

Audit Standards – Equal Employment Opportunity (“EEO”) Complaints and Reasonable Accommodations 2026 - 2029

1. The agency annually distributes the City of New York Equal Employment Opportunity Policy – or an agency-specific EEO policy – and states where it is located. The EEO Policy includes current contact information for the federal, state, and local agencies that enforce laws against discrimination; uniform procedures for investigating discrimination complaints; and a current list of protected classes under City and State Human Rights Laws. The agency ensures it makes available in appropriate accessible and alternate formats, such as large print, audio, or Braille, its EEO Policy and information regarding the complaint investigation procedures to employees and job applicants with disabilities.
2. The agency ensures it develops and submits an annual *Diversity, Equity, Inclusion, and Equal Employment Opportunity Plan* (“EEO Plan”) that contains all necessary information relevant to the EEO complaint process, including:
 1. A commitment that holds EEO officers, personnel, human resources professionals, managers, and supervisors accountable for ensuring that the agency does not discriminate against “covered persons,” as delineated in the City’s policy.
 2. A commitment to ensure all new employees are advised of the agency and City’s EEO Policy, their rights and responsibilities under it, and the discrimination complaint and investigation procedures.
 3. A commitment to establish a diversity, inclusion, and EEO training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning EEO-related rights and responsibilities in a manner consistent with the minimum standards established by federal, state, and local laws and/or DCAS.
 4. Submission of quarterly reports on the agency’s efforts to implement the agency’s EEO Plan.
3. The agency distributes an Annual Commitment, Accountability, and EEO Policy Statement (EEO Policy Statement) that contains all necessary information relevant to the EEO complaint process, including:
 1. The assurance of a discrimination-free workplace.
 2. A declaration that all senior executives, managers, supervisors, and employees are accountable for upholding the values of EEO and diversity, equity and inclusion (“DEI”), and are charged, within their scope of responsibility, to effectively implement the agency’s annual EEO Plan.
 3. The name and contact information of the agency’s EEO officer/the principal EEO professional (“PEEOP”).
 4. An electronic version and/or link to the most recent edition of the agency’s EEO Policy, (such as the *City of New York Equal Employment Opportunity Policy* for agencies required to use it).

4. The reasonable accommodation process requires: engaging in a cooperative dialogue, issuing a written notice of any decision granting or denying an accommodation, providing the right to file an appeal of the decision, and issuing timely written determinations on appeals. The agency must justify any decisions to deny the original request or grant an accommodation that differs from the original request by conducting a carefully considered undue hardship analysis. The agency annually distributes the reasonable accommodation process (and any related updates) and states where it is located. The agency ensures the reasonable accommodation process is available in accessible and alternative formats.
5. The agency ensures it establishes and/or utilizes a complaint tracking and monitoring system to capture all EEO-related complaint activity, including the location, status, length of time elapsed in the investigation process, the issues and bases of the complaints, the individuals involved (i.e., complainants, witnesses, and respondents), outcome, and other information necessary to analyze complaint activity.
6. The agency ensures it establishes and/or utilizes a reasonable accommodation tracking and monitoring system to capture all reasonable accommodation requests, including the status of each request, the requestor's name or identifier, the type of accommodation sought, if the accommodation is temporary or permanent, the amount of time taken to process the request, the outcome, any extensions and their outcomes, any appeals and their outcomes, and any other information needed to analyze reasonable accommodation activity.
7. Whenever a complaint is not based on prohibited conduct or protected activity covered by the EEO policy, the EEO Office will make appropriate referrals.
8. The agency's EEO Policy explains how and with whom externally to file a report, in order to reduce conflicts-of-interest, when the allegations concern the actions of an agency EEO office employee or agency head that may violate EEO Policy.
9. The agency informs all personnel of their right to file complaints arising under the agency's EEO policy with federal, state or local agencies charged with enforcing discrimination laws, and provides the contact information for such external institutions.
10. The agency informs in writing every participant in the investigation, including complainants, witnesses, and respondents, of all applicable rights and potential accommodations, including protection against retaliation, the right to meet outside work premises (where appropriate and/or necessary), and the right of persons with disabilities to have effective communication, including sign language interpreters.
11. Whenever a complainant withdraws an EEO complaint, the EEO Office determines the complainant has done so voluntarily. The agency ensures that all complaint withdrawals are made in writing or confirmed in writing.

12. The agency concludes investigations within 90 days from the dates on which it accepts the complaints for investigation, or informs all parties, in writing, when more time is needed.
13. The agency provides the option to file a complaint anonymously (i.e., without notifying the agency head or EEO Office of the identity of the complainant, or with the complainant reporting anonymously) and ensures that it maintains the confidentiality of all complaints, to the maximum extent possible.
14. The EEO Office ensures the investigative report contains all necessary elements, including the allegation, the investigative and procedural actions taken by the EEO Office, and details of the findings as to whether the allegations are supported or not supported by a preponderance of the evidence. The EEO Office ensures that such reports are submitted to the Agency Head within 30 days of the conclusion of the investigation.
15. The agency head communicates a determination to the EEO Office or communicates with the EEO Office for further information, within 30 days of receipt of the investigative report.
16. The agency ensures that when a covered person files an EEO complaint with an external institution based on, or related to, the same facts and circumstances of an internal EEO complaint, or seeks to file an internal complaint that is based on, or related to, the same facts and circumstances of an external complaint, the agency EEO Office will cease its investigation and transfer the matter to the agency's general counsel, who will be responsible to further handle the matter. The EEO Office will notify the parties, in writing, that the EEO Office has transferred the matter because of the filing of the external complaint.
17. The agency engages in a cooperative dialogue within 10 days of being made aware of the possible need for a reasonable accommodation and makes records of all exchanges.
18. The agency follows all restrictions and limitations related to requests for documentation and disclosure, including restrictions on requesting the specific disability or diagnosis, questioning the sincerity of belief in a request for a religious accommodation, or medical confirmation of pregnancy, childbirth, or related medical condition, unless there is an objective need to do so.
19. The agency provides decisions, in writing, within 15 days of the conclusion of the cooperative dialogue, and the decisions contain all necessary elements, including an explanation that the accommodation will be provided or the reason the request was denied, the standards used to make the determination, and information on the right to appeal the decision.
20. The agency establishes and follows the requirements of the appeals process, including deciding on appeals within 15 business days, or if not given within 15 business days, providing written communication to the employee explaining the reason for the delay and indicating when the decision would be given, and ensuring all documents submitted to the agency head (or their designee) during the appeal were provided to the EEO Office.

21. The agency ensures it keeps a complete written record for each reasonable accommodation request, including the request itself, all steps taken to review it, the decision made (and any appeals), the undue hardship analysis for any denials or alternative accommodations, the dates of each action, and all related communication with the requester. The agency must maintain all information as confidential records.
22. The agency establishes and implements an EEO training plan for new and existing employees, which includes all legally required training, to ensure that all individuals who work within the agency, including managers and supervisors, complete training mandated by state and local laws, and executive orders, such as, but not limited to:
 1. Annual sexual harassment prevention training.
 2. Age Discrimination training.
 3. Anti-Racism and Anti-racial Discrimination training.
 4. Diversity and Inclusion training.
 5. LGBTQI+ training.
23. The agency head has appointed only one qualified individual as the designated principal EEO Professional (PEEOP). The PEEOP reports directly to the agency head and is not a member of the agency's Office of the General Counsel, Labor Relations, or the Discipline/Employment Law units. The agency avoids having the PEEOP fill other roles (for example, the Agency Personnel Officer), including roles that report to someone other than the agency head, to the extent possible. The PEEOP's job description includes all the components necessary for them to perform their duties. The PEEOP has relevant experience and training in order to carry out their responsibilities competently.
24. The agency has appointed one Deputy principal EEO Professional (PEEOP) who is trained to carry out their responsibilities. When the PEEOP position is vacant, or the principal EEO Professional is temporarily absent or leaves the role, if the agency does not have a Deputy PEEOP, the agency head must appoint an Interim PEEOP.
25. The agency has an individual designated as being responsible for ensuring compliance with all federal, state, and local laws, as well as City and agency policies pertaining to persons with disabilities, and to review and process reasonable accommodations requests (sometimes referred to as a disability rights coordinator). This individual's job description includes all the components necessary for them to perform their duties. The agency annually informs all personnel of this individual's name and contact information.
26. The agency ensures that the principal EEO Professional, principal Human Resources professional (or designee), and Agency Head (or designee) annually review the agency's statistical data on employment (including total employment, new hires, promotions, and underutilization by race/ethnicity and gender) and data on EEO complaints, and review employment practices, policies, and programs.