

**NYCHA STANDARD PROCEDURE MANUAL**

**SP 006:23:1, EQUAL EMPLOYMENT OPPORTUNITY AND FAIR HOUSING**

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SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
EQUAL EMPLOYMENT OPPORTUNITY AND FAIR HOUSING	OFFICE OF EEO, FAIR HOUSING, AND ACCESS SERVICES	Issued December 11, 2023  Date: <u>1/20/2026</u>	 Claudia Dillon Vice President & EEO Officer   Erin Villari Chief Administrative Officer	006:23:1

## I. PURPOSE

This Standard Procedure establishes the process for the administration, distribution, and enforcement of the New York City Housing Authority (NYCHA) equal employment opportunity (EEO) non-discrimination policy, sexual harassment prevention policy, and fair housing policy (collectively the EEO and fair housing policies).

## II. POLICY

It is NYCHA's policy to comply with applicable federal, state, and local laws and regulations regarding the provision of equal employment and fair housing, and sexual harassment prevention. Applicable laws and regulations include, but are not limited to, the following:

1. Titles VI and VII of the Civil Rights Act of 1964
2. Age Discrimination in Employment Act of 1967
3. Section 504 of the Rehabilitation Act of 1973
4. Fair Labor Standards Act Amendments of 1974
5. Immigration Reform and Control Act of 1986
6. Title II and III of the Americans with Disabilities Act of 1990 and amendments
7. Civil Rights Act of 1991
8. Fair Housing Act of 1968 and amendments
9. New York State and City Human Rights Laws
10. Violence Against Women Act

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### III. APPLICABILITY

- A. This Standard Procedure applies to all NYCHA employees and all those who perform work on behalf of NYCHA such as vendors, consultants, and interns.
- B. The administrative processes apply to NYCHA employees who administer, distribute, and enforce NYCHA's equal employment opportunity (EEO) non-discrimination policy, sexual harassment prevention policy, and fair housing policy.

### IV. DEFINITIONS

#### A. Administrative Closure

The closure of an open complaint by the Office of EEO, Fair Housing, and Access Services (EFAS) based on, but not limited to, at least one of the following circumstances:

- a. The complainant fails to cooperate or participate in the investigation after multiple efforts by the investigator to contact or otherwise obtain information from the complainant; or
- b. An external complaint, legal action, or proceeding is initiated based on similar or related allegations as the internal complaint filed with EFAS.

#### B. Complainant

The person(s) filing an internal complaint with EFAS. This includes when a complaint is made anonymously and EFAS opens a complaint on NYCHA's behalf.

#### C. Inquiry

The process when the EFAS investigator gathers preliminary information from the complainant to determine whether the issue is an EEO or fair housing matter that warrants an investigation, or a non-EEO and fair housing matter that should be referred to another NYCHA department to address.

#### D. Intake

The initial process when an employee, resident, or applicant for employment or housing contacts EFAS regarding a concern by email, phone, Service Now, or another method. An intake process can lead to an inquiry, referral, or investigation.

#### E. Investigation

The informal process when EFAS investigators gather factual evidence through statements from the complainant, respondent, and witnesses, document review, and other methods, to determine whether there are violations of an EEO or fair housing policy.

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### F. Referral

When an issue or complaint is made to EFAS but is sent to another unit or department at NYCHA when after an initial assessment it is determined to not be an EEO or fair housing matter.

### G. Respondent

The person or persons who allegedly discriminated against, sexually harassed, or retaliated against the complainant.

### H. Retaliation

An adverse employment or housing action taken against a person for participating in an EEO or fair housing protected activity, such as the filing of an EEO or fair housing complaint with EFAS, participating as a witness, or other such actions.

### I. Service Now

An electronic system used to submit forms or requests for approval.

### J. Substantiated Determination

EFAS's conclusion following its investigation that one or more of the allegations raised by the complainant alleging violation of discrimination, sexual harassment, or fair housing policies are more likely than not to have occurred based on a preponderance of the evidence.

### K. Unsubstantiated Determination

EFAS's conclusion following its investigation that one or more of the allegations raised by the complainant alleging violation of discrimination, sexual harassment, or fair housing policies are less likely to have occurred based on a preponderance of the evidence.

### L. Withdrawal

When a complainant voluntarily closes an internal complaint filed with EFAS, based on any of the following circumstances:

- a. The alleged incident or acts stopped;
- b. The complainant and respondent resolved their disputes;
- c. The complainant no longer wants to pursue the complaint; or
- d. Another conflict resolution method is sought.

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### V. REVIEW CYCLE

EFAS shall review this Standard Procedure annually, or sooner if necessary. After the review, if revisions are necessary, EFAS notifies the Compliance Department Procedures Unit by submitting ES Connect eForm, *Procedure Development Request*. If no revisions are necessary, EFAS notifies the Compliance Department Procedures Unit in an e-mail indicating no changes are needed.

### VI. RESPONSIBILITIES

The following departments and titles have responsibilities in this procedure. See Appendix A – Duty Statements for the summary of duties by title or department.

- A. Chief Executive Officer (CEO)
- B. Office of EEO, Fair Housing, and Access Services (EFAS)
  - 1. Vice president & EEO officer
  - 2. Equal Employment Opportunity and Fair Housing Investigations Unit
    - a. Investigator
    - b. EEO trainer

### VII. PROCEDURE

- A. Statement of Equal Employment and Fair Housing
  - 1. All NYCHA employees must follow these requirements:
    - a. Provide equal opportunity in housing and employment for qualified persons.
    - b. Prohibit discrimination in housing on the basis of:
      - (1) Age
      - (2) Color
      - (3) Disability
      - (4) Familial status
      - (5) Height
      - (6) Immigration status

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- (7) Lawful occupation
  - (8) Lawful source of income
  - (9) Military status
  - (10) Pregnancy
  - (11) Marital or partnership status
  - (12) National origin
  - (13) Presence of children
  - (14) Race
  - (15) Religion or creed
  - (16) Sex (including gender identity and sexual orientation)
  - (17) Status as a victim of domestic violence, sexual harassment, sexual violence, or stalking
  - (18) Weight
- c. Prohibit discrimination in employment on the basis of:
- (1) Age
  - (2) Arrest, conviction, or pending case status
  - (3) Cannabis use
  - (4) Caregiver status
  - (5) Color
  - (6) Consumer credit history
  - (7) Disability
  - (8) Familial status
  - (9) Obstructing employee use of Family and Medical Leave Act (FMLA)
  - (10) Gender/Sex (including pregnancy, childbirth, or related medical conditions)
  - (11) Gender identity or expression

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- (12) Height
  - (13) Immigration or citizenship status
  - (14) Marital or partnership status
  - (15) National origin or ethnicity
  - (16) Predisposing genetic characteristics
  - (17) Pre-employment marijuana testing
  - (18) Race
  - (19) Religion or creed
  - (20) Salary or pay history
  - (21) Sexual orientation
  - (22) Sexual and reproductive health decisions
  - (23) Status as a veteran or active-duty military service member
  - (24) Status as a victim of domestic violence, sex offenses, and stalking
  - (25) Unemployment status
  - (26) Weight
- d. Prohibit sexual harassment in any form between coworkers, supervisors, and subordinates, or between employees and all those who perform work on behalf of NYCHA such as vendors, consultants, interns, and NYCHA residents.
  - e. Prohibit retaliation against any employee or those who perform work on behalf of NYCHA such as vendors, consultants, and interns, or applicants for employment for engaging in any EEO and fair housing protected activity such as filing an EEO complaint, participating in an EEO investigation, or other such actions.
  - f. Coordinate sign language services to residents who are deaf or have hearing impairments and provide broader oversight of all accessibility issues and resolutions across NYCHA.
  - g. Provide reasonable accommodations to employees with qualified disabilities and when the accommodation supports performance of their job tasks and standards. For more information, please see NYCHA Standard Procedure 007:01:1, *Reasonable Accommodations for Job Applicants and Employees*.

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- h. Monitor NYCHA contractors, vendors, and suppliers for compliance with applicable equal opportunity laws and regulations.
- i. Ensure that NYCHA leadership and management immediately report allegation(s) of discrimination, sexual harassment, or retaliation reported to them (or allegation(s) they become aware of or are suspicious of) by NYCHA employees and all those who perform work on behalf of NYCHA such as vendors, consultants, and interns.
- j. Ensure that NYCHA leadership and management make sure all employment and housing decisions are made in accordance with NYCHA non-discrimination policies and promote compliance with this Standard Procedure in their areas of responsibility.

### B. Intake Process

- 2. Employees and residents can contact EFAS about possible violations of EEO , fair housing, and sexual harassment policies, or other related inquiries, by calling (212) 306-4468, emailing [efas@nycha.nyc.gov](mailto:efas@nycha.nyc.gov), or by Service Now.
- 3. After receiving a potential EEO or fair housing issue, an EFAS employee completes an intake form which is then assigned to an EFAS investigator.
- 4. The EFAS investigator makes an initial determination on a case-by-case basis about the best course of action, which may include the following:
  - a. Conducting an inquiry where further information or documentation is reviewed, but without a complaint filing.
  - b. Opening a complaint and conducting a full investigation after receiving a complaint form from the complainant.
    - (1) If after initial review or after inquiry and receipt of additional information, the allegations indicate possible violations of NYCHA's EEO or fair housing policies, EFAS sends a complaint form to the complainant to complete and return.
  - c. Referring the matter to another department. If it is determined that the intake is a non-EEO or fair housing matter, EFAS staff make a referral to the appropriate NYCHA unit or department.

### C. Referrals for Non-EEO or Fair Housing Matters

- 1. All intakes that are deemed non-EEO or fair housing matters are referred to other NYCHA departments and/or units as follows:
  - a. Human Resources Department:
    - (1) Employment status questions/issues (termination, suspension, demotion)

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- (2) Employee probationary questions/issues
  - (3) Benefits
  - (4) Civil service questions
  - (5) Employment/hiring/interviews
  - (6) FMLA leave requests
  - (7) Salary or other payroll questions
  - (8) Workers' compensation
  - (9) Other general misconduct violations as described in the NYCHA Human Resources Manual
- b. Inspector General
- (1) Fraud
  - (2) Theft of time
  - (3) Criminal activity
  - (4) Retaliation for making a complaint to the New York City Department of Investigation (DOI)
  - (5) Conflicts of interest
- c. Office of Quality Assurance
- (1) Fraternalization
  - (2) Substance abuse
- d. Office of Safety and Security
- (1) Workplace violence
- e. Leased Housing
- (1) Section 8 voucher questions or issues.
- f. Applications and Tenancy Administration
- (1) Section 9 applications, lease renewals, and other questions/issues.

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(2) Resident reasonable accommodations (services for people with disabilities).

### g. Property Management

(1) Resident apartment conditions, (for example, leaks, rodents (Pest Management Department), no heat (Heating Management Services Department), or other concerns related to apartment conditions).

(2) Non-EEO or fair housing related complaints involving employees or residents should be forwarded to the appropriate borough vice president for necessary review and/or delegation.

### h. Environmental Health and Safety

(1) Personal protective equipment (PPE) or other work safety related issues involving hazardous conditions or equipment.

### i. Learning & Development

(1) Training or technical issues involving the completion of training(s).

## D. Investigations into Complaints of Employment and Housing Discrimination, Sexual Harassment, or Retaliation

### 1. Filing an Internal Complaint Alleging Employment or Housing Discrimination, Sexual Harassment, or Retaliation

a. NYCHA's current and former employees, applicants for employment, residents, applicants for public housing, or applicants for and participants of Section 8 assistance may file a complaint of discrimination, sexual harassment, or retaliation after their issue is reviewed by an EFAS investigator as described above in Section VII.B.3.

b. Current and former employees or applicants for employment complete EFAS's EEO Complaint Form.

c. Residents and applicants for public housing, or applicants for and participants of Section 8 assistance, complete EFAS's Fair Housing Complaint form.

### 2. Investigating an Internal Complaint Alleging Employment or Housing Discrimination

An EFAS investigator as part of their investigation:

a. Maintains confidentiality, professionalism, and candor at all stages of an investigation.

b. Sends opening letters to the complainant(s) and respondent(s).

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(1) If the allegations involve sexual harassment, EFAS:

- (a) Requests a temporary transfer of the respondent pending the conclusion of the investigation.
- (b) The department head or borough vice president is also informed of the complaint so that corrective action can be taken.
- c. Advises the complainant, respondent, and witnesses of their right to union representation where applicable, or an attorney at any stage of the investigation.
- d. Creates a series of questions for the complainant, respondent, and any witnesses to obtain accurate and relevant information concerning the allegations presented to help inform EFAS as part of their investigation.
- d. Obtains and reviews relevant personnel records or other related data from NYCHA's Human Resources Department and/or other NYCHA departments or units including resident or applicant information from the Applications and Tenancy Administration Department, Leased Housing, or Management Services Department.
- e. Completes an investigation including drafting of an investigative report within 90 business days of filing.

(1) If there is a delay in concluding the investigation, the investigator provides written notice of the delay to the complainant and respondent.

(2) This written notice is sent before the expiration of the 90 business days for closure of the complaint, identifying the reasons for the delay, and the projected date for completion of the investigation.

<b>NOTE:</b>	EFAS can administratively close an open complaint if: <ul style="list-style-type: none"><li>• The complainant fails to cooperate or participate in the investigation after multiple contact attempts by the investigator; or</li><li>• An external complaint, legal action, or proceeding is initiated based on similar or related allegations as the internal complaint filed with EFAS.</li></ul>
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3. Rendering Final Disposition of an Internal Complaint Alleging Employment or Housing Discrimination, Sexual Harassment, or Retaliation
- a. The EFAS investigator submits a draft report to the vice president of EFAS for review (or their assigned employee).
  - b. The vice president of EFAS reviews the investigative report and final disposition, including all closing documents.

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- c. NYCHA's Chief Executive Officer (CEO) reviews the final investigative report and disposition, completing the CEO Report Review form after approval of the investigative report.
- d. After final review and approval of the CEO, notice by the EFAS investigator of the complaint's disposition (whether substantiated or unsubstantiated) is made as follows:
  - (1) Substantiated Complaints Against Employees:
    - (a) Notice to department head or borough vice president.
    - (b) Notice to Human Resources Department and Law Department
      - i. In a separate email, the final PDF of the investigative report is sent to the Human Resources senior vice president for the initiation of a general trial request or other possible disciplinary action.
      - ii. The report is provided to the Law Department as part of the disciplinary process.
    - (c) Closing letters to the complainant and respondent.
  - (2) Substantiated Complaints Against Residents:
    - (a) Notice to borough vice president.
    - (b) Notice to Law Department.
      - i. In a separate email, the final PDF of the investigative report is sent as a referral for possible termination of the resident's tenancy or a tenant's Section 8 voucher. The report is only shared with the Law Department.
    - (c) Closing letters to the complainant and respondent.
  - (3) Unsubstantiated Complaints:
    - (a) Closing letters to the complainant and respondent.
    - (b) If notice was given to a department head or borough vice president at the time of complaint filing, a closing letter is also sent to the department head or borough vice president.

<b>NOTE:</b>	For all complaints involving reporting line structures or where the complainant and respondent otherwise work in close proximity, EFAS requests a temporary transfer of the respondent pending the conclusion of the investigation.
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### 4. Recommendations in Substantiated Complaints

- a. If a complaint is substantiated, EFAS may make recommendations to management. Recommendations may include:

- (1) Training, whether through the NYC Department of Citywide Administrative Services (DCAS) training catalog, NYCHA University catalog, or specific training developed by the EEO trainer.
- (2) Distribution of EEO and fair housing policy posters where these are not already in place or require updating.

<b>NOTE:</b>	EFAS does not recommend any discipline. The decision to take disciplinary action is made by the Law Department and Human Resources based on the findings of the EFAS investigation.
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### E. External Complaints Alleging Employment or Housing Discrimination, Sexual Harassment, and Retaliation

1. After notice or receipt of an employment or housing discrimination complaint filed externally with other administrative agencies such as the NYC Commission on Human Rights, the NYS Division of Human Rights, the U.S. Equal Employment Opportunity Commission, HUD, or in federal or state court, EFAS:
  - a. Forwards the external complaint to NYCHA's Law Department within 10 business days of receipt of the notice.
    - (1) Sends a referral letter to the NYCHA Law Department. The referral includes the external complaint, the EEO or fair housing investigative case file, and any relevant documents.
  - b. Drafts a closing letter to the complainant and respondent of the internal complaint informing them of the referral to the NYCHA Law Department.
  - c. Administratively closes the EEO or fair housing internal complaint.

### F. Independent Third-Party Investigations

Any intake, inquiry, or complaint that presents an appearance of a conflict of interest, impropriety, and/or bias for EFAS is referred by EFAS to an external third-party for appropriate review and investigation after consultation with the NYCHA Law Department.

## VIII. OUTPUTS, REPORTS, AND RECORDKEEPING

### A. Outputs

1. Closed investigations

### B. Reports

1. EFAS maintains the following internal reports:
  - a. Weekly intake reports
  - b. Monthly complaint and inquiry reports
  - c. Monthly training reports
2. EFAS maintains the following reports that are submitted to the NYCHA chief executive officer:
  - a. EEO Annual Plan
3. EFAS maintains the following reports that are submitted to external venues:
  - a. Biennial State and Local Government Information Survey Report (EEO-4), Report to the U.S. Equal Employment Opportunity Commission.
  - b. Semi-annual HUD federal labor standards report (HUD 4710) in accordance with HUD reporting requirements.

### C. Recordkeeping

1. All EFAS records are maintained according to NYCHA's retention schedule, and confidentiality requirements.
2. EFAS also maintains records in its case management system called I-Sight and throughout secured NYCHA cabinets.

## IX. TRAINING REQUIREMENTS

EFAS staff are required to attend the following annual training:

1. Mandatory EEO trainings.
2. Ongoing training developed by the EEO trainer to maintain compliance with applicable laws, regulations, and rules.
3. Any other trainings deemed necessary or as best practice.

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### **X. PERFORMANCE METRICS**

- A. Number of intakes and inquiries opened, with number of respective conversions to complaints
- D. Number of complaints opened by case type (as listed in Section VII.A.1. above)
- E. Number of complaints closed, including those administratively closed, or withdrawn
- B. Complaint dispositions (substantiated or unsubstantiated)
- C. Number and type of non-EEO and fair housing referrals made to other NYCHA departments

### **XI. NON-COMPLIANCE**

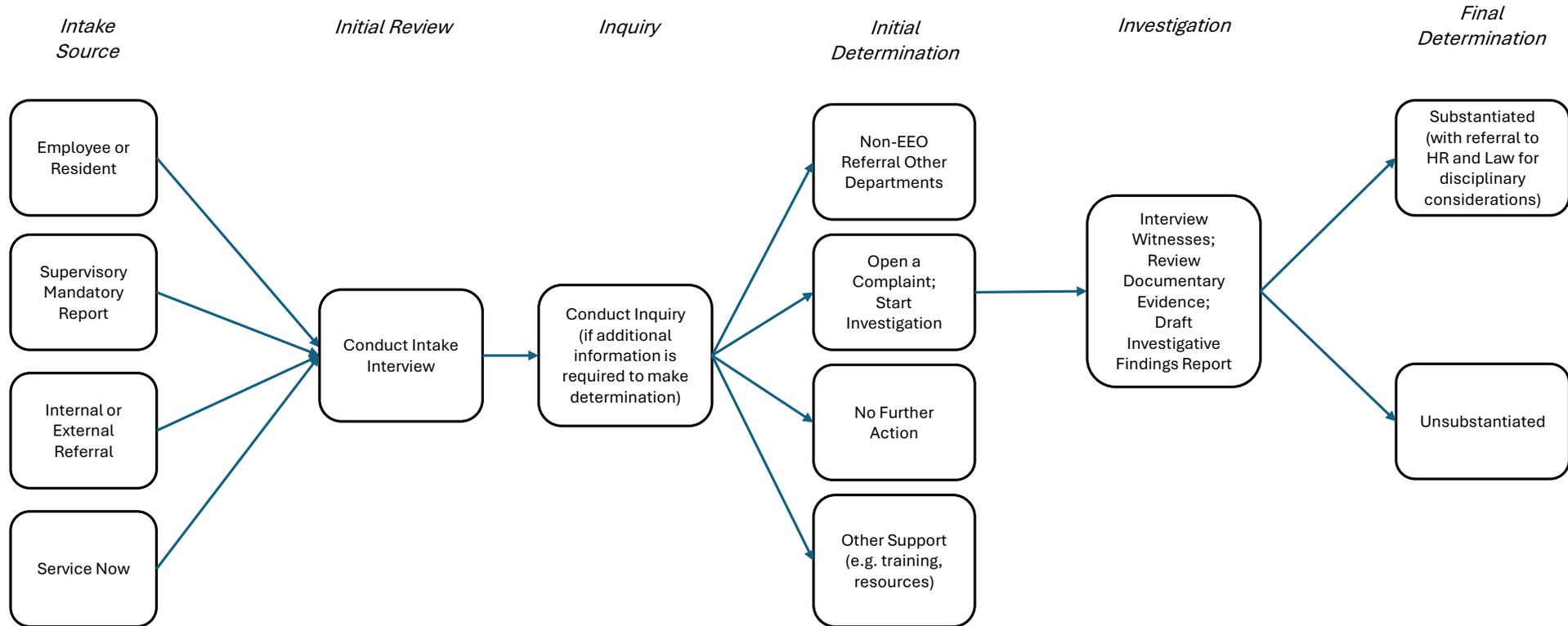
- A. NYCHA employees who administer, distribute, and enforce NYCHA's equal employment opportunity (EEO) non-discrimination policy, sexual harassment prevention policy, and fair housing policy are required to comply with this Standard Procedure.
- B. Departments are required to take corrective action to bring NYCHA into compliance.
- C. If unsatisfactory work or non-compliance is identified, supervisors must take one or more of the following actions:
  - 1. Identify areas for follow-up training for the employee and ensure training is scheduled and provided.
  - 2. Reinforce with the employee(s) the job expectations, accountabilities, and the progressive discipline process.
- D. Failure to comply with the requirements of this Standard Procedure may result in disciplinary actions as per the NYCHA Human Resources Manual.

### **XII. FORMS**

- A. EEO Complaint Form
- B. Fair Housing Complaint Form

### XIII. WORKFLOW

## EEO and Fair Housing Intake Workflow



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### XIV. REVIEW/REVISION HISTORY PAGE

<b>Review/ Revision</b>	<b>Review/ Revision Date</b>	<b>Sections Amended</b>
1.	1/20/2026	I. Purpose
2.	1/20/2026	II. Policy
3.	1/20/2026	IV. Definitions
4.	1/20/2026	V. Review Cycle
5.	1/20/2026	VI. Responsibilities
6.	1/20/2026	VII. Procedure
7.	1/20/2026	VIII. Outputs, Reports, and Recordkeeping
8.	1/20/2026	IX. Training Requirements
9.	1/20/2026	X. Performance Metrics
10.	1/20/2026	XII. Forms
11.	1/20/2026	XIII. Workflow
12.	1/20/2026	XV. Appendices

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### XV. APPENDICES

#### A. Appendix A – Duty Statement

The Duty Statement describes the general nature of the work being performed by department and title with respect to EEO and fair housing but is not intended to be an exhaustive list of all responsibilities and duties required of each role.

##### 1. Chief Executive Officer (CEO)

- b. Reviews the final investigative report and EFAS's recommended determination.
- c. Completes and submits the CEO Report Review form to EFAS after completion of their review.

##### 2. Office of EEO, Fair Housing, and Access Services

###### a. Vice president & EEO officer

- (1) Reviews the investigative report and final disposition, including all closing documents.

###### b. EEO and Fair Housing Investigations Unit

###### (1) Investigator(s)

- (a) Communicate with management regarding any issues they believe to be EEO or fair housing related and which require further action by management.
- (b) Make initial assessment through intake or inquiry process whether an issue is EEO or fair housing related such that an investigation is warranted.
- (c) Conduct comprehensive, confidential, and neutral investigations into allegations of discrimination, sexual harassment, retaliation, or fair housing violations.
- (d) Draft concise and analytical investigative reports assessing whether the allegations are corroborated and support a substantiated finding.
- (e) Make appropriate referrals to other NYCHA departments and units for any non-EEO and fair housing matters that EFAS intakes.

###### (2) EEO trainer

- (a) Develop tailored training on an as needed basis at developments or central offices based on intake or complaint activity or at the request of management.

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- (b) Conduct weekly training for new hires at new hire orientations in partnership with the NYCHA Human Resources Department.
- (c) Develop and implement sexual harassment prevention training at NYCHA developments to target workforce with no or limited computer access.