

# EEO Policy Handbook

What To Know About  
Equity, Inclusion, and EEO





# EEO Policy Handbook

*The City of New York is an inclusive equal opportunity employer committed to recruiting and retaining a diverse workforce and providing a work environment that is free from discrimination and harassment based upon any legally protected characteristic including, but not limited to, an individual's sex, race, color, ethnicity, national origin, age, religion, disability, sexual orientation, veteran status, gender identity, or pregnancy.*

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The Department of Citywide Administrative Services (DCAS) develops and updates the City's EEO Policy pursuant to the New York City Charter, as well as federal, state, and local laws, and the City's strategies and goals to further inclusivity and accessibility for everyone.

This EEO Policy Handbook provides an overview of:

- What the City's EEO Policy covers.
- What an individual's EEO rights and responsibilities are.
- Where to go for information and assistance.



## Diversity, Equity & Inclusion

The City of New York is one of the largest municipal employers in the world and is committed to valuing diversity and maintaining an inclusive and equitable work environment. The work of City employees is integral to ensuring that this vibrant city thrives daily. It is through the inclusion of our diversity of thought, experience, culture, and background that we do our best work.

A work environment where everyone is respected and included, and where differences are valued, fosters innovation and builds stronger teams that deliver their best performance. Additionally, when employees feel seen, they are more engaged. Increased employee engagement leads to enhanced retention, as well as improved service delivery to the public. Therefore, the City of New York is committed to the recruitment, development, and retention of a diverse and inclusive workforce that is reflective of the city we serve. We expect all senior leaders, managers, and supervisors to promote a work environment that is fair and safe for all employees and that values diversity, equity, inclusion, and respect.

**Diversity:** Diversity is the representation of various identities and differences among individuals in a group or setting, such as the workplace, where there are people from different backgrounds and cultures working together in the same environment towards shared goals.

**Equity:** Equity is the idea of *leveling the playing field*. Equitable actions in the workplace recognize situations in which there are advantages for some and barriers for others and works to address those situations by focusing on fair treatment, equal opportunity, and equal access to resources. Equitable policies strive to identify and eliminate barriers that have historically prevented the full participation of some groups.

**Inclusion:** Inclusion is the practice of ensuring that individuals feel a sense of belonging through active engagement and participation. It is the process that enables people with different identities to feel that they and their contributions are valued, respected, heard, leveraged, and welcomed within a given setting, such as the workplace. The goal is for every employee to feel comfortable in and supported by the organization.

## What is EEO?

**Equal employment opportunity** exists when all employees and applicants for employment with the City of New York, regardless of their race, gender, national origin, religion, or other protected category, are given an **equal opportunity** to succeed in the workplace. This means that all employment decisions and actions, including those that impact recruitment, testing, selection, hiring, work assignments, salary, benefits, accommodations, working conditions, performance evaluations, promotions, training opportunities, career development, transfers, discipline, and termination must be made **fairly and equitably**. Discrimination against any individual because of their identification with any protected category is prohibited.



## The City of New York's EEO Policy

The City of New York's Equal Employment Opportunity Policy (EEO Policy) protects every individual who works for the City of New York and within its workplaces, as well as all applicants for employment, from discrimination, harassment, and retaliation based on their actual membership, and in some cases, their perceived membership, in a protected category listed below.

## Protected Categories Under the City's EEO Policy

Please refer to the [City of New York's EEO Policy](#) for a detailed description of the protected categories listed below.

1. Age
2. Arrest, Conviction Record, or Pending Case
3. Cannabis Use
4. Caregiver Status
5. Color
6. Consumer Credit History
7. Disability
8. Familial Status
9. Gender/Sex (Including Pregnancy, Childbirth, or Related Medical Conditions)
10. Gender Identity or Expression
11. Height
12. Immigration or Citizenship Status
13. Marital or Partnership Status
14. National Origin or Ethnicity
15. Predisposing Genetic Characteristics
16. Pre-employment Marijuana Testing
17. Race
18. Religion or Creed
19. Salary or Pay History
20. Sexual Orientation
21. Sexual and Reproductive Health Decisions
22. Status as a Veteran or Active-Duty Military Service Member
23. Unemployment Status
24. Victims of Domestic Violence, Sex Offenses, and Stalking
25. Weight



The City's EEO Policy also provides the process for individuals to file an "EEO complaint," which refers to complaints about discrimination, harassment, and/or retaliation based on protected EEO activity. The EEO Policy protects individuals from retaliation for engaging in the following protected EEO activities: making EEO complaints, cooperating in EEO investigations, opposing discrimination, or associating with an individual who opposed discrimination.

This protection covers, but is not limited to, all employees (supervisory, non-supervisory, managers, executives, senior-level staff, board appointees, interns, whether paid or unpaid, volunteers, temporary, seasonal, part time or short term), applicants for employment, *non-employees* (contractors, subcontractors, vendors, consultants, and those they employ), and other persons conducting business or providing services in a City workplace, regardless of immigration status. All are, hereinafter, referred to as *covered persons*.

## Examples of Behavior That May Violate the City's EEO Policy



Behavior motivated by and based on one or more protected categories listed above may violate the City's EEO Policy. For example:

- **Treating an individual differently**, such as denying a person a job, because that person has a disability or is believed to have a disability, whether or not that person has a disability. Similarly, individuals cannot be treated differently because of assumptions or perceptions that they are in any protected category.
- **Engaging in unwelcome behavior**, whether or not directed at a particular individual, that creates a threatening, intimidating, offensive, or hostile work environment, based on one or more protected categories.
- **Using derogatory or demeaning statements, slurs, jokes, gestures, notes, materials, or e-mails** related to one or more protected categories.
- **Treating individuals differently because of their marriage to, partnership or association with**, persons in one or more protected categories. For example, association with persons who have a disability or are of a racial, religious, national origin or ethnic group; because of their membership in or association with an organization identified with the interests of a racial, religious, or national origin or group; or because their names, spouses' names, or partners' names are associated with a racial, religious, or national origin or ethnic group.
- **Retaliating against or harassing any person** for: (1) filing an EEO complaint of discrimination or of harassment, including sexual harassment; (2) requesting a reasonable accommodation; (3) opposing discrimination or harassment in the workplace; (4) cooperating in the investigation of an EEO complaint; or (5) intervening to protect others.

- **Failing to make reasonable accommodations** for persons with disabilities; for religious observances or practices; for victims of domestic violence, sex offenses, or stalking; or for childbirth, pregnancy, and other related medical conditions (including lactation needs), unless providing such accommodations would create undue hardship for the agency.
- **Engaging in discriminatory or harassing behavior** at any location that could be an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where City business is being conducted and discussed.

### How can I be sure that my behavior is not violating the EEO Policy?

Everyone should be respectful of their co-workers and members of the public and try to be aware of the impact their behavior has on those around them. When in doubt, please review the [City of New York's EEO Policy](#) for additional information.

## Sexual Harassment

### What is sexual harassment?

Sexual harassment is a form of gender/sex discrimination. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, and gender identity.

Sexual harassment can occur between any individuals, regardless of their gender or sex. Persons engaging in the misconduct can be a supervisor, a subordinate, a coworker, or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer, or visitor.

Sexually harassing conduct may violate the EEO Policy even if it does not rise to the level of a violation of law. Even a single incident can be a violation of the EEO Policy.

Sexual harassment may be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, offensive, or abusive work environment.

There are two types of sexual harassment: *hostile work environment* and *quid pro quo*. Hostile work environment sexual harassment is conduct that is directed at an individual because of their sex, sexual orientation, gender identity, or gender expression, and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

*Quid pro quo* translates to *this for that*. *Quid pro quo* sexual harassment occurs when a person trades, or tries to trade, something work-related in exchange for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This usually occurs between an employee and someone with authority, like a supervisor.

### **What is unwelcome conduct?**

Conduct is unwelcome if the individual did not initiate it, encourage it, provoke it, or request it, and the person receiving the conduct feels ridiculed or perceives the behavior as demeaning, insulting, offensive, undesirable, hostile, intimidating, or threatening.

### **What types of behavior violate the City's sexual harassment policy?**

Examples include, but are not limited to:

- Telling sexual jokes or making sexual comments that cause discomfort to an individual.
- Repeatedly asking a coworker for a date if such requests are unwelcome.
- Asking for or pressuring a person into granting sexual favors in exchange for a job benefit or threatening a person with negative employment decisions for rejecting sexual advances.
- Using office equipment, interoffice mail, the internet, email, social media, cell phones, texts, voicemail, or bulletin boards to send or display sexually suggestive messages, pictures, cartoons, posters, or objects.
- Leering or touching a person, such as squeezing, pinching, or grabbing.

### **Is everyone entitled to be protected from sexual and gender-based harassment?**

Yes. Everyone is protected from sexual and gender-based harassment and can make a complaint to the agency's EEO Office regardless of their role in the agency and regardless of the title or position of the person committing the harassing behavior (e.g., manager, supervisor, coworker, employee from a different City agency, consultant, vendor, client, customer, or any persons interacting in the workplace). In addition, harassment can occur between or among parties regardless of each party's gender, gender identity, or gender expression. Individuals may also report or complain about harassment even if they are not the target of the offensive conduct. Managers and supervisors have a duty to report such conduct once made aware of it.

### **What if I didn't mean to sexually harass anyone?**

Even if it is not your **intent** to cause any harm, your behavior may cause an intimidating, hostile, offensive, or abusive work environment, and, therefore, potentially sexually harassing. Be mindful of the **impact** your behavior may have on others and how the behavior may be **perceived** regardless of your intent. Always treat others with courtesy and respect.

### **Does sexual harassment always involve conduct that is sexual in nature?**

The City's EEO Policy prohibits not only harassment that manifests as conduct and language of a sexual nature, but also harassment that involves vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment that is related to a person's gender, gender identity, or gender expression.



## Other Resources

While this handbook explains the City of New York's internal complaint process, other external resources exist to provide all individuals in New York state with confidential support and information related to making complaints of workplace sexual harassment. The New York State Human Rights Law Section 295.18 provides that the New York State Division of Human Rights shall "establish a toll-free confidential hotline to provide individuals with complaints of workplace sexual harassment counsel and assistance." If you would like more information about filing a sexual harassment complaint, you may contact the Division's Office of Sexual Harassment Issues at **1-800-HARASS-3 (1-800-427-2773)**.

## Other Forms of Harassment

The City's EEO Policy prohibits any type of harassment based on any of the protected categories listed above, on page 5. Harassing behavior can include, but is not limited to, slurs or abusive language, denigrating jokes, the display or circulation of derogatory written or graphic materials, abusive acts, hostility, physical aggression, intimidation, or other unequal treatment.

## Reasonable Accommodations

Every New York City government agency must provide covered persons with a reasonable accommodation that allows them to perform the essential functions of their job and equally enjoy the benefits and privileges of employment unless providing an accommodation creates an undue hardship for conducting the agency's business.

An accommodation can be a change to a workplace environment, a rule or practice, or an individual's job or operation. The City's EEO Policy provides reasonable accommodations based on the following:

- Disability
- Religion
- Status as a victim of domestic violence, sex offenses, or stalking
- Pregnancy, childbirth, or a related medical condition (including lactation needs)

Whether an accommodation is reasonable will depend upon the circumstances of each request. Therefore, each request requires that the agency make an individualized assessment and engage in a cooperative dialogue with the requestor.

### How can I get an accommodation if I believe I need one?

Speak to your agency's EEO Office. You may be asked to complete a form and to provide documentation in support of your request.

For more information, please refer to the City's [Reasonable Accommodation Brochure](#) and [Reasonable Accommodation Process at a Glance](#).

# The EEO Complaint Process

## Who is protected under the City's EEO Policy?

The EEO Policy protects every individual who works for the City of New York and within its workplaces from discrimination, harassment, and retaliation. This protection covers all employees, applicants for employment, *non-employees* (contractors, subcontractors, vendors, consultants, and those they employ), and other persons conducting business or providing services in a City workplace.



## Who can I complain about?

Complaints can be filed against any employee who harasses or discriminates against you based on the protected categories outlined earlier in this handbook. If you have questions, please consult with your agency's EEO Office.

## What can I do if I believe that I have been discriminated against?

- Refer to the [City's EEO Policy](#).
- Document the incident or behavior (keep notes with dates, names, locations, etc.).
- Notify your agency's EEO Office as soon as possible.
- You may file an internal complaint with your agency's EEO Office or an external complaint with any of the federal, state, and local agencies that enforce laws against discrimination. (See the list of external agencies on page 14.)

## What can I do if I witness discrimination or harassment?

You are urged to contact your agency's EEO Office if you believe that any type of discrimination is occurring at a City agency. Supervisors, managers, human resources personnel, and agency representatives have a duty to report any suspected discrimination, harassment, or retaliation to the EEO Office once made aware of it and to disclose all known facts.

An individual who witnesses discriminatory or harassing behavior as a bystander is encouraged to report it to the EEO Office. A bystander can use the following five methods of intervention: (1) Interrupt the behavior; (2) Ask a third-party for help intervening; (3) Record the behavior or take notes; (4) Check-in with the victim of discrimination and/or harassment; and (5) Approach the perpetrator of the harassment and/or discrimination and call out their behavior as inappropriate.

## Am I protected against retaliation if I file a complaint, act as a witness, or request an accommodation?

It is a violation of the City's EEO Policy to retaliate by harassing or treating someone adversely for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing discrimination in the workplace. It is also a violation of the EEO Policy to retaliate against someone

based on their association with an individual who opposes discrimination or harassment. You also may not be retaliated against for seeking a reasonable accommodation. You should report any behavior you believe to be retaliatory to your agency's EEO Office and you may also file a separate complaint for retaliation. Examples of retaliation include threats, demotion, transfer, or termination. Participants in an EEO complaint investigation are reminded about the protections and prohibitions against retaliation.

### **How can I file a complaint?**

You can meet personally with an EEO representative in your agency's EEO Office. You can also file a complaint by calling, emailing, writing, or submitting an EEO complaint form to your agency's EEO Office.

### **Will my privacy be protected?**

To the extent possible, all complaints, investigations, requests for accommodations, and records will be handled in a manner that will protect the privacy of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement a reasonable accommodation. Therefore, it may be necessary to disclose relevant information to persons who have a need to know about the matter. Information may also be disclosed during any resulting disciplinary proceeding, litigation, or as required by law. As stated above, you are protected from retaliation and should report it so that the EEO Office can address it.

### **Can I file a complaint anonymously?**

Yes, but if you do not reveal your identity, it may be difficult to investigate your complaint. The EEO Office will do what is reasonably possible to preserve your anonymity, but in order to effectively investigate the complaint, information regarding the complaint will need to be shared with those who have a need to know. All records relating to complaints will be maintained in a secure location separate from other personnel records. Please note that sometimes during an investigation, your identity may become obvious to the person whom you are complaining about. Participants in an EEO complaint investigation are reminded about the protections and prohibitions against retaliation.

### **How long do I have to file a complaint with my agency EEO Office?**

Complaints filed with your agency's EEO Office must be made within **one year** of the incident that you are complaining about. If you are considering filing a complaint with an outside agency, different time periods may apply.

### **What if I need help to file my complaint?**

If you are unable to complete a complaint form, let your agency's EEO Office know and they will help you complete it. Completing a complaint form is not a requirement to make an EEO complaint. However, the EEO Office will meet with you to ascertain all the relevant information. Also, let your agency's EEO Office know if you need assistance, such as a physically accessible location, sign language interpreter, or special equipment to participate in the complaint process.



### **Can I meet with my agency EEO Office during office work hours?**

You can meet with the EEO Office during office work hours, but first you should get permission from your supervisor if you are seeking to meet with the EEO Office during your work shift. You do not have to tell your supervisor the reason for which you want to meet with the EEO Office. However, your supervisor must review your request before approving it in order to ensure there is appropriate coverage based on the operational needs of the unit.

If you ask the supervisor and are permitted to attend during your work shift, you must not be required to use any form of leave accruals to do so. The EEO Office may confirm to your supervisor that you have an appointment for a particular timeframe during your work shift. If you prefer, the EEO Office may arrange to meet with you before or after your work shift, during your lunch period, or at an outside location.

### **Can someone come with me to the EEO meeting?**

Regardless of whether you are a complainant, a witness, or a respondent, you may bring a representative with you. This includes a co-worker, friend, spouse, family member, union representative, lawyer, or anyone else, except that the representative shall not be a member of the EEO Office, Office of the General Counsel, or anyone who is a fact witness in the matter, and you inform the EEO Office in advance.

### **What happens when I meet with the EEO Office about my complaint?**

The EEO Office will interview you to determine the basis and circumstances of your complaint or concern, which may result in an investigation. The EEO Office will discuss with you the available options for handling the matter.

You should come to the meeting prepared to discuss the details of your complaint and to provide the EEO Office with as much information as possible about the incident, such as the dates, locations, and details of where the incident occurred, the names of the person(s) you believe harassed or discriminated against you, and any witnesses to the incident or related documentation.

### **What if I change my mind after I file an EEO complaint and want to withdraw it?**

If you change your mind after you file a complaint and want to withdraw it, your agency's EEO Office will note that but they may still determine it is a matter that requires the agency as an employer to address. If so, the agency's EEO Office will investigate the complaint and the agency, thereafter, may take appropriate action, regardless of whether you withdraw the complaint or choose to continue to participate.

### **What if my concern is not an EEO matter?**

Your agency's EEO Office will discuss and research options including actions that you may take on your own or referrals to other offices or agencies, depending on the specifics of the matter. For example, if you are complaining about harassment but it is not on the basis of any of the protected categories listed in the EEO Policy, or you are alleging retaliation but it is not on the basis of any EEO protected activity, your complaint would be referred to Human Resources.

## **What is mediation?**

Mediation is a voluntary, informal, and confidential process that provides an opportunity for the complainant and respondent to come to a mutual agreement about how the complaint can be quickly resolved without a full investigation. The EEO Office will determine if the complaint is a matter appropriate for mediation and will offer it to the parties. The investigation will be suspended if the parties agree to have the matter resolved through mediation. If it is not resolved, the investigation resumes.

## **What happens during an EEO investigation?**

During an investigation, your agency's EEO Office will gather information to make a finding about what happened. This process includes interviewing witnesses and reviewing documents and other available evidence, such as notes, recordings, photos, or other information you or other witnesses present. See [EEO Complaint Process at a Glance](#).

## **What happens after an EEO investigation?**

The agency's EEO Office will provide a written report with the outcome of the investigation to your agency head, who will determine whether to approve and adopt the findings of the EEO Office. The allegations can be either supported or not supported by a preponderance of the evidence, which is the evidentiary standard for whether it is more likely than not that the allegations occurred.

An allegation that is supported by the preponderance of the evidence means that, based on the evidence, it is more likely than not that there was a violation of the EEO Policy. An allegation that is not supported by a preponderance of the evidence means that, based on the evidence, it is less likely than not that there was a violation of the EEO Policy.

The agency's EEO Office will advise the complainant and respondent of the agency head's determination and will then close the EEO Office investigation.

If a violation of the City's EEO Policy has occurred, the agency head may determine that remedial action will be taken. Therefore, the agency head may direct that the information about the EEO complaint and the investigative findings be shared with the agency's disciplinary officer or general counsel, or the agency head may consult with them directly. Remedial actions can include training or disciplinary measures such as a formal reprimand, suspension, demotion, fine, or termination. It may also include measures necessary to address the impact that the violation had on the complainant or the agency.

## **What if I am named a respondent in an EEO complaint?**

If someone alleges that you engaged in behavior that may be a violation of the EEO Policy, you would be the respondent. You must cooperate with the investigation. You are allowed to bring a representative with you when called for an interview, and you will also be given the opportunity to supplement your interview with a written response.

### **What if I am called as a witness? Do I have to cooperate?**

Yes. The City's EEO Policy requires that all employees cooperate with the EEO Office and EEO investigations. Cooperation includes participating in an interview during the investigative process. You are allowed to bring a representative with you when called for an interview. Failure to cooperate may result in a referral for disciplinary action. Non-employees covered by the EEO Policy may be expected to cooperate depending on the terms of their relationship to the agency.

### **What happens if someone files a false complaint?**

If an employee knowingly makes a false EEO complaint of discrimination or harassment or knowingly provides false information during an investigation of an EEO complaint, such conduct may be grounds for disciplinary action.



## **How Can I Find Out More About EEO?**

If you want to find out more, contact your agency's **EEO Office** or visit your agency's intranet site.

You may also download the following documents from the DCAS [Citywide Equity & Inclusion](#) website:

- Equal Employment Opportunity Policy
- Reasonable Accommodation Brochure
- Reasonable Accommodation Procedural Guidelines
- Reasonable Accommodation Process at a Glance



## Can I File a Complaint Outside of My Agency?

You have the right to file a complaint with any of the federal, state, or local agencies listed below that enforce laws against discrimination. If you have also filed an internal complaint with your agency's EEO Office based on the same or related facts and circumstances, your agency's EEO Office will close the internal complaint, and your agency's general counsel will then represent your agency in responding to the external complaint.<sup>1</sup>

### New York City Commission on Human Rights

22 Reade Street  
New York, NY 10006  
212-416-0197

### New York State Division of Human Rights

One Fordham Plaza, 4th Floor  
Bronx, NY 10458  
888-392-3644  
718-741-8300 (TTY)

### United States Equal Employment Opportunity Commission

New York District Office  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
800-669-4000  
800-669-6820 (TTY)

Please Note: There are statutory deadlines for filing complaints with each of these agencies. If you wish to file a complaint with an external administrative agency, you should contact the external agencies promptly.

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<sup>1</sup> An employee is deemed to have filed externally when they have elected a forum outside of the City's internal EEO complaint process to address their complaint by reporting the alleged discrimination, harassment, or retaliation to a federal, state, or local agency that enforces laws against discrimination.

