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Dermot Shea
Commissioner
New York City Police Department
1 Police Plaza
New York, New York 10038

Audit Status:

Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2019 to December 31, 2020.

Determination: **PRELIMINARY**

Dear Commissioner Shea:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the New York City Police Department's Sexual Harassment Prevention and Response Practices for the period covering January 1, 2019 to December 31, 2020.

Purpose

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The New York City Police Department, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..."

The purpose of this audit and analysis is to evaluate the subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope

The EEPC has adopted uniform standards for auditing municipal entities¹ and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Policy and Plan Requirements

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

Methodology

The EEPC communicates with EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the New York City Police Department on December 18, 2020; the completed PIQ(s) were returned on January 8, 2021. Supporting documentation was attached. Additional requests for information were made on March 5, 2021 and March 22, 2021.

The following determination indicates where the New York City Police Department has or has not complied, in whole or in part, with the established Standards.

¹ Corresponding audit/analysis standards are numbered throughout the document.

Description of the Agency

The mission of the New York City Police Department (NYPD) is to enhance the quality of life in our city by working in partnership with the community and in accordance with constitutional rights to enforce the laws, preserve the peace, reduce fear, and provide for a safe environment. The Head of the Department is the Police Commissioner. The Commissioner is also Chair, ex-officio of the Board of Trustees of the Police Pension Fund. The Department incorporated the Transit Police as of April 2, 1995 and the Housing Police as of April 30, 1995. (Source: The Green Book, 3/2019). The CEEDS Report, *Work Force Composition Summary* (attached as Appendix 1), indicates that at the end of the period in review (December 2020) NYPD was comprised of 51,891 employees.

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. Issuance, Distribution and Posting of EEO Policies

Determination: The agency is in partial-compliance with the standards for this subject area.

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
 - ✓ NYPD issued a Policy Statement that reiterated its commitment to the prevention of sexual harassment annually, during the period in review. In 2020 the NYPD issued a *Sexual Harassment Policy Statement* that was endorsed by *Order of the Police Commissioner*. The *Sexual Harassment Policy Statement* declared, “[s]exual harassment in the workplace is a form of employment discrimination prohibited by law. All New York City Police Department 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 *Sexual Harassment Policy Statement* further stated, “[a]ny employee who has a complaint regarding sexual harassment is urged to contact the Equal Employment Opportunity Division [(EEO)], or supervisor (uniformed or civilian), or manager, or Commanding Officer [(CO)], or an EEO Liaison. The EEO Officer may be contacted at [telephone number provided]; the office is located at One Police Plaza.... [c]omplaints of sexual harassment will be handled in accordance with the Department's Equal Employment Opportunity complaint procedure.”

The NYPD reported that its *Sexual Harassment Policy Statement* was mandated to be posted in every command throughout NYPD. Printed copies of the *Sexual Harassment Policy Statement* as posters were distributed throughout the NYPD work locations, and available for viewing and printing via the agency's intranet portal (not externally accessible). NYPD provided screenshots of its intranet pages to demonstrate how employees would navigate to individual pages. The *Deputy Commissioner, Equity and Inclusion's* (NYPD's principal EEO Professional) page included a folder named “*EEO Forms and Publications*” where a subfolder of “*Mandated EEO Posters*” was accessible. Additionally, employees could use the search function from any intranet page to perform a key word search for any document or information sought. NYPD also reported that

random and targeted inspections of work locations were conducted by the Office of Equity and Inclusion (OEI) annually. As part of the inspection, Investigators ensured that all mandatory postings (policy statements, EEO policies, etc.) were displayed in conspicuous areas. In addition, the *Quality Assurance Division* conducted random audits to ensure all posters were up-to-date and visible. A similar *Sexual Harassment Policy Statement* that was signed "By Order of the Police Commissioner", was also distributed in 2019.

NYPD's commitment to the prevention of sexual harassment was also communicated when employees were notified of the requirement to participate in mandatory sexual harassment prevention training via printed, email, and video messaging (see §II.3 for additional information).

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- ✓ During the period in review, NYPD's policies against sexual harassment were contained in the following documents: *EEO Policy Rights and Responsibilities, Handbook for Employees, 2019*; *EEO Policy Rights and Responsibilities, Handbook for Employees, 2020* (NYPD EEO Policy, attached as **Appendix 2**); *Patrol Guide 205-36 Employment Discrimination* (*Patrol Guide 205-36*, attached as **Appendix 4**); *Patrol Guide 205-37 Display of Offensive Material*; *Civilian Employee Reference Manual* (Chapter 2, *Rules Governing Your Employment*, section K. *Equal Employment Opportunity*); *NYPD Sexual Harassment Policy Statement 2020* and *NYPD EEO Policy Statement 2019* and *2020*. NYPD reported that these documents were available to all employees during the period in review via the NYPD intranet and NYPD smartphones and that policies were updated regularly (most recently in 2020, as indicated on the copies provided to the EEPC). NYPD reported that updates to procedures were announced via "Interim Orders", that were posted on the NYPD intranet. In addition, each command was mandated to have a dedicated *Training Sergeant*, who received notifications about updates to NYPD procedures, and was charged with the responsibility of disseminating the information accordingly.

On August 12, 2020, *Patrol Guide 205-36* was updated. The stated purpose of *Patrol Guide 205-36* was "[t]o process and resolve all complaints of employment discrimination and/or related retaliation made against Department employees and applicants." *Patrol Guide 205-36* conforms to city, state and federal laws against sexual harassment and contains the following sections: *Definitions* (Employment Discrimination, Sexual Harassment, Disability, Retaliation and Confidentiality); *Reporting Requirements*; *Procedure*; and *Member Concerned* (internal resources that may be utilized to file a complaint of employment discrimination and/or related retaliation, specifically the Office of Equity and Inclusion, Equal Employment Opportunity Division (OEI, EEO) (with telephone and fax numbers and email and physical addresses), Supervisor (uniformed or civilian), Manager, Commanding Officer, and Equal Employment Opportunity Liaison). The *Additional Data* section of *Patrol Guide 205-36* provided information on counseling, mediation, the investigation process, and *additional places where a complaint of discrimination may be made* (this section listed the physical addresses for the New York City Commission on Human Rights,

New York State Division of Human Rights and United States Equal Employment Opportunity Commission). The *Related Procedures* section of *Patrol Guide 205-36* listed the following documents as related procedures: *Operations Coordinator (P.G. 202-11)*, *Desk Officer (P.G. 202-14)*, *Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material (P.G. 205-37)*, *Grievance Procedures for Members of the Public with Disabilities (A.G. 308-06)*, *Reasonable Accommodations for Employees and Applicants (A.G. 320-47)*, and *Official Communication – Preparation (A.G. 322-11)*.

NYPD reported that its *EEO Complaint Intake Process* and *EEOD Standard Operating Procedures* (collectively referred to as *EEOD Standard Operating Procedures* and attached as **Appendix 3**), outlined its procedures for investigating discrimination/sexual harassment complaints.

- The address listed for the New York City Commission on Human Rights in the *EEOD Standard Operating Procedures* is incorrect. Additionally, the *EEOD Standard Operating Procedures* did not include the following requirements: issue a conclusive report within 90 days of the date the complaint was filed; in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report, and notify the complainant and respondent of the delay; and include in the conclusive confidential report (generated at the end of each complaint investigation) a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. The *EEOD Standard Operating Procedures* also did not require issuance /maintenance of written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; the establishment and implementation of a policy whereby the agency head (or an approved direct report other than the General Counsel) issues a written/electronic determination adopting, rejecting, or modifying the recommended action, and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted; nor the requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint. **Corrective Action Required**.

Corrective Action #1: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

II. Training for the Agency

Determination: The agency is in compliance with the standards for this subject area.

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

- ✓ NYPD established and implemented annual training plans for new and existing employees to be trained on sexual harassment prevention during the period in review.

On June 29, 2020 NYPD released a bulletin to *All Commands*, regarding: *Mandatory NYPD-U (New York Police Department University) Online Training Course Regarding Sexual Harassment Awareness and Prevention*. The bulletin stated, “[b]eginning on Wednesday, July 1, 2020, all members of the service are required to log into NYPD-U and complete the new online training course entitled, ‘Sexual Harassment Awareness and Prevention’ All members of the service must complete this online training course no later than Thursday, October 1, 2020.”

NYPD demonstrated implementation of its training plan via *Certification Reports* for its *Equal Employment Opportunity Training - Sexual Harassment, Awareness and Prevention* conducted in 2019 and 2020. *Certification Reports* for the *Equal Employment Opportunity Training - Sexual Harassment, Awareness and Prevention* indicate that 48,908 (89%²) employees completed the training in 2019, and 50,183 (96%³) employees completed the training in 2020. The *Certification Reports* included the name, command, and completion date for each employee that completed the training.

NYPD provided lesson plans and training PowerPoint presentations for both its 2019 and 2020 training curricula, which demonstrate that the training included the following subjects: recent changes to sexual harassment laws in New York City (annual training, assessments of risk factors, statute of limitations increase, displaying anti-sexual harassment posters, providing data to DCAS, etc.), the definition of sexual harassment, bystander/observer options, mandatory reporters, and retaliation protections. The course description for the training stated, “[t]his lesson will provide members of the service with an explanation of their rights and responsibilities as it pertains to preventing sexual harassment in the workplace. Specific topics include defining sexual harassment, reporting responsibilities within the Department, methods of reporting incidents of sexual harassment, recent changes to local law and a discussion on bystander roles and responsibilities, in order to foster a workplace free from sexual harassment.”

² Based on agency headcount as indicated in the quarter 2 fiscal year 2020 (Period ending December 31, 2019) *CEEDS Report: Work Force Composition Summary*.

³ Based on agency headcount as indicated in the quarter 2 fiscal year 2021 (Period ending December 31, 2020) *CEEDS Report: Work Force Composition Summary*.

III. Complaint and Investigation Procedures

Summary of Complaint Activity: The agency reported 528⁴ internal and 14⁵ external complaints were filed during the period in review.

Determination: The agency is in partial-compliance with the standards for this subject area.

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

- ✓ During the period in review, NYPD utilized its *Complaint of Employment Discrimination* form (PD 413-151 (Rev. 11-19)). The form provided space to capture pertinent information including: complainant information: *Name, Rank/Title, Date Appointed, Assigned Command, Platoon, and Squad/Tour*; complaint information: *What is the alleged basis of discrimination, When did the alleged discrimination occur, Where did the alleged discrimination occur, Were there witnesses to the alleged discrimination, Did you report this to anyone else, Have you filed a complaint about the alleged discrimination with any of the following agencies (NYC CHR, NYC DHR, US EEOC, US DOL, US DOJ)*; and respondent information: *Respondent's Name, Rank/Title and Command*. The form also included a statement regarding retaliation and a notice of *Your Rights to File a Complaint with Civil Rights Enforcement Agencies*, which listed the names, addresses, and telephone numbers for the main and, where applicable, local borough offices for the following entities: New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, United States Department of Justice Civil Rights Division (Disability Rights Section and Immigrant and Employee Rights Section), and the United States Department of Labor.

Complaint files 228s.20, 86s.20 and 234s.20 each included completed *Complaint of Employment Discrimination* forms. Complaint file 137s.20 included a memorandum from EEOD that stated that the complaint was reported via the telephone. Complaint 12s.20 was filed anonymously via a letter to the EEOD. Both the memorandum from EEOD and the anonymous letter identified the respondent(s) with reasonable specificity and identified the details of the complaints including the pertinent dates and essence of the circumstances which gave rise to the complaints.

In addition, as part of the complaint intake process, where applicable, upon submission of a complaint, complainants were required to sign to confirm receipt of the following documents: (1) *Notice of Complainant's Rights* - that provided contact information and instructions on how to file an external complaint with city, state, and federal entities; (2) *Complainant's Acknowledgement of Receipt of Policy* - that instructed where on the agency's intranet the City of New York's EEO Policy and Handbook could be accessed as well as weblinks titled "*NYC EEO Policy*" and "*EEO Handbook*", and provided space to record the associated EEO Case number, name and title of the complainant, the date and the signatures of the EEOD Investigator and complainant; (3) *Complaint Evaluation and Option Report* - that stated, "[a]fter reviewing the details of my complaint and

⁴ According to the *NYPD OEI 2020 Year End Report YTD*, that compared the total number of complaints in 2019 to 2020. NYPD's complaint tracking system indicated that 66 (12.5%) complaints were based on sexual harassment.

⁵ NYPD reported the total number of external sexual harassment complaints filed during the period in review, via follow-up interviews.

discussing the options of handling the matter with an investigator assigned to the Equal Employment Opportunity Division, it is my desire, as the complainant that: [1. The Equal Employment Opportunity Division (EEOD) conducts an investigation and makes recommendations to the Police Commissioner. 2. I will participate in the mediation process which will be conducted by an outside neutral Mediator. 3. I will take further actions on my own behalf with no further action by the EEOD. 4. I will file a formal complaint with an outside agency. 5. It appears that my complaint does not involve an EEO issue because... [blank space provided]]"; and (4) Complainant/Respondent Method of Written Correspondence Request – that allowed the complainant to specify by which method they preferred the EEOD communicate with them during the course of the investigation. Complaint files 228s.20, 234s.20 and 86s.20 each included completed copies of the aforementioned forms.

NOTE: The weblinks titled “NYC EEO Policy” and “EEO Handbook” provided in the Notice of Complainant’s Rights form and Complainant’s Acknowledgement of Receipt of Policy forms are inoperable, as they lead to a page that states, “The webpage cannot be found.” NYPD should update the weblinks in these forms as soon as possible.

5. Provide the option to file a complaint anonymously.

- ✓ Employees were provided the option to file anonymous complaints via *Patrol Guide 205-36* and the *NYPD EEO Policy*. The *Procedures* section of *Patrol Guide 205-36* that was accessible to employees, via the NYPD intranet, during the period in review, stated, “*Non-supervisory members of the service may telephone the EEOD anonymously to file a complaint and/or discuss matters regarding employment discrimination and/or related retaliation...Non-supervisory members of the service may report an allegation(s) of employment discrimination and/or related retaliation in writing anonymously by preparing a detailed written report and forwarding the report to the Deputy Commissioner, Equity and Inclusion Attn: Equal Employment Opportunity Division.*” In addition, the *Anonymous Complaints* section of the *NYPD EEO Policy* stated, “[p]ersons who wish to file a complaint concerning discrimination without revealing their identity may do so by telephoning or writing the EEOD. Where necessary, communication may also be made through fax, relay service for the deaf or other alternate means[.]”

6. Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

- ✓ Complaint 86s.20 included a *Notice of Discrimination Complaint* that included the respondent’s rights, stating, “[y]ou may respond, in writing, to the allegations contained in the complaint after receiving this notice and a summary of complaint allegations” and “[y]ou have the right to be accompanied by a representative of your choice at the interview.”

Complaint files 86s.20, and 12s.20 included a copy of an *Acknowledgement of Individualized Instruction - Regarding EEO Case #* (specific case number stated). The *Acknowledgement of Individualized Instruction* was a standardized form that required the respondent(s) to acknowledge, via signature and date, receipt of the “...individualized instruction on the New York City Police Department’s Equal Employment Policy, and *Patrol Guide 205-36 (Employment*

Discrimination).” *Patrol Guide 205-36* included the following statement in the *additional information* section “[a]fter receiving the notice and copy of the complaint, the respondent has the right to respond in writing within fourteen calendar days. Respondents must maintain the confidentiality of the EEO process.”

- Complaint files 12s.20 and 234s.20 did not include a notice of complaint to the respective respondents. **Corrective Action Required.**

NOTE: The respondent in complaint 137s.20 was the NYPD, which made notification to the respondent unnecessary. The respondent in complaint 228s.20 was not a NYPD employee and was not served with notice because they were outside of the EEOD’s jurisdiction. The EEOD case was administratively closed and referred to another department within the NYPD for further action.

Corrective Action #2: Serve the respondent with a notice of the complaint that includes the respondent’s right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

- ✓ The *Withdrawing a Complaint* section of the *NYPD EEO Policy* indicates “[a] person who files a complaint may withdraw it at any time.” Additionally, the *Case Letter* section of the *EEOD Standard Operating Procedures* indicates that a “[w]ithdrawal letter...will be mailed to complainant advising them that they withdrew their complaint.”

NOTE: None of the complaint files submitted were terminated, withdrawn or resolved by agreement of the parties or EEO Office.

NOTE: NYPD’s *EEOD Standard Operating Procedures* did not include a requirement that EEOD issue/maintain written confirmation when an internal complaint/mediation is terminated or resolved by agreement of the parties or EEO Office. **Corrective Action Required.** (See §1.2 for associated corrective action.)

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

- ✓ The *Conducting Interviews* section of the *EEOD Standard Operating Procedures* directs investigators to “[t]ake careful notes.” Additionally, the *Investigative Steps for EEO Cases Only* section of the *EEOD Standard Operating Procedures* included the following requirement “All interviews will be audio recorded... Interviews will be audio recorded. Use both handheld recorder and Calabrio in the conference room.” Each *Investigation Officer’s Report* provided space to capture the *related recording(s)#*.

To maintain confidentiality audio recordings of interviews were not provided to the EEP. The *Worksheet* and *Document Indexes* contained in each complaint file were used to determine compliance with this standard. Complaint files 228s.20 and 137s.20 both included *Recording Indexes* that indicated that interviews conducted during the respective investigations were audio recorded and included in the complaint files. Complaint file 234s.20 included a written transcript of the complainant and respondent interviews, as well as an *Investigating Officer's Report* that a *Recording Review* was conducted and confirmation that the recordings of said interviews were accounted for. The *Investigating Officer's Reports* for complaint files 86s.20 and 12s.20 both included written transcripts of the complainant, respondent and witness interviews.

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

- ✓ The *Complaint Procedure* section of the *EEOD Standard Operating Procedures* stated, "[w]hen an informal or formal complaint is made, it is our responsibility to make sure immediate steps are taken to stop the alleged conflict and begin investigating." The *Intake* section of the *EEOD Standard Operating Procedures* also indicated "It is imperative that investigators conduct a prompt and effective investigation." The *Final Disposition* section of the *EEOD Standard Operating Procedures* stated, "Close complaint within 90 days" for the following circumstances: *Unsubstantiated Complaints, Exonerated and Unfounded*.

NOTE: None of the complaint files submitted included a conclusive report, as they were administratively closed prior to issuance.

NOTE: The *EEOD Standard Operating Procedures* did not include the requirement to issue a conclusive report within 90 days of the date the complaint was filed. **Corrective Action Required.** (See §I.2 for associated corrective action.)

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

- ✓ Complaint file 86s.20 included copies of letters sent to the complainant and respondent, notifying them of an investigation delay. In addition, the *Investigative Steps for EEO Cases only* section of the *EEOD Standard Operating Procedures* stated, "Case Delay Letters: If the investigation is passed (sic) 90 days (except mediation), BOTH the complainant and respondent gets (sic) a case delay letter advising them that the case is still ongoing."

NOTE: None of the complaint files submitted included a conclusive report, as they were administratively closed prior to issuance.

NOTE: The *EEOD Standard Operating Procedures* did not include the requirement that in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, the reason for the delay and a projected time frame for

completion of the report be specified in the complaint file. **Corrective Action Required.** (See §1.2 for associated corrective action.)

11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

- ✓ The *Final Report* section of the *EEOD Standard Operating Procedures* provided guidance on how to compose a conclusive report such as “[i]nvestigators must prepare a written report using guidelines to weigh credibility ... start with your main point[:] summarize your conclusion[,] summarize the basis for your conclusion[:] provide a roadmap[:] make your structure explicit and focus the reader[:] ... writing effective sentences[:] be concise & concrete ... use specific subjects[,] keep action in verbs.”

NOTE: None of the complaint files submitted included a conclusive report, as they were administratively closed prior to issuance.

NOTE: The *EEOD Standard Operating Procedures* did not include the requirement that the conclusive confidential report (generated at the end of each complaint investigation) includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. **Corrective Action Required.** (See §1.2 for associated corrective action.)

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

- ✓ In response to EEPC's *Preliminary Interview Questionnaire*, the NYPD reported that complaint files were stored in a “secured files cabinet or location” and “in a secured electronic file/folder”. Additionally, the *NOTE* section of *Patrol Guide 205-36* mandates that “Copies of all documents related to EEOD complaints and investigations must be kept in a confidential file maintained by the commanding officer/supervisory designee consistent with the confidentiality requirements of this directive.”

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

- ✓ The *End of the Investigation* section of *EEOD Standard Operating Procedures* sets forth the approval levels required for a “Full Case Report” (conclusive report). The final two steps in an eight (8) step approval process required for a “Full Case Report” are: “[o]ur Deputy Commissioner will then forward the full case report to the Police Commissioner's office for review and final

determination. The Police Commissioner's office will review EEO and DAO (Department Advocate's Office) report and make a final determination. A report will be sent to EEOD and DAO."

The approval process for an investigation that is administratively closed is also outlined in the *End of the Investigation* section of *EEOD Standard Operating Procedures*, which states: "Case recommendation worksheet: A complete summary of the case with an Administrative case closure. This is only for non-disciplinary cases. The investigator will submit their EEO case folder that includes this report to their Team Leader. If the Team Leader is satisfied with the case folder and investigative steps taken, the case will then be forwarded to the executive staff for their review and closure."

NOTE: None of the complaint files submitted included a conclusive report, as they were administratively closed prior to issuance.

NOTE: The *EEOD Standard Operating Procedures* did not specify how the Police Commissioner's final determination would be documented (e.g. written or electronic). The *EEOD Standard Operating Procedures* did not include the requirement that the agency head (or an approved direct report other than the General Counsel), upon review of the conclusive report, issue a written/electronic determination adopting, rejecting, or modifying the recommended action; and sign each determination to indicate it has been reviewed and adopted. **Corrective Action Required.** (See §1.2 for associated corrective action.)

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

- ✓ Complaint files 86s.20 and 12s.20 each included notifications to the respective complainant and respondents that informed them of the outcome of the complaint investigations. Complaint 228s.20 was filed on behalf of another person and included a notice to the subject of the complaint. Complaint files 234s.20 and 137s.20 included a copy of the notices sent to the respective complainants informing them of the outcome of the complaint investigation. In addition, the *EEOD Standard Operating Procedures* stated in the *Notification Requirements* section that, "[i]nvestigators will notify a complaint [sic] in a timely manner, upon conferral with EEO agency council (sic) and EEOD team leaders" and in the *Final Disposition* section stated, "[n]otify all parties of Department determination" in the following circumstances: *Unsubstantiated complaints, Exonerated, Unfounded and Other Misconduct Noted*. The *Case Letter* section stated, "Final disposition letters to the complainant and respondent advising them of the outcome of the case. The letter will also advise the complainant of their options of external agencies that they may file a complaint with."
- Complaint file 234s.20 did not include a notice to the respondent of the conclusion and outcome of their complaint investigation. **Corrective Action Required.**

NOTE: Because the respondent in complaint 137s.20 was the NYPD, notification to the respondent was unnecessary. The respondent in complaint 228s.20 was not an employee of the NYPD and was therefore not under EEOD purview. As such, the respondent in complaint 228s.20 was not notified of

the investigation outcome and the case was administratively closed and referred to another department within the NYPD for further action.

Corrective Action #3: Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

✓ Each complaint file submitted (228s.20, 137s.20, 12s.20, 86s.20 and 234s.20) included a written determination of its outcome and corrective action(s) taken as a result via the *Investigating Officer's Reports*.

16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

✓ The *End of the investigation* section of the *EEOD Standard Operating Procedures* notes that Admin H is "the [administrative] closing if someone filed the same complainant (sic) with an external agency such as EEOC."

NOTE: None of the complaints submitted were transferred to because of the filing of an external complaint.

NOTE: The *EEOD Standard Operating Procedures* did not include a directive to notify complainant and respondent in writing when the investigation by the EEO Professional is transferred due to the filing of an external complaint. **Corrective Action Required.** (See §1.2 for associated corrective action.)

17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

✓ During the period in review, the NYPD utilized an electronic complaint tracking system that provided space to capture the following information: *Date received, Case#, Rank, Complainant type, Complainant 1, Rank, Tax#, CMD of Occurrence, Boro, Bureau, Complaint Nature, Complaint Nature 2, Disposition, Date Code, Investigator, and Date Close*, as well as the following complainant information: *Comp Sex, Comp Ethnicity, Comp Cmd, Complainant 2, Comp2 Rank, Comp2 Tax#, Comp2 Sex, Comp2 Ethnicity, Comp 2 Cmd, Resp Tx, Resp Sex, Resp Ethnicity, Resp Cmd, Resp2 rank, Respondent2, Resp2 Tax, Resp2 Sex, Resp2 Ethnicity, Resp2 Cmd, Investigator, Disposition, Date closed, Discipline* and more. Tracking this information enabled NYPD to analyze complaint activity to identify trends. The NYPD's complaint tracking system indicated that there were 528 internal complaints filed during the period in review, 66 (12.5%) of which were based on sexual harassment.

18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

- ✓ A memorandum dated September 24, 2019, from the principal EEO Professional to the Chief of Personnel, with the subject "*Request Director Designation for the Executive Agency Counsel*" stated the duties and responsibilities (if approved) of the Director of EEOD, which included "[r]esearching, advising and making recommendations on significant agency administrative policy related to equal employment opportunity, employment discrimination and sexual harassment; [s]upervising and advising legal and non-legal staff in the Reasonable Accommodation Unit with preparing and granting reasonable accommodations for the Department; [p]erforming legal tasks associated with granting reasonable accommodations to uniformed and civilian members of the Department; [a]ssisting with the development and presentation of EEO and Equity and Inclusion trainings for the Department to ensure they are in compliance with local, state and federal law and policy; [a]ssisting with the evaluation of employment discrimination claims, including research and advising on any substantive legal issues as they relate to those claims; [and] oversee the day to day functions and responsibilities of the Equal Employment Opportunity Division."

NOTE: The *Deputy Commission of Equity and Inclusion Organization Chart*, dated December 7, 2020, confirmed that the above request was approved as the individual formerly referred to as *Executive Agency Counsel* was identified by the title *Director of EEOD*.

- The NYPD did not demonstrate that, during the period in review, the General Counsel (*Director of EEOD* or *Executive Agency Counsel*) informed the principal EEO Professional when external complaints or litigation involving sexual harassment were brought against the agency, and was responsible for the investigation of, and response to, external sexual harassment complaints.
Corrective Action Required.

Corrective Action #4: Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

IV. Annual Review of Practices, Policies and Programs

Determination: The agency is in compliance with the standards for this subject area.

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

- ✓ During the period in review, NYPD reviewed the annual number of sexual harassment complaints and the entity's employment practices, programs and policies to identify whether there were barriers to employment opportunities and determine what, if any, actions are required to correct deficiencies. NYPD also reported that, during the period in review, OEI (headed by the principal EEO Professional) held monthly meetings with the Personnel Bureau and meetings with the Legal Bureau as necessary.

In 2019, OEI sponsored a *Civilian Pay Parity* review panel to address potential pay disparities among civilian personnel. The panel was comprised of two groups (subject matter experts and project support) with employees from various departments within the agency, such as Legal, Labor, Personnel, and OEI. The subject matter experts attended biweekly meetings to provide feedback and guidance to the project support team. The project support team was responsible for gathering information, conducting the analysis and producing the resulting reports.

The *Office of Equity and Inclusion Research and Evaluation Unit Briefing Reports* for 2019 and 2020 included assessments of the EEOD cases and reasonable accommodation requests for each year. The reports listed the year end totals, percentage of the total complaints (by bases), the previous year's totals and the change rate. NYPD provided agency policies from 2019 and 2020 that demonstrate that they were reviewed and updated on an annual basis.

V. Responsibility for Implementation - EEO Professionals

Determination: The agency is in partial-compliance with the standards for this subject area.

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

- ✓ In August 2019 the NYPD appointed a Deputy Commissioner of Equity and Inclusion (principal EEO Professional) who was trained to implement EEO-related policies and standards, including the prevention, investigation, and resolution of discrimination complaints. The principal EEO Professional received a certificate from Cornell University for the completion of *EEO Internal Investigations* in March 2020 and a certificate from the Department of Citywide Administrative Services, *Office of Citywide Equity and Inclusion* in October 2020 for the completion of *EEO*

Essentials Training: The EEO Complaint and Investigative Processes. In addition, NYPD's training tracking list indicated that the principal EEO Professional completed the following internal trainings (NYPD-U): *CLT-Equal Employment Opportunity; Equal Employment Opportunity Transgender Diversity and Inclusion: Executive Order 16;* and *Professional Development - Emotional Intelligence as a Foundation to Decision Making.*

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

- ✓ The NYPD reported that during the period in review, to ensure that the principal EEO Professional's responsibilities were competently discharged, support was provided by the EEOD. The EEOD included eighteen (18) employees who were involved in complaint intake and investigations (ten (10) of whom comprised the *Investigations Unit* and were designated as *EEO Investigators*), as well as Attorneys, an *Administrative Support Unit*, and a *Reasonable Accommodations Unit*.

22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

- ✓ During the period in review, NYPD consisted of 51,891 employees that were widely dispersed throughout New York City. NYPD's *Interim Order 48, Organizational Change: Establishment of Deputy Commissioner, Equity and Inclusion (Interim Order 48)*, established the *Deputy Commissioner of Equity and Inclusion* position (principal EEO Professional) and outlined their duties and responsibilities. *Interim Order 48* established that the principal EEO Professional was responsible for the direct oversight of six (6) units: *Office of Equity and Inclusion; Equal Employment Opportunity Division*, comprised of the *Investigations* and *Reasonable Accommodations* units; *Research and Evaluation; and Training and Awareness*. The Equal Employment Opportunity Division included eighteen (18) employees who were involved in complaint intake and investigations, ten (10) of whom comprised the *Investigations Unit* and were designated as *EEO Investigators*. *Interim Order 48* indicated that the *Investigations Unit's* duties include the responsibility to "[i]nvestigate allegations or complaints of employment discrimination and make appropriate disciplinary recommendations if necessary."

The NYPD's *Personnel Profile Reports* indicated that all eighteen (18) employees who were involved in complaint intake and investigations completed *Sexual Harassment, Awareness and Prevention* training annually and eight (8) *EEO Investigators* (as identified by the personnel profile Locator) received a certificate in February 2020 for the completion of *Equal Employment Opportunity ILR School Cornell University EEO Professionals* (Cornell University's *EEO Professionals* certificate program, a six course program with courses on EEO laws and conducting complaint investigations).

- The EEPC could not confirm, based on the information provided, that every *EEO Investigator* was trained in EEO laws and procedures, and their responsibilities under the EEO Policy, including complaint investigation. **Corrective Action Required.**

Corrective Action #5: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- ✓ A memorandum dated September 24, 2019, from the principal EEO Professional to the Chief of Personnel, of the subject "*Request Director Designation for the Executive Agency Counsel*" stated the duties and responsibilities of the Director of EEOD included, "*will oversee the day-to-day functions and responsibilities of the Equal Employment Opportunity Division*". In addition, the *Deputy Commissioner Equity and Inclusion Organizational Chart* (dated December 7, 2020), indicated a direct reporting relationship between the Director of EEOD and the *Deputy Commissioner Equity and Inclusion* (principal EEO Professional).

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- ✓ *Interim Order 48* states that the *Deputy Commissioner, Equity and Inclusion* (NYPD's principal EEO Professional) has the responsibility to "[p]rovide leadership, direction, and oversee all operations of Office and Inclusion (OCEI) and Equal Employment Opportunity Division (EEOD)." The job description for the *Deputy Commissioner, Equity and Inclusion* (NYPD's principal EEO Professional) also stated, "[t]his position is responsible for equal employment opportunity compliance and governance, policy development, reviewing, monitoring and evaluating all employment practices affecting recruitment, hiring/selection, retention, promotion, separation, demotion, transfer and training within the Department." The position description also sets forth the following responsibilities, "...serves as the resource person and principal advisor to the Police Commissioner on all issues in the sensitive area of equal employment and equity and inclusion ... directs and implements all agency-wide policies pertaining to the investigation of all complaints or allegations of discrimination against persons on the basis of any protected class grounds prohibited by law, rule or regulation ... Oversees the planning and development of equal employment opportunity and equity, diversity and inclusion training for Department personnel ... Ensures that the Department fosters an environment of confidence in the impartial determination of all complaints in regards to equal employment opportunity and equity and inclusion issues and provides protection from retaliation against aggrieved member; reviews the results of investigations, makes final determinations regarding cases alleging discrimination, and prepares reports of finding and recommendations for disciplinary actions to the Police Commissioner."

As set forth in *Interim Order 48*, the *Training and Awareness Unit*, under the direction of the principal EEO Professional, had the following responsibilities: "[p]rovide training to all employees

on Citywide and Department EEO and Reasonable Accommodation policies, and all relevant federal, state, and local laws[;] [e]ducate employees on matters related to cultural awareness, diversity, equity and inclusion[;] [c]oordinate with the Training Bureau to ensure training related to diversity, equity, inclusion, equal employment opportunity and reasonable accommodations is delivered to all personnel appropriately[;] [e]nsure all mandated EEO materials are updated and conduct periodic command audits to ensure they are displayed appropriately."

The NYPD reported that during the period in review, reasonable accommodation requests were handled by the Reasonable Accommodations Unit (RAU) and that the RAU had the ability to have large print, audio recording or Braille versions of EEO policies produced upon request. During the period of review, no alternate formats of EEO-related policies were requested.

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

✓ Interim Order 48, issued on June 23, 2020, stated, "[t]he Deputy Commissioner, Equity and Inclusion has been established as a direct report to the Police Commissioner." In addition, the *Deputy Commissioner of Equity and Inclusion Organizational Chart*, that identified the principal EEO Professional by name and title (Deputy Commissioner Equity and Inclusion), illustrated a direct reporting relationship to the Police Commissioner.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

➤ The NYPD did not provide documentation to demonstrate that during the period in review, documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment was maintained.
Corrective Action Required.

Corrective Action #6: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

VI. Responsibility for Implementation – Supervisors/Managers

Determination: The agency is in partial-compliance with the standards for this subject area.

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

- ✓ Responsibilities of managers and supervisors were outlined in several NYPD documents that were distributed during the period in review. The *New York City Police Department Equal Employment Opportunity Policy, 2019* stated, “[m]anagers, supervisors, and EEO Liaisons have special responsibilities under this policy and must report all discrimination complaints.” The NYPD EEO Policy similarly stated “All Uniformed and Civilian Supervisors and Managers, along with EEO Liaisons are mandated reporters. Any manager or supervisor who receives EEO complaints or otherwise become[s] aware of any discrimination, harassment, or retaliation must immediately notify the agency’s EEO officer by contacting EEOD and make sure the complaint is documented. Managers and supervisors may be personally responsible under the law if they do not act to stop discrimination, sexual harassment, or retaliation are [sic] the offender of such conduct.” *Patrol Guide 205-36*, issued in April 2019, stated, “[u]niformed and civilian supervisors and managers are directed to make all employment decisions in accordance with the Department’s Equal Employment Opportunity (EEO) policy; Uniformed and civilian supervisors and managers, and EEO Liaisons must report allegations or complaints of employment discrimination and retaliation, and any observations of conduct of a discriminatory or retaliatory nature.” *Patrol Guide 205-36* issued in August 2020 stated, “[u]niformed and civilian supervisors and managers are directed to make all employment decisions in accordance with the Department’s Equal Employment Opportunity (EEO) policy. Uniformed and civilian supervisors and managers, and EEO Liaisons must report allegations or complaints of employment discrimination and retaliation, and any observations of conduct of a discriminatory or retaliatory nature.”

28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

- ✓ The NYPD’s *Civilian Manager Evaluation Form* included as accountability standard that states, “[t]his accountability area covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.”
- The NYPD’s *Sergeant Evaluation, Lieutenant Evaluation, Probationary Captain Evaluation* and *Deputy Chief* evaluation forms (i.e. evaluation forms for uniformed supervisors and managers) did not contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). **Corrective Action Required**.

Corrective Action #7: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

VII. Reporting Standard for Agency Head

Determination: The agency is required to comply with the standards for this subject area.

29. Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

- ✓ NYPD submitted its Annual Plan for fiscal year 2018 along with the first, second and third quarterly reports on efforts to implement that plan; an Annual Plan for fiscal year 2019 along with the fourth quarterly report on efforts to implement that plan; and an Annual Plan for fiscal year 2020 and the first and second quarterly reports on efforts to implement that plan.
- The NYPD did not submit an Annual Plan for fiscal year 2021. The NYPD also did not submit its fourth quarter report for fiscal year 2018; its first, second and third quarter reports for fiscal year 2019; third and fourth quarter reports for fiscal year 2020; or its quarterly reports for fiscal year 2021. Corrective Action Required.

Corrective Action #8: Submit to the EEPCC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPCC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPCC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Final Action: Upon the EEPCC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPCC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Summary of Corrective Actions:

The New York City Police Department has 9 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the New York City Police Department has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPCC's Executive Director.**

Optional Response to Preliminary Determination: If submitted, the New York City Police Department's optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the Preliminary Determination.

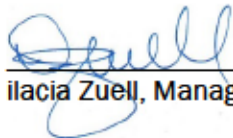
(Optional Conference) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the New York City Police Department's implementation of the prescribed corrective action(s).

(No Response Option) If the New York City Police Department does not respond to this Preliminary Determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this Preliminary Determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the New York City Police Department must submit a response, signed by the agency head, to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.

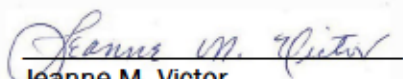
In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,



Ilacia Zuell, Manager, EEO Analysis and Audit Unit

Approved by,



Jeanne M. Victor
Executive Director

c: Tanya Meisenholder, Principal EEO Professional, New York City Police Department
Jennifer Shaw, Esq., Executive Agency Counsel/ Director of Compliance, EEPC
William Peterson, Audit Manager, EEPC

Appendix 1
New York City Police Department
CEEDS Report: *Work Force Composition Summary*
2nd Quarter 2021
(end of the period in review)

RUN DATE: 01/05/21
 RUN TIME: 14:30:58.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2021 AGENCY 056 POLICE DEPARTMENT

PAGE: 57
 REPORT: EBEP210

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 001 ADMINISTRATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
12935	DEPUTY COMMISSIONER	2	0	0	0	0	0	0	0	1	0	0	0	0	3
12945	FIRST DEPUTY COMMISSIONER	0	1	0	0	0	0	0	0	0	0	0	0	0	1
12991	COMMISSIONER	1	0	0	0	0	0	0	0	0	0	0	0	0	1
95032	DEPUTY COMMISSIONER (INTEL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		4	1	0	0	0	0	0	0	1	0	0	0	0	6
		66.66	16.67	0.00	0.00	0.00	0.00	0.00	0.00	16.67	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 002 MANAGERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10001	ADMINISTRATIVE ACCOUNTANT	1	0	0	0	0	0	1	1	0	1	0	0	0	4
10004	ADMINISTRATIVE ARCHITECT	1	0	1	0	0	0	0	0	0	0	0	0	0	2
1002F	ADMINISTRATIVE COMMUNITY R	1	1	0	0	0	0	0	1	1	0	0	0	0	4
10022	ADMINISTRATIVE COMMUNITY R	0	1	0	0	0	0	0	0	0	0	0	0	0	1
10025	ADMINISTRATIVE MANAGER	0	0	0	0	0	0	0	0	1	0	1	0	0	2
10026	ADMINISTRATIVE STAFF ANALY	2	0	0	1	0	0	5	0	1	2	0	1	0	12
10033	ADMINISTRATIVE PUBLIC INFO	6	1	0	1	0	0	2	1	0	0	0	0	0	11
10035	ADMINISTRATIVE SUPERVISOR	0	0	1	0	0	0	0	0	0	0	0	0	0	1
1004B	ADMINISTRATIVE TRAFFIC ENF	0	0	1	0	0	0	0	2	0	0	0	0	0	3
10042	ADMINISTRATIVE TRAFFIC ENF	3	4	1	8	0	0	0	6	1	1	0	0	0	24
1005D	COMPUTER SYSTEMS MANAGER (	2	0	0	1	0	0	0	1	0	0	0	0	0	4
10050	COMPUTER SYSTEMS MANAGER	4	1	5	2	0	0	1	0	0	1	0	0	0	14
10053	ADMINISTRATIVE CITY PLANNE	0	0	0	0	0	0	1	0	0	0	0	0	0	1
1006A	ADMINISTRATIVE TESTS AND M	0	0	0	0	0	0	0	1	0	0	0	0	0	1
1006C	HEALTH SERVICES MANAGER NO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
10061	ADMINISTRATIVE TRANSPORTAT	0	1	0	0	0	0	0	0	0	0	0	0	0	1
10064	ADMINISTRATIVE TESTS AND M	0	0	0	0	0	0	1	0	0	0	0	0	0	1
10074	COMPUTER OPERATIONS MANAGE	4	1	1	1	0	1	0	0	0	0	0	0	0	8
10095	ADMINISTRATIVE CONTRACT SP	2	0	0	0	0	0	3	1	1	0	0	0	0	7
10096	ADMINISTRATIVE PRINTING SE	0	1	1	0	0	0	0	0	0	0	0	0	0	2
12676	DIRECTOR OF TRAINING (POLI	0	1	0	0	0	0	0	0	0	0	0	0	0	1
12927	ASSISTANT COMMISSIONER (PR	0	0	0	0	0	0	0	0	0	1	0	0	0	1
12931	ASSISTANT DEPUTY COMMISSIO	1	0	0	0	0	0	0	0	0	0	0	0	0	1
13217	ASSISTANT TO POLICE COMMIS	1	0	0	0	0	0	0	0	0	0	0	0	0	1
2184A	CRIMINALIST (DETAILED TO D	1	0	0	0	0	0	0	0	0	0	0	0	0	1
2184B	CRIMINALIST (DETAILED TO D	1	0	0	0	0	0	0	0	0	0	0	0	0	1
2184C	CRIMINALIST (DETAILED TO A	1	0	1	0	0	0	2	0	1	1	0	0	0	6
30173	DIRECTOR OF DEPARTMENT ADV	0	0	0	0	0	0	1	0	0	0	0	0	0	1
34202	CONSTRUCTION PROJECT MANAG	0	0	2	0	0	0	0	0	0	0	0	0	0	2
53046	CITY DEPUTY MEDICAL DIRECT	0	0	0	0	0	0	1	0	0	0	0	0	0	1
5305D	POLICE SURGEON; ASST. SUPV	1	0	0	0	0	0	0	0	0	0	0	0	0	1
53200	DIRECTOR OF PSYCHOLOGICAL	0	0	0	0	0	0	1	0	0	0	0	0	0	1

RUN DATE: 01/05/21
 RUN TIME: 14:30:58.8

NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
 CITYWIDE EQUAL EMPLOYMENT DATABASE SYSTEM (CEEDS)
 WORK FORCE COMPOSITION SUMMARY
 QUARTER 2 YEAR 2021 AGENCY 056 POLICE DEPARTMENT

PAGE: 58
 REPORT: EBEP210

54874	DIRECTOR (EMPLOYEE ASSISTANT)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
6082A	ASSOCIATE SUPERVISOR OF SC	1	1	0	0	0	0	0	3	0	0	0	0	0	0	5
60830	ASSISTANT COMMISSIONER, CO	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026P	CAPTAIN; CHIEF OF DEPARTME	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026U	CAPTAIN; CHIEF OF TRANSPOR	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
7026W	CAPTAIN ((POLICE)) ((MGRL D	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
7026X	CHIEF OF SPECIAL OPERATION	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026Y	CAPTAIN ((POLICE)) ((MGRL D	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026Z	CAPTAIN (POLICE) - CHIEF O	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7027C	*SURGEON; SUPERVISING CHIE	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82800	INTELLIGENCE RESEARCH MANA	1	0	0	1	0	0	2	0	0	0	0	0	0	0	4
82802	DIRECTOR OF PHOTOGRAPHIC S	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82803	DIRECTOR OF SUPPORT SERVIC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82950	AGENCY CHIEF CONTRACTING O	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82980	ADMINISTRATIVE PSYCHOLOGIS	3	0	0	0	0	0	1	0	0	0	0	0	0	0	4
82987	MANAGER OF RADIO REPAIR OP	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
82989	ADMINISTRATIVE PUBLIC HEAL	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
82994	ADMINISTRATIVE LABOR RELAT	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
83008	ADMINISTRATIVE PROJECT MAN	2	0	0	1	0	1	0	0	1	0	0	0	0	0	5
92580	DIRECTOR OF MOTOR TRANSPOR	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
95005	EXECUTIVE AGENCY COUNSEL	15	1	1	0	1	0	12	1	2	1	0	0	0	0	34
95033	DIRECTOR OF INTERNAL AFFAI	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
95034	DIRECTOR OF ORGANIZED CRIM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1

EEO JOB GROUP TOTAL.....: 68 16 15 17 1 2 34 20 9 8 1 1 0 192
 35.42 8.33 7.81 8.85 0.52 1.04 17.71 10.42 4.69 4.17 0.52 0.52 0.00 100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 003 MANAGEMENT SPECIALISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
1000B	ADMINISTRATIVE ACCOUNTANT	2	0	1	0	0	0	0	0	0	0	0	0	0	0	3
1001C	ADMINISTRATIVE MANAGEMENT	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
1002A	ADMINISTRATIVE STAFF ANALY	4	1	0	1	0	0	16	11	2	8	0	0	0	0	43
1002C	ADMINISTRATIVE MANAGER NON	0	0	0	0	0	0	7	20	2	0	0	1	0	0	30
1002D	ADMINISTRATIVE STAFF ANALY	1	1	0	2	0	0	9	5	4	0	0	0	0	0	22
1002E	ADMINISTRATIVE STAFF ANALY	3	0	0	0	0	0	0	0	1	0	0	0	0	0	4
1008B	ADMINISTRATIVE QUALITY ASS	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
1009A	ADMINISTRATIVE CONTRACT SP	1	0	0	0	0	0	0	0	1	0	0	0	0	0	2
12158	PROCUREMENT ANALYST	1	2	1	0	0	0	1	6	0	2	0	0	0	0	13
12626	STAFF ANALYST	7	2	2	5	0	1	4	12	5	6	0	0	0	0	44
12627	ASSOCIATE STAFF ANALYST	5	3	2	4	0	2	9	8	4	9	0	0	0	0	46
12704	TESTS AND MEASUREMENT SPEC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
13369	ASSOCIATE LABOR RELATIONS	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
22426	PROJECT MANAGER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
22427	ASSOCIATE PROJECT MANAGER	0	0	0	1	0	0	0	1	1	0	0	0	0	0	3
3008A	ASSISTANT COUNSEL - PD	3	0	0	0	0	0	4	2	0	0	0	0	0	0	9
3117A	INTELLIGENCE RESEARCH SPEC	3	0	1	0	0	0	6	0	0	0	0	0	0	0	10
3117B	INTELLIGENCE RESEARCH SPEC	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
31170	RESEARCH INTELLIGENCE SPEC	8	1	0	0	0	0	11	0	1	1	0	3	0	0	25
31175	CRIME ANALYST	15	5	3	3	0	0	21	13	12	6	0	1	0	0	79

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL EMP
34171 QUALITY ASSURANCE SPECIALI	1	0	0	1	0	0	0	0	0	0	0	0	0	2
40502 MANAGEMENT AUDITOR	0	2	1	3	0	0	4	0	3	6	0	0	0	19
40510 ACCOUNTANT	2	3	0	4	0	0	4	3	2	5	0	0	0	23
53059 EMPLOYEE ASSISTANCE PROGRA	1	0	0	0	0	0	0	2	0	0	0	0	0	3
60216 PUBLIC RECORDS OFFICER	2	0	0	0	0	1	0	0	0	0	0	0	0	3
60217 ASSOCIATE PUBLIC RECORDS O	0	0	0	0	0	0	1	0	0	0	0	0	0	1
8297A ADMINISTRATIVE PROCUREMENT	3	2	1	3	0	0	1	3	3	2	0	0	0	18
8300B ADMINISTRATIVE PROJECT MAN	5	0	1	1	0	0	0	0	1	0	0	0	0	8
EEO JOB GROUP TOTAL.....:	70	22	13	30	0	4	98	87	42	45	0	5	0	416
	16.82	5.29	3.13	7.21	0.00	0.96	23.56	20.91	10.10	10.82	0.00	1.20	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 004 SCIENCE PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
1000A	ADMINISTRATIVE ARCHITECT (1	0	0	0	0	0	0	0	0	0	0	0	0	1
1001A	ADMINISTRATIVE ENGINEER (N	0	0	0	2	0	0	0	0	0	0	0	0	0	2
13611	COMPUTER ASSOCIATE (TECHNI	1	1	2	0	0	1	0	1	0	0	0	0	6	
13621	COMPUTER ASSOCIATE (OPERAT	12	19	16	10	2	2	0	3	3	0	0	0	70	
13631	COMPUTER ASSOCIATE (SOFTWA	7	4	4	8	0	0	2	2	1	0	0	0	28	
13632	COMPUTER SPECIALIST (SOFTW	25	4	3	12	0	0	9	0	1	2	0	0	56	
13643	CERTIFIED IT DEVELOPER (AP	1	1	0	3	0	0	0	0	0	0	0	0	5	
13644	CERTIFIED IT ADMINISTRATOR	3	0	0	2	0	0	0	0	1	0	0	0	6	
13651	COMPUTER PROGRAMMER ANALYS	0	0	0	0	0	0	1	0	0	0	0	0	1	
13652	CERTIFIED IT ADMINISTRATOR	17	4	3	11	0	0	2	0	1	0	0	0	38	
13691	*CERTIFIED LOCAL AREA NETW	0	0	0	1	0	0	0	0	0	0	0	0	1	
20246	TELECOMMUNICATIONS ASSOCIA	8	1	2	2	0	0	0	0	0	0	0	0	13	
20247	TELECOMMUNICATIONS ASSOCIA	0	1	0	0	0	0	0	0	0	0	0	0	1	
20410	ASSISTANT MECHANICAL ENGIN	1	0	0	0	0	0	0	0	0	0	0	0	1	
21210	ASSISTANT ARCHITECT	1	0	0	0	0	0	0	0	1	0	0	0	2	
21215	ARCHITECT	2	1	0	0	0	0	0	0	0	0	0	0	3	
21744	CITY RESEARCH SCIENTIST (A	3	0	3	5	0	1	9	1	2	0	0	0	24	
21849	CRIMINALIST	36	3	7	13	0	0	91	24	20	26	0	6	226	
60910	RESEARCH ASSISTANT	0	0	0	0	0	0	0	1	0	0	0	0	1	
91628	OILER	16	0	4	0	0	0	0	0	0	0	0	0	20	
95710	IT PROJECT SPECIALIST	1	2	1	0	0	0	0	0	0	0	0	0	4	
EEO JOB GROUP TOTAL.....:	135	41	45	69	2	4	114	32	24	37	0	6	0	509	
	26.50	8.06	8.84	13.56	0.39	0.79	22.40	6.29	4.72	7.27	0.00	1.18	0.00	100.00	

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 005 HEALTH PROFESSIONALS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
50212	CITY DENTIST (PART TIME)	0	0	1	0	0	0	0	0	0	0	0	0	1	
50958	CASE MANAGEMENT NURSE (POL	2	2	0	1	0	0	8	7	1	0	0	0	21	
52700	PHYSICIAN'S ASSISTANT	1	0	0	0	0	1	0	0	0	0	0	0	2	

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TITLE CODE	TITLE DESCRIPTION	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	OTHER	TOTAL EMP
5305A	POLICE SURGEON; DEPUTY CHI	2	0	0	0	0	1	0	0	0	0	0	0	0	3
53051	POLICE SURGEON	19	0	1	1	0	2	1	0	0	1	0	2	0	27
7027A	*SURGEON; DEPUTY CHIEF SUR	1	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:		25	2	2	2	0	4	9	7	1	1	0	2	0	55
		45.44	3.64	3.64	3.64	0.00	7.27	16.36	12.73	1.82	1.82	0.00	3.64	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 006 SOCIAL SCIENTISTS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
40910	ECONOMIST	1	0	0	0	0	0	1	0	0	0	0	0	0	2
41122	ASSOCIATE PARKING CONTROL	1	1	1	1	0	0	0	1	0	0	0	0	0	5
52110	PSYCHOLOGIST	6	1	1	0	0	0	9	1	2	1	0	1	0	22
EEO JOB GROUP TOTAL.....:		8	2	2	1	0	0	10	2	2	1	0	1	0	29
		27.57	6.90	6.90	3.45	0.00	0.00	34.48	6.90	6.90	3.45	0.00	3.45	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 007 SOCIAL WORKERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
54610	CHAPLAIN	6	0	3	0	0	1	0	0	0	0	0	1	0	11
EEO JOB GROUP TOTAL.....:		6	0	3	0	0	1	0	0	0	0	0	1	0	11
		54.55	0.00	27.27	0.00	0.00	9.09	0.00	0.00	0.00	0.00	0.00	9.09	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 008 LAWYERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
3008A	*ASSISTANT ADVOCATE - PD	0	1	0	0	0	0	1	0	0	0	0	0	0	2
3008G	AGENCY ATTORNEY	0	1	0	1	0	0	1	0	0	0	0	0	0	3
30085	*ATTORNEY AT LAW	1	0	1	0	0	0	0	0	0	0	0	0	0	2
30086	AGENCY ATTORNEY INTERNE	3	0	0	0	0	0	1	1	0	0	0	0	0	5
30087	AGENCY ATTORNEY	31	2	4	2	0	3	35	5	3	2	0	2	0	89
EEO JOB GROUP TOTAL.....:		35	4	5	3	0	3	38	6	3	2	0	2	0	101
		34.66	3.96	4.95	2.97	0.00	2.97	37.62	5.94	2.97	1.98	0.00	1.98	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 009 PUBLIC RELATIONS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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1000D ADMINISTRATIVE GRAPHIC ART	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
60621 PROGRAM PRODUCER	2	0	0	0	0	0	1	1	0	0	0	0	0	0	4
90610 PHOTOGRAPHER	11	0	1	3	0	0	1	1	0	1	0	0	0	18	
90635 SENIOR PHOTOGRAPHER	1	0	2	0	0	0	5	0	0	0	0	0	0	8	
91415 GRAPHIC ARTIST	3	1	0	2	0	0	1	0	3	0	0	0	0	10	
EEO JOB GROUP TOTAL.....:	18	1	3	5	0	0	8	2	3	1	0	0	0	41	
	43.89	2.44	7.32	12.20	0.00	0.00	19.51	4.88	7.32	2.44	0.00	0.00	0.00	100.00	

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 010 TECHNICIANS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10021	ADMINISTRATIVE INVESTIGATO	0	0	0	0	0	0	0	1	0	0	0	0	0	1
30080	PARALEGAL AIDE	4	1	1	0	0	0	2	3	1	0	0	0	12	
31101	INVESTIGATOR TRAINEE	0	1	1	0	0	0	0	6	1	0	0	1	10	
31105	INVESTIGATOR	0	2	1	0	0	0	3	23	7	1	0	0	37	
31121	ASSOCIATE INVESTIGATOR	16	0	1	0	0	0	3	32	3	1	0	0	56	
71105	FINGERPRINT TECHNICIAN TRA	1	1	0	0	0	0	0	3	0	0	0	0	5	
71141	ASSOCIATE FINGERPRINT TECH	1	4	2	0	0	0	1	16	3	2	0	0	29	
71165	PRINCIPAL FINGERPRINT TECH	1	1	0	1	0	0	0	2	0	0	0	0	5	
90622	MEDIA SERVICES TECHNICIAN	6	4	6	0	1	1	1	1	2	0	0	0	22	
EEO JOB GROUP TOTAL.....:		29	14	12	1	1	1	10	87	17	4	0	1	177	
		16.41	7.91	6.78	0.56	0.56	0.56	5.65	49.15	9.60	2.26	0.00	0.56	100.00	

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 012 CLERICAL SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10124	PRINCIPAL ADMINISTRATIVE A	3	8	1	3	0	0	38	164	40	9	4	4	274	
10147	SENIOR POLICE ADMINISTRATI	11	10	8	5	1	0	106	441	109	29	8	5	733	
EEO JOB GROUP TOTAL.....:		14	18	9	8	1	0	144	605	149	38	12	9	1007	
		1.40	1.79	0.89	0.79	0.10	0.00	14.30	60.08	14.80	3.77	1.19	0.89	100.00	

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
10140	PRECINCT RECEPTIONIST (PER	0	0	0	1	0	0	0	1	5	4	0	0	11	
10144	POLICE ADMINISTRATIVE AIDE	18	33	13	33	0	4	188	603	265	76	12	21	1266	
10217	STENOGRAPHIC SPECIALIST	0	0	0	0	0	0	1	2	0	0	0	0	3	
10227	STENOGRAPHER TO EACH DEPUT	0	0	0	0	0	0	0	3	1	0	0	0	4	
10250	CLERICAL AIDE	0	1	0	0	0	0	0	4	0	0	0	0	5	

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL
10251 CLERICAL ASSOCIATE	3	1	0	2	0	0	2	25
10252 SECRETARY	0	0	0	0	0	0	1	9
10605 CASHIER	1	0	0	1	0	0	0	1
11702 OFFICE MACHINE AIDE	1	0	0	0	0	0	1	0
11704 SUPERVISOR OF OFFICE MACHI	0	0	0	0	0	0	0	0
12200 STOCK WORKER	6	9	3	2	0	0	3	1
12202 SUPERVISOR OF STOCK WORKER	5	3	0	2	0	0	0	0
12933 SECRETARY TO THE FIRST DEP	0	0	0	0	0	0	0	0
40526 BOOKKEEPER	4	3	0	7	0	0	7	8
71012 POLICE COMMUNICATIONS TECH	21	88	42	28	2	3	39	716
71013 SUPERVISING POLICE COMMUNI	5	11	5	2	0	0	3	114
71014 PRINCIPAL POLICE COMMUNICA	0	5	0	1	0	0	0	45
EEO JOB GROUP TOTAL.....:	64	154	63	79	2	7	242	1535
	2.17	5.28	2.16	2.71	0.07	0.24	8.29	52.59

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 015 POLICE SUPERVISORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP	
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN			
10083	*ADMINISTRATIVE SCHOOL SEC	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
60820	SUPERVISOR OF SCHOOL SECUR	1	15	15	4	2	1	3	44	11	6	3	2	0	0	107
60821	ASSOCIATE SUPERVISOR OF SC	0	9	1	1	1	1	3	11	3	3	0	0	0	0	36
7023A	SERGEANT; SPECIAL ASSIGNME	105	21	28	15	0	0	10	13	15	0	0	0	0	0	207
7023B	SERGEANT; SUPERVISOR OF DE	180	33	46	10	1	1	11	12	12	3	2	0	0	0	311
70235	SERGEANT (POLICE)	1723	339	758	338	13	10	174	188	222	20	2	6	0	0	3793
7026B	LIEUTENANT; COMMANDER OF D	102	10	15	5	1	0	2	1	1	0	0	0	0	0	137
7026D	CAPTAIN; DEPUTY INSPECTOR	116	11	18	5	0	0	9	6	3	0	0	0	0	0	168
7026E	CAPTAIN; INSPECTOR	87	9	18	2	0	0	7	3	1	0	0	0	0	0	127
7026F	CAPTAIN; DEPUTY CHIEF INSP	49	6	5	1	1	0	2	1	0	0	0	0	0	0	65
7026G	CAPTAIN; ASSISTANT CHIEF I	13	1	3	0	0	0	1	2	0	0	0	0	0	0	20
7026H	CAPTAIN; CHIEF OF DETECTIV	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
7026J	CHIEF OF TRAINING	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026K	CAPTAIN; CHIEF OF PATROL (	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
7026L	CAPTAIN; CHIEF OF PERSONNE	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
7026N	CAPTAIN; CHIEF OF OPERATIO	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026R	CAPTAIN; CHIEF OF THE HOUS	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
7026S	CAPTAIN; CHIEF OF THE TRAN	0	0	1	0	0	0	1	0	0	0	0	0	0	0	2
70260	LIEUTENANT (POLICE)	634	121	243	118	1	5	48	46	44	5	5	2	0	0	1272
70265	CAPTAIN (POLICE)	184	27	49	39	2	2	11	9	10	4	1	0	0	0	338
EEO JOB GROUP TOTAL.....:		3197	604	1201	538	22	20	282	337	322	41	16	10	0	0	6590
		48.53	9.17	18.22	8.16	0.33	0.30	4.28	5.11	4.89	0.62	0.24	0.15	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 018 POLICE

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL EMP
41120 PARKING CONTROL SPECIALIST	1	3	3	2	0	0	0	11
7020A POLICE CADET (HOUSING BURE	3	1	9	4	0	0	4	31
70206 POLICE CADET	47	13	64	42	0	3	6	247
7021A POLICE OFFICER; DETECTIVE,	1451	409	792	136	7	18	182	3313
7021B POLICE OFFICER; DETECTIVE,	305	73	112	30	5	9	29	633
7021C POLICE OFFICER; DETECTIVE,	149	46	37	12	1	3	6	273
7021D POLICE OFFICER; DETECTIVE,	369	92	151	38	4	3	37	813
70210 POLICE OFFICER	8508	2214	5166	2072	48	65	1294	22790
7026A LIEUTENANT; SPECIAL ASSIGN	57	6	10	4	0	0	8	95
7165A TRAFFIC ENFORCEMENT AGENT	16	88	46	30	2	0	5	269
71651 TRAFFIC ENFORCEMENT AGENT	103	353	182	848	7	9	70	2441
71652 ASSOCIATE TRAFFIC ENFORCEM	15	64	20	88	0	0	12	370
EEO JOB GROUP TOTAL.....:	11024	3362	6592	3306	74	110	1653	31286
	35.22	10.75	21.07	10.57	0.24	0.35	5.28	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 019 GUARDS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
60817	SCHOOL SAFETY AGENT	110	666	388	190	41	29	149	2125	732	164	84	48	0	4726
7020B	SCHOOL CROSSING GUARD (AL	3	2	0	1	0	0	21	26	37	1	0	0	0	91
70205	SCHOOL CROSSING GUARD	33	51	49	28	1	16	487	712	696	164	11	82	0	2330
71022	EVIDENCE AND PROPERTY CONT	9	30	24	17	1	0	7	59	25	5	0	1	0	178
90202	POLICE ATTENDANT	2	5	2	1	0	0	1	11	3	0	0	1	0	26
EEO JOB GROUP TOTAL.....:		157	754	463	237	43	45	665	2933	1493	334	95	132	0	7351
		2.14	10.26	6.30	3.22	0.58	0.61	9.05	39.90	20.31	4.54	1.29	1.80	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 021 HEALTH SERVICES

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
81805	PUBLIC HEALTH ASSISTANT	1	0	0	1	0	0	0	5	2	1	1	0	0	11
EEO JOB GROUP TOTAL.....:		1	0	0	1	0	0	0	5	2	1	1	0	0	11
		9.10	0.00	0.00	9.09	0.00	0.00	0.00	45.45	18.18	9.09	9.09	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 022 BUILDING SERVICES

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
80609	CUSTODIAN	2	6	1	1	0	0	0	7	6	0	0	0	0	23
82015	*CUSTODIAL ASSISTANT	1	3	0	0	0	0	0	0	0	0	0	0	0	4
90644	CITY CUSTODIAL ASSISTANT	15	57	45	13	0	4	17	106	82	6	0	8	0	353

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TITLE	WHITE	BLACK	HISPANIC	ASIAN	AM IND ALASK	UN-KNOWN	OTHER	TOTAL
91915 PLUMBER	13	0	3	1	0	0	0	17
91925 STEAM FITTER	4	0	0	0	0	0	0	4
91940 THERMOSTAT REPAIRER	6	0	2	0	0	0	0	8
91971 SUPERVISOR STEAM FITTER	1	0	0	0	0	0	0	1
91972 SUPERVISOR PLUMBER	3	0	0	0	0	0	0	3
92005 CARPENTER	14	1	1	0	0	0	0	16
92071 SUPERVISOR CARPENTER	2	0	0	0	0	0	0	2
92105 BOOKBINDER	1	1	1	0	0	0	0	3
92210 CEMENT MASON	1	0	0	0	0	0	0	1
92340 SHEET METAL WORKER	7	0	0	0	0	0	0	7
92343 SUPERVISOR SHEET METAL WOR	1	0	0	0	0	0	0	1
92501 AUTO BODY WORKER	2	8	4	6	1	0	0	21
92508 AUTOMOTIVE SERVICE WORKER	12	17	18	8	3	0	0	60
92510 AUTO MECHANIC	89	27	30	23	3	2	1	175
92511 AUTO MECHANIC (DIESEL)	4	2	1	1	0	0	0	8
92575 SUPERVISOR OF MECHANICS (M	39	1	0	3	0	0	0	43
92587 MARINE MAINTENANCE MECHANI	2	0	0	0	0	0	0	2
92590 TELEPHONE SERVICE TECHNICI	1	0	1	1	0	0	0	3

EEO JOB GROUP TOTAL.....: 317 84 89 64 7 4 0 2 0 0 0 0 0 0 567
 55.91 14.81 15.70 11.29 1.23 0.71 0.00 0.35 0.00 0.00 0.00 0.00 0.00 100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 026 OPERATORS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
92110	COMPOSITOR (JOB)	3	0	0	0	0	0	0	0	0	0	0	0	0	3
92123	PRINTING PRESS OPERATOR	8	0	5	2	0	1	0	0	0	0	0	0	0	16
92355	WELDER	0	2	0	0	0	0	0	0	0	0	0	0	0	2
EEO JOB GROUP TOTAL.....:		11	2	5	2	0	1	0	0	0	0	0	0	0	21
		52.39	9.52	23.81	9.52	0.00	4.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 027 TRANSPORTATION

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		
91212	MOTOR VEHICLE OPERATOR	6	10	9	2	0	0	2	2	0	0	0	0	0	31
91232	MOTOR VEHICLE SUPERVISOR	2	2	0	0	0	0	0	1	0	0	0	0	0	5
EEO JOB GROUP TOTAL.....:		8	12	9	2	0	0	2	3	0	0	0	0	0	36
		22.22	33.33	25.00	5.56	0.00	0.00	5.56	8.33	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 028 LABORERS

TITLE CODE	TITLE DESCRIPTION	MALE						FEMALE						OTHER	TOTAL EMP
		WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPANIC	ASIAN PACIS	AM IND ALASK	UN-KNOWN		

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90702 CITY LABORER	10	6	6	4	0	0	0	0	0	0	0	0	0	0	26
91722 ELECTRICIAN'S HELPER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
91926 STEAM FITTER'S HELPER	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	12	6	6	4	0	0	0	0	0	0	0	0	0	0	28
	42.85	21.43	21.43	14.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 030 TEACHERS AND COUNSELORS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
51225	FITNESS INSTRUCTOR	7	2	2	0	0	0	3	0	0	0	0	0	0	14
EEO JOB GROUP TOTAL.....:		7	2	2	0	0	0	3	0	0	0	0	0	0	14
		49.99	14.29	14.29	0.00	0.00	0.00	21.43	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 056 POLICE DEPARTMENT
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE	TITLE DESCRIPTION	MALE					FEMALE					OTHER	TOTAL EMP		
		WHITE	BLACK	HISPN	ASIAN PACIS	AM IND ALASK	UN-KNOWN	WHITE	BLACK	HISPN	ASIAN PACIS			AM IND ALASK	UN-KNOWN
10209	COLLEGE AIDE	0	5	3	3	0	2	0	7	7	0	1	2	0	30
10234	SUMMER COLLEGE INTERNE (AL	0	0	0	0	0	0	0	1	0	0	0	0	0	1
12749	STAFF ANALYST TRAINEE	1	0	0	2	0	0	1	0	1	0	0	0	0	5
20271	OPERATIONS COMMUNICATIONS	0	0	0	1	0	0	0	0	0	0	0	0	0	1
56056	COMMUNITY ASSISTANT	3	3	2	0	0	1	4	16	14	6	0	2	0	51
56057	COMMUNITY ASSOCIATE	3	0	0	1	0	0	1	3	0	1	0	0	0	9
56058	COMMUNITY COORDINATOR	1	2	2	0	0	0	2	8	4	0	0	1	0	20
56059	PRECINCT COMMUNITY RELATIO	0	0	0	1	0	0	0	0	0	2	0	0	0	3
EEO JOB GROUP TOTAL.....:		8	10	7	8	0	3	8	35	26	9	1	5	0	120
		6.66	8.33	5.83	6.67	0.00	2.50	6.67	29.17	21.67	7.50	0.83	4.17	0.00	100.00

AGENCY TOTAL.....:	15239	5182	8600	4391	153	213	3343	7972	5274	1045	202	277	0	51891
	29.39	9.99	16.57	8.46	0.29	0.41	6.44	15.36	10.16	2.01	0.39	0.53	0.00	100.00

Appendix 2
New York City Police Department
Equal Employment Opportunity Policy Rights and Responsibilities
A Handbook for Employees, 2020

THE NEW YORK CITY POLICE DEPARTMENT



Equal Employment Opportunity Policy

Rights and Responsibilities

A Handbook for Employees

Dermot Shea
Police Commissioner

Tanya Meisenholder
Deputy Commissioner
Equity and Inclusion
2020

NYPD

POLICE COMMISSIONER'S POLICY STATEMENT

The following is the New York City Police Department Equal Employment Opportunity (EEO) Policy. This action reflects the federal, state, and local laws that prohibit discrimination in employment. The NYPD is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under this policy, and by providing a work environment that respects and appreciates our differences.

As Police Commissioner, I want to make clear to every NYPD manager, supervisor, and employee that our organization is firmly committed to maintaining fair employment practices for every member of the service, as well as for job applicants. It is incumbent upon every NYPD employee to make the same commitment to equality, and to comply with the letter – as well as the spirit – of this policy. Managers and supervisors are directed to make all of their employment decisions in accordance with the NYPD EEO Policy and the Citywide EEO Policy to ensure compliance in their areas of responsibility.

These orders provide that all employment decisions be made on the basis of equal opportunity, and not on the basis of age; alienage or citizenship status; caregiver status; color; consumer credit history; creed; disability; familial status; gender (including gender identity and gender expression); genetic information or predisposing genetic characteristics; marital status; military status; national origin; partnership status; pregnancy, childbirth, and related medical condition; race; record of arrest or conviction (under certain circumstances); religion; sexual orientation; unemployment status; salary history; or status as a victim of domestic violence, sex offenses, or stalking. The NYPD's procedure to address issues and complaints of illegal discrimination is provided within this policy statement.

I strongly urge all members of the service to become familiar with the policies and procedures in this booklet and to access the resources available within the NYPD to address any concerns. No member of our department should tolerate discriminatory treatment, harassment, or retaliatory acts based upon that employee's reporting of practices that violate this policy. The NYPD EEO Policy and the Citywide EEO Policy are among our highest priorities, and they have my full support.

Police Commissioner

NEW YORK CITY POLICE DEPARTMENT OFFICE OF EQUITY AND INCLUSION

EQUAL EMPLOYMENT OPPORTUNITY POLICY OBJECTIVES

- To identify, prevent and correct violations of federal, state, and local employment discrimination laws within the New York City Police Department.
- To provide employees and applicants with an effective means of seeking resolution to EEO issues.
- To provide extensive EEO training to all members of the Department in order to foster compliance with Citywide and Department EEO policies.
- To monitor employment practices of EEO matters and effect changes as necessary.
- To disseminate information to applicants, members of the service, line and fraternal organizations regarding EEO issues.



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1. INTRODUCTION

Deputy Commissioner, Equity and Inclusion
Tanya Meisenholder



The Office of Equity and Inclusion (OEI) promotes a fair, safe, inclusive and accommodating work environment for all members of the New York City Police Department (NYPD).

OEI is responsible for ensuring our employees are treated with dignity and respect in the workplace, identifying and addressing obstacles to success, and promoting a fair and inclusive workplace that is free from discrimination and harassment.

OEI reaches beyond the mere presence of diversity, instead ensuring that employees' unique identities and experiences are valued, welcomed, and leveraged. Our commitment to an equitable and inclusive work environment where employees are engaged, valued and have opportunities will have a direct impact on how our employees interact with the diverse communities we serve.

The NYPD is the most diverse police department in the country and OEI partners with internal and external stakeholders to make sure we attract, recruit, develop, and maintain a diverse and inclusive workforce. OEI utilizes an evidence-based approach to identify, evaluate and address processes and behaviors that affect our employees, the employee lifecycle, and workplace issues. OEI promotes awareness, education and outreach efforts that engender respect and fosters cultural understanding of our employees and our community. We are committed to educating our members on equal employment opportunity policies as well as federal, state, and local discrimination laws.

Equal Employment Opportunity (EEO)

The Equal Employment Opportunity Division (EEOD), a sub-unit of OEI, is responsible for the prevention and investigation of employment and harassment claims. Major changes in Department policy and training, facilitated by the EEOD, include the NYPD's policy on pregnancy and lactation, facial hair, religious head coverings, and transgender policies and ensure the Department is responsive and accommodating to the diverse needs of its members. The Reasonable Accommodations Unit processes request for accommodations from members of the service, based on both disability and religion. The EEO Liaison Network is integral to the process of implementing EEO policy and assisting in complaints and investigations.

Disability Services

OEI also oversees the NYPD's implementation of policies associated with the Americans with Disabilities Act (ADA). The Disability Services Facilitator (DSF) acts as a liaison between the Department and members of the public. The DSF coordinates all NYPD efforts to comply with federal, state, and local laws concerning accessibility, ensuring that the NYPD as an institution remains ADA-compliant.

Follow @NYPDEquity

2. EMPLOYMENT DISCRIMINATION

It is the policy of the City of New York and the New York City Police Department to ensure equal employment opportunity without discrimination or harassment based on actual or perceived status of a person's:

Federal Level:

1. Race/Ethnicity – An identifiable class of people based on ancestry or ethnic characteristics.
2. Gender – Being Male or Female (how they self-identify)
3. National Origin – Includes ancestry, citizenship or linguistic characteristics of a country or region.
4. Color – A person's skin color or complexion.
5. Religion – A religious belief, those who are affiliated with an organized religion, and those who have sincerely held religious, ethical or moral beliefs.
6. Disability - A physical, medical, mental or psychological impairment, or a history or record of such impairment or being regarded as having such impairment. (Based on Americans with Disabilities Act 1990).
7. Military Status - The term military status is a person's participation in the military service of the United States.
8. Alienage or Citizenship Status - The citizenship of a person or immigration status of any person who is not a citizen or national of the United States. Employers are required by law, however, to verify the identity and work eligibility of employees. Moreover, citizenship is a lawful requirement for certain jobs (such as Police Officer).
9. Age (40+) or (18+ for the state) - Self-explanatory with 18 and 40 being the magic numbers.
10. Pregnancy, Childbirth & Related medical— Involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.
11. Predisposing Genetic Characteristics – Perception or knowledge that a person may carry an illness or may develop an illness or disease based on genetic affiliation. (i.e. Sickle cell, cancer, or diabetes).
12. Gender Identity/Expression – Gender Identity – An individual's internal sense of gender which may be the same or different from their assigned sex at birth. Gender Expression – an individual's characteristic and behaviors (e.g., appearance, dress, mannerisms, speech patterns, social interactions, etc.) that may be perceived as masculine or feminine.

State Level (NY):

13. Marital Status – Single, unmarried, married, divorced.
14. Sexual Orientation - Sexual orientation includes heterosexual, lesbian, gay, bi-sexual, questioning/queer, plus.
15. Creed – In NYS Creed is the substitute word for religion and amounts to the same definition, a strongly held religious belief.
16. Arrest – Having a prior arrest or conviction. However, there are exceptions to this law as we are a Public Safety organization.

Local Level (NYC):

17. Consumer Credit History – Refers to an individual's credit worthiness, credit standing, credit capacity or payment history as indicated by factors such as: individual credit capacity or payment history as indicated by factors such as: individual credit report, credit score or information an employer obtains directly from the individual concerning late payments, liens, bankruptcies etc.
18. Caregiver Status – A person who is providing direct or ongoing medical/disability care to a child or adult.
19. Victim of Domestic Violence, Sex Offenses or Stalking
20. Partnership Status – Includes opposite sex and same sex partnerships, and is based on being in a domestic partnership.
21. Unemployment Status – Making an employment decision with regards to hiring, compensation or the terms based on an applicant's unemployment status.
22. Familial Status – Parent or guardian of a person under 18 years of age who is living with them or a person in the process of securing legal custody of a person under 18 years of age.
23. Sexual and Reproductive Health Decisions – Prior or current decisions by an individual to have an abortion, practice birth control, hormone therapy transition related care, STD prevention, testing, treatment, etc.
24. Hairstyle based on Race or Religion – Any hairstyle that is recognized as being associated with a race, ethnicity, or religious practices.

Federal, state and city laws prohibit the following types of discrimination based on actual or perceived membership in a protected group:

- i. Discriminatory treatment in hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline, and termination.
- ii. Any policy or directive that has a disproportionate impact on a group specifically protected by law unless the policy is justified by a business necessity.
- iii. Failure to provide a reasonable accommodation for an employee's religious observance unless such accommodation would result in an undue hardship to the Department.
- iv. Repeated or severe verbal or physical conduct that denigrates or shows hostility or aversion toward an individual (harassment).

Harassment based on protected classes includes, but is not limited to; epithets, slurs or stereotyping; threatening, intimidating or hostile acts; jokes and display of written or graphic material in the workplace that denigrates or show hostility or aversion toward an individual or group.

The NYPD and/or the City may discipline conduct that violates policy even if the conduct does not violate a law prohibiting discrimination.

3. APPLICABILITY

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

This policy not only protects individuals from prohibited conduct because of their own protected status, but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin or disability, etc., of other persons with whom they are associated. These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, that violate this policy.

This policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, offsite business-related social function, City vehicle or facility where City government business is being conducted and discussed. All employees are expected to be respectful of all of their co-workers and members of the public, and to be sensitive to the effects of their behavior on those around them.

4. SPECIFIC PROTECTIONS

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

Sexual Harassment

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

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

Pregnancy, Childbirth, or Related Medical Condition

Discrimination is unequal treatment relating to an employment benefit such as hiring, leave, promotion, or seniority due pregnancy, childbirth, or related medical condition. Pregnant employees are entitled to the same treatment as other employees with similar temporary disabilities or limitations.

Disabilities

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

Religion

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

Domestic Violence, Sex Offenses, or Stalking

The New York City Human Rights Law prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law.

Transgender Diversity and Inclusion - Mayor's Executive Order 16 of 2016

LGBTQ is Lesbian, Gay, Bisexual, Transgender, Questioning/Queer. At times, you will see the acronym LGBTQIA+. The I stands for intersex, A is asexual and the plus is for the various terms aligned to gender identity, expression, and sexual orientation.

Examples are: non-binary and pansexual.

Transgender and non-conforming people can freely use City single-sex facilities consistent with gender identity/ expression. This includes, but are not limited to: bathrooms, locker rooms, waiting areas, pools, saunas, lounges or living spaces. Identification, medical documentation or any proof or verification of gender are not required for access to these facilities. Religion cannot be used as a pretext to discriminate against others in the workplace, although, sincerely held religious beliefs can be a basis for requesting workplace accommodations in same sex facilities. Discrimination based on gender identity and expression is illegal in NYC. Examples of violations are:

- Refusing to use a person's preferred name, pronoun, and title, regardless of that person's birth sex.
- Not treating LGBTQ individuals equally in the workplace.
- Harassing, name-calling, insulting, or intimidating someone because they are LGBTQ.
- Discriminatory employment decisions, including passing someone over for opportunities, based on an employee's LGBTQ status.
- Workplace treatment rooted in stereotypes about masculinity and femininity is illegal. For example, employees cannot be told to act "like a woman" or that their behavior isn't "manly enough."

An employees' transition process should be treated with as much sensitivity and confidentiality as any MOS' significant life experience. When an MOS decides to notify the Department they should request a meeting with their Commanding Officer or representative from Deputy Commissioner, Equity and Inclusion. Any representative from a fraternal org. or union may be present during the meeting at MOS' request.

Retaliation

It is a violation of the Policy to retaliate against or harass any person who asserts their rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct; or 3) participating in any way in the complaint, investigation, or reasonable accommodation processes. It is also a violation of this Policy to retaliate against or harass someone because of their association with such an individual. Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, termination, or fine.

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

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

5. EEO COMPLAINTS AND INVESTIGATIONS PROCEDURES

When to File a Complaint

An employee or applicant for employment should consult with the Department's Equal Employment Opportunity Division (EEOD) or an EEO Liaison if they believe that they are being discriminated against by another employee or an independent contractor of the agency. The EEOD will assist the person to determine whether the issue raised is appropriate for resolution through the EEO complaint process. The Department will not tolerate any retaliation against any employee for consulting and/or cooperating with the EEOD, an EEO Liaison, or any outside agency.

How to File an EEO Complaint

An employee or applicant for employment may file a discrimination complaint by contacting the EEOD or any of the outside governmental agencies listed herein. In addition, employees may file a complaint by contacting their EEO Liaison or their supervisor/manager.

Anonymous Complaints

Persons who wish to file a complaint concerning discrimination without revealing their identity may do so by telephoning or writing the EEOD. Where necessary, communication may also be made through fax, relay service for the deaf or other alternate means. In such cases, the EEOD will provide counseling and take such follow-up action as may be appropriate. If an anonymous complainant wishes to withdraw their complaint, it still may be necessary for the EEOD to investigate the alleged discriminatory behavior and to take or recommend action to remedy unlawful behavior on behalf of the Department.

Where to File an Internal Complaint or Seek Assistance with an EEO Matter

You can file an internal complaint or seek assistance with an Equal Employment Opportunity matter by contacting the Equal Employment Opportunity Division, 1 Police Plaza, Room 1204, New York, NY 10038. You can telephone at (646) 610-5330, fax at (646) 610-7229, or email EEOD at eeocomplaints@nypd.org.

Further information can also be found online via the EEOD Intranet website under the bureau of DC of Equity and Inclusion at <https://portal.nypd.org/sites/534>.

Meeting with an EEO Professional

Any person who wishes to file a complaint of discrimination or requires further information may contact the EEOD or an EEO Liaison. An employee has a right to meet privately with an EEO professional during normal business hours. However, the employee must obtain approval from their manager/supervisor before leaving their work assignment. An employee need not disclose to a manager/supervisor the details of the purpose for meeting with an EEO professional. Managers/supervisors cannot deny reasonable leave requests to meet with an EEO professional during normal business hours. Managers and supervisors shall allow employees to meet with EEO professionals at the earliest practicable time consistent with the operational needs of their units. Managers/supervisors must keep such requests confidential.

The EEO professional will arrange to meet with an employee at an outside location when necessary. At the employee's request, arrangements may also be made to hold the meeting before or after normal business hours or during the employee's meal period. An employee or applicant filing a complaint may bring a representative of their choice to the meeting. Arrangements can be made for individuals requiring special assistance to file a complaint.

Confidentiality

All EEO matters will be handled under the supervision of the EEOD. Complaints and other information provided by employees will be treated confidentially. This means that information obtained during the investigation of a complaint will not be disclosed except as necessary to investigate and resolve a complaint. Whenever possible EEOD will make every effort to notify those with a privacy interest, prior to disclosure.

Withdrawing a Complaint

A person who files a complaint may withdraw it at any time. Prior to making the determination to proceed with the investigation, the EEOD assesses whether the complaint requires the Department to further investigate and take corrective action to prevent or eliminate the complained of behavior.

Timely Filing

A person may file a complaint of discrimination with the Equal Employment Opportunity Division within three (3) years of the date of the last occurrence of a discriminatory action.

Concluding the Complaint Investigation

Once a complaint has been filed and all information is gathered via interviews and documentation review, a determination will be made to classify as an Inquiry or investigation. Inquiries are formed from incidents that don't rise to the standard of a full investigation and are usually referred to the individual Commanding Officer, Union rep, etc. for remedy. Incidents that require a more extensive look are deemed investigations.

When an investigation has been concluded recommendations are proposed and a final disposition will be determined.

Where to File an External Complaint or Seek Assistance with an EEO Matter

New York City Commission on Human Rights (NYCCHR)

Contact information: 311 or 212-416-0197 or <https://www1.nyc.gov/site/cchr/index.page>

New York State Division of Human Rights (NYSDHR)

Contact information: 888-392-3644 or www.dhr.ny.gov/complaint

United States Equal Employment Opportunity Commission (EEOC)

Contact information: 800-669-4000 or <https://www.eeoc.gov>

6. EMPLOYEE RESPONSIBILITIES

Reporters

Non-Supervisors reporting can remain anonymous if they are reporting for themselves or someone else. Personnel reporting for self can remain anonymous (including supervisors). Non-Supervisors who observe discriminatory behavior, while not mandated, are strongly encouraged report what they observe. Supervisors reporting for other personnel cannot remain anonymous.

Mandated Reporters

A mandated reporter is someone who must report sexual harassment, employment discrimination or retaliation without exception when they observe or become aware of any violation of the NYPD EEO Policy. **All Uniformed and Civilian Supervisors and Managers, along with EEO Liaisons are mandated reporters.** Any manager or supervisor who receives EEO complaints or otherwise become aware of any discrimination, harassment, or retaliation must immediately notify the agency's EEO officer by contacting EEOD and make sure the complaint is documented. **Managers and supervisors may be personally responsible under the law if they do not act to stop discrimination, sexual harassment, or retaliation are the offender of such conduct.**

7. REASONABLE ACCOMMODATIONS

Who Can Request a Reasonable Accommodation?

The New York City Police Department will make reasonable accommodations to qualified employees and job applicants with disabilities; pregnancy, childbirth, and related medical condition; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking, to enable them to perform the essential functions of their jobs or to enjoy equal benefits and privileges of employment unless providing such accommodation would impose an undue hardship on the Department.

The reasonable accommodation process is designed to be flexible and interactive, involving both the Department and the applicant/employee requesting the reasonable accommodation. Arrangements will be made for individuals requiring special assistance to file a reason accommodation request. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Some examples of accommodations include making facilities physically accessible and/or modifying work schedules. Applicants and employees requesting reasonable accommodations should follow the Citywide Equal Employment Opportunity Policy and the Administrative Guide procedure 320-47. Failure of an employer to provide a reasonable accommodation can be a form of employment discrimination.

Confidentiality

Department personnel must respect employee/applicant confidentiality. All documentation and information filed in support of an accommodation request must be kept confidential. Information shall be treated as confidential except when managers/supervisors, first aid providers or safety personnel need to be informed about restrictions in the case of an emergency.

Requests for Reasonable Accommodations

The employee or applicant making a reasonable accommodation request should complete the applicable reasonable accommodation request form. Reasonable accommodation request forms may be found online under "Department Forms" via the NYPD Intranet Portal. Equal Employment Opportunity Division (EEOD) may ask an employee/applicant to provide documentation in support of the reasonable accommodation request.

The Department has the right to choose an appropriate reasonable accommodation that would enable the individual to perform the essential functions of the job. The Department is not required to provide an accommodation that imposes undue hardship.

Examples of Reasonable Accommodations

The reasonableness of an accommodation will depend upon the circumstances of each case and may include modifying work schedules, making facilities physically accessible, or providing or modifying equipment. Some examples are:

- Time for worship or prayer, facial hair and head coverings for religious observances.
- Time off to obtain an order of protection or counseling for victims of domestic violence.
- A modified workspace or change in tour/schedule for those with a disability.
- Leave and appropriate space within the workplace to express breast milk for nursing mothers.

Implementation of the Reasonable Accommodation

When an employee or applicant submits a request for reasonable accommodation, the supervisor must confer with the EEOD upon receipt of the request. The supervisor must report to the EEOD his/her recommendation for the approval or disapproval of the accommodation and their reasons for said recommended action.

The EEOD will review the request and may require additional information or documentation from the employee/applicant before granting or denying a request. If the request is deemed appropriate by the EEOD, the EEOD will inform the employee/applicant and direct the supervisor/hiring personnel to implement the

accommodation as expeditiously as possible. Furthermore, the commanding officer concerned will be notified by the EEOD, in writing, of all accommodation decisions including duration of accommodation when necessary.

Appeals

An employee or applicant may appeal the reasonable accommodation determination by forwarding an appeal request, on Typed Letterhead, addressed to the Commanding Officer, Police Commissioner's Office and attaching any additional documentation relevant to the request for an appeal. An employee or applicant who appeals the reasonable accommodation determination will receive a written response informing them of the outcome of said appeal.

Undue hardship

Undue hardship is when an accommodation is excessively difficult, costly, extensive, substantial, or disruptive, or an accommodation would change the nature or operation of the Department. Each request for an accommodation needs to be examined to determine if a request is reasonable and can be provided without creating an undue hardship.

Further Guidance

Employees, applicants, or supervisors may seek guidance regarding the reasonable accommodation process by reviewing Administrative Guide procedure 320-47 and/or consulting with:

Equal Employment Opportunity Division
1 Police Plaza, Room 1204
New York, NY 10038
(646) 610-5330
(646) 610-7229 (FAX)

reasonableaccommodation.Request@nypd.org

Further information can also be found online via the EEOD Intranet website.

The reasonable accommodation process is intended to ensure equal employment opportunities for employees with disabilities; religious beliefs/observances/practices; those who are pregnant, recovering from childbirth, or a related medical condition; and victims of domestic violence, sex offenses, or stalking, but shall not impede the right of any employee to file a complaint with any federal, state or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

55-a Program

Section 55-a of the New York State Civil Service Law permits the City to convert as many as 700 competitive civil service positions to non-competitive civil service positions for people who can perform the job in question as needed by the Department, and who are certified as having a disability, but are unable to take the civil service test. The City of New York encourages conversion of lines to 55-a status where Department needs permit.

8. EEO LIAISON NETWORK

What is the EEO Liaison Network?

The New York City Police Department's Equal Employment Opportunity Liaison Network (EEOLN) is a voluntary program designed to support and strengthen the Department's commitment to a fair, equitable, and bias-free workplace. The role of an EEO Liaison is to assist the Equal Employment Opportunity Division (EEOD) in its mission to eliminate employment discrimination within the Department. Liaisons not only act as the eyes and ears of the EEOD, but they also serve as a valuable resource for guidance and direction to their respective commands. Liaisons are trained to provide assistance to complaints, witnesses, and others regarding any equal employment opportunity matter, and accept the responsibility as mandated reporters of EEO violations within the Department.

All members of the service, uniformed and civilian, are encouraged to apply to become EEO Liaisons. The application process requires the submission of an application with the members commanding officer's endorsement. Application forms are available at the EEOD and on the NYPD Intranet. Upon a satisfactory review of the application, the EEOD will designate the member an EEO Liaison. Each year the EEOD host an annual training seminar for all EEO Liaisons.

In addition, EEO Liaisons are encouraged to meet with their commanding officer annually to discuss command adherence to Patrol Guide procedures 205-36 and 205-37, and the mandatory display of EEO posters and daily command inspections.

Contact OEI's Training and Awareness Unit about this dynamic program.

9. CONFIDENTIALITY

All Equal Employment Opportunity complaints will be handled under the direction of the Deputy Commissioner, Equity and Inclusion, who reports directly to the Police Commissioner. The Equal Employment Opportunity Division, supervisory personnel and EEO Liaisons will treat each complaint confidentially. This means that information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint, or as required by law. The complainant should make every effort to maintain the confidential nature of the process. Witnesses and respondents of an investigation shall not discuss the nature of the complaint being investigated by the EEO Division or any aspect of an open or closed EEO case with anyone except their representative of a line organization and/or legal counsel.

FOR FURTHER INFORMATION OR ASSISTANCE

Contact:

**Equal Employment Opportunity Division
1 Police Plaza, Room 1204
New York, NY 10038 (646) 610-5330
(646) 610-7229 (FAX)**

For more information, the City of New York's Equal Employment Opportunity Policy maybe found online at:

- 1) Deputy Commissioner Equity and Inclusion Intranet site under "Documents" > "NYC EEO Policy Documents" and
- 2) the internet at: http://www.nyc.gov/html/kcpa/downloads/pdf/eeo_policy.pdf

and

https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/about_eeo_what_you_may_not_know_booklet.pdf

APPENDIX A

EEO Related NYPD Procedures**Interim Order****#48 of 2020**

ESTABLISHMENT OF DEPUTY COMMISSIONER, EQUITY AND INCLUSION

Patrol Guide Procedure**205-36**

EMPLOYMENT DISCRIMINATION

Patrol Guide Procedure**205-37**

SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS
THROUGH THE DISPLAY OF OFFENSIVE MATERIAL**Patrol Guide Procedure****205-68**

MEMBER OF THE SERVICE SEEKING TO NOTIFY THE DEPARTMENT OF
TRANSGENDER OR GENDER NON-CONFORMING TRANSITION, OR STATUS**Administrative Guide Procedure****320-47**

REASONABLE ACCOMMODATIONS FOR EMPLOYEES AND APPLICANTS



THE POLICE COMMISSIONER CITY OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The New York City Police Department is an Equal Opportunity Employer. As Police Commissioner, I reaffirm the Police Department's strong commitment to maintaining fair employment practices for all members and applicants.

Federal, State and/or local laws prohibit employment discrimination based on:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Race/Ethnicity • Gender (Sex) • National Origin • Color • Religion (Including attire) • Disability • Military Status • Alienage or Citizenship Status • Age • Pregnancy, Childbirth & related medical • Predisposing Genetic Characteristics/Genetic Information (GINA) • Gender identity/expression | <ul style="list-style-type: none"> • Marital Status • Sexual Orientation • Creed • Prior Record of Arrest or Conviction • Consumer Credit History/Payment History • Caregiver Status • Victim of Domestic Violence, Sex Offenses or Stalking • Partnership Status • Unemployment Status • Familial Status • Sexual and Reproductive Health Decisions • Hairstyle Based on Race or Religion |
|---|--|

In addition to those who fall within one of the above protected groups, those who are "perceived" to be within one of the categories or who have a "known relationship or association" with someone who is, or is "perceived" to be, within one of the categories, are also protected. All forms of discrimination are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

These laws prohibit discrimination, which affects:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Hiring • Assignments • Working Conditions • Salary and Benefits • Evaluations • Promotions | <ul style="list-style-type: none"> • Training • Transfers • Discipline • Termination • Any other terms and conditions of employment |
|---|--|

The law requires that reasonable accommodation be made for qualified employees and applicants with disabilities, for religious observances/practices, status as a victim of domestic violence, stalking, and/or sex offense(s) and those who are pregnant and/or recovering from childbirth or a related medical condition.

All employees are directed to comply with both the letter and the spirit of the law. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to promote understanding among our co-workers. Managers and supervisors are directed to make all employment decisions in accordance with the Police Department's Equal Employment Opportunity (EEO) Policy, and to ensure compliance with the policy in their areas of responsibility.

If any employee or applicant feels that a manager, supervisor or another employee has discriminated against them, this individual should contact the EEO Officer, a supervisor, or an EEO Liaison. The EEO Officer may be contacted at (646) 610-5330; the office is located at One Police Plaza, Room 1204. The EEO Officer has the authority to recommend to the Police Commissioner that disciplinary action be taken against any employee who has committed an unlawful discriminatory act.

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. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

By Order of the
Police Commissioner

Appendix 3
New York City Police Department
EEOD Standard Operating Procedures
(under revision 12/1/2020)

EEO Complaint Intake Process

Initial Contact: Phone calls, walk-ins, letters, and emails. The Front Desk picks up all the phone calls and greets the walk-ins. They direct the calls and walk-ins to the appropriate Intake Investigator. The EEO complaint Emails gets sent directly to the executive staff for initial review and then gets forwarded to the appropriate Intake investigator. Letters will be reviewed, time stamped, and given to the appropriate investigator for their review.

Intake Investigators (“Big I” and “Small I”): The main intake investigator for the day is called the “Big I.” The “Big I” that takes all the incoming calls. The relief intake investigator is called the “Small i.” The “Small i” also catches all the cases/inquiries from voicemails/emails from the previous night during off-duty hours. The “Small i” also does meal reliefs and breaks for the “Big I.” The “Small i” and “Big I” are on a rotational basis. They will input all the inquires and EEO cases in the EEO intake system. The Big I and Small i will brief the Team Leaders on what cases or inquires came in on a constant basis throughout the day. As directed by the Team Leader, the intake investigator may need to conduct the initial investigative steps when the assigned investigator is absent.

Assigned Investigator: The investigator that is assigned and responsible for the EEO case(s). The EEO cases are distributed to the assigned investigator on a rotation. The rotation of case assignments maintained in the red log book. In that red log book, you can see who is up next to “catch” the case.

Late Coverage (LC): When the investigators have no functions, they may be assigned as the “late coverage (LC).” The LC’s tour ends at 1800 hours. On the days where investigators are not catching cases, they will schedule their interviews and work on their cases. There has to be a minimum of three (3) investigators during office hours. A Minimum of two investigators are required because two will conduct interviews in case of walk-ins and one will be responsible for phone calls.

Complainant Interview: The catching investigator conducts an initial interview with the complainant over the phone or in person (walk-ins) and gather all the facts. The investigator will confer with their Team Leader regarding the information they obtained from the complainant. The Team Leaders may brief the executive staff regarding the case or inquiry. Interviews will be recorded and all appropriate EEO forms will be given to complainant.

- **Basis & Theory (EEO CASE):** Protected Class + Disparate Treatment/Disparaging Remark. *Case #* gets generated. Investigation begins.
- **No Basis & Theory (Inquiry):** None EEO. *Inquiry #* gets generated. Complainant will be referred to CO, Union, EAU, RA, Mediation, IAB, etc.
- **Retaliation:** Adverse Treatment/Impact on an individual for participating in the EEO process. EEO Case # gets generated, or the allegation gets added to existing case. Retaliation complaint does not need a basis and theory.

- **205-37 Display of offensive sexual, ethnic, racial, religious, or other discriminatory material in the workplace:** EEO Case # gets generated and requires a command visit in most cases.
- **221-20 Confrontational Situation:** When a CO/XO/Duty Captain contacts our office regarding a confrontational situation, we must also contact the “confronted officer” and determine if there is a basis and theory regarding the incident. Provide CO/XO/Duty Captain with an inquiry or log #. Brief Team Leader and/or EEO executives.

*Note: Case or Inquiry will be inputted in the EEO System by the Intake Investigator **ASAP**. This system will generate a Case # or Inquiry #. Team leader will review it for sign off.*

Team Leaders: The investigator will brief the Team Leaders, and if absent, the Executive Staff of information obtained from complainant. Team Leaders or the executive staff will make the final determination if the information obtained will be an EEO case or Inquiry. Team Leaders will sign off on the cases and give the investigators direction regarding the case.

Executive Staff in EEO: CO/XO and Director. CO/XO reviews all the cases and inquiries. Director reviews the cases at the final stages.

Investigative Steps for EEO Cases only:

If a complaint was made on behalf of someone by a supervisor or anyone other than the complainant, attempts have to be made to contact the complainant and be memorialized in the EEO system. If unsuccessful, Case # or Inquiry # will still be generated with the way the original information came in by that reporting supervisor or caller.

*******All Steps below requires Worksheets and Enclosures*******

- Phone interview will be conducted to gather information regarding EEO allegation(s). If a Supervisor is reporting, inform them of the required **SIGNED** UF 49 report. Worksheet will be required upon receiving the UF49 for review. This worksheet will list all the allegations during the initial phone interview. Please note: *the UF49 may not be consistent with the initial intake or the information received during the phone call with the reporting supervisor. If there are new allegations in the UF49, we must carry the allegations.*
- Schedule the Complainant for an in-person interview once the phone interview is completed. On or off-duty hours? If on-duty hours, a confidential communication will be made to the Complainant’s ICO to schedule the complainant for an in-person interview. If absent, their CO/XO/Counterpart. Walk-ins will be interviewed also. If walk-in complainant came in during off duty hours, they will be interview, but if they came in during on-duty hours, their ICO/counterpart will be notified. We may also meet the complainant at a discrete location of their choice.

Note: Interview preparation is important. A minimum of two (2) investigators will be at the interview. One (1) must be Cornell certified. They must know the case and the allegations. Use open-ended questions and be ready to ask questions as new allegations may emerge.

Investigators may pause the interview for a break to brief the Team Leaders. All interviews will be audio recorded.

- **Complainant in-person Interview:** Adhere and/or explain the following to the complainant:

1) The EEO Investigative Process, 2) The Scope of confidentiality, 3) Retaliation, 4) Ask for witnesses 5) Ask for documents (Text messages, emails, etc), 6) Why they came forward, 7) Review retaliation again, 8) Advise them not to discuss the matter with anyone 9) Inform them that you are the contact person throughout the process and ensure that person has your contact information, and inform the person that you will remain in contact with them. 10) Explain the importance of responding to your call and/or emails in a timely fashion. 11) Ask if they have any questions. 12) Do not commit to a specific action or timeline. 13) Interviews will audio recorded. Use both handheld recorder and Calabrio in the conference room.

Note: If the background checks reveals that the complainant has pending charges and specifications, we may close the case as "Admin H – Matter is under the jurisdiction of the DC, Trails," because at department trail, they can impose a certain penalty, which the complainant may argue that the penalty given was retaliation for filing an EEO complaint. The matter may be investigated after their trail is over. There's circumstances where we will still investigate the case even if they have pending charges and specs. Please be directed by your team leader. Please also ask the complainant if they have any pending lawsuits which the same type of allegation, if so, they case will be close to the Legal Bureau.

- **Witness Interviews:** They will be interviewed under PG and required to answer questions directly and narrowly to their official duties. They need representation during this interview because depending on how the interview will go, they may become a respondent or a complainant. If witnesses become a complainant, have them fill out the EEO forms and explain the complainant process.
- **Respondent Interview:** Usually the last interview conducted. They will be asked on all the allegations against them.
- **Serving the Respondent:** Depending on the Severity of the allegation(s), the respondent will be served with the complaint against them. They will be scheduled to come to the EEO office to be served. Advise them that they may respond to the allegations served against them within 14 days. Remind them that retaliation is prohibited. No representation is required during this time when they are served.
- **Background Checks:** PERP, CPI, MOS Photo, CCRB, EEO History. EEO History will require a careful analysis to determine if there is a pattern of behavior that might be relevant to the case. This is not only limited to EEO cases, but Inquires also. (The

breakdown of each background check will be documented in a worksheet and added as an enclosure)

- **Promotional/Probation Checks:** Check to see if the respondent is on any promotional list or is on probation. If so, inform the Team Leaders/Executives.
- **Document review:** Most of the documents will be requested through a confidential conferral with the ICO of the command or Unit Concern. It may be the most time consuming part of the case. Some of the documents needed: Roll Calls, Evaluations, OT records, memo books, Misc. Logs, etc. Certain request such as phone records may require a subpoena, while others may only require a signed UF49. Each document received will be carefully analyzed and explained in a worksheet. All documents will be added to the enclosure.
- **Misc. Investigative Steps:** DAS LITE, OMNI Search, ICAD, LMSI for video, IAB conferral, ICO conferral, Command Visits, Body worn camera, etc.
- **Random Witnesses:** Random witnesses are usually conducted when there is an Anonymous complaint. They are usually picked based on the nature of the allegations. On the worksheet, we should note why we picked the random to be interviewed.
- **Other worksheets:** All phone calls to complainants, ICO, CO, etc. requires worksheets. They should all be audio recorded. Nothing is off the record.
- **Command Visit:** Requires at least two (2) investigators to visit the command of where the allegation is to alleged to happened. During this visit, the investigators will ensure that the conditions are corrected as alleged (205-37). They will also ensure that all required EEO posters are posted in the command. Locker rooms/Lactation rooms are checked to make sure they are in compliance and also free of display of offensive material. The Command log at the desk will be checked to ensure that the desk officer documented their station house security checks. On some unusual instances, the training Lieutenant/Sergeant will conduct EEO training a roll call in the command depending on the case. Command Visit forms will be completed and documented in the command visit log and given to Team Leaders for review and signature.

Note: As a reminder, all of the above steps requires a worksheet and sometimes accompanied by an enclosure. If you are unsure if a worksheet is needed, it won't hurt to do a worksheet. Here are some examples that you may think a worksheet is not needed, but should be included in the case: 1) Respondent is on vacation or sick leave and you can't bring him in. 2) Respondent/Complainant was transfer to another command or even changed their names in the middle of the case. In this scenario, enclosure of *personnel orders* and a worksheet nothing such information is required 3) Investigating supervisor on vacation or sick leave causing case to be inactive 4) Interview got cancelled because their representation did not show up.

Case Letter

- **Case Delay Letters:** If the investigation is passed 90 days (except mediation), **BOTH** the complainant and respondent gets a case delay letter advising them that the case is still on-going.
- **Uncooperative letters:** Sometimes a complainant is unresponsive to phone calls or emails from our office because a Supervisor called in the complaint on their behalf. We send the complainant a certified mail with return receipt, advising them that they have 10 days to contact our office or the case will be closed (Attempts of all calls/ lets gets documented in Worksheet/Enclosure) The investigating officer will go to the USPS website to see the final status of the mail. Print that out as an enclosure and document this step on a worksheet.
- **Withdrawal Letter:** Letter will be mailed to complainant advising them that they withdrew their complaint. The NYPD may still proceed with the investigation depending on the severity of the complaint. Team leaders have to audit and review audio recordings of all withdrawals to make sure investigators did not persuade the complainants not to file a complaint. The Team Leader will document the audio audit in the front of the folder. The Investigator will also complete a withdrawal form for the complainant if withdrawal is over the phone. If it was an in-person interview, the complainant will sign and state the reason(s) for withdrawing. Team leader will sign withdrawal form.
- **Final Disposition letter:** Final disposition letters to the complainant and respondent advising them of the outcome of the case. The letter will also advise the complainant of their options of external agencies that they may file a complaint with.
- **Co to Co letter:** A letter sent to the command concern to the CO for corrective action. Sometimes the respondent must go to training, which the CO will ensure that they attend the training. The CO have certain amount of days to forward us a UF49 detailing the corrective action they took.

Note: During the investigative process, the EEO case folder gets reviewed by the Team Leaders each steps of the investigation. Each time the case folder gets reviewed, the team leader will sign and date the face of the folder.

End of the investigation

Case Recommendation worksheet: A complete summary of the case with an Administrative case closure. This is only for non-disciplinary cases. The investigator will submit their EEO case folder that includes this report to their Team Leader. If the Team Leader is satisfied with the case folder and investigative steps taken, the case will then be forwarded to the executive staff for their review and closure.

Full Case Report: Similar to a Case recommendation worksheet, but the case involves discipline with substantiated EEO allegations. The format is different than a Case Recommendation:

- 1) The Team Leader will submit the whole case folder along with this report to the executive staff for review. 2) Upon completion of the executive staff's review, they will concur with the findings, and the case will get submitted to the EEO officer.
- 3) The EEO Officer will review the case and concur with findings. The case gets forwarded to the Deputy Commissioner for review.
- 4) The Deputy Commissioner will make a final review and concur with findings and be given back to the investigator with Endorsements.
- 5) The investigator will make an appointment with the Department Advocate's office and submit a copy of the case folder and full case report for their review.
- 6) Upon completion of Department Advocate's review and endorsement and their recommendation, the report will be forwarded back to our Deputy Commissioner's FINAL review and endorsement.
- 7) Our Deputy Commissioner will then forward the report full case report to the Police Commissioner's office for review and final determination.
- 8) The Police Commissioner's office will review EEO and DAO report and make a final determination. A report will be sent to EEO and DAO.

Administrative Closure (No Discipline with Case Recommendation worksheet)

Admin A: Complainant Interviewed – No case of employment discrimination/retaliation articulated or revealed. Full investigation not required. * Matter referred to CO concerned for corrective action

Admin B: Complainant Interview – No case of employment discrimination/retaliation articulated or revealed. Full investigation not required. *

Admin C: Documents/Department records reviewed – No case of employment discrimination/retaliation revealed. Full investigation not required*

Admin D: Violation of Patrol Guide procedure 205-36 (display of offensive sexual, ethnic, racial, religious, or other discriminatory material in the workplace.) Matter referred to CO concerned for corrective action.

Admin E: Information and intelligence – Referred to Other Investigative Unit/File. Respondent Instructed.

Respondent received professional conduct instructions by this Office.

Admin F: Withdrawal

Admin G: Uncooperative Complainant

Admin H: Matter is under the jurisdiction of DC, Trails (When a complainant have charges & specs. pending) This also the closing if someone filed the same complainant with an external agency such as EEOC.

** Although the closure indicates that "Full investigation not required," this is just an administrative closure disposition and does not necessarily mean we did not conduct a full investigation.*

EEOD Standard Operating Procedures

Under revision 12/1/20

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Mission Statement

The Office of Equity and Inclusion (OEI) promotes a fair, safe, inclusive and accommodating work environment for all members of the New York City Police Department (NYPD).

OEI is responsible for ensuring our employees are treated with dignity and respect in the workplace, identifying and addressing obstacles to success, and promoting a fair and inclusive workplace that is free from discrimination and harassment.

OEI reaches beyond the mere presence of diversity, instead ensuring that employees' unique identities and experiences are valued, welcomed, and leveraged. Our commitment to an equitable and inclusive work environment where employees are engaged, valued and have opportunities will have a direct impact on how our employees interact with the diverse communities we serve.

The NYPD is the most diverse police department in the country and OEI partners with internal and external stakeholders to make sure we attract, recruit, develop, and maintain a diverse and inclusive workforce. OEI utilizes an evidence-based approach to identify, evaluate and address processes and behaviors that affect our employees, the employee lifecycle, and workplace issues. OEI promotes awareness, education and outreach efforts that engender respect and fosters cultural understanding of our employees and our community. We are committed to educating our members on equal employment opportunity policies as well as federal, state, and local discrimination laws.

Equal Employment Opportunity

The Equal Employment Opportunity Division (EEOD), a sub-unit of OEI, is responsible for the prevention and investigation of employment and harassment claims of unlawful discriminatory practices. Major changes in Department policy and training, facilitated by the EEOD, include the NYPD's policy on pregnancy, lactation, beards, religious head coverings, and transgender policies and ensure the Department is responsive and accommodating to the diverse needs of its members. The Reasonable Accommodations Unit (RAU) process requests for accommodations from members of the service, based on disability, pregnancy, childbirth or other related medical conditions, lactation, religion, status as a victim of domestic violence, sexual violence, or stalking. The EEO Liaison Network (EELON) is integral to the process of implementing EEO policy and assisting in complaints and investigations.

Complaint Procedure

When an informal or formal complaint is made, it is our responsibility to make sure immediate steps are taken to stop the alleged conflict and begin investigating. Responsiveness to a complaint in a timely fashion will yield the best information and evidence. The goal of the investigation is to identify and resolve internal problems before they become widespread and effect the overall culture of the Department. Investigations must be prompt and thorough to ensure everyone's protection.

Complaints may come in through various forms such as:

- Internal "whistleblower" complaints (written or verbal);
- Anonymous letters/e-mail messages;
- Observation;
- Exit interview;
- External agencies;
- External/Formal complaints;
- Social media.

Complaints may not come out as "outright" complaints:

- There is no such thing as an "off the record" complaint.
- Don't fail to act because the employee "will take care of it myself."
- Don't fail to act because the employee says, "it wasn't a big deal."
- Don't fail to act because it took place off-site.
- Don't fail to act because you have an uncooperative "victim."

Intake

Confidentiality

The integrity of the EEO complaint process hinges on confidentiality. Investigators must protect the confidentiality of an employee's claims to the best of their ability. It is also imperative that investigators conduct a prompt and effective investigation.

The complaining party should be informed that it may not be possible to keep all information gathered in the initial complaint completely confidential. The complainant and all individuals involved in the investigation should be informed that all information gathered will remain confidential to the extent possible to conduct a thorough investigation. It should also be communicated that to conduct a prompt and thorough investigation, some information will be revealed to the accused (Respondent) and potential witnesses, but that information will be shared on a need to know basis.

Protection

Investigators must consider what immediate measures for protection of the petitioner or alleged victim is necessary. It may be necessary to separate the alleged victim from the accused to guard against continued harassment or retaliation. Actions such as schedule change, tour change, or transfer may be necessary. It is

prudent to remember that transferring the complainant after a complaint is made, can be construed as retaliation and result in a retaliation complaint, even if the move is accompanied with the best intentions.

Investigators

An investigator that is assigned a case should consider their ability to investigate objectively. Additionally, they should not have a personal relationship with the involved parties and the outcome of the investigation should not directly affect the investigator's position within the Department. Investigators must remain neutral in the investigation.

A seamless and neutral reporting system is the first step to ensuring the integrity of harassment prevention.

Investigator Checklist

Below is a checklist of factors to consider when a complaint comes in

- Investigator responds promptly and thoroughly to reports of harassment or discrimination.
- Investigator ensures a supportive environment where complainants feel safe to report harassing or discriminatory conduct.
- Investigators remain neutral taking the complaint
- Investigators document all the steps taken from the point of first contact through the completion of the final report.
- Investigators take the utmost care to protect the privacy of the individuals who file complaint reports, individuals who provide information during an investigation, and respondents to the greatest extent possible.
- Investigators ensure all parties have been advised of the Department's policy on retaliation.
- Investigators remain neutral through the pendency of an investigation and are individuals are not "punished" unless and until a complete investigation determines a violation of the Department's EEO policy.
- Investigators communicate the determination of the investigation to all parties and, where appropriate, a communication of the sanction imposed if harassment or discriminatory conduct was found to have occurred

Below is a checklist of questions to consider when a complaint comes in:

Key information to obtain at time of complaint:

- Who and/or what is the employee reporting about?
- Exactly what occurred?
- When and where did it occur?
- Were there any witnesses?
- Has anyone else experienced similar treatment?
- Did the employee or anyone else report it to anyone?
- Are there any relevant notes, e-mails, texts, etc.?
- Is there anything else I should know?

Notification Requirements

Investigators must maintain timely and continual communication with all parties to the case.

Investigators will notify a complaint in a timely manner, upon conferral with EEO agency council and EEO team leaders.

Investigative Plan

Before you begin an investigation determine the scope of the investigation and gather all relevant policies and documents.

An investigation must be planned to be effective and properly executed. An investigative plan should include a(n):

- Outline of the issues
- Development of a witness list
- Sources for information and evidence
- Document retention
- Interview questions

Analyze:

- Complainant & the complaint;
- Policies, procedures, instructions;
- Contract documentation (bidding, audits, etc.);
- Prior relevant complaints;
- Other relevant business records, e-mails, cameras, etc.;
- Personnel files of the individuals involved.

Investigative Guide

We must begin with a premise: What are you investigating?

A good investigation plan accounts for:

- An understanding of the purpose of the investigation;
- Knowledge of the issues to be addressed;
- Knowledge of employer policies, procedures, and rules;
- Knowledge of the contract requirements, if any;
- Objectivity and impartiality;
- Consideration of past precedent and equity;
- The preparation of an accurate and complete record;
- Fact-based decision-making;
- Confidentiality (need-to-know basis).

Withdrawal of EEO Complaint

- Attempt to establish rapport and explain the investigative process in some detail.
- Communicate the employer's policy regarding participation in internal investigations.
- Document the witness' refusal to cooperate.
- Consult with others to determine next steps with this witness.

Interviews

Preparations

Develop Interview Questions

Questions should be developed ahead of time in the planning phase. Additional questions will arise as you gather more evidence and information.

Good questions are relevant and designed to draw out fact without leading the interviewee. The questions should be open ended to elicit as much information as possible.

Here are some of the reasons you would include a person on your witness list.

- To learn/gather information
- To confirm information
- To preserve testimony
- To pin down a party's story
- To obtain admissible evidence
- To learn about other sources of information
- To learn about relevant documents

Conducting Interviews

Investigator should focus on being impartial and objective in order to gather and consider relevant facts. Prevention from pushing the investigation in any particular direction is imperative. The investigator should never offer any opinion or say anything to the interviewees that will discredit the investigators impartiality. Objectivity must be maintained with every interview.

- Ask the five Ws: who, what, where, when, and witnesses.
- Elicit facts, not rumor, opinion, or supposition.
- Do not promise confidentiality but state that information will be distributed only on a need-to-know basis.
- Take careful notes.
- Limit disclosure of information by way of your questions.
- Ask the witness to identify other witnesses and evidence.
- **Establish trust and rapport with the witness.**

Re-Interviewing Witnesses

- Attempt to verify information obtained in other interviews or documents.
- Try to keep the source of contradictory information confidential.
- Follow-up as necessary.

Evidence

The goals of an investigation is :

- To obtain a full, objective understanding of the facts;
- To prevent the issue from becoming an external one;
- To facilitate fact-based decision making;
- To preserve all evidence and a complete record;
- To establish an institutional record reflecting:
 - Competent management of a complaint;
 - Corrective action as warranted;
 - Reporting, if called for.

Case Management

□ Investigators must document all steps taken from the point of first contact prepare a written report using guidelines to weigh credibility

Final Report

□ Investigators must prepare a written report using guidelines to weigh credibility

Carefully analyze the information obtained and draw reasoned and logical conclusions:

- Be fact-based.
- Determine if facts reasonably confirm violation of policy, compliance with contract requirements, etc.
- Watch for your own investigator's agenda/bias.
- Be truthful about what you were able to confirm and what you were not able to confirm.

Start with your main point

- Summarize your conclusion
- Summarize the basis for your conclusion

Provide a roadmap

□ Make your structure explicit and focus the reader

Constructing a cohesive paragraph

- Limit each paragraph to one point.
- State the point in a topic sentence.

Edit for organization

Writing effective sentences

- Be concise & concrete: § Use specific subjects.
- Keep action in verbs.

Highlight actors & actions: Express *who is doing what*

- Choose actors as subjects.
- Express action in verbs.
- Keep subjects and verbs close together.

Be concise & concrete: Use strong, active verbs

Prefer active voice: *Example:*

- *The amendments were approved by the Board. (Passive Voice)*

- *The Board approved the amendments. (Active Voice)*

Passive voice:

- Adds extra words
- Excludes information
- Takes longer to process

Final Disposition

Substantiated Complaints

- Harassment and Discrimination policy is *communicated* to all parties
- Imposition of discipline that is prompt, consistent, and proportionate to the severity of the harassment or discriminatory conduct.
- Accountability training to prevent and/or respond to workplace harassment and/or discriminatory conduct.

Substantiated Complaints with NYPD as Complainant

- Leadership has allocated sufficient resources for a harassment prevention effort
- Leadership has assessed harassment risk factors and has taken steps to minimize those risks
- Accountability for mid-level managers and front-line supervisors to prevent and/or respond to workplace harassment
- Regular compliance trainings for all employees so they can recognize prohibited forms of conduct and know how to use the reporting system (make sure parties are current on mandatory Department EEO trainings).
- Regular compliance trainings for mid-level managers and front-line supervisors so they know how to prevent and/or respond to workplace harassment make sure parties are current on mandatory Department EEO trainings).

Unsubstantiated Complaints

- Close complaints within 90 days
- Notify all parties of Department determination

Exonerated

- Close complaints within 90 days
- Notify all parties of Department determination

Unfounded

- Close complaints within 90 days
- Notify all parties of Department determination

Other Misconduct Noted

- Refer matter to appropriate Department for further review
- Notify all parties of EEOD determination

Appendix 4
New York City Police Department
Patrol Guide 205-36 - Employment Discrimination



PATROL GUIDE

Section: Personnel Matters

Procedure No: 205-36

EMPLOYMENT DISCRIMINATION

DATE ISSUED:

08/12/20

DATE EFFECTIVE:

08/12/20

REVISION NUMBER:

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PURPOSE

To process and resolve all complaints of employment discrimination and/or related retaliation made against Department employees and applicants.

SCOPE

Employees and applicants for employment who have a complaint of employment discrimination, including related retaliation, or have any questions regarding these issues, are urged to contact the Equal Employment Opportunity Division (EEO). It is the goal of this Department that the effective use of this procedure will result in an equitable resolution of the complaint and prevent any discriminatory practice from harming other employees or applicants. Uniformed and civilian supervisors and managers are directed to make all employment decisions in accordance with the Department's Equal Employment Opportunity (EEO) policy. Uniformed and civilian supervisors and managers, and EEO Liaisons *must* report allegations or complaints of employment discrimination and retaliation, and any observations of conduct of a discriminatory or retaliatory nature.

Federal, State and/or City laws and/or Department policy prohibit employment discrimination based on actual or perceived status of a person's race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity - which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), pregnancy and pregnancy related conditions, sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), disability, age, military status and uniformed service, unemployment status, consumer credit history (for certain titles), salary history, familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristic, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses and as follows:

- a. Discriminatory treatment regarding any term, condition or privilege of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination
- b. Sexual harassment against New York City Police Department employees, applicants and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or who is an employee of such contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace

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SCOPE (continued)

- c. Policy that has a disproportionate impact on a group specifically protected by law, unless the policy is justified by business necessity
- d. Failure to make a reasonable accommodation for or failure to timely engage in cooperative dialogue with individuals with disabilities, religious observances/practices, those who are pregnant, recovering from childbirth or a related medical condition, and victims of domestic violence, stalking and/or sexual offenses. An accommodation may not be required if such accommodation would impose undue hardship on the Department, but a cooperative dialogue must still occur
- e. Discriminatory harassment, intimidation, ridicule and insults, including, but not limited to, using discourteous, disparaging or disrespectful remarks
- f. Retaliation and/or harassment against an employee, applicant and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or an employee of the same, for filing a discrimination complaint, participating in an investigation of a complaint, commencing a civil action based on unlawful discrimination or requesting a reasonable accommodation.

All forms of employment discrimination, including retaliation, are **PROHIBITED** both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

Employees and applicants should file a complaint with the EEOD at the earliest opportunity if the employee or applicant believes that a uniformed or civilian supervisor, manager or any other employee has engaged in any of the conduct described above.

NOTE

A complaint made in good faith will not be considered a false accusation. Knowingly making a false accusation of discrimination or knowingly providing false information during the course of an investigation of a complaint may be grounds for discipline.

At least one or more trained EEO Liaisons must be designated in every command throughout the Department to provide assistance to complainants, witnesses and others regarding any EEO matter. EEO Liaisons are non-supervisory members of the service who serve voluntarily with the recommendation of their Commanding Officer and approval of the DCEI. For further information about the EEO Liaison Network, contact the Program Coordinator at (646) 610-5330.

DEFINITIONS

EMPLOYMENT DISCRIMINATION – Disparate treatment of employees or applicants regarding any terms, conditions or privileges of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination based on actual or perceived status of a person's race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity), sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs

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DEFINITIONS (continued)

and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), pregnancy, disability, age, military status, unemployment status, salary history, consumer credit history (for certain titles), familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability or elder care), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristics, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses. Sexual harassment is a form of gender discrimination.

SEXUAL HARASSMENT – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

NOTE

Conduct which can, in certain circumstances, be considered sexual harassment includes, but is not limited to, sexually suggestive remarks, pictures, gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary or unwanted touching, patting or pinching.

DISABILITY – Any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

1. Physical, medical, mental, or psychological impairment refers to:
 - a. An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or
 - b. A mental or psychological impairment.
2. In the case of alcoholism, drug addiction or other substance abuse, the term 'disability' only applies to a person who:
 - a. Is recovering or has recovered, and
 - b. Is currently free of such abuse.

NOTE

*An employee or applicant who requires a reasonable accommodation related to their disability shall complete Section "I" of **REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)** or **REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)**, as appropriate (see A.G. 320-47, "Reasonable Accommodations for Employees and Applicants"). These forms are readily available at all Department facilities and on the Intranet.*

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DEFINITIONS (continued)

RETALIATION – It is unlawful to retaliate against or harass any person for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing or reporting any policies, practices or action which he/she believes to be discriminatory. Retaliation is also prohibited against any person requesting a reasonable accommodation. Any member of the service who engages in such retaliation or harassment will be subject to disciplinary action regardless of the findings of the initial EEO investigation or proceeding.

CONFIDENTIALITY – The EEOD and all Department uniformed and civilian supervisors, managers and EEO Liaisons will treat each complaint CONFIDENTIALLY. This means that information obtained from the complaint or revealed during the course of the investigation conducted by the EEOD will not be discussed with other personnel except as necessary to investigate and resolve the complaint or other matter or as required by law. Complainants should make every effort to maintain the confidential nature of this process. Witnesses and respondents of an EEO investigation shall not discuss the nature of the complaint being investigated by the EEOD or any aspect of an open or closed EEOD case with anyone except their union representative of a line organization and/or legal counsel.

All EEO complaints will be handled under the direction of the Deputy Commissioner, Equity and Inclusion (DCEI). In appropriate cases, the investigation will be conducted in conjunction with the Internal Affairs Bureau and other Department units as necessary or required.

REPORTING REQUIREMENTS

- I. Any non-supervisory member of the service is *strongly encouraged* to report the complaint or the problem to the EEOD, a supervisor or manager at any level, or an EEO Liaison when the member of the service:
 - a. Becomes aware of an employment discrimination or sexual harassment complaint or problem; or
 - b. Becomes aware of a complaint or problem of retaliation for making an EEO complaint or participating in an EEO investigation; or
 - c. Is asked or encouraged to retaliate against a member of the service for making an EEO complaint or participating in an EEO investigation.
- II. Any supervisor, manager or EEO Liaison *must* report the complaint or problem to the EEOD as soon as possible, or by the next business day, when the member of the service:
 - a. Observes conduct of a discriminatory nature; or
 - b. Becomes aware of an allegation or complaint of employment discrimination or sexual harassment; or
 - c. Observes or becomes aware of any act of retaliation regarding EEO matters
 - d. The member must report and shall not investigate the observed conduct, allegation, or complaint of employment discrimination, sexual harassment, or retaliation.

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NOTE *In order to ensure confidentiality, supervisors and EEO Liaisons must not make any entries regarding a complaint of employment discrimination and/or related retaliation in any official Department record.*

PROCEDURE When a member of the service or an applicant for employment believes that employment discrimination or sexual harassment exists as defined herein, and in the **Equal Employment Opportunity Policy Statement (SP 297)** and/or **Sexual Harassment Policy Statement (SP 281)**, or that retaliation relating to EEO issues has occurred:

- MEMBER CONCERNED**
1. File a complaint of employment discrimination and/or related retaliation with any of the following:
 - a. Office of Equity and Inclusion, Equal Employment Opportunity Division by telephone at (646) 610-5330, by email at EEOcomplaints@NYPD.org, by facsimile at (646) 610-7229, in writing, or in person at One Police Plaza – Room 1204; or
 - b. Supervisor (uniformed or civilian); or
 - c. Manager; or
 - d. Commanding officer; or
 - e. Equal Employment Opportunity Liaison.

NOTE *After business hours and on weekends, the EEOD receives messages via office voice mail, and email and will make return phone calls on the next business day.*

Non-supervisory members of the service may telephone the EEOD anonymously to file a complaint and/or discuss matters regarding employment discrimination and/or related retaliation. An investigator assigned to the EEOD will be able to provide counseling and take appropriate follow-up action. Members concerned should understand that the cooperation of complainants and witnesses may be needed to rectify or address a problem of employment discrimination. Non-supervisory members of the service may report an allegation(s) of employment discrimination and/or related retaliation in writing anonymously by preparing a detailed written report and forwarding the report to the Deputy Commissioner, Equity and Inclusion Attn: Equal Employment Opportunity Division, One Police Plaza – Room 1204, New York, New York 10038.

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150) forms must be readily available at all Department facilities. Additionally, this form is available for viewing and printing via the Intranet.

- SUPERVISOR/
MANAGER/C.O./
EEO LIAISON**
2. Immediately upon observing conduct of a discriminatory or retaliatory nature, or becoming aware of an allegation or complaint of employment discrimination, sexual harassment or retaliation relating to an EEO issue:
 - a. Telephone facts to the EEOD during business hours or the next business day, Monday through Friday, 0800 to 1800 hours
 - (1) During non-business hours, leave a message on voice mail with contact number and an investigator assigned to the EEOD will contact caller

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**SUPERVISOR/
MANAGER/C.O./
EEO LIAISON
(continued)**

- b. Obtain EEOD case or inquiry number and name of the investigator
- c. Be guided by information received from the EEOD.

NOTE

A supervisor receiving an allegation of employment discrimination, sexual harassment and/or related retaliation against oneself must immediately notify the EEOD.

**SUPERVISOR/
MANAGER/C.O.**

3. If matter is issued a EEOD case number, forward **confidential** report on **Typed Letterhead** to the EEOD (DIRECT), within five business days.

NOTE

Any supervisor or EEO liaison who fails to report an employment discrimination complaint or problem, including retaliation, to the EEOD as required, and/or within the required time frames and/or who fails to take such actions as directed by the EEOD to prevent employment discrimination, including sexual harassment and retaliation, from occurring in the future will be subject to disciplinary action.

The Department prohibits the display in any form of offensive sexual, ethnic, racial, religious or other discriminatory material in or while using Department facilities or resources. Refer to P.G. 205-37, "Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material," for guidelines on handling incidents involving the display of offensive material.

EEOD

4. Notify commanding officer/manager, if and/or when appropriate.
5. Emphasize to the commanding officer/manager and all others concerned that reprisal or retaliation against complainants and/or witnesses is against the law and allegations of retaliation will be investigated and, if substantiated, members will be subject to disciplinary action.
6. Record required data in appropriate EEOD record and assign a case or inquiry number to all complaints.

NOTE

Upon receiving a complaint, an investigator assigned to the EEOD will attempt to contact and interview the complainant, and will advise the complainant that he/she may meet with an investigator to discuss the complaint at the EEOD or at a mutually agreed discreet location of his/her choice before, during or after work hours to protect his/her confidentiality. Additionally, the member will be advised that he/she may be accompanied by a representative of his/her choice.

Members are reminded that they do not have to notify a supervisor if they agree to meet with an EEOD investigator during non-working hours.

However, if a complainant wishes to meet with an investigator during working hours, the investigator will make a confidential notification to the command's integrity control officer, assistant integrity control officer, executive officer, commanding officer or other supervisory member not involved in the complaint to have the complainant appear at the EEOD. Supervisors cannot unreasonably deny permission to attend the meeting. A member's appearance at the EEOD must not be documented on any official Department record.

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EEOD (continued)

7. Counsel member filing complaint about options for handling complaint and/or refer member to other personnel for assistance.
8. If it is determined that an investigation is to be conducted, notify respondent in writing of the nature of the allegation(s), when necessary.
 - a. Remind respondent that employment discrimination and/or related retaliation will not be tolerated and may be subject to discipline.
9. After completion of the investigation and when appropriate, forward results of the investigation conducted by the EEOD to the Police Commissioner with recommendations for specific corrective action.
10. Notify complainant in writing of the outcome of the investigation and any corrective/disciplinary action taken.
 - a. Notify respondent about the outcome of the investigation in writing when appropriate.

COMMANDING OFFICER/ MANAGER

11. Address the matter as directed by and under the guidance of the DCEI.
12. When directed, forward confidential report on Typed Letterhead to DCEI (DIRECT).
 - a. Refer to EEOD case number.
 - b. Report what corrective action was taken to address the complaint and describe any steps taken to preclude a reoccurrence.
13. Take all reasonable steps necessary to prevent the respondent from engaging in additional employment discrimination and related retaliation.

NOTE

Copies of all documents related to EEOD complaints and investigations must be kept in a confidential file maintained by the commanding officer/supervisory designee consistent with the confidentiality requirements of this directive.

ADDITIONAL DATA

COUNSELING

The complainant will be interviewed to ascertain the details of the complaint and will be apprised of the options for handling the complaint. These may include:

- a. *Investigation by the EEOD*
- b. *Mediation by a neutral mediation service*
- c. *Further actions the member of the service can take on his/her own behalf*
- d. *The member of the service filing a formal complaint with an outside agency*
- e. *Referral of the member concerned to other personnel for assistance if it appears that the complaint does not involve an EEO problem.*

MEDIATION

In appropriate cases, certain EEO complaints will be referred for mediation by a neutral mediator at a neutral location. Mediation is an early dispute resolution program designed to help resolve EEO complaints at the earliest stage possible without the need for a formal investigation. The procedure is not adversarial, but is a means of finding a mutually acceptable end to the parties' differences. This process is voluntary and the parties must mutually agree to the outcome. If the parties cannot agree upon a resolution, the matter will be referred back to the EEOD for appropriate action. If a resolution is reached after mediation, no notations concerning the matter will be made on the respondent's Central Personnel Index record.

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INVESTIGATION

In order to encourage members of the service to come forward, all communications between complainants and the EEOD relating to employment discrimination complaints will be kept confidential consistent with the above statement regarding CONFIDENTIALITY. Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of his/her choice.

An investigation will be conducted by the EEOD or a person acting under the direction of the DCEI. The investigation begins after the EEOD:

- a. *Receives either an oral or a written complaint of employment discrimination and/or related retaliation, and*
- b. *Determines that the allegations in the complaint are sufficient to establish a case of unlawful employment discrimination and/or related retaliation.*

After receiving the notice and copy of the complaint, the respondent has the right to respond in writing within fourteen calendar days. Respondents must maintain the confidentiality of the EEO process.

At the conclusion of an investigation, the DCEI will forward a confidential report of the investigation to the Police Commissioner. If the DCEI concludes on the basis of the investigation that the allegation of employment discrimination is substantiated, the DCEI shall recommend appropriate corrective action. The Police Commissioner will review the report prepared by the DCEI and make a final determination regarding the investigation and any recommendation for corrective action. Disciplinary action shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements.

Following the endorsement by the Police Commissioner of a recommendation by the DCEI that an EEO complaint is:

- a. *Substantiated, in whole or in part, the DCEI will require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting as well as a record of action taken shall be documented in the case file.*
- b. *Unsubstantiated (as opposed to "unfounded"), the DCEI may require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting, as well as a record of action taken, shall be documented in the case file.*

If the DCEI concludes, as a result of an investigation, that an act of employment discrimination and/or related retaliation has occurred but cannot identify the person(s) responsible, the DCEI may require the commanding officer/manager of the command/unit of occurrence or other appropriate person to appear at the EEOD to discuss the final report with the Commanding Officer, EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting and a record of action taken shall be documented in the case file.

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When charges and specifications are pending or preferred against a member of the service, an allegation of discriminatory treatment raised as a defense to the charges by the respondent member of the service shall vest in the exclusive jurisdiction of the Deputy Commissioner, Trials until the charges and specifications have been resolved. After the charges and specifications have been resolved, jurisdiction over the allegation of employment discrimination shall be assumed by the DCEI upon written request of the affected party. In all other disciplinary matters, any allegation of employment discrimination raised by the member of the service concerned must be immediately reported to the EEOD.

ADDITIONAL PLACES WHERE A COMPLAINT OF DISCRIMINATION MAY BE MADE

Any member of the service or applicant for employment who believes that they have experienced discrimination has a right to file a formal complaint with the federal, state or local agencies listed below. A person does not give up this right when the person files a complaint with the Police Department's EEOD. The following local, state and federal agencies enforce laws against discrimination:

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

*100 Gold Street, Suite 4600
New York, New York 10038*

NEW YORK STATE DIVISION OF HUMAN RIGHTS

*Headquarters
One Fordham Plaza, 4th Floor
Bronx, New York 10458*

OR

*163 West 125th Street, 4th Floor
New York, NY 10027*

OR

*55 Hanson Place, Room 304
Brooklyn, NY 11217*

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

*New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004*

TIME PERIODS FOR THE FILING OF COMPLAINTS OF EMPLOYMENT DISCRIMINATION, INCLUDING RELATED RETALIATION (MEASURED FROM THE DATE OF THE LAST OCCURRENCE OF A DISCRIMINATORY ACTION):

- a. *New York City Police Department - one year*
(1) *New York City Police Department - three year statute of limitations (for complaints of sexual harassment only)*

The one year time period for filing complaints of employment discrimination, including related retaliation, with the New York City Police Department shall not serve as a limitation upon the Department's authority to discipline members of the service as otherwise authorized pursuant to applicable law

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- b. *New York City Commission on Human Rights – one year (New York City Administrative Code, Title 8, Chapter 1) (Three years for sexual harassment)*
- c. *New York State Division of Human Rights - one year (New York Executive Law, Article 15, section 297) (may not file if civil action filed first)*
- d. *United States Equal Employment Opportunity Commission – three hundred days, regardless of whether there has been a prior filing with another agency. A member of the service is advised to contact the United States Equal Employment Opportunity Commission directly for guidance on this issue (42 USC, Section 2000e-5[c]).*

**RELATED
PROCEDURES**

- Operations Coordinator (P.G. 202-11)*
- Desk Officer (P.G. 202-14)*
- Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material (P.G. 205-37)*
- Grievance Procedures for Members of the Public with Disabilities (A.G. 308-06)*
- Reasonable Accommodations for Employees and Applicants (A.G. 320-47)*
- Official Communication – Preparation (A.G. 322-11)*

**FORMS AND
REPORTS**

- REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)***
- REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)***
- EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150)***
- Typed Letterhead***



THE POLICE COMMISSIONER
CITY OF NEW YORK

June 21, 2021

Jeanne M. Victor, Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Dear Executive Director Victor,

This letter is the optional response by the New York City Police Department (NYPD) to the preliminary determination of the evaluation of sexual harassment prevention and response practices for the period of January 1, 2019 through December 31, 2020. The findings, corrective actions required, and a response to each are provided below.

Finding #1

§1.2: The address listed for the New York City Commission on Human Rights in the *EEOD Standard Operating Procedures* is incorrect. Additionally, the *EEOD Standard Operating Procedures* did not include the following requirements: issue a conclusive report within 90 days of the date the complaint was filed; in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report, and notify the complainant and respondent of the delay; and include in the conclusive confidential report (generated at the end of each complaint investigation) a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. The *EEOD Standard Operating Procedures* also did not require issuance /maintenance of written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office; the establishment and implementation of a policy whereby the agency head (or an approved direct report other than the General Counsel) issues a written/electronic determination adopting, rejecting, or modifying the recommended action, and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted; nor the requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

Furthermore, the corrective action in this section was associated as a corrective action in the

following other areas:

§III.7: NYPD's *EEOD Standard Operating Procedures* did not include a requirement that EEOD issue/maintain written confirmation when an internal complaint/mediation is terminated or resolved by agreement of the parties or EEO Office. Corrective Action Required. (See §I.2 for associated corrective action.)

§III.9: The *EEOD Standard Operating Procedures* did not include the requirement to issue a conclusive report within 90 days of the date the complaint was filed. Corrective Action Required. (See §I.2 for associated corrective action.)

§III.10: The *EEOD Standard Operating Procedures* did not include the requirement that in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, the reason for the delay and a projected time frame for completion of the report be specified in the complaint file. Corrective Action Required. (See §I.2 for associated corrective action.)

§III.11: The *EEOD Standard Operating Procedures* did not include the requirement that the conclusive confidential report (generated at the end of each complaint investigation) includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. Corrective Action Required. (See §I.2 for associated corrective action.)

§III.13: The *EEOD Standard Operating Procedures* did not specify how the Police Commissioner's final determination would be documented (*e.g.* written or electronic). The *EEOD Standard Operating Procedures* did not include the requirement that the agency head (or an approved direct report other than the General Counsel), upon review of the conclusive report, issue a written/electronic determination adopting, rejecting, or modifying the recommended action; and sign each determination to indicate it has been reviewed and adopted. Corrective Action Required. (See §I.2 for associated corrective action.)

§III.16: The *EEOD Standard Operating Procedures* did not include a directive to notify complainant and respondent in writing when the investigation by the EEO Professional is transferred due to the filing of an external complaint. Corrective Action Required. (See §I.2 for associated corrective action.)

Corrective Action #1: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies -- or an agency Policy that conforms to city, state and federal laws against sexual harassment-- for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Response #1: The NYPD has a number of documents that cover EEO in the Department. The

NYPD EEO Policy Handbook and relevant patrol and administrative guide procedures are distributed to all employees. The EEOD Standard Operating Procedure (SOP) and EEO Intake and Case Assignment Process are currently only available to employees in EEOD.

As noted, the EEOD Standard Operating Procedure (SOP) is currently under revision. The revision will include uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. The SOP will be distributed to managers, supervisors, legal, human resources and EEO professionals throughout the Department.

The following procedures identified by the audit are currently employed by EEOD and documented in the EEO Intake and Case Assignment Process document which was submitted to the EEPD (Appendix A). The EEO Intake and Case Assignment Process document is an internal document for EEOD employees. The following list of procedures were recommended additions to EEOD's SOP and will be included in the final document. The list below identifies those recommendations and states in parenthesis where in Appendix A they can be found in the "EEO Intake and Case Assignment Process".

- The sending of a letter to respondents informing them of the status of their complaint if the investigation is not completed with 90 days. (Page 3).
- Maintaining records regarding the disposition of mediation cases, case determinations of the Police Commissioner, and records regarding the transfer of case supervision because of the filing of an external complaint. (Page 4).
- Maintain written confirmation when a complaint is resolved by agreement of the parties. (Page 3, 4).
- EEOD's final case report includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts, a final conclusion/determination, and a recommendation. (page 4).
- EEOD maintains written documentation of the Commissioner's decisions/actions on EEOD's final reports. (Page 3, 4).

Finding #2

§III.6: Complaint files 12s.20 and 234s.20 did not include a notice of complaint to the respective respondents.

Corrective Action #2: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Response #2: The findings indicate that for case numbers 12s.20 and 243s.20, there was no "notice of complaint" articulated to the respective respondents. Based on a review of the investigative files, the following information was obtained.

As to case 234s.20, the “Notice of Complaint” was served upon the Respondent on December 16, 2020, as indicated by the Respondent’s signature, and date. However, this document was inadvertently left out of the materials provided. Please see Appendix B, “Documents re Case 234s.20”

In case No. 12s-20, there were three (3) Respondents and three (3) complainants, with a total of five (5) allegations identified. As a result, five (5) separate “Notice of Complaints” were served on the Respondents. One (1) Respondent received three (3) separate notices, and the remaining two (2) Respondents each received one (1) notice. These are indicated as followed (please see Appendix B, “Documents re Case 12s.20):

- Respondent # 1 was served with two notices on June 26, 2020, and another notice on July 10, 2020.
- Respondent # 2 was served with a notice on June 25, 2020.
- Respondent #3 was served with a notice on July 8, 2020.

Finding #3

§III.14: Complaint file 234s.20 did not include a notice to the respondent of the conclusion and outcome of their complaint investigation.

Corrective Action #3: Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

Response #3: The findings indicate that in case number 234s.20, the Respondent was not informed of the conclusion and outcome of the investigation. Upon a review of the file, it appears that “Final Disposition Letters” were sent to both the Complainant and Respondent on January 5, 2021. Those letters were sent in the manner originally indicated on their “Method of Written Correspondence Request” Forms. The Respondent, in this matter completed a Correspondence Form on December 16, 2020, in which he indicated that he wanted to be contacted via Department E-Mail. Additionally, included in the file is a copy of the letter that was sent to the Respondent informing them that the investigation was complete and that no further action would be taken in this matter (See Appendix C, “Documents re Case 234s.20”).

Finding #4

§III.18: The NYPD did not demonstrate that, during the period in review, the General Counsel (*Director of EEO or Executive Agency Counsel*) informed the principal EEO Professional when external complaints or litigation involving sexual harassment were brought against the agency, and was responsible for the investigation of, and response to, external sexual harassment complaints.

Corrective Action #4: Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation

involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Response #4:

The Deputy Commissioner of Legal Matters (DCLM) reviews all policy changes and training related to sexual harassment prior to dissemination (see Appendix D, "Communication re Sexual Harassment Training").

The DCLM is responsible for informing EEOD of external complaints or litigation involving sexual harassment (See Appendix D, "Memo to DCEI re External Filings" and "Communications re Request to Preserve Evidence."). The Director of EEOD is responsible for internal investigations. The Legal Bureau sends communications regarding particular findings as well as regular compilations of external filings.

The Director of EEOD regularly consults with DCLM on internal and external investigations as necessary.

Finding #5

§V.22: The EEPC could not confirm, based on the information provided, that every *EEO Investigator* was trained in EEO laws and procedures, and their responsibilities under the EEO Policy, including complaint investigation.

Corrective Action #5: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Response #5: The Department selects EEO professionals with a range of professional backgrounds from a variety of internal bureaus and external organizations. The current EEOD team is comprised of employees with previous experience in internal affairs, domestic violence, patrol services, detective bureau, corrections, school safety, court monitoring, integrity control, as well as military service, banking/financial management, etc., as evidenced by the collective experiences on the resumes supplied for audit. EEO investigators range in ranks from Detective to Sergeant. Guidance and oversight is provided by agency attorneys, as well as EEO team leaders (Lieutenants).

All NYPD EEOD investigators receive a EEO Professional Certification from the Cornell University Industrial Labor and Relations (ILR) School. Cornell ILR is recognized as one of the premiere educational institutions. The Cornell ILR EEO Professional certification course covers the scope of topics required for is comprised of five (5) modules: 1) Advanced Internal Investigations Process, 2) Advanced Internal Investigations Practice, 3) Advanced Internal Investigations Reports, 4) Harassment Prevention in the Workplace, and 5) Facilitating Conflict: Collaborative Problem Solving, and 6) Equal Employment Opportunity Law. Module descriptions follow:

Equal Employment Opportunity Law - Understanding the impact and importance of EEO laws, including EEO/affirmative action laws and obligations of employers; recent legislation and court decisions; guidelines; compliance agencies' interpretations; and the impact of EEO laws on the organization's policies, procedures, and day-to-day operations. Online networking opportunities will be available.

Advanced Internal Investigations Process

Learn and practice the complete step-by-step internal investigation process. Receive extensive content related to conducting interviews, investigation techniques, determining credibility, managing bias, reaching conclusions, and implementing outcomes. Apply a case study to the internal investigations process and interact with expert investigators to learn best practices and acquire new skills.

Advanced Internal Investigations Practice

Apply learnings from Advanced Internal Investigations Process. Practice techniques using a real-life employee complaint by conducting the intake interview, planning and conducting the investigation, making findings and conclusions, making recommendations and implementation of the outcome. Develop skills under the guidance of expert internal investigators.

Advanced Internal Investigations Reports

Learn methods for capturing key information, maintaining documentation and writing fair, neutral and effective reports. Practice taking notes, developing documentation, avoiding advocacy language, addressing comparators/credibility and writing sound conclusions. Considerations include ethical issues and attorney/client privileges. Receive a report template that will uphold findings and withstand heightened scrutiny.

Harassment Prevention in the Workplace

Examine current legal and policy concerns and best practices related to preventing harassment and retaliation. Learn HR, managers and employee approaches for responding to inappropriate behaviors. Practice prevention strategies for creating a respectful workplace including providing individual feedback. Review requirements for training and explore preventive training options beyond legal standards.

Facilitating Conflict: Collaborative Problem Solving

Learn techniques, tools, processes and skills for facilitating conflict using a collaborative problem solving approach for resolving one-on-one conflicts. Topics and tools focus on problem solving, listening and messaging skills, conflict styles, neutral issue statements, de-escalating emotions, developing options, facilitating and gaining commitment.

All EEO staff, including investigators, team leaders, and executive leadership are certified Cornell EEO professionals. Successful completion and completion dates are reported in the *EEOD UMOS PEPR* documents, except for [REDACTED] and [REDACTED]. Both staff members have received their Cornell EEO certifications.

- EEO Team Leader, [REDACTED] received his EEO certification in May of 2019 (certificate attached). We have also forwarded [REDACTED]'s certificate to the Training Bureau to ensure data entry of his certification, as it is not listed in his Education/Training record. Please see Appendix E, [REDACTED] Cornell Documents.”
- EEO Investigator [REDACTED] transferred to the Equal Employment Opportunity Division in April of 2020. He initially performed duties in the Reasonable Accommodations Unit and then moved to EEO investigations in November of 2020. He recently completed the coursework, and an email notification from Cornell ILR of completion for certification is attached in lieu of a certificate (which is being sent via mail.) Please see Appendix E, [REDACTED] Cornell Documents.”

Finding #6

§V.26: The NYPD did not provide documentation to demonstrate that during the period in review, documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment was maintained.

Corrective Action #6: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Response #6: During the period for which the audit covered, the Deputy Commissioner, Equity and Inclusion met with the Police Commissioner no less than nine (9) times since being appointed to the position (see Appendix F, “DC Meisenholder Calendar”). It must also be taken into consideration that the period of audit occurred during the height of the COVID-19 pandemic in New York City. During this time (approximately April to July) there was a transition to hybrid work schedules with a prohibition on in-person meetings. In addition to the transition period between the retirement of Police Commissioner James O’Neill and the appointment of Police Commissioner Dermot Shea. This is the only time during which the Deputy Commissioner, Equity and Inclusion did not meet regularly meet or speak with the Police Commissioner. In addition, DC Meisenholder met with staff from the PCO on multiple occasions regarding specific EEO sexual harassment investigations.

This is not inclusive of weekly and biweekly staff meetings that occurred during the course of the period of review. Please note that, due to the sensitive nature of the material discussed in these meeting, agendas are not available.

Additionally, throughout the period of review, the Deputy Commissioner, Equity and Inclusion did remain in contact with the Police Commissioner, via executive staff members who are direct reports. The attached communications (see Appendix F, “Communications re Sexual Harassment”), include correspondence between the Deputy Commissioner, Equity and Inclusion and the Deputy Commissioner, Legal Matters, the Chief of Personnel, the Deputy Commissioner, Management and Budget, and Deputy Commissioner, Strategic Initiatives. These are examples of

correspondence between the Deputy Commissioner, Equity and direct reports to the Police Commissioner directly related to sexual harassment, and the development and adoption of policy regarding. It should also be noted that during the period of audit, Department publications, such as the EEO Policy Book (contained in the original audit submission), undergo a rigorous series of reviews, primarily with the Deputy Commissioner, Legal Matters, Deputy Commissioner, Strategic Initiatives, and Deputy Commissioner, Public Information. This process is true for any publication which may be posted for view by the public (see Appendix F, highlighted portions of “Administrative Guide Procedures”)

Finding #7

§VI.28: The NYPD’s *Sergeant Evaluation*, *Lieutenant Evaluation*, *Probationary Captain Evaluation* and *Deputy Chief* evaluation forms (*i.e.* evaluation forms for uniformed supervisors and managers) did not contain a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Corrective Action #7: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Response #7: The Department has a patrol guide procedure for employee evaluations. The procedure focuses on a qualitative – more comprehensive review of raters’ responsibilities for evaluating members and supervisors, with an added component for supervisor compliance with EEO policy.

The NYPD Patrol Guide Procedure 205-48 - EVALUATIONS - GENERAL - MEMBERS OF THE SERVICE (see Appendix G, “Patrol Guide Procedure 205-48”) applies to all members of service, including supervisors. The policy requires raters to:

- 1) Discuss the Department’s equal employment opportunity (EEO) policy with ratee.
- 2) Make all evaluation decisions in accordance with the Department’s EEO policy to ensure compliance.
- 3) Record any disciplinary action received by a member of the service that was a result of an EEO related issue.
- 4) For non-supervisors – record comments in the section devoted to the “Overall Rater’s Comments” indicating that the employee’s rights and responsibility regarding EEO issues were discussed.
- 5) For supervisors - record comments in the section devoted to the “Overall Rater’s Comments,” indicating how well a supervisor has demonstrated his/her compliance with the Department’s EEO policy.

We have highlighted this language in the *Sergeant Evaluation*, *Lieutenant Evaluation*, *Probationary Captain Evaluation* and *Deputy Chief* evaluation forms (see Appendix G, “Uniform Evaluations (blank)”).

The Office of Equity and Inclusion will undertake a review of current managerial performance evaluations to identify opportunities for further delineation of EEO-related information, practice, and compliance factors. It should be noted that certain aspects of NYPD performance evaluations are under the purview of a federal monitor, and changes to procedures for evaluation require bargaining with the union and cannot be changed unilaterally by the Department.

Finding #8

§VII.29: The NYPD did not submit an Annual Plan for fiscal year 2021. The NYPD also did not submit its fourth quarter report for fiscal year 2018; its first, second and third quarter reports for fiscal year 2019; third and fourth quarter reports for fiscal year 2020; or its quarterly reports for fiscal year 2021.

Corrective Action #8: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Response #8: We have attached email confirmations for submission of the FY2021 EEO Plan, as well as the quarterly reports for Q1, Q2, and Q3 2021. The most recent quarterly report (Q3 2021) submission to Cterry@eepc.nyc.gov was rejected with a recipient email error. The report was resubmitted to the new EEPC email ([diversityEEOPlansQuarterly Reports@eepc.nyc.gov](mailto:diversityEEOPlansQuarterlyReports@eepc.nyc.gov)). See Appendix H, "Emails re Quarterly Report Submissions."

We have attached each quarterly report (Q4 2018; Q1, Q2, and Q3 of 2019; Q3 and Q4 of 2020, and Q1, Q2, and Q3 of 2021). Also attached is the NYPD 2021 EEO Plan, and a breakout of sexual harassment complaint activity in each quarterly report for fiscal years 2018-2021 with the exception of Q4 2021 (ends 6/30/2021). See Appendix H, "2018 Documents Submission, 2019 Documents Submission, 2020 Documents Submission, 2021 Documents Submission, NYPD EEO Plan FY 2021." Please let us know if you would like us to send these reports to the new EEPC email as well.

Thank you for the opportunity to respond to the preliminary determination, and we believe that the above responses and attached additional supporting documentation will result in findings of compliance.

Sincerely,



Dermot Shea
Police Commissioner



Aldrin Rafael Bonilla
Chair

Mirosca Alcantara
Elaine S. Reiss, Esq.
Commissioners

Jeanne M. Victor
Executive Director

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BY EMAIL

June 30, 2021

Dermot Shea
Commissioner
New York City Police Department
1 Police Plaza
New York, New York 10038

Audit Status:

Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2019 to December 31, 2020.

New York City Police Department

Determination: **FINAL**

Resolution #: 2021AP/250-056-(2021)

Dear Commissioner Shea:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: June 7, 2021

Response Received: June 21, 2021

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan,

program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the New York City Police Department's Sexual Harassment Prevention and Response Practices.

As the New York City Police Department falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the New York City Police Department's actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: **July 1, 2021 to December 31, 2021**. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the New York City Police Department has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The New York City Police Department will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The New York City Police Department is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the New York City Police Department's implementation of the final corrective action, if any, the EEPC requires that the New York City Police Department submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the New York City Police Department must submit a final memorandum (See Next Steps, Final Memorandum). Upon the EEPC's receipt of the final memorandum, the New York City Police Department will be exempt from the abovementioned compliance-monitoring period.

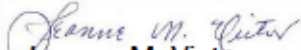
¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Conclusion

This is the EEPc's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eeepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


Jeanne M. Victor
Executive Director

c: Tanya Meisenholder, Principal EEO Professional, New York City Police Department
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPc
William Peterson, Manager, Labor Relations Analysis and Audit Unit, EEPc
Ilicia Zuell, Manager, EEO Analysis and Audit Unit, EEPc

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of New York City Police Department's efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the *Annual EEO Plans and Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response² (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #2:

Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.

Agency Response:

"Based on a review of the investigative files, the following information was obtained. As to case 234s.20, the "Notice of Complaint" was served upon the Respondent on December 16, 2020, as indicated by the Respondent's signature, and date. However, this document was inadvertently left out of the materials provided. Please see Appendix B, "Documents re Case 234s.20"

In case No. 12s-20, there were three (3) Respondents and three (3) complainants, with a total of five (5) allegations identified. As a result, five (5) separate "Notice of Complaints" were served on the Respondents. One (1) Respondent received three (3) separate notices, and the remaining two (2) Respondents each received one (1) notice. These are indicated as followed (please see Appendix B, "Documents re Case 12s.20").]

EEPC Response:

The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #2 is implemented. Documents demonstrated that six (6) notices of the complaint were served on the respondents to complaints 234s.20 and 12s.20. Each notice of the complaint included the respondent's right to respond to allegation and right to be accompanied by a representative of their choice.

² Excerpts are italicized.

NOTE: The NYPD should ensure documentation regarding the service of notice on the respondent is maintained in the complaint file.

Corrective Action #3:

Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

Agency Response:

"Upon a review of the file, it appears that "Final Disposition Letters" were sent to both the Complainant and Respondent on January 5, 2021 . . . [I]ncluded . . . is a copy of the letter that was sent to the Respondent informing them that the investigation was complete and that no further action would be taken in this matter (See Appendix C, "Documents re Case 234s.20")."

EEPC Response:

The EEPC accepts the entity's response and documentation provided (i.e. a letter to the respondent that provided written notice of the conclusion and outcome of the investigation for complaint 234s.20) as confirmation that Corrective Action #3 is implemented.

Corrective Action #4:

Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Agency Response:

"The Deputy Commissioner of Legal Matters (DCLM) reviews all policy changes and training related to sexual harassment prior to dissemination (see Appendix D, "Communication re Sexual Harassment Training")."

The DCLM is responsible for informing EEOD of external complaints or litigation involving sexual harassment (See Appendix D, "Memo to DCEI re External Filings" and "Communications re Request to Preserve Evidence."). The Director of EEOD is responsible for internal investigations. The Legal Bureau sends communications regarding particular findings as well as regular compilations of external filings.

The Director of EEOD regularly consults with DCLM on internal and external investigations as necessary."

EEPC Response:

The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #4 is implemented. The entity's documentation demonstrated the Legal Bureau

(General Counsel equivalent) was responsible for coordinating and assisting the New York City Law Department in the investigation of external sexual harassment complaints against the entity. The documentation also demonstrated the *Commanding Officer, Legal Bureau* informed the *Commanding Officer, Equal Employment Opportunity Division* (a direct report to the principal EEO Professional) when external complaints involving sexual harassment were brought against the agency.

Corrective Action #5:

Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response:

"All NYPD EEOD investigators receive a EEO Professional Certification from the Cornell University Industrial Labor and Relations (ILR) School. Cornell ILR is recognized as one of the premiere educational institutions. The Cornell ILR EEO Professional certification course covers the scope of topics required for (sic) is comprised of five (5) modules: 1) Advanced Internal Investigations Process, 2) Advanced Internal Investigations Practice, 3) Advanced Internal Investigations Reports, 4) Harassment Prevention in the Workplace, and 5) Facilitating Conflict: Collaborative Problem Solving, and 6) Equal Employment Opportunity Law. . . . All EEO staff, including investigators, team leaders, and executive leadership are certified Cornell EEO professionals. Successful completion and completion dates are reported in the EEOD UMOS PEPR documents, except for Lieutenant [name] and Sergeant [name]. Both staff members have received their Cornell EEO certifications. EEOD Team Leader, Lieutenant [name] received his EEO certification in May of 2019 (certificate attached) . . . EEOD Investigator Sergeant [name] . . . recently completed the coursework, and an email notification from Cornell ILR of completion for certification is attached in lieu of a certificate[.]"

EEPC Response:

The EEPC accepts the entity's response and documentation provided on June 21, 2021 and June 29, 2021 as confirmation that Corrective Action #5 is implemented. Course registrations and invoices from Cornell ILR, and email correspondence from Cornell ILR confirmed that the Sergeant, whose training could not be previously verified, completed Cornell ILR's *EEO Professional* certificate program in 2021, which included the following courses: *Advanced Internal Investigations Process* (March 2021), *Harassment Prevention in the Workplace* (April 2021), *Advanced Internal Investigations Reports* (April 2021), *Advanced Internal Investigations Practice* (May 2021), and *The Law of Equal Employment Opportunity* (May 2021).

Course registration confirmations and invoices from Cornell ILR confirmed that the Lieutenant, whose training could not be previously verified, completed the following Cornell ILR courses: *Harassment Prevention in the Workplace* (October 2017), *Internal Investigations Part I: Note Taking & Reports* (October 2017), and *The Law of Equal Employment Opportunity* (March 2018). (A Cornell ILR *EEO Complaint Handling - NYPD* certificate dated May 2019 was also provided for

the Lieutenant, however the contents of the course could not be verified.) The courses associated with the aforementioned documentation collectively provided training on EEO laws and procedures, and the responsibilities of EEO professionals under the EEO Policy, including conducting complaint investigations.

Corrective Action #6:

Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response:

"During the period for which the audit covered, the Deputy Commissioner, Equity and Inclusion met with the Police Commissioner no less than nine (9) times since being appointed to the position (see Appendix F . . .) It must also be taken into consideration that the period of audit occurred during the height of the COVID-19 pandemic in New York City. During this time (approximately April to July) there was a transition to hybrid work schedules with a prohibition on in-person meetings. In addition [there was] the transition period between the retirement of Police Commissioner James O'Neill and the appointment of Police Commissioner Dermot Shea. This is the only time during which the Deputy Commissioner, Equity and Inclusion did not meet (sic) regularly meet or speak with the Police Commissioner. In addition, [principal EEO Professional] met with staff from the PCO on multiple occasions regarding specific EEO sexual harassment investigations.

This is not inclusive of weekly and biweekly staff meetings that occurred during the course of the period of review. Please note that, due to the sensitive nature of the material discussed in these meeting, agendas are not available.

Additionally, throughout the period of review, the Deputy Commissioner, Equity and Inclusion did remain in contact with the Police Commissioner, via executive staff members who are direct reports. The attached communications (see Appendix F, "Communications re Sexual Harassment"), include . . . examples of correspondence between the Deputy Commissioner, Equity (sic) and direct reports to the Police Commissioner directly related to sexual harassment, and the development and adoption of policy regarding (sic). It should also be noted that during the period of audit, Department publications, such as the EEO Policy Book (contained in the original audit submission), undergo a rigorous series of reviews . . . This process is true for any publication which may be posted for view by the public (see Appendix F, highlighted portions of "Administrative Guide Procedures")"

EEPC Response:

The EEPC accepts the entity's response and documentation provided as confirmation that Corrective Action #6 is implemented. Calendar items indicate nine (9) meetings scheduled between the principal EEO Professional and the Police Commissioner during the audit period.

Communications regarding the entity's drafting and completion of the entity's NYC Agency Risk Assessment and amendments to the entity's Department Manual and Patrol Guide pertaining to employment discrimination, demonstrated that documentation was maintained of decisions made

between a direct report to Police Commissioner (other than the General Counsel) and the principal EEO Professional that impacted the administration and operation of programs, policies or procedures concerning sexual harassment.

Corrective Action #7:

Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response:

"The Department has a patrol guide procedure for employee evaluations. The procedure focuses on a qualitative - more comprehensive review of raters' responsibilities for evaluating members and supervisors, with an added component for supervisor compliance with EEO policy.

The NYPD Patrol Guide Procedure 205-48 - EVALUATIONS - GENERAL - MEMBERS OF THE SERVICE (see Appendix G, "Patrol Guide Procedure 205-48") applies to all members of service, including supervisors. The policy requires raters to:

- 1. Discuss the Department's equal employment opportunity (EEO) policy with ratee.*
- 2. Make all evaluation decisions in accordance with the Department's EEO policy to ensure compliance.*
- 3. Record any disciplinary action received by a member of the service that was a result of an EEO related issue.*
- 4. For non-supervisors - record comments in the section devoted to the "Overall Rater's Comments" indicating that the employee's rights and responsibility regarding EEO issues were discussed.*
- 5. For supervisors - record comments in the section devoted to the "Overall Rater's Comments," indicating how well a supervisor has demonstrated his/her compliance with the Department's EEO policy.*

We have highlighted this language in the Sergeant Evaluation, Lieutenant Evaluation, Probationary Captain Evaluation and Deputy Chief evaluation forms (see Appendix G, "Uniform Evaluations (blank)")."

EEPC Response:

The EEPC accepts the entity's response and documentation provided (i.e. NYPD Patrol Guide Procedure 205-48, performance evaluation forms for Sergeant, Lieutenant, Captain and Deputy Chief titles, together with the entity's previously provided EEO Policy and Patrol Guide procedures) as demonstration that Corrective Action #7 is implemented.

Corrective Action #8:

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response:

"We have attached email confirmations for submission of the FY2021 EEO Plan, as well as the quarterly reports for Q1, Q2, and Q3 2021. The most recent quarterly report (Q3 2021) submission to [email address] was rejected with a recipient email error. The report was resubmitted to the new EEPC email [email address]. See Appendix H, "Emails re Quarterly Report Submissions."

We have attached each quarterly report (Q4 2018; Q1, Q2, and Q3 of 2019; Q3 and Q4 of 2020, and Q1, Q2, and Q3 of 2021. Also attached is the NYPD 2021 EEO Plan, and a breakout of sexual harassment complaint activity in each quarterly report for fiscal years 2018-2021 with the exception of Q4 2021 (ends 6/30/2021). See Appendix H, "2018 Documents Submission, 2019 Documents Submission, 2020 Documents Submission, 2021 Documents Submission, NYPD EEO Plan FY 2021[.]"

EEPC Response:

The EEPC accepts the entity's response and documentation provided on June 21, 2021 and June 29, 2021 (i.e. the entity's Annual Plan for fiscal year 2021, and its fourth quarter report for fiscal year 2018; its first, second and third quarter reports for fiscal year 2019; third and fourth quarter reports for fiscal year 2020; its first, second and third quarter for fiscal year 2021; and quarterly breakout of complaint activity for all quarters between the first quarter of fiscal year 2018 and third quarter of fiscal year 2021) as confirmation that Corrective Action #8 is implemented.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

Corrective Action #1:

Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response:

"As noted, the EEO Standard Operating Procedure (SOP) is currently under revision. The revision will include uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. The SOP will be distributed to managers supervisors, legal human resources and EEO professionals throughout the Department."

EEPC Response:

The EEPC recognizes the agency's commitment to implement corrective action #1. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Final Action:

Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2021AP/250-056-(2021)
New York City Police Department
Commissioner Dermot Shea
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL**

SYNOPSIS

Corrective Action(s):	Total: 8		
Period Audit Covered:	January 1, 2019 to December 31, 2020		
Preliminary Determination Issued:	June 7, 2021	Response Received	June 21, 2021
Final Determination Issued:	June 30, 2021	Response Due	July 30, 2021
Compliance-Monitoring:	Required	July 1, 2021 to December 31, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Police Department's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Police Department's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 7, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
4. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
5. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
8. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the

EEPC issued a Final Determination on June 30, 2021, which indicated that the following areas required corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2021 to December 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 30, 2021, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner Dermot Shea to assign compliance-monitoring.

Approved unanimously on July 22, 2021.



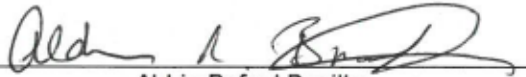
Minosca Alcantara
Commissioner/Mayoral Appointee



Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

Vacant
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee



Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee



THE POLICE COMMISSIONER
CITY OF NEW YORK

July 26, 2021

Jeanne M. Victor, Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Executive Director Victor,

This letter serves as the response by the New York City Police Department (NYPD) to the final determination of the evaluation of sexual harassment prevention and response practices conducted by the Equal Employment Practices Commission (EEPC) for the period of January 1, 2019 through December 31, 2020. We have received and acknowledge the final determination and are committed to ensuring that the required corrective action is taken promptly.

In order to ensure that the remaining corrective action is addressed, the NYPD has distributed copies of the *DCAS EEO Complaint Procedural Guidelines* to all members of the NYPD Equal Employment Opportunity Division's (EEOD) investigative teams.

Additionally, the public internet page for the Deputy Commissioner, Equity and Inclusion (a part of the NYPD public internet website) has been updated to include links to the following publications: *About EEO: What You May Not Know*, *Equal Employment Opportunity Policy Rights and Responsibilities a Handbook for Employees*, and *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*.

Finally, all NYPD employees will receive an administrative email detailing where they can make a complaint of employment discrimination and/or sexual harassment and how to contact the NYPD EEOD in the event they have questions. This email will include copies of the following documents: *About EEO: What You May Not Know*, *Equal Employment Opportunity Policy Rights and Responsibilities a Handbook for Employees*, and *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies*, as well as the relevant sections of the Department Manual which address employment discrimination and sexual harassment.



THE POLICE COMMISSIONER
CITY OF NEW YORK

Thank you for the opportunity to show the NYPD's dedication to the awareness and prevention of sexual harassment in the workplace. We look forward to working with the EEPC in the future and remain committed to ensuring a fair and equitable workplace for all NYPD employees.

Sincerely,

A handwritten signature in black ink, appearing to read "Dermot Shea".

Dermot Shea
Police Commissioner



**THE POLICE COMMISSIONER
CITY OF NEW YORK**

August 27, 2021

Memorandum for: All Employees

Subject: COMPLETION OF NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION (“EEPC”) AUDIT OF THE REVIEW, EVALUATION, AND MONITORING OF SEXUAL HARASSMENT PREVENTION AND RESPONSE PRACTICES

Every four years, the EEPC undertakes an audit and evaluation of the employment practices and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women.

The EEPC recently concluded its audit of the New York City Police Department’s (“NYPD”) sexual harassment prevention and response practices, and I write to share with you the improvements that the NYPD will be undertaking as a result:

- ❖ Redistribution of Department procedures and guidance relating to investigations of discrimination and sexual harassment to all members of the NYPD to ensure that they are aware of how and where to file complaints, both internally and externally.
- ❖ When the NYPD’s Equal Employment Opportunity Division (“EEOD”) initiates an investigation, respondents will receive notice of the complaint and will also be further advised of their right to both respond to the allegations and to be accompanied by a representative of their choosing.
- ❖ At the conclusion of an EEOD investigation, each complainant and respondent will receive, in writing, notice of the conclusion and outcome of the matter.
- ❖ The Office of the Deputy Commissioner, Legal Matters (“DCLM”) will continue to advise the Office of Equity and Inclusion (“OEI”) on matters pertaining to sexual harassment, including appropriate responses to incidents of sexual harassment and implementation of policies and procedures. Additionally, DCLM

will continue to investigate and respond to complaints of sexual harassment filed with outside administrative agencies or when litigation is commenced based on allegations of sexual harassment, and apprise OEI accordingly.

- ❖ The composition of the NYPD's OEI will continue to incorporate persons of varied ranks with varying assignment histories. Members of this office will be trained in EEO-related laws and procedures, and shall be knowledgeable of their responsibilities under said laws and procedures.
- ❖ OEI will continue to document all directives and decisions which impact the administration and operation of programs, policies or procedures concerning sexual harassment.
- ❖ Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
- ❖ Annually, the NYPD will communicate to EEPC its plan of measures and programs for ensuring equal employment opportunities within the Department. Thereafter, on a quarterly basis, the NYPD will submit a report detailing its implementation efforts, as well as statistics specifically identifying sexual harassment complaint activity.

Through successful completion of the EEPC's audit, evaluation, and monitoring processes and the aforementioned enhancements to the NYPD's EEO practices, I reaffirm my commitment to ensuring that the NYPD's workplace will be free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the Department's equal employment opportunity policies.

All employees are reminded that the NYPD EEOD may be contacted by telephone at (646) 610-5330, email at EEOComplaints@nypd.org, or in person at 375 Pearl Street, 15th Floor, Suite 4, New York, NY 10038.



Dermot Shea
Police Commissioner

Aldrin Rafael Bonilla
Chair

Minosca Alcantara
Elaine S. Reiss, Esq.
Commissioners

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

September 15, 2021

Dermot Shea
Police Commissioner
New York City Police Department
1 Police Plaza
New York, NY 10038

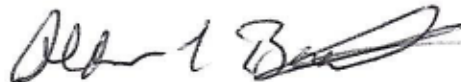
Re: Resolution #2021AP/251-056-(2021)C48
DETERMINATION: Compliance

Dear Police Commissioner Shea:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and principal EEO Professional Tanya Meisenholder for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,



Aldrin Rafael Bonilla
Chair

c: Tanya Meisenholder, Principal EEO Professional, New York
City Police Department

Monitoring of Sexual Harassment Prevention and Response Practices

RESOLUTION NO.

2021AP/251-056-(2021)C48

New York City Police Department

Police Commissioner Dermot Shea

DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s):	Total: 8		
Period Audit Covered:	January 1, 2019 to December 31, 2020		
Preliminary Determination Issued:	June 7, 2021	Response Received	June 21, 2021
Final Determination Issued:	June 30, 2021	Response Received	July 26, 2021
Compliance-Monitoring:	Required	July 1, 2021 to December 31, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter "entities") and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities' practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC's determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Police Department's Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Police Department's Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated June 7, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.
4. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
5. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
6. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
7. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
8. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on June 30, 2021, which indicated that the following areas required

corrective action: no(s). 1; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from July 1, 2021 to December 31, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on July 26, 2021, the entity issued a response to the EEPC's Final Determination; and

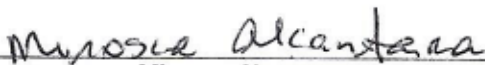
Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Police Department was monitored until August 17, 2021; and

Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Police Commissioner submitted a copy of a memorandum to staff dated August 27, 2021, which recognized the EEPC's audit and reiterated commitment to the New York City Police Department's equal employment practices; Now Therefore,

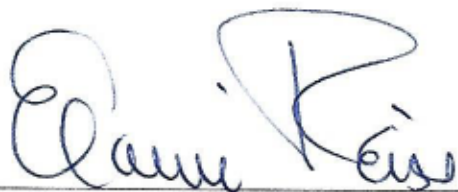
Be It Resolved, that the New York City Police Department has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Police Commissioner Dermot Shea of the New York City Police Department.

Approved unanimously on September 15, 2021.



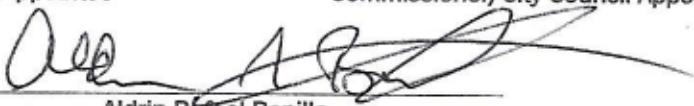
Mynosca Alcantara
Commissioner/Mayoral Appointee



Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

Vacant
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee



Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

This

Determination of Compliance

is hereby issued to

New York City Police Department

for successful implementation of 8 of 8 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2019 to this date.

In care of Police Commissioner Dermot Shea
and Principal EEO Professional Tanya Meisenholder

On this 15th day of September in the year 2021,



Aldrin Rafael Bonilla, Chair



Jeanne M. Victor, Executive Director