiring and promoting of applicants and employees in the pursuit of equal opportunity employment. Equal Employment Opportunity exists when employment decisions are made without unlawful discrimination based on race, creed, color, national origin, religion, religious observance, sex, age, disability, marital status, sexual orientation or citizenship or alienage status.

As Commissioner of this Department, I am personally committed to promoting equal employment opportunity for all persons in the workplace, and providing maximum opportunities at all levels of the organization. This includes bringing down any real or perceived barriers denying that opportunity.

I expect the head of each command to conduct an extensive campaign to ensure that all employees and managers are aware of their responsibilities in this area, and that they understand the penalties that may be imposed if they fail to adhere to these policies. I have asked Luis R. Burgos, Jr., Deputy Commissioner for EEO, to work with the commands to assist them in implementing this policy.

Attached you will find a copy of the Equal Employment Opportunity Policy Statement, and a copy of the Sexual Harassment Policy Statement. These statements can be found in the Equal Employment Opportunity Policy and Procedure (EEOPP) booklet that was distributed to all staff in February 1998 to be placed in the back of your Rules and Regulations.

I ask each of you to join me in this important effort. We must ensure that the Department is a model agency among public and private employers. Differences in gender, race, color, national origin, or religion must be fully respected. Together, we can achieve this goal.

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The Department of Correction is an Equal Employment Opportunity Employer. As Commissioner, I reaffirm the Department's strong commitment to maintaining fair employment practices for all of its members.

Employment decisions in the Department will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination[1] on the basis of:

- Age
- Alienage
- Color
- Creed
- Disability
- Gender
- Marital Status
- National Origin
- Prior record of arrest or conviction
- Race
- Religion
- Sexual Orientation

The laws prohibit discrimination which affects:

- Recruitment
- Hiring
- Assignments
- Working Conditions
- Salary and Benefits
- Evaluations
- Promotions
- Testing
- Training
- Transfers
- Discipline
- Termination

Any other terms and conditions of employment

The law requires that reasonable accommodations be made for employees with disabilities. The law also requires that reasonable accommodations be made for employees' religious observances.

All employees are directed to comply with both the letter and the spirit of these laws. All personnel should work to maintain an atmosphere appreciative of the diversity

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[1] The term "unlawful discrimination" implies that some discrimination is legal. For example, employment discrimination is legal where denial of employment rights to persons within protected classifications is permitted by law, such as where an employer may deny employment on the basis of an applicant's prior record of arrest or conviction if there is a direct relationship between one or more of the applicant's criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (See Corrections Law, Art. 23-A, Section 752.)

reflected in our staff, and to promote understanding among our co-workers. The Department will promote these objectives through regular anti-discrimination and bias reduction training. Managers and supervisors are directed to make all employment decisions in accordance with the Department's EEO Policy, and to ensure compliance with the policy in their areas of responsibility.

If any employee feels that he or she has been discriminated against by a manager, supervisor, another employee, or an independent contractor, the employee should contact the Equal Employment Opportunity Officer or an Equal Employment Opportunity Counselor. The Deputy Commissioner for Equal Employment Opportunity is Luis R. Burgos, Jr., Esq., who may be contacted at (212)266-7132; his office is located at 60 Hudson Street, New York, New York 10013. The Equal Employment Opportunity Counselor should be posted on the EEO Bulletin Board at the various facilities.

The Deputy Commissioner for Equal Employment Opportunity has the authority to recommend to the Commissioner that disciplinary action be taken against any employee who has committed an unlawful discriminatory act. The disciplinary action may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the Department shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant. The Deputy Commissioner also has overall responsibility for the establishment, development and monitoring of the equal employment opportunity program and will be working with agency managerial and supervisory personnel on the program. He will report to me on problems and progress in providing equal employment opportunity.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of the complaint. Any person who believes that he or she is being retaliated against for having made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the EEO Officer. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine or termination.

BERNARD B. KERIK
Commissioner

Dated:

SEXUAL HARASSMENT

POLICY STATEMENT

Sexual Harassment which affects one's job is a form of employment discrimination prohibited by law. All Department of Correction employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

The Department of Correction is committed to creating an environment that maintains maximum productivity, fair treatment and respect for human dignity for all its uniformed and civilian employees and is free of sexually offensive behavior that is antithetical to the ideals of equal employment opportunity.

Guidelines issued by the Equal Employment Opportunity Commission state that unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such 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 interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcomed and/or which create an intimidating and hostile work environment.

The policy of the Department is that gender neutral language is to be used in all forms of oral and written communication.

There is a broad range of conduct by supervisors, superiors, co-workers, or peers which can, in certain circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary physical contact.

It should also be noted that treating someone differently on the basis of gender may be viewed as sex discrimination or sexual harassment.

ANY MEMBER OF THE DEPARTMENT WHO IS FOUND TO HAVE ENGAGED IN CONDUCT WHICH CONSTITUTES SEXUAL HARASSMENT WILL BE DISCIPLINED UNDER DEPARTMENTAL RULES AND REGULATIONS. SUPERVISORS WHO EITHER CONDONE OR FAIL TO ACT PROMPTLY TO CORRECT INAPPROPRIATE CONDUCT BROUGHT TO THEIR ATTENTION WILL BE SUBJECT TO DISCIPLINARY ACTION.

The disciplinary action may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the Department shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant.

Supervisors and managers will be held responsible for enforcing this policy. Each manager in this Department is expected to set the example in his or her organization by ensuring that the work environment is free of such behavior. Each manager must be aware of his or her work environment and the potential for problems.

The head of each facility is expected to ensure that all employees and managers are aware of their responsibilities in this area, and that they understand the penalties that may be imposed if they fail to adhere to these policies. Luis R. Burgos, Jr., Deputy Commissioner for Equal Employment Opportunity, has been asked to work with facility/component heads to assist them in implementing this policy.

Any manager or supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct should consult with the Deputy Commissioner of Equal Employment Opportunity, Luis R. Burgos, Jr. immediately.

Any employee who has a complaint about sexual harassment is urged to contact Mr. Burgos, or an EEO Counselor. The EEO office is located at 60 Hudson Street, 6th Floor, New York, New York 10013, (212)266-7132. The Equal Employment Opportunity Counselor should be posted on the EEO Bulletin Board at the various facilities.

Complaints of sexual harassment will be handled in accordance with the Department of Correction's Equal Employment Opportunity Complaint Procedure. All cases will be investigated and the facts presented will be objectively analyzed prior to any decision being rendered.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Any person who believes that he or she is being retaliated against for having

made a complaint, or for cooperating in an investigation, is urged to file a complaint of retaliation with the EEO officer. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, fine or termination.

BERNARD B. KERIK
Commissioner

Dated:

Correction Department
City of New York

Office of Equal Employment Opportunity

Equal Employment Opportunity Plan
Fiscal Year 2002
(July 1, 2001 – June 30, 2002)

Rudolph W. Giuliani
Mayor

William J. Fraser
Commissioner

Gary M. Lanigan
First Deputy Commissioner

Robert N. Davoren
Chief of Department

Luis R. Burgos, Jr.
Deputy Commissioner, E.E.O.

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

MAYOR'S POLICY STATEMENT

Employment with New York City is based on principles of merit and fitness, and equal employment opportunity. These principles create a diverse municipal work force which reflects the tremendous talent of the residents of New York City. As the state's largest employer, New York City has an important role in ensuring equal employment opportunity for its employees, and in serving as a model for other employers.

As set forth in the City's Equal Employment Opportunity Policy, and consistent with federal, state, and local law, New York City makes employment decisions without regard to the race, color, gender, age, religion, creed, disability, sexual orientation, marital status, national origin, alienage status, or citizenship status of a prospective employee. Through the City's comprehensive anti-discrimination policies and aggressive complaint and investigation procedures, employees are informed of anti-discrimination protections afforded them by the City. Vigorous training, accountability, and reporting requirements ensure that agency heads, managers, and supervisors know what the law requires, as well as understand their obligation to prevent and resolve discrimination. Data collection and analysis provisions enable the City to know the composition of its work force. Action-oriented, agency-specific annual plans delineate strategies to be used to remove barriers and create a level playing field for all applicants and employees interested in promotions. Wide distribution of the City's Equal Employment Opportunity Policy will inform employees, potential applicants, and the public at large about the City's commitment to equal employment opportunity, and to combating employment discrimination.

The ability of New York City to create and maintain a work force which is based on merit and fitness, and equality of opportunity depends upon the commitment of all City employees at every level. I require the support of all agency heads, managers, supervisors, and employees to help the City continue to realize this goal.

Rudolph W. Giuliani
Mayor

POLICY STATEMENT OF THE COMMISSIONER

The New York City Department of Correction is an equal opportunity employer and is strongly committed to a policy of non-discrimination in the hiring and promoting of applicants and employees in the pursuit of equal opportunity employment. Equal employment opportunity exists when employment decisions are made without unlawful discrimination based on race, color, national origin, religion, religious observance, sex, age, disability, marital status, sexual orientation or citizenship or alienage status.

Equal Employment Opportunity is not only the policy of this administration, but also the law of the land. The Equal Employment Opportunity Plan (EEO Plan) is designed to increase the representation of those groups that are underrepresented or underutilized in the Departments' workforce. This administration endorses the comprehensive measures outlined in the Department's Equal Employment Opportunity Plan which the Deputy Commissioner for Equal Employment Opportunity has prepared.

I will hold the heads of all departments, units and commands of this agency accountable for the implementation of our Equal Employment Opportunity Plan so that we are able to achieve its objectives.

It is the Department's hope that, as equality of opportunity is provided in all aspects of our society, all people may have the realistic opportunity of achieving a place in the workforce which meets their capabilities. For this reason the Department has set an ultimate objective of maintaining a Department workforce which is representative of the community it serves. The Department clearly understands that achievement of both short range and long range goals depends on the availability of qualified and interested applicants, the use of merit practices, and the availability of revenue to support the level of services and activities currently provided by the Department. The overriding objective is to provide each person with a realistic opportunity to develop and succeed according to his or her potential.

This program, therefore, expands our commitment to the achievement of equal employment opportunity. It assigns responsibility to various Department managers and employees and calls for increased participation of all parties in the implementation and enforcement of the Department's Equal Employment Opportunity Plan.

The program calls for ambitious and comprehensive action programs to improve the Department's personnel system; and to improve the representation of qualified members of various groups at levels of the Department's workforce where their skills have not been fully utilized. It provides for a responsive discrimination complaint procedure at each institution to provide relief for persons who believe they have been victims of discrimination.[1]

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[1] 1. The discrimination complaint procedure is provided in the Department's Equal Employment Opportunity Policy and Procedures Manual which was distributed to all employees.

I expect and support vigorous efforts by all units within this Department to implement the personnel programs and achieve the objectives outlined in the Department's Equal Employment Opportunity Plan. In adopting this Plan, I ask for the full cooperation of all employees in carrying out their program responsibilities to ensure "Equal Employment Opportunity" remains a basic principle of the Department's merit system, and a well-established fact in the New York City Department of Correction.

WILLIAM J. FRASER
Commissioner

Dated: 7/1/2001

I. PURPOSE AND POLICY:

The Department of Correction Equal Employment Opportunity Plan for Equal Employment Opportunity (hereinafter referred to as the "EEO Plan" or "the Plan") is a set of specific and result-oriented guidelines, standards and procedures designed to ensure equal employment opportunity for all employees and applicants for employment. Chapters 35 and 36 of the New York City Charter, as revised, required that the City Personnel Director establish and enforce uniform procedures and standards to be utilized by City Agencies in establishing an effective affirmative employment plan for equal opportunity for minority group members and women who are employed, or seek employment with City agencies. In the context of this Plan, the term "minorities" refers to African-Americans, Latinos, Asians, Native Americans and person(s) with disabilities. This document sets forth the minimum requirements, standards, procedures, and schedules to be followed by the Department of Correction in establishing measures, programs and plans to effectuate a fair and effective plan for equal employment opportunity for minority group members and women. Implementation of this Equal Employment Opportunity Plan will aid in the Departments' good faith effort to achieve promptly the full utilization of the abilities of minorities and women at all levels and in all segments of the work force.

A. NONDISCRIMINATION IN CITY EMPLOYMENT

It is the policy and practice of the Department of Correction to provide equal opportunity in City government for all qualified applicants and employees; to prohibit discrimination in employment based on race, color, religion, religious observance, national origin, sex, age, disability, sexual orientation, marital status, citizenship or alienage status, and to promote the full realization for equal employment opportunity through a continuing Equal Employment Opportunity Plan in the New York City Department of Correction. This policy must be an integral part of every aspect of personnel policy and practice in employment, development, advancement and treatment of all employees. Equal employment opportunity shall be provided in all personnel actions of the Department, including those related to recruitment, selection, hiring, assignment, transfer, training, evaluation, promotion, wages, benefits and separation, in accordance with applicable federal, state and local laws.

NEW YORK CITY DEPARTMENT OF CORRECTION

EQUAL EMPLOYMENT OPPORTUNITY PLAN

The New York City Department of Correction is committed to providing all employees with equal employment opportunities. This commitment is reflected in the agency's EEO Policy which mirrors the Citywide Policy, the prompt investigation process provided to address claims of discrimination, the EEO training offered to employees, and the EEO-related activities engaged in through the year under the auspices of the Department of Correction.

This Plan covers Accountability and Reporting Standards, the 55a Program, EEO Training, Work Force Utilization, and Preventive and EEO-Related Activities in the Department of Correction for fiscal year 2002.

I. ACCOUNTABILITY AND REPORTING STANDARDS

The Commissioner of the Department has designated Luis R. Burgos, Jr., Esq., the Deputy Commissioner for EEO, as the EEO Officer for the Department of Correction. The Deputy Commissioner's primary responsibility is to implement the City's EEO Policy within the Department. The Deputy Commissioner reports directly to the Commissioner. The Commissioner has final approval on the resolution of EEO cases.

The Department of Correction will have trained all agency managers in the implementation of the agency equal employment opportunity policy.

The Equal Employment Opportunity (EEO) office presently has six (6) full time investigators and thirty-seven (37) part-time EEO Counselors dispersed throughout the facilities. All EEO Investigators and Counselors have been fully trained in EEO investigative techniques by the New York City Department of Citywide Administrative Services.

The Department of Correction will continue to comply with the City's reporting guidelines by submitting complete EEO reports on a timely basis.

II. 55-a PROGRAM

The Department of Correction has three (3) employees currently enrolled in the 55a Program.

Brochures provided by the Department of Citywide Administrative Services on the 55a Program were distributed to all personnel on March 2, 2001 along with their payroll checks.

A brochure highlighting the 55a Program will again be distributed to all employees during fiscal year 2002.

Also, the 55a Program is mentioned in the Equal Employment Policy and Procedures Manual.

III. EEO TRAINING

As prescribed in the city's EEO policy, the Department must train all existing managers, supervisors and line employees on EEO laws, EEO policy, and their individual rights and responsibilities under the policy.

A. Training Modifications

The Department has modified its training, entitled Sexual Harassment Prevention to address all of the protected classes covered in the New York City EEO Policy. This modification brings the Department into full compliance with the city policy. This training has been expanded to include civilian members of the Department and a separate course for Deputy Wardens and above. The revised course includes Diversity Training, an overview of relevant EEO laws, and laws against harassment of protected classes. This training plan has been approved by the Department of Citywide Administrative Services.

B. Training Plans

The Deputy Commissioner for EEO will continue to train recruit officers on EEO Policy. The number of trainees is dependent upon the hiring of recruits, however we expect to train about five hundred recruit officers in FY 2002. Recruit officers also receive classroom instruction on EEO, as well as sexual harassment prevention and complaint procedures.

During Fiscal Year 2001 the Department will have trained eight thousand five hundred employees in EEO policy, this includes eighty managers. In FY 2002 the Department plans to train the entire workforce in Equal Employment Opportunity. Newly promoted managers will be trained through the Correction Academy Leadership Institute.

IV. WORKFORCE UTILIZATION

A. Recruitment

After exhausting internal and external redeployment as well as the Citywide vacancy posting process, the agency will identify appropriate organizations, including those serving women and minorities, throughout the City and inform such organizations when positions become available. The Department will continue to post job vacancies, post and/or disseminate information on exams for jobs and participate in career or job fairs.

The Department will also continue to include on its website frequently asked questions on becoming a Correction Officer.

2. The statement regarding equal employment opportunity utilized by the Department when advertising for vacancies in discretionary positions, is "Qualified minorities, women and people with disabilities are encouraged to apply. New York City Department of Correction and the City of New York are Equal Employment Opportunity Employers."

B. Selection

1. The selection, evaluation and promotion criteria will be carefully reviewed to determine if a disparate impact on protected group members exists.

C. Promotion

1. DOC has appointed a person familiar with civil service and provisional jobs who can be available to provide career counseling to employees requesting such guidance. Her name is Ms. Carolyn Berry, Assistant Director of Personnel, whose name was provided in last year's Equal Employment Opportunity Plan (EEOP). The Department will continue to circulate information on training/educational opportunities which can lead to future promotions.

V. PREVENTION AND EEO RELATED ACTIVITY

1. The Department of Correction's Equal Employment Policy and Procedure (EEPP) is in both large print and audiocassette.

2. The Managerial Performance Evaluation "Guidelines for Evaluating Managerial Performance in NYC Agencies" dated January 1996 provided by DCAS, is being utilized by this Department. Managers/Supervisors will be reminded via teletype the impact their EEO performance may have on their careers. Also, uniform personnel are reminded during their pre-promotion classes of the impact their EEO performance may have on their careers.

3. The Training Academy is in the process of training all Department personnel on the DCAS approved EEO curriculum, which informs personnel of our commitment to EEO and refers to DOC's EEOP and discrimination complaint procedure.

4. Newly hired civilian employees are informed about the EEOP.

5. DOC has ensured that all employees have copies of the EEO Policy Statement. This was complied with in February 1998, when all employees received a copy of the EEO Policy and Procedures Manual (EEPP). It should also be noted that the EEO and Sexual Harassment Policy Statements are distributed to all employees on an annual basis. The most recent distribution was February 15, 2001.

6. The Department's Sexual Harassment Policy Statement contains language regarding a supervisor's and manager's rights and responsibilities. Also, when uniform personnel are promoted, they are reminded of their duties and responsibilities under EEO laws. In addition, the EEO training provided by the Correction Academy informs the supervisors/managers of their duties and responsibilities.

7. The name of the EEO Officer is provided in the Department's EEOP and the EEPP. The EEO Officer's name is also posted on the EEO Policy Statement and the Sexual Harassment Policy Statement which are found in all the facilities. The EEO Officer's name is also found in the Department Directory. The EEO Officer's name is Luis R. Burgos, Jr.

8. DOC has ensured that all staff members have copies of the discrimination complaint procedures. The EEO discrimination complaint procedure is stated in the Department's EEPP that was distributed to all employees.

9. DOC has ensured that employees know how to file EEO complaints. The process on how to file an EEO complaint is explained in the Department's EEPP which was provided to all personnel.

10. The Department's EEOP will be distributed to all facilities. All personnel will be informed of where to obtain a copy of the EEOP.

For fiscal year 2002 employees will be made aware of the purpose and content of fiscal year 2002's EEOP and will be informed of how to obtain a copy.

VI. EEPC AUDIT

It should be noted that the Department was audited by the Equal Employment Practices Commission (EEPC) for the period April 1, 1994 through September 30, 1996. The EEPC suggested several recommendations and the Department has complied with the recommendations.