



Equal Employment Opportunity Policy

Rights and Responsibilities

A Handbook for Employees
January 2022



NYPD

Office of
Equity and Inclusion



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 equity, 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; arrest, conviction record, or pending case (under certain circumstances); caregiver status; color; consumer credit history; disability; familial status; gender (including pregnancy, childbirth, or related medical conditions); gender identity or gender expression; immigration or citizenship status; marital status or partnership status; national origin or ethnicity; predisposing genetic characteristics; race; religion or creed; status as a veteran or active-duty military status; sexual orientation; sexual and reproductive health decisions; unemployment status; or victims of domestic violence, sex offenses, and 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



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 Equal Employment Opportunity (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 all applicants and employees regarding EEO issues.



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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 discrimination 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.



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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:

Age – Except when there are specific age requirements established by law or regulation, any person based on their actual or perceived age.

Arrest, Conviction Record, or Pending Case – *Having a prior arrest or conviction record or pending case.* However, there are exceptions to this law as the NYPD is a public safety organization.

Caregiver Status – A person who provides direct or ongoing medical/disability care to a minor child or covered relative.

Color – Frequently viewed synonymously with race, discrimination based on color may occur because of a preference for, or aversion to, a particular skin color and may occur within the same racial group based on body pigmentation.

Consumer Credit History – Refers to an individual's credit worthiness, credit standing, credit capacity or payment history as indicated by factors such as: consumer credit report, credit score or information an employer obtains directly from the individual concerning late payments, liens, bankruptcies, etc.

Disability – A physical, medical, mental, or psychological impairment, or a history or record of such impairment, whether perceived or actual. Pregnancy may also be considered to be a temporary disability if there are medical conditions arising from the pregnancy or childbirth.

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.

Gender/Sex (including Pregnancy, Childbirth, or Related Medical Conditions) – The term gender encompasses an individual's actual or perceived sex, as well as biological or socially determined characteristics used to classify individuals as male and female.

Gender Expression – The representation of gender as expressed through one’s name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes.

Gender Identity – An individual’s internal deeply-held sense of gender which maybe the same or different from their sex assigned at birth. Gender identity is distinct from sexual orientation.

Hairstyle Based on Race or Religion – Any hairstyle that is recognized as being associated with a race, ethnicity, or religious practices.

Immigration 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).

Marital Status or Partnership Status – Single, unmarried, married, divorced, separated, widowed, as well as all individuals in a domestic partnership.

National Origin or Ethnicity – Includes place of origin, as well as ancestry, and physical, cultural, linguistic or ethnic characteristics of, or names associated with, a particular country or region. Discrimination based on alienage (immigration status) or citizenship status can be found, in some cases, to be discrimination based on national origin.

Predisposing Genetic Characteristics/Genetic Information – 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).

Pregnancy, Childbirth or Related Medical Condition – Involves treating a person (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

Race – Discrimination based on race involves treating a covered person unfavorably because of race or because of personal characteristics associated with race (such as hair texture, “protective hairstyles,” skin color, or certain physical characteristics).

Religion or Creed – Includes all aspects of religious observance, practice and belief, including moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

Sexual Orientation – An individual’s actual or perceived romantic, physical, or sexual attraction to other persons, or lack thereof, on the basis of gender.

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.

Status as a Veteran or Active-Duty Military Service Member – An individual actual or perceived uniform service. The term military status is a person’s participation in the military service of the United States including past, present, and applicants for membership in the uniformed service, whether voluntary or involuntary.

Unemployment Status – Refers to those who do not have a job, are available for work, and are seeking employment.

Victim of Domestic Violence – a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

Victim/Survivor of Sex Offenses or Stalking – A victim/survivor of acts which are defined as crimes that are considered to be “sex offenses” or “stalking.”

Federal, state and city laws prohibit the following types of discrimination based on actual or perceived membership in a protected group¹:

- 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 this policy even if the conduct does not violate a law prohibiting discrimination.

¹ Federal, state and city laws provide different protections. The scope of the EEOC is very limited as to which classes are considered protected.

Applicability

Everyone who works within the NYPD, or who seeks employment within the NYPD, is protected by federal, state and local employment laws and this policy. This protection covers, but is not limited to, all employees (supervisory, non-supervisory, managers, executives, senior-level staff, interns, whether paid or unpaid, volunteers, temporary, seasonal, part time or short term, applicants for employment, “non-employees” (contractors, subcontractors, vendors, consultants, and those they employ) and other persons conducting business or providing services in a City workplace.

This policy not only protects individuals from prohibited conduct because of their own protected membership, but also protects individuals from conduct motivated by their actual or perceived membership in a protected category (such as race, religion, national origin, disability, etc.) or other individuals with whom they are associated. These protections apply to actions, even if unintentionally offensive or unintentionally directed at a particular person or group, that violate this policy.

This policy extends to prohibited conduct that occurs in any City workplace as well as prohibited conduct that occurs at any extension of the workplace, including, but not limited to, any field location, offsite location, training facility where City business is being conducted and discussed, any agency-sponsored event or party, or City vehicle. Additionally, this Policy extends to certain prohibited conduct that occurs off-duty that impacts the workplace. For example, calls, texts, emails, and social media usage negatively impacting the workplace can constitute harassment, even if away from the workplace premises, on personal devices, or during non-work hours.

All individuals covered by this Policy are also expected to maintain a respectful work environment and to be sensitive to the effects of their behavior on others in accordance with this Policy.

This policy prohibits all employees from aiding, abetting, inciting, compelling, or coercing any person, including non-employees, to engage in conduct in violation of this policy.



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 to pregnancy, childbirth, or related medical condition, such as lactation. 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, as per P.G. 205-36, a disability is a physical, medical, mental, or psychological impairment, or a history or record of 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 name, pronoun, and title, regardless of that person's birth sex.
- Not treating LGBTQIA+ individuals equally in the workplace.
- Harassing, name-calling, insulting, or intimidating someone because they are LGBTQIA+.
- Discriminatory employment decisions, including passing someone over for opportunities, based on an employee's LGBTQIA+ 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 employee's transition process should be treated with as much sensitivity and confidentiality as any employee's significant life experience. When an employee decides to notify the Department, they should request a meeting with their Commanding Officer or representative from the Equal Employment Opportunity Division. Any supervisor or representative from a fraternal organization or union may be present during the meeting at the employee's request.

Retaliation for Protected Activity

It is a violation of 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 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, or termination, and/or fine by an outside entity.

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.



EEO Complaints and Investigations Procedures

When to File a Complaint

An person, employee, or applicant for employment, supervisor, or other mandated reporter should consult with the Department's Equal Employment Opportunity Division (EEOD) or an EEO Liaison if they believe that they or someone else 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 who will then make a notification to EEOD based on their status as mandate reporters.

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, in person and/or by mail at 375 Pearl Street, 15th Floor, Suite 4, New York, NY 10038. You can telephone at (646) 610-5330, fax to (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 the Deputy Commissioner, 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 remedial 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 one (1) year of the date of the last occurrence of a discriminatory action. However, the statute of limitations for sexual harassment and gender based discrimination is three (3) years from the date of the last occurrence.

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 review 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

United States Equal Employment Opportunity Commission (EEOC)

33 Whitehall Street, 5th Floor, New York, NY 10004

Telephone: 800-669-4000 or 212-336-3653

www.eeoc.gov

New York State Division of Human Rights (NYSDHR)

One Fordham Plaza, 4th Floor, Bronx, NY 10458

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

55 Hanson Place, Room 304, Brooklyn, NY 11217

Telephone: 888-392-3644

www.dhr.ny.gov/complaint

New York City Commission on Human Rights (NYCCHR)

22 Reade Street, New York, NY 10007

Telephone: 311 or 212-416-0197

www1.nyc.gov/site/cchr/index.page

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.



Reasonable Accommodations

Who Can Request a Reasonable Accommodation?

The New York City Police Department will provide reasonable accommodations to qualified employees, applicants, interviewees, and independent contractors who may require an accommodation for: a disability; pregnancy, childbirth, and/or related medical condition; a religious belief, observance, or practice; or victims of domestic violence, sex offenses, or stalking, to enable the employee/applicant to perform the essential functions of their job or equally enjoy the benefits and privileges of employment unless providing such accommodation creates an undue hardship to the conduct of the Department's business.

The reasonable accommodation process is designed to be flexible and interactive, involving a cooperative dialogue between both the Department and the individual requesting the reasonable accommodation. Arrangements will be made for individuals requiring special assistance to file a reasonable 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. Individuals requesting reasonable accommodations should follow the Citywide Equal Employment Opportunity Policy available at www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf, the City's Reasonable Accommodation Procedural Guidelines available at https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/reasonable_accommodation_procedural_guidelines.pdf, and Administrative Guide procedure 332-21. Retaliating or discriminating against a person for requesting an accommodation is a violation of EEO policy.

Confidentiality

Requests for reasonable accommodations shall be confidential and Department personnel must respect the individual's confidentiality. All documentation and information filed in support of an accommodation request shall 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 person 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. EEOD may ask the individual 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 (longer than a half inch) 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 employees.

Implementation of the Reasonable Accommodation

When an individual submits a request for reasonable accommodation, the supervisor must confer with the EEOD upon receipt of the request. The supervisor may be contacted by EEOD for a recommendation to approve or disapprove of the accommodation, and the reason(s) for said recommended action.

The EEOD will review the request and will enter into a cooperative dialogue with the individual for additional information or documentation from the individual before granting or denying a request. If the request is deemed appropriate by the EEOD, the EEOD will inform the individual and direct the supervisor, hiring personnel, etc. 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 332-21 and/or consulting with:

Equal Employment Opportunity Division

375 Pearl Street, 15th Floor, Suite 4

New York, NY 10038

(646) 610-5330

(646) 610-7229 (FAX)

RA@nypd.org

Further information can also be found online via the EEO 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, without the requirement of a civil service exam. The City of New York encourages conversion of lines to 55-a status where Department needs permit.

Further information about this program is available at

www1.nyc.gov/assets/dcas/downloads/pdf/employment/55a_program_booklet.pdf

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 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 complainants, 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 member's 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 Administrative Guide 332-01 and Administrative Guide 332-02, and the mandatory display of EEO posters.

Contact OEI's Training and Awareness Unit at oei@nypd.org about this dynamic program.

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 EEOD 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
375 Pearl Street, 15th Floor, Suite 4
New York, NY 10038
(646) 610-5330
(646) 610-7229 (FAX)

The City of New York's Equal Employment Opportunity Policy can be accessed at:

Intranet:

Deputy Commissioner Equity and Inclusion > "Documents" > "NYC EEO Policy Documents"

Internet:

City of New York's Equal Employment Opportunity Booklet:
www1.nyc.gov/assets/dcas/downloads/pdf/agencies/nyc_eeo_policy.pdf

Equal Employment Opportunity What You May Not Know Booklet:
www1.nyc.gov/assets/dcas/downloads/pdf/agencies/about_eeo_what_you_may_not_know_booklet.pdf

City of New York's Reasonable Accommodation Procedural Guidelines
https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/reasonable_accommodation_procedural_guidelines.pdf

APPENDIX A

EEO RELATED NYPD PROCEDURES

Organizational Guide 105-1

ESTABLISHMENT OF DEPUTY COMMISSIONER, EQUITY AND INCLUSION

Administrative Guide 332-01

EMPLOYMENT DISCRIMINATION

Administrative Guide 332-02

SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS THROUGH DISPLAY OF OFFENSIVE MATERIAL

Administrative Guide 332-03

MEMBER OF THE SERVICE SEEKING TO NOTIFY THE DEPARTMENT OF TRANSGENDER OR GENDER NON-CONFORMING TRANSITION, OR STATUS

Administrative Guide 322-21

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:

- Age
- Arrest, Conviction Record, or Pending Case
- Caregiver Status
- Color
- Consumer Credit History
- Disability
- Familial Status
- Gender (Sex)
- Gender identity/expression
- Hairstyle Based on Race or Religion
- Immigration or Citizenship Status
- Marital Status or Partnership Status
- National Origin or Ethnicity
- Predisposing Genetic Characteristics/Genetic Information(GINA)
- Pregnancy, Childbirth & Related Medical Conditions
- Race
- Religion or Creed (Including attire)
- Sexual Orientation
- Sexual and Reproductive Health Decisions
- Status as a Veteran or Active-Duty Military Service Member
- Victim/Survivor of Domestic Violence, Sex Offenses or Stalking
- Unemployment Status

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:

- Hiring
- Assignments
- Working Conditions
- Salary and Benefits
- Evaluations
- Promotions
- 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 375 Pearl Street, 15th Floor, Suite 4. 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
City of New York

EEO DUTIES AND RESPONSIBILITIES FOR MANAGERS, SUPERVISORS, AND COMMANDING OFFICERS

ALL Managers and Supervisors:

1. Must immediately notify the Office of Equity and Inclusion/Equal Employment Opportunity Division (EEOD) when they become aware of any allegation or complaint of discrimination, sexual harassment, or act of retaliation regarding the department's EEO Policy.
2. Will be subject to disciplinary action for failing to report an employment discrimination allegation or complaint to EEOD.
3. Will be subject to disciplinary action for failing to take actions as directed by the EEOD.
4. Shall maintain confidentiality with respect to EEOD inquiries and investigations.
5. Shall permit employees to meet with the EEOD when necessary.
6. Shall ensure that no form of offensive, discriminatory material be displayed in any department facility or vehicle.
7. Shall ensure that no premium cable channels are available with provide sexually explicit material in department facilities.

In addition to ALL OF THE ABOVE, Commanding Officers and Managers:

8. Must meet annually with supervisors to discuss EEO policy including sexual harassment and related retaliation.
9. Must continually reinforce to supervisors their responsibility for creating a professional work environment.
10. Will make every effort to maintain a work environment that fosters inclusivity and respect for the diversity of all individuals.

11. Must advise employees that vulgar language and degrading offensive comments are prohibited.
12. Must instruct all members of the command that retaliation for participation in an EEOD investigation or inquiry is prohibited.
13. Must direct supervisors to report inappropriate conduct to the EEOD.
14. Shall strongly encourage all non-supervisory personnel to report any EEO complaint or problem to the EEOD or an EEO Liaison.
15. If aware of an EEO complaint, no supervisor shall discipline, transfer, change tour or assignment of a complainant or witness without conferring with the EEOD.

Retaliation Regarding EEOD Investigations

16. Retaliation, a form of employment discrimination, is a negative employment action for opposing discrimination.
17. All participants in EEO investigations are protected from retaliation.
18. Allegations of retaliation **MUST** be referred to the EEOD for investigation.
19. Claims of retaliation should be treated as serious as all other claims of employment discrimination.

**CALL THE EQUAL EMPLOYMENT OPPORTUNITY DIVISION
(646) 610-5530 FOR FURTHER GUIDANCE**

SEXUAL HARASSMENT POLICY STATEMENT

Sexual 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.

Guidelines issued by the United States Equal Opportunity Commission state that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

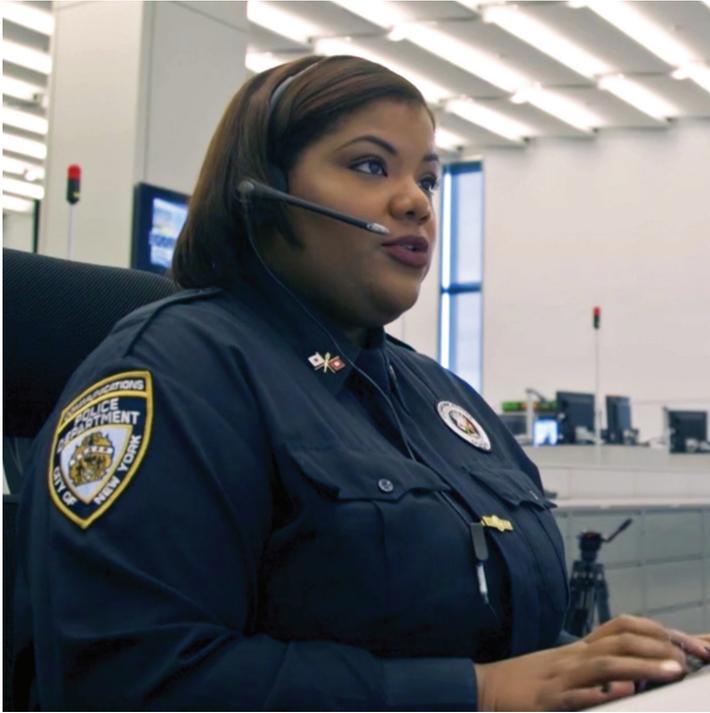
1. Submission to such conduct is made either explicitly or implicitly as a term of condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the effect of interfering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

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating or hostile work environment.

There is a broad range of conduct by supervisors and coworkers which can, in certain circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive text messages or emails, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and unnecessary touching, patting, or pinching. These activities 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.

Any manager, supervisor, or Equal Employment Opportunity (EEO) Liaison who knows of a sexually intimidating or hostile work environment, or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct must contact the Equal Employment Opportunity Division immediately at (646) 610-5330. Any employee who has a complaint regarding sexual harassment is urged to contact the Equal Employment Opportunity Division, supervisor (uniformed or civilian), manager, Commanding Officer, or an EEO Liaison. The EEO Officer may be contacted at (646) 610-5330; the office is located at 375 Pearl Street, 15th Floor, Suite 4, NY, NY. Complaints of sexual harassment will be handled in accordance with the Department's Equal Employment Opportunity complaint procedure.

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.





Contact Us.

Visit the NYPD website at:
www.nyc.gov/nypd



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[@NYPDnews](https://twitter.com/NYPDnews)



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YouTube:
youtube.com/nypd