

**Addendum to
Equal Employment Opportunity Policy
Standards and Procedures To be Utilized by City Agencies
City of New York (2014)**

The Equal Employment Opportunity Policy is hereby amended to include the protected class of “Sexual and Reproductive Health Decisions.” This addendum supersedes and incorporates prior addenda which added “caregiver status,” “consumer credit history,” “familial status,” “sexual harassment,” and “salary history” as protected classes. With the six additional categories (highlighted below), Section I of the Equal Employment Opportunity Policy, page 2, reads as follows:

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including **sexual harassment**,¹ pregnancy and “gender identity” -- which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, **caregiver status**,² genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, **consumer credit history**,³ **familial status**,⁴ **salary history**,⁵ and **sexual and reproductive health decisions.**⁶

September 6, 2019

¹ Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person’s gender and is prohibited under federal, state and the New York City Human Rights Law. On May 8, 2018, Mayor Bill DeBlasio signed the “Stop Sexual Harassment in NYC Act,” a comprehensive legislative package aimed at addressing and preventing sexual harassment in the workplace.

² The protected class of “caregiver status” was added to the New York City Human Rights Law on January 5, 2016, and took effect on May 4, 2016. A caregiver is defined as a person who provides direct and ongoing care for a minor child (under the age of 18) or a care recipient. A “care recipient” is defined as a person with a disability who is either a covered relative, or a person who resides in the caregiver’s household and who relies on the caregiver for medical care or to meet the needs of daily living. A covered relative is defined as a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the New York City Commission on Human Rights.

³ “Consumer credit history” was added as a protected class to the New York City Human Rights Law on May 6, 2015, and went into effect on September 3, 2015. It is a discriminatory practice, except for specified positions such as police officers and peace officers, to request or use consumer credit history for employment purposes or to discriminate against an applicant or employee based on credit history. The New York City Commission on Human Rights has issued interpretative guidance (available on its website) on this law.

⁴ “Familial status” was added as a protected class for employment purposes to the New York State Human Rights Law on October 21, 2015, and went into effect on January 19, 2016. “Familial status” is defined as (a) any person who is pregnant, or has a child or is in the process of securing legal custody of any individual who has not attained eighteen years of age, or (b) one or more individuals (who have not attained eighteen years of age) being domiciled with (1) a parent or another person having legal custody of such individual or individuals, or (2) the designee of such parent.

⁵ “Salary History” was added as a protected class in employment to the New York City Human Rights Law on May 4, 2017, and went into effect on October 31, 2017. “Salary history” includes the applicant’s current or prior wage, benefits or other compensation. “Salary history” does not include any objective measure of the applicant’s productivity such as revenue, sales or other production reports. This prohibition does not apply to certain applicants or employees, including applicants for internal transfer or promotion and public employee positions for which salary, benefits or other compensation are determined pursuant to procedures established by collective bargaining.

⁶ “Sexual and reproductive health decisions” was added as a protected class by amendment to the New York City Human Rights Law on January 20, 2019, and took effect on May 20, 2019. The Administrative Code of the City of New York was also amended at that time to add a new definition of “sexual and reproductive health decisions.” The term “sexual and reproductive health decisions” means any decision by an individual to receive services which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility-related medical procedures, sexually transmitted disease prevention, testing, treatment, and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.