

OFFICE OF COLLECTIVE BARGAINING

100 Gold Street, 4th Floor
New York, N.Y. 10038
(212) 306-7160
FAX (212) 306-7167

IMPARTIAL MEMBERS

VACANT, CHAIR
GEORGE NICOLAU
CAROL A. WITTENBERG

DEPUTY CHAIRS

PHILIP L. MAIER
SUSAN J. PANEPENTO

CITY MEMBERS

M. DAVID ZURNDORFER
PAMELA S. SILVERBLATT

LABOR MEMBERS

CHARLES G. MOERDLER
GABRIELLE SEMEL

November 24, 2014

Elona Shehu, EEO Program Analyst
Charise L. Hendricks, PHR Executive Director
NYC Equal Employment Practices Commission
253 Broadway
Suite 602
New York, New York 10007

Dear Ms. Shehu and Ms. Hendricks:

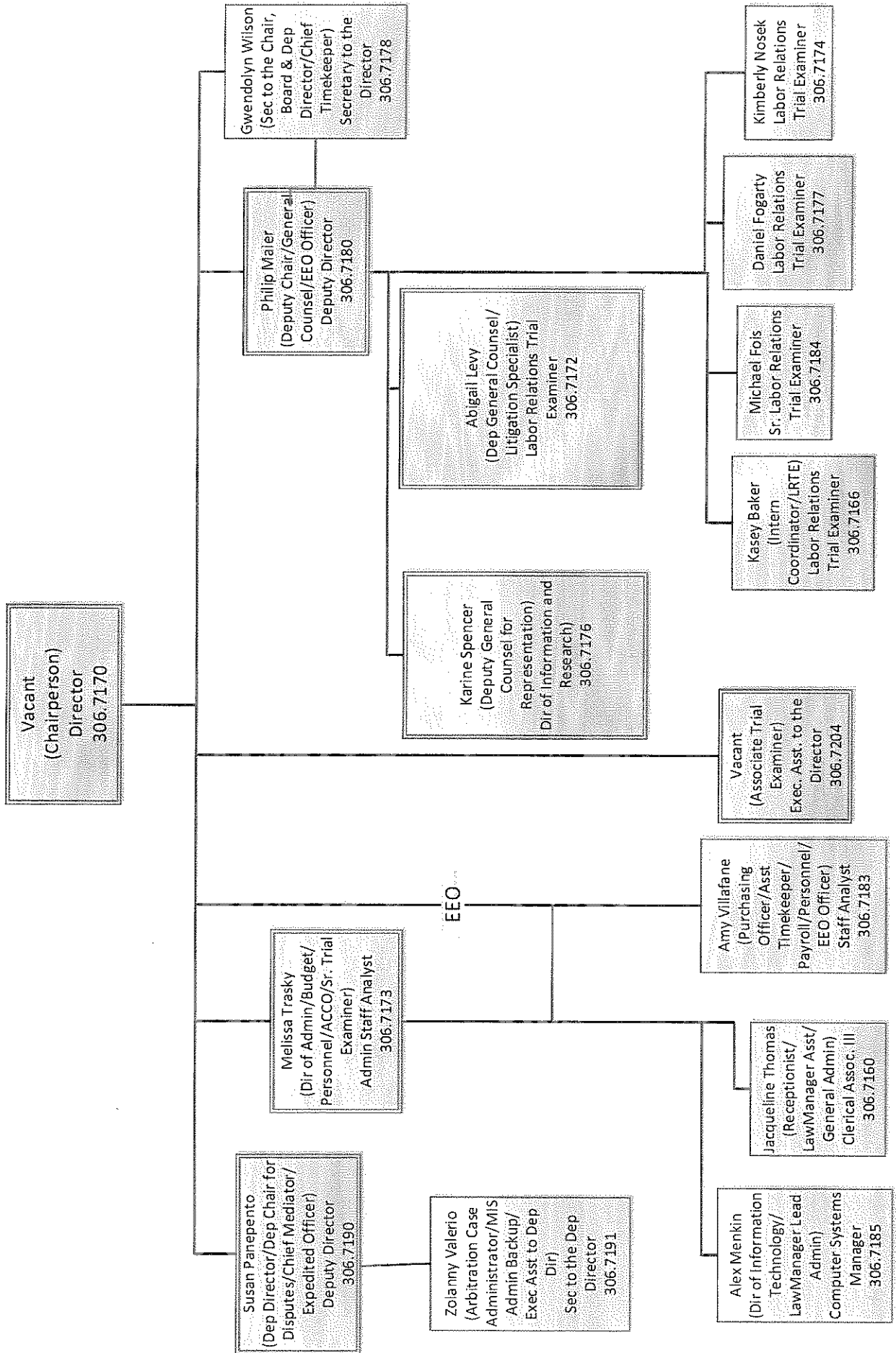
Attached are the documents submitted by this agency for your Audit, Evaluation and Monitoring of OCB's Discrimination Complaint and Investigation Procedures from January 1, 2012 to December 31, 2013. We have made all the requested corrective actions and they are visible in yellow highlighting. You are receiving these changes by email and by hard copy. Feel free to contact our General Counsel, Phil Maier, at 212-306-7180, should you have any additional questions.

Sincerely,

Susan J. Panepento
Deputy Chair for Dispute Resolution

OFFICE OF COLLECTIVE BARGAINING

Organization Chart – August 2014
(In House Duties/Title) + Title



**NOTICE TO ALL EMPLOYEES AND
APPLICANTS FOR EMPLOYMENT:**

**ALL INFORMATION REGARDING
EMPLOYEE RIGHTS AND OBLIGATIONS,
AND OUR COMPLAINT, INVESTIGATION,
AND REASONABLE ACCOMMODATION
PROCEDURES ARE AVAILABLE IN
ALTERNATIVE FORMATS (I.E. LARGE
PRINT, AUDIO TAPE, AND/OR BRAILLE)
UPON REQUEST**

This notice shall be posted on a prominently displayed bulletin board in the office, included in all EEO materials, and also shall be appended to all JVN's.

MEMORANDUM

TO: All OCB Staff

FROM: Marlene Gold

DATE: May 6, 2010

SUBJECT: Statement From the Director Regarding
the Office of Collective Bargaining's
EEO Complaint and Investigation Procedures

Federal, state and city laws prohibit discrimination based on your actual or perceived membership in a protected group. The protected classifications and prohibited actions are described in detail in the OCB EEO Policy.

Anyone who believes that he or she has been subjected to any discrimination or other action, decision or harassment in violation of OCB's EEO Policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to his or her supervisor or manager, to agency personnel supervising the application, testing and interviewing process, or directly to an OCB EEO representative. Supervisors, managers, or human resources personnel who receive EEO complaints, or who otherwise become aware of any improper discrimination, must notify an OCB EEO representative. Supervisors and managers should also encourage individuals who believe that the City's EEO Policy has been violated to consult with an OCB EEO representative.

OCB's EEO representatives are its EEO Officer, Amy Villafane, and its EEO Counselor, Steven DeCosta. An agency EEO representative will assist the person to determine whether the issue s/he has raised is appropriate for resolution through the complaint process. Employees will not be retaliated against for consulting with an EEO professional about a suspicion of discrimination or for filing a complaint or cooperating in an investigation.

An individual who believes that this policy has been violated may report the incident orally or in writing. Where the complaint is taken orally, the manager, supervisor, or EEO representative shall document the complaint. The EEO representative will assist any individual to determine whether the conduct or decision is appropriate for the complaint process. Where an individual chooses to file an internal complaint with an OCB EEO representative, that complaint must be filed within one year of the event which is the subject of the complaint.

If an employee or employment applicant believes s/he is being harassed or retaliated against because s/he consulted with the EEO Officer or EEO Counselor, filed a discrimination complaint, or cooperated in the investigation of a complaint, s/he is urged to also report this behavior to the EEO professional for investigation and other action.

**WHERE TO FILE AN INTERNAL COMPLAINT OR
SEEK ASSISTANCE WITH AN EEO MATTER**

You may file an internal EEO complaint or receive assistance with an EEO matter by contacting:

Amy Villafane, OCB EEO Officer
40 Rector Street, 7th Floor
New York, NY 10006
(212) 306-7183

or

Steven DeCosta, EEO Counselor
40 Rector Street, 7th Floor
New York, NY 10006
(212) 306-7180

MEMORANDUM

TO: All OCB Staff

FROM: Marlene Gold

DATE: May 6, 2010

SUBJECT: Statement From the Director Regarding
the Office of Collective Bargaining's
Equal Employment Opportunity Policy

The Office of Collective Bargaining (OCB) is an Equal Employment Opportunity Employer. As the Chairperson, I am committed to advocating fair employment practices for our employees. In this regard, I hold OCB's EEO representatives, human resources professionals, managers and supervisors accountable for ensuring that this agency does not discriminate against employees or applicants for employment. I am further committed to ensuring that all new employees are advised of OCB's EEO policy, their rights and responsibilities under that policy, and the available discrimination complaint and investigation procedures. This policy reflects the federal, state and local laws that prohibit discrimination in employment, the City of New York's Equal Employment Opportunity Policy, and OCB's own EEO Policy.

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

If any person feels that he or she has observed or been subjected to discriminatory behavior within the Office of Collective Bargaining, please contact either the Equal Employment Opportunity Officer or Counselor. The EEO Officer is Amy Villafane, who may be contacted at (212) 306-7183. The EEO Counselor is Steven DeCosta, who may be contacted at (212) 306-

7180. The EEO Officer and Counselor have the authority to recommend to the Office of Collective Bargaining that appropriate action be taken against any person who has engaged in discriminatory behavior.

I encourage all employees to access the resources available within OCB to address any concerns you may have. The implementation of the agency's Equal Employment Opportunity Policy is one of OCB's highest priorities and has my full support.

OFFICE OF COLLECTIVE BARGAINING'S
EQUAL EMPLOYMENT OPPORTUNITY POLICY

	<u>Initials</u>	<u>Distribution Date</u>
DeCosta, Steven	<u>DS</u>	<u>5/6/10</u>
Fois Michael	<u>MF</u>	<u>5/7/10</u>
Gold, Marlene A.	<u>MA</u>	<u>5/7/10</u>
Lawler, Rita A.	<u>RL</u>	<u>5/7/10</u>
Manichaikul, Mariam	<u>MM</u>	<u>5/7/10</u>
Mc Quade, Stephen	<u>SM</u>	<u>5/7/10</u>
Meyreles, Keilanny	<u>KM</u>	<u>5/7/10</u>
Panepento, Susan	<u>SP</u>	<u>5/7/10</u>
Poppell, Beverly	<u>BP</u>	<u>5/7/10</u>
Spencer, Karine C.M.	<u>KS</u>	<u>5/7/10</u>
Thomas, Jacqueline	<u>JT</u>	<u>5/7/10</u>
Villafane, Amy	<u>AV</u>	<u>5/7/10</u>
Von der Lieth, Melissa T.	<u>ML</u>	<u>5/7/10</u>
Wilson, Gwen	<u>AW GW</u>	<u>5/10/10</u>
Wirenius, John	<u>WJ</u>	<u>5/7/10</u>

MEMORANDUM

TO: All OCB Staff
FROM: Marlene Gold *MAG*
DATE: May 5, 2010
SUBJECT: Office of Collective Bargaining's
Equal Employment Opportunity Policy

Introductory Statement From the Director and Chair:

The Office of Collective Bargaining (OCB) is an Equal Employment Opportunity Employer. As the Chairperson, I am committed to advocating fair employment practices for our employees. In this regard, I hold OCB's EEO representatives, human resources professionals, managers and supervisors accountable for ensuring that this agency does not discriminate against employees or applicants for employment. I am further committed to ensuring that all new employees are advised of the this agency's EEO policy, their rights and responsibilities under that policy, and the discrimination complaint and investigation procedures.

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

If any person feels that he or she has observed or been subjected to discriminatory behavior within the Office of Collective Bargaining, please contact either the Equal Employment Opportunity Officer or Counselor. The EEO Officer is Amy Villafane, who may be contacted at (212) 306-7183. The EEO Counselor is Steven DeCosta, who may be contacted at (212) 306-7180. The EEO Officer and Counselor have the authority to recommend to the Office of Collective Bargaining that appropriate action be taken against any person who has engaged in discriminatory behavior.

The following pages sets forth OCB's enhanced and updated Equal Employment Opportunity (EEO) Policy.

I. OCB Equal Employment Opportunity Policy

A. Protected Categories

Federal, State and/or local laws prohibit 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 "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
Sexual orientation	Predisposing genetic characteristic
Status as a victim or witness of domestic violence, sexual offenses and stalking	

B. Types of Prohibited Conduct

Decisions and practices based on an individual's protected status (e.g., race, religion, age and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions or privileges of an individual's employment or potential employment with OCB are prohibited by this policy. This includes unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge or any other application or selection process relating to employment.

OCB's EEO Policy also prohibits sexual harassment - that is, conduct or language of a

sexual nature - and harassment based on gender or any other protected characteristic (such as race, religion, disability or sexual orientation). Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation or reasonable accommodation processes are strictly prohibited.

OCB's EEO Policy also prohibits any agency employee from aiding, abetting, inciting, compelling or coercing any person present in an agency facility, whether or not an employee of OCB, from engaging in any conduct prohibited by this Policy, including but not limited to conduct that creates a hostile work environment based upon any protected characteristic.

OCB's EEO Policy also prohibits the denial of reasonable accommodations (for disabilities; religious beliefs, observances and practices; or for victims of domestic violence, sex offenses or stalking) that do not create undue hardship.

Some offensive acts or remarks may violate this policy, even if they are not so severe that they violate federal, state or local discrimination laws. OCB may discipline conduct that violates this policy even if the conduct does not violate a law prohibiting discrimination. Harassment based on the previous basis is also prohibited.

C. Applicability

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

This policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin or disability), but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin or disability, etc., of other persons with whom they are associated. For example, this policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious or national

origin group is prohibited.

These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, that violate this policy.

This policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any off-site business-related social function, agency vehicle or facility where OCB business is being conducted and discussed.

All OCB employees are expected to be respectful of all of their co-workers and members of the public, and to be sensitive to the effects of their behavior on those around them.

D. 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 disability, religion, retaliation and status as a victim of domestic violence, a sex offense or stalking.

1. Sexual Harassment:

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government has 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.

2. 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 OCB. For the purpose of this policy, a disability is: 1) a physical, medical, mental or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment.

The OCB will take appropriate action to provide reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations would create an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, to perform their jobs, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Some examples of accommodations that may be reasonable include: making facilities physically accessible to, and usable by, persons with disabilities; job restructuring; modifying work schedules; providing or modifying equipment or devices; providing qualified readers, interpreters, auxiliary aides and/or other support services; and providing leave and/or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate the Civil Service Law, Personnel Rules and Regulations or other applicable laws, regulations and/or collective bargaining agreements. Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, or disruptive, or would change the nature or operation of an agency's business.

The City of New York and OCB encourage employment of and promotional opportunities for qualified persons with disabilities. For example, pursuant to Section 55-a of the New York State Civil Service Law, where agency needs and availability permit, the City encourages agencies to utilize the 55-a program, which will allow City agencies to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis. Individuals who wish to apply for the 55-a program are encouraged to seek assistance from the agency personnel officer or 55-a Coordinator. OCB's 55-a Coordinator is Amy Villafane - (212) 306-7183.

3. Religion:

The OCB's EEO 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 creed, religious affiliation, or religious beliefs,

observances or practices.

In addition, depending on the circumstances, OCB will try to reasonably accommodate the religious observances, beliefs or practices of an employee or applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect his or her religious observances, beliefs or practices. City agencies may provide accommodations for religion such as: flexible arrival and departure times; leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; and modifying workplace practices, policies and/or procedures.

OCB is not required to provide accommodations that are too costly or difficult to provide, that would be disruptive or that would interfere with job performance.

4. Retaliation:

It is a violation of OCB's EEO Policy to retaliate against or harass any person who asserts his or her rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct; or 3) participating in any way in the complaint, investigation or reasonable accommodation processes. It is also a violation of this policy to retaliate against or harass someone because of his or her association with such an individual.

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

5. 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. OCB will provide reasonable accommodations that do not create undue hardship and that enable such persons to satisfy the essential requisites of a job, provided that the status as a victim of domestic violence

or victim of sex offenses or stalking is known, or should have been known, by the agency.

E. Procedures

1. Reporting Violations:

Anyone who believes that he or she has been subjected to any action, decision or harassment in violation of this policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to his or her supervisor or manager, to agency personnel supervising the application, testing and interviewing process, or directly to an OCB EEO representative. Supervisors, managers, or human resources personnel who receive EEO complaints, or who otherwise become aware of any improper discrimination, must notify an OCB EEO representative. Supervisors and managers should also encourage individuals who believe that the City's EEO Policy has been violated to consult with an OCB EEO representative.

An individual who believes that this policy has been violated may report the incident orally or in writing. Where the complaint is taken orally, the manager, supervisor, or EEO representative shall document the complaint. The EEO representative will assist any individual to determine whether the conduct or decision is appropriate for the complaint process. Where an individual chooses to file an internal complaint with the agency EEO officer, that complaint must be filed within one year of the event which is the subject of the complaint.

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

2. Contact with the EEO Officer or Counselor:

An employee has a right to meet privately with an OCB EEO representative. Such a meeting may take place either during or outside of office hours. An employee need not disclose the purpose for or details of the meeting with an EEO representative. Managers and supervisors shall allow employees to meet with EEO representatives at the earliest practicable time consistent with the operational needs of their units.

At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period. The OCB EEO representative will arrange to meet with an employee at outside premises where appropriate and/or

necessary in order to ensure confidentiality. If necessary, EEO representatives will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities to facilitate access to EEO services.

The OCB EEO representative will discuss and research appropriate options, including actions an individual could take on his or her own behalf, referrals to other offices and/or agencies, mediation, investigation and/or interim relief. The OCB EEO representative may also facilitate any further discussions with other agency personnel.

Any person who is interviewed during the course of an EEO investigation has a right to be accompanied by a representative of his or her choice. This includes individuals who make complaints, persons against whom complaints are made or witnesses. It is preferable that the OCB EEO representative have advance notice that the person who is being interviewed will be bringing a representative.

Any person who is the subject of the complaint will have an opportunity to respond in writing.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action.

3. Withdrawing Complaints:

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint.

4. Concluding the Complaint Investigation:

The OCB EEO Officer will advise all parties in writing of the outcome of a complaint. If the OCB EEO Officer concludes that a violation of this policy has occurred, the EEO Officer will recommend to the agency head appropriate corrective action. The agency head will review the EEO Officer's report and promptly issue a determination adopting, rejecting or modifying the recommended action. Such determination shall be in writing and may be issued electronically.

Any person found to have engaged in conduct or practices in violation of this policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, agencies may take such steps as may be necessary to address the impact that any violation of this policy has had

on the complainant or within the agency.

F. Other Places Where Complaints May Be Filed:

The following federal, state, and local agencies enforce laws against discrimination:

- New York City Commission on Human Rights:
<http://www.nyc.gov/html/cchr/html/home/home.shtml>
- New York State Division of Human Rights: <http://www.dhr.ny.gov/>
- United States Equal Employment Opportunity Commission (the "EEOC"):
<http://www.eeoc.gov>
- United States Department of Justice: <http://www.justice.gov/>
- Department of Labor: www.dol.gov/

Information about how to contact these agencies can be found in the EEO Policy handbook, "About EEO: What You May Not Know," available on the internet at http://www.nyc.gov/html/dcas/html/about/eo_booklet.shtml, the DCAS website at <http://www.nyc.gov/html/dcas/html/about/eo.shtml>, or in print at the Office of Citywide EEO at 1 Centre Street, 17th Floor South, New York, NY 10007, (212) 669-8648. Please note that there are statutory deadlines for filing complaints with each of the listed agencies.

G. Requests for Reasonable Accommodations:

As mentioned above, OCB may be requested to provide reasonable accommodations, when requests are made in connection with disabilities, religion and/or to accommodate individuals who are victims of domestic violence, sex offenses, or stalking. The reasonable accommodation process should be flexible and interactive, involving agency representatives who are necessary to the reasonable accommodation process and the individual who is requesting a reasonable accommodation. In all instances, OCB's EEO Officer should be notified of the request in order to facilitate discussions, research appropriate accommodations and assist in the resolution of the matter.

OCB EEO Contact Information

Amy Villafane, OCB EEO Officer
40 Rector Street, 7th Floor
New York, New York 10006
(212) 306-7183

Steven C. DeCosta, EEO Counselor
40 Rector Street, 7th Floor
New York, New York 10006
(212) 306-7180

**GUIDELINES FOR THE IMPLEMENTATION OF
THE OFFICE OF COLLECTIVE BARGAINING
COMPLAINT PROCEDURES**

Section 1. PURPOSE

The Department of Personnel has established these guidelines for the implementation of the City's Discrimination Complaint Procedures to assist Equal Employment Opportunity Officers and Counselors in carrying out their responsibilities in the administration and enforcement of their agency's Equal Employment Opportunity complaint and investigation system. These guidelines are designed to further the goals of: (1) resolving complaints of discrimination within the agency through a fair and prompt process of conciliation and/or investigation, and (2) taking immediate and appropriate corrective action to remedy unlawful discrimination in the workplace. The Department of Personnel based on suggestions and requests for revisions from interested persons may from time to time amend and revise these guidelines.

Section 2. DEFINITIONS

Complainant A current or former employee, or an applicant for employment, who files or makes either a written or oral complaint of discrimination or a request for conciliation.

The agency may be a complainant where the EEO Officer or Counselor files a complaint of discrimination on behalf of the agency based on an anonymous or oral complaint.

Respondent A person and/or agency, or any subdivision of an agency, or independent contractor accused of committing an unlawful discriminatory act(s).

Note: An agency may be liable for the unlawful discriminatory acts or practices committed by a person employed as an independent contractor to carry our work in furtherance of the agency's business enterprise where such discriminatory conduct was committed in the course of such employment and the agency had actual knowledge of and acquiesced in such conduct.

Parties The complainant(s) and the respondent(s).

Complaint A written or oral statement of facts including pertinent dates, which describes the alleged discriminatory act(s); and identifies the respondent with specificity. If the complaint is written, it must be signed by the complainant(s), or a person authorized to act on behalf of the complainant(s), or, in an appropriate case, the EEO Officer on behalf of the agency.

When the EEO Officer or Counselor decides that (s)he must investigate an oral complaint, the complaint must be reduced to writing in accordance with the procedures set out in Section 10 before the investigation can begin.

Section 3. TIME PERIOD FOR FILING COMPLAINTS OF DISCRIMINATION

A complaint of discrimination based on age, alienage or citizenship, color, creed, disability, gender (including sexual harassment), marital status, national origin, prior record of arrest or conviction, race, religion, and/or sexual orientation must be filed with the EEO Officer or Counselor within one year of the date the alleged discriminatory act(s) occurred.

Section 4. WHO CAN FILE A COMPLAINT OF DISCRIMINATION

Any current or former employee of the City of New York, or applicant for employment with the City of New York who feels that (s)he has been discriminated against on the basis of age, alienage or citizenship, color, creed, disability, gender (including sexual harassment), marital status, national origin, prior record of arrest or conviction, race, religion, and/or sexual orientation may file a complaint of discrimination.

Section 5. HOW TO FILE A COMPLAINT OF DISCRIMINATION

A complaint may be filed with the EEO Officer or EEO Counselor in person or by mail or telephone. Written complaints should be prepared on the Discrimination Complaint Form. Agencies should take all appropriate steps to ensure that individuals desiring to use the City's Complaint Procedures are provided with the necessary assistance. The Affirmative Employment Plan is

available at the Department of Personnel Bureau of Citywide EEO in Braille and on audio tape for the blind and visually-impaired.

The complainant should provide a statement of the facts, including pertinent dates, which constitutes the alleged discriminatory act(s). While the preference is for the complaint to be typed on the Complaint Form, any communication that is given to the EEO Officer or Counselor that identifies the respondent(s) with reasonable specificity and provides the essence of the circumstances which gave rise to the alleged discrimination may be deemed an acceptable complaint. The EEO Officer will determine whether the statement is an acceptable complaint of discrimination.

Section 6. ACCESSIBILITY

City agencies shall provide such assistance and aid (for example, Braille complaint procedures, and telecommunications devices for the deaf and sign language interpreters) as may be necessary to enable a complainant(s) to understand and participate in the complaint process. Appropriate alternate formats (i.e. large print, audio tape and/or Braille) regarding information about employee rights shall be available upon request by employees and applicants for employment with disabilities. The agency will post a notice to this effect at locations customarily used to communicate with employees, and such information will be communicated to applicants.

Section 7. WHERE TO FILE A COMPLAINT OF DISCRIMINATION

A complaint may be filed with the EEO Officer or EEO Counselor at the agency where the person(s) is employed, was employed, or seeks employment. A complaint may also be filed with the following agencies:

**Equal Employment Opportunity Commission: 33 Whitehall Street, 5th Floor
New York, NY 10004: Phone: 1-800-669-4000: Fax: 212-336-3790: TTY: 1-
800-669-6820**

**New York State Division of Human Rights: Adam Clayton Powell State
Office Building, 163 West 125th Street, 4th Floor New York, New York 10027:
Phone 1-212- 961-8650**

New York City Human Rights Commission: 100 Gold Street, Suite 4600, New York, New York 10038: Phone (212) 306-7650 Mailing Address P.O. Box 2023 New York, New York 10272

U.S. Department of Justice: 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001: Phone 1- 202-514-2000

U.S. Department of Labor: 200 Constitution Ave. NW, Washington DC 20210 Phone: 1-866-4-USA-DOL (1-866-487-2365)

Section 8. RIGHT TO MEET WITH EEO OFFICER

When a person(s) who feels that [s]he has experienced unlawful discrimination, [s]he has the right to meet privately with the EEO Officer or Counselor during office hours to discuss the complaint. An employee's request to meet with the EEO Officer or Counselor at a reasonable time during office hours must be cleared by the employee's supervisor; however, the supervisor cannot deny a reasonable request. An employee is not required to give his/her supervisor specific information about why [s]he wishes to meet with the EEO Officer or Counselor. An employee may bring a representative of his/her choice to the meeting.

It may be appropriate, in certain circumstances, for the meeting between the employee and the EEO Officer or Counselor to be scheduled before or after office hours, or during the employee's lunch hour.

Section 9. COUNSELING

When the person(s) meets with the EEO Officer or Counselor, the EEO Officer or Counselor will interview the person(s) to elicit the details of the complaint.

The EEO Officer or Counselor will make the necessary inquiries to determine whether the complaint is EEO-related and will discuss the options available to the person(s). These options include:

- (a) further actions the person(s) could take on his or her own behalf, for example, bringing the matter to the attention of his/her supervisor;

- (b) filing a complaint with the following: New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, the United States Department of Labor, and the United States Department of Justice;
- (c) conciliation by the EEO Officer;
- (d) investigation by the EEO Officer; and/or
- (e) referring the person(s) to appropriate personnel if the complaint is not EEO-related.

Section 10. ANONYMOUS AND ORAL COMPLAINTS

A person(s) who feels that (s)he has experienced unlawful discrimination and wishes to notify the EEO Officer or Counselor of the problem with or without revealing his/her identity, is encouraged to do so by either telephoning, or writing the EEO Officer.

A person(s) who anonymously or orally reports discriminatory behavior to an EEO Officer or Counselor should be aware that it may be necessary for the EEO Officer or Counselor to investigate the alleged discriminatory behavior and take action, or recommend that action be taken, to remedy the unlawful discriminatory behavior, notwithstanding the complainant's wish not to file a "formal" complaint or bring the matter to the attention of the respondent.

The EEO Officer or Counselor will evaluate the anonymous or oral complaint to determine whether an investigation is warranted. If, based upon the information contained in the anonymous or oral complaint, the EEO Officer or Counselor determines that an investigation is warranted, the EEO Officer or Counselor will conduct an investigation on behalf of the agency.

The EEO Officer or Counselor will complete an Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form (See Appendix D) and commence the investigation in accordance with Section 12 of these guidelines.

Data on all anonymous complaints will be maintained by the EEO Officer and provided to the Department of Personnel in the agency's monthly complaint logs.

Section 11. CONCILIATION AND MEDIATION

A. REQUEST FOR CONCILIATION

In order to begin the conciliation process the complainant(s) must file a written request for conciliation (See Appendix E). When the EEO Officer receives a written request for conciliation from the complainant(s), the procedures outlined in this section shall govern.

B. CONCILIATION PROCESS

The EEO Officer shall attempt to conciliate the dispute with the parties and to reach an informal resolution of the complaint within forty-five (45) working days of receipt of the request for conciliation. In conducting conciliations, the EEO Officer shall consult with the complainant(s), respondent(s) and other persons as appropriate.

Conciliation efforts to resolve the complaint shall not exceed forty-five (45) working days, unless this time period is extended by the EEO Officer.

C. TERMINATION OF CONCILIATION

The EEO Officer must issue a written report confirming the termination of conciliation. Termination of conciliation efforts occurs when:

- (a) The complaint is withdrawn;
- (b) Resolution is agreed upon by both the complainant(s), and respondent(s), and, if the terms of the resolution require agency action, the head of the agency or his/her designee; or
- (c) The EEO Officer deems conciliation efforts unproductive;
- (d) Written confirmation shall be issued and maintained when a complaint is withdrawn or resolved by agreement of the parties.

When a resolution is agreed upon, the terms of the resolution will be embodied in a written report that confirms the termination of conciliation. The report must be signed by the complainant(s) and respondent(s). Copies of the report will be given to the complainant(s) and respondent(s).

When a resolution is not agreed upon, and/or the EEO Officer determines that further conciliation efforts would be unproductive, the EEO Officer shall issue to the parties a written notice confirming termination of conciliation, which shall inform the complainant(s) of his/her right to request an investigation of the complaint of discrimination.

Information regarding complaints handled through the conciliation process will be reported to the Department of Personnel in the agency's monthly complaint logs.

Section 12. INVESTIGATION PROCESS

A. WHEN DOES THE INVESTIGATION BEGIN?

- The investigation begins immediately after the EEO Officer or Counselor: (1) receives either an oral or written complaint of discrimination, and (2) determines that the allegations in the complaint are sufficient to establish a case of unlawful discrimination.
- If the complaint is in writing but not prepared on the City's Discrimination Complaint Form, the EEO Officer or Counselor should ensure that the information required on the City's Discrimination Complaint Form is captured either by having the complainant(s), or his/her agent amend the original complaint, or file the complaint using the City's Discrimination Complaint Form.
- The EEO Officer must indicate on the complaint form, the date the complaint is filed, and the time the complaint is filed. This information should be logged.
- If the EEO Officer has initiated the investigation on his/her own, based upon an oral or anonymous complaint, the EEO Officer must complete the Agency Complaint of Discrimination Based on

Anonymous/Oral Complaint Form and mark the date and time the complaint is filed.¹

B. RECOMMENDATIONS FOR CONDUCTING THE INVESTIGATION¹

Fact Gathering

- Learn all facts concerning the alleged incident by speaking to the complainant(s) and/or the person(s) who brought the matter to the EEO Officer or Counselor's attention.
- Conduct a thorough interview with the complainant(s) and/or the person(s) who brought the matter to the EEO Officer or Counselor's attention in order to supplement and clarify information contained in the complaint.
- All questions should be asked in a non-judgmental manner. Never give the impression that you do not believe the person speaking and do not express an opinion as to whether something inappropriate occurred.
- If the complainant and the EEO Officer or Counselor are of the opposite sex, determine whether the interview should be conducted by two individuals, at least one of whom is of the same sex as the complainant.
- Determine precisely who was involved; what occurred; when and where it took place; the identity of all witnesses; whether this was an isolated incident or part of a pattern; what impact, if any, the alleged discriminatory conduct has had; the identities of all persons with whom the alleged discriminatory conduct has been discussed; and whether there are any relevant notes, recordings, photographs, physical evidence, or other documentation in existence and available. Determine whether the complainant has missed any work days, incurred any non-reimbursable medical expenses or had any monetary losses as a result of the alleged discriminatory conduct.

¹ Some of the recommendations were taken with permission from the National Employment Law Institute ('NELI') from material that appeared in the 1993 NELI Employment Law Briefing.

- Speak with other persons who may have witnessed the treatment or behavior or incident in question, who may have been identified as having been subjected to similar conduct or who have information concerning any aspect of the alleged discriminatory conduct.
- Take thorough notes, as close to verbatim as possible, during each interview. Report words spoken and facts provided, do not add your subjective assessments in the notes. At the conclusion of the interview, review with the witness the points contained in your notes to confirm their accuracy and determine whether the interviewee has anything to add. Follow this process with all interviewees.

The Respondent: Service of Notice and Complaint

- After interviewing the complainant, witnesses and other appropriate persons who might provide information in support of the complainant's allegations, the EEO Officer or Counselor shall serve the respondent with a notice of complaint along with a copy of the complaint. The following information shall not be given to the respondent: the complainant's home address and telephone number, and the name(s), title(s), and division(s) of witnesses to the alleged discriminatory act(s). The Discrimination Complaint Form contains a separate sheet for capturing this information. This sheet shall not be served on the respondent. The notice to respondent shall include respondent(s) right to respond to the allegations and right to be accompanied by a representative of his/her choice. Proof of service of the notice to respondent(s) shall be maintained in the complaint file.

After being served with the notice and copy of the complaint, the respondent has the right to respond in writing at any time after service has occurred. The respondent's right to respond shall remain in effect until the investigation process has ended. Respondents are encouraged to submit their response as soon as possible after service.

- Whenever possible, the EEO Officer should hand-deliver the notice of complaint and copy of the complaint to the respondent(s). If hand delivery is not possible, the respondent(s) should be served by sending the notice of the complaint and the copy of complaint to the respondent's home address via certified mail, return receipt requested.

In any event, the respondent(s), or someone authorized to sign for the respondent(s), should sign the receipt indicating that the notice of complaint and copy of the complaint were received by the respondent(s) or his/her agent.

- The EEO Officer should keep all receipts and log all information regarding the service of the notice of complaint and copy of the complaint on the respondent(s).
- If the complainant(s) is employed (was employed or seeks employment) at one agency, and the respondent(s) is employed at another agency, the EEO Officer or Counselor should contact the EEO Officer at the agency where the respondent(s) is employed to coordinate the investigation. EEO Officers and Counselors should work cooperatively with other Officers and Counselors in resolving complaints of discrimination.

Contents of Notice of Discrimination Complaint

Below is a notice of complaint which may be used for service on the respondent:

NOTICE OF DISCRIMINATION COMPLAINT

_____ v. _____
COMPLAINANT RESPONDENT

On _____
Date Complainant's Name(s)

filed the enclosed copy of a complaint of unlawful discrimination against you. You may respond in writing to the allegations contained in this complaint after receiving this notice and a copy of the complaint. Any response you wish to make must be received by _____, EEO Officer

Name

for _____, before the

Agency

investigation is completed. The investigation is usually completed within 30 Days of the date on which the complaint was filed. You are encouraged to respond to the allegation as soon as possible.

Responsibility for investigating this complaint rests with the agency's EEO Officer. At the conclusion of the investigation, a confidential written report on the investigation will be submitted to the agency head. The confidential written report issued within 30 days of the date of the investigation begins. If, based upon the investigation it is determined that an act of unlawful discrimination occurred, a recommendation will be made to the agent head that appropriate corrective action be taken, which may include disciplinary action. All parties will be notified in writing of the outcome of the investigation. You will be notified immediately if it is determined that no act of unlawful discrimination occurred or if the results of the investigation are inconclusive.

During the investigation the agency EEO Officer will need to meet with you to discuss the complaint. You have a right to be accompanied by a representative of your choice at the meeting.

Please note that 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.

Complaints can sometimes be promptly resolved by agreement of the parties without the necessity of completing a formal investigation. If you wish to pursue this possibility, please contact me in writing or by telephone at () _____.

EEO Officer

Date

Meeting with the Respondent

- Schedule a meeting with the respondent after [s]he has been served with the notice of complaint filed against him/her. Inform the respondent of his/her right to be accompanied by a representative of his/her choice.

- When interviewing the respondent, remind him/her of the agency's policy against unlawful discrimination and its policy forbidding retaliation against or harassment of any person for filing an EEO complaint or for cooperating in the investigation of an EEO complaint.
- Give the respondent an opportunity to explain his/her recollection of what took place, along with any other relevant information which the respondent may wish to provide.
- Ask the respondent to list any persons who are likely to have relevant information about the incident and interview those persons.

Confidential Written Report

- Once all the facts have been gathered as accurately as possible from the appropriate persons, the EEO Officer must prepare a confidential written report on the complaint consisting of facts, analysis, conclusion and recommendation and must submit the report to the agency head for review.
- The confidential written report shall be issued within 30 days of the date the discrimination complaint was filed, unless the time period is extended by mutual agreement of the EEO Officer and the complainant.
- In preparing the written report, the EEO Officer should consider not only the evidence and actual statements of the parties and witnesses, but also their motive, if any, to fabricate and other conduct as reported by eyewitnesses. EEO Officers are encouraged, and should routinely, consult the agency's General Counsel when questions arise during the preparation of the written report, or at any other phase of the investigation.
If, based upon facts, the EEO Officer determines that the respondent(s) engaged in unlawful discriminatory behavior, [s]he must determine the most appropriate action to be taken in light of the facts and circumstances and make a written recommendation to the agency head.

Preparing the Written Report

- The written report shall be generated by the EEO Officer and labeled and deemed "Confidential" in large bold print. The report shall be divided into three sections: Facts, Analysis and Conclusion, and Recommendation. The agency head must sign the written report, whether disciplinary action is recommended or not.

Section 1 shall be entitled "Finding of Facts". This section shall include all relevant facts gathered during the course of the investigation including: the name(s) of each interviewee; date(s) of the interview; and the time of the interview.

There should be a detailed account of each interviewee's statement.

NOTE: This section shall not contain the EEO Officer or Counselor's impression or assessments of the interviewee's statements.

Section 2 shall be entitled "Analysis and Conclusion." In this section, the EEO Officer or Counselor shall assess the significance and credibility of the statements of the interviewees. There should be a detailed assessment of the strengths and weaknesses of the case. If the action complained of was based on a legitimate business interest, there should be a discussion of that business interest.

Section 3 shall be entitled "Recommendation." An appropriate recommendation, which may include corrective action, should be made to the agency head.

- The agency head shall review the EEO professional's report and promptly issue a written/electronic determination adopting, rejecting or modifying the recommended action. The agency head must sign the written report (in writing or electronically) to confirm that it has been reviewed and whether the recommendation, if any, is approved and adopted. After review of the report by the agency head, the EEO Officer shall inform complainant(s) and respondent(s) in writing of the outcome of the investigation, [See details below.]

Corrective Action

- Where corrective action is recommended, determine the most appropriate action that might be taken in light of the facts and circumstances uncovered during the investigation. Disciplinary action should be taken in accordance with applicable provisions of law, rules and regulations or any relevant collective bargaining agreement.

Determining the appropriate disciplinary action is often a difficult and sensitive matter with potential legal consequences. Therefore, the agency's General Counsel, Agency Advocate and/or Labor Relations Officer should be consulted for advice.

Informing Parties of Outcome

- The complainant and respondent shall be promptly informed in writing of the conclusion and outcome of the complaint investigation. They shall also be promptly informed in writing in the event that the investigation by the EEO professional has been transferred because of the filing of an external complaint.

The EEO Officer will communicate the decision to the parties, in writing, in a discreet and confidential manner, indicating the conclusion reached; whether the misconduct alleged has substantiated; and the agency's opposition to that kind of activity. If the results of the investigation are inconclusive, do not indicate that the agency concludes that no discrimination occurred because that is tantamount to accusing the complainant of lying (unless such dishonesty has been established by clear and convincing evidence. If clear and convincing evidence of dishonesty exists, the agency must conclude and report to the parties that no discrimination occurred.)

C. AGENCY/AGENCY HEAD/CABINET MEMBER AS RESPONDENT

Agency

Whenever an agency and/or subdivision of an agency is named as a respondent, the agency head should designate an appropriate person to accept

service of the notice and the copy of the complaint and to respond to the allegations in the complaint on behalf of the agency, or subdivision.

Agency Head

When the agency's EEO Officer or Counselor receives a complaint of unlawful discrimination which alleges that the agency head has engaged, or is engaging in unlawful discriminatory conduct, the agency EEO Officer shall notify the Office of the Deputy Mayor to whom the agency head reports.

The Deputy Mayor shall designate an appropriate person(s) to investigate the complaint. The designated investigator and the agency head under investigation shall not be employed at the same agency. The investigation shall be conducted in a manner that is consistent with Section 12 of these Guidelines, except that the confidential written report shall be submitted to the Deputy Mayor to whom the agency head reports.

The Deputy Mayor will sign the written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted.

Cabinet Member

A complaint of unlawful discrimination which alleges that a member of the Mayor's Cabinet - the First Deputy Mayor, Deputy Mayor for Public Safety, Counsel to the Mayor, Deputy Mayor for Public and Community Affairs, Deputy Mayor for Health and Human Services, Deputy Mayor for Finance and Economic Development, Deputy Mayor for Planning and Development, and Corporation Counsel - has engaged, or is engaging, in unlawful discriminatory conduct will be referred to the Mayor for appropriate action and resolution.

D. EEO OFFICER AS RESPONDENT

Where the EEO Officer is named as a respondent, the Department of Personnel recommends that the agency's General Counsel investigate the complaint and make the findings of fact and recommendation for corrective action to be submitted to the agency head.

E. AMENDMENT OF COMPLAINT OF DISCRIMINATION

A complaint of discrimination and the written response to a complaint of discrimination may be amended in writing to correct omissions or to clarify the allegations. Amendments related to the original complaint will relate back to the date of filing of the original complaint.

F. WITHDRAWAL OF COMPLAINT OF DISCRIMINATION

A complaint of discrimination may be withdrawn at any time. Only the complainant(s) or his/her authorized agent, may withdraw the complaint. All requests for withdrawals must be in writing.

In most cases, the EEO Officer will find it appropriate to end the investigation when the complainant(s) has withdrawn the complaint. However, the EEO Officer, prior to making the determination to end the investigation, must consider whether evidence has been found that may lead to the conclusion that the agency has an obligation to take action to correct unlawful discriminatory behavior. If there is such evidence, the EEO Officer should continue to investigate until he or she has reached a conclusion as to whether the agency should take corrective action.

In either event, the EEO Officer shall notify the respondent(s) in writing that the complainant has withdrawn the complaint. The EEO Officer shall also notify the respondent(s) whether the investigation has been terminated or is continuing. A copy of the written confirmation that the complaint has been withdrawn shall be issued and maintained by the agency.

G. MULTIPLE FILING OF COMPLAINT

If the complainant(s) files a complaint with an external agency simultaneous with or subsequent to filing the complaint with the EEO Officer, the EEO Officer shall complete the investigation of the internal complaint and make such recommendations for corrective action as warranted. The EEO Officer shall consult and work with his/her General Counsel's Office whenever the complainant(s) file his/her complaint in several forms.

H. RIGHT TO BE ACCOMPANIED BY REPRESENTATIVE

Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of his/her choice.

Section 13. INTERIM RELIEF

When the EEO Officer believes that harm will be sustained by one or more of the parties if relief is not granted pending resolution of the charge of discrimination, [s]he may take such necessary and appropriate actions that are within his/her authority to ensure that no one is harmed. In addition, the EEO Officer may request on behalf of the party who may be harmed, that the agency head, or other appropriate official, grant such interim relief as may be appropriate under the circumstances.

Section 14. CONFIDENTIALITY AND RECORD KEEPING

Every effort will be made to avoid the disclosure of the identity of parties and witnesses and information regarding a complaint of discrimination, except to those who have a need to know. Parties and witnesses should be advised not to discuss the investigation with workplace colleagues or friends.

All complaints and documents related to complaints, including all documents related to the conciliation process will be treated confidentially, and will be retained by the EEO Officer. These records are not to be released to any third party without the written consent of both the complainant(s) and respondent(s), except as required by law and the guidelines and procedures implementing the City's Affirmative Employment Plan. EEO Officers should seek advice from the agency's General Counsel's Office if a request for documents relating to a complaint is received.

This section does not preclude the placing of disciplinary documents in an employee's personnel file in accordance with the EEO Officer's investigation and recommendation for corrective action. Such disciplinary documents will remain in the personnel file and travel with the employee should [s]he transfer, or be transferred to another agency.



OFFICE OF COLLECTIVE BARGAINING

100 Gold Street, Suit 4800
New York, NY 10038
(212) 306 7160
Fax (212) 306-7167

IMPARTIAL MEMBERS
GEORGE NICOLAY
CAROL A. WITTENBERG

DEPUTY CHAIRS
PHILIP L. MAER
SUSAN J. PANEPENTO

CITY MEMBERS
M. DAVID ZURNDORFER
PAMELA S. SILVERBLATT

LABOR MEMBERS
CHARLES G. MOERDLER
GABRIELLE SEMEL

APPENDIX A

**AUTHORIZATION TO FILE
COMPLAINT OF DISCRIMINATION**

Believing that I have a valid complaint of unlawful discrimination based on my:

(SPECIFY HOSPITALIZATION, ILLNESS, INJURY, DISABILITY, ETC.)

I hereby request and authorize _____ to prepare and/or file on my behalf a complaint of discrimination. I have signed this authorization willingly, freely, and voluntarily.

COMPLAINANT

The above-named complainant appeared before me personally and [s]he signed the foregoing authorization.

In witness thereof, I have hereunto set my hand and seal this _____ day of _____, 20____.

NOTARY PUBLIC

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____	vs. _____
COMPLAINANT	RESPONDENT
CASE NO. _____	
DATED _____	



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M. DAVID ZURNDORFER
PAMELA S. SILVERBLATT

LABOR MEMBERS
CHARLES G. MOURJLEN
GABRIELLE SEARL

APPENDIX B

**AUTHORIZATION TO FILE
REQUEST FOR CONCILIATION**

Believing that I have a valid complaint of unlawful discrimination based on my:

(SPECIFY HOSPITALIZATION, ILLNESS, INJURY, DISABILITY, ETC.)

I hereby request and authorize _____ to prepare and/or file on my behalf a request for conciliation. I have signed this authorization willingly, freely, and voluntarily.

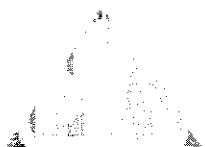
COMPLAINANT

The above-named complainant appeared before me personally and [s]he signed the forgoing authorization.

In witness thereof, I have hereunto set my hand and seal this _____ day of _____ 20_____.

NOTARY PUBLIC

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____	vs. _____
COMPLAINANT	RESPONDENT
CASE NO. _____	
DATED _____	



OFFICE OF COLLECTIVE BARGAINING

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SUSAN J. PANEPENTO

LABOR MEMBERS
CHARLES C. MOERDLER
GABRIELLE SEMEL

APPENDIX C

ACKNOWLEDGMENT OF AUTHORIZATION

I, _____, the undersigned, affirm under the penalty of
PERSON, GROUP, OR ORGANIZATION

perjury that _____ willingly, freely, and voluntarily
COMPLAINANT

authorized me to prepare and/or file this complaint of unlawful discrimination/request for conciliation on his/her behalf. I further affirm, under the penalty of perjury, that I have read and fully understand the City of New York's Discrimination Complaint Procedures.

SIGNATURE OF AFFIANT

The above-named complainant appeared before me personally and [s]he signed the forgoing authorization.

In witness thereof, I have hereunto set my hand and seal this _____ day of _____ 20_____.

NOTARY PUBLIC

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____ COMPLAINANT	vs RESPONDENT _____
CASE NO. _____	
DATED _____	



OFFICE OF COLLECTIVE BARGAINING

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LABOR MEMBERS
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GABRIELLE SEMEL

APPENDIX D

**AGENCY COMPLAINT OF DISCRIMINATION
BASED UPON ANONYMOUS/ORAL COMPLAINT**

NAME OF AGENCY HEAD: _____

AGENCY ADDRESS: _____

EEO OFFICER: _____

EEO OFFICER'S TELEPHONE NO. (____) _____ - _____

What is the alleged basis of discrimination (check any that apply)

Age___ National Origin___ Alienage/Citizenship___ Arrest/Conviction___

Color___ Race___ Creed___ Religion___ Disability___ Sexual Harassment___

Gender___ Sexual Orientation___ Marital Status___ Retaliation___

Genetic Predisposition___

FACTS:

Please provide a description of the incident/s below, including the name of the Respondent and the dates of the alleged incident/s.

1) Please name the Respondent: who is alleged to have engaged in the unlawful discrimination? Also, please provide the name and division/unit where [s]he is employed.

Respondent's Name (Last/First) _____

Respondent's Title: _____

Division/unit _____

2) On what date/s did the alleged discrimination occur?

3) Where did it happen?

4) Were there witnesses to the discrimination?

(Please give the name/s and the division/unit where [s]he is employed on the attached sheet marked confidential)

5) Did you ever report this incident? If so, please give the name, title, and division of the person to whom you reported the incident.

NAME (Last, First): _____

TITLE: _____

DIVISION/UNIT: _____

6) Have you filed a complaint about the alleged discrimination with any of the following agencies? If so, please state the date and the number of the complaint.

- New York City Commission on Human Rights
- New York State Division of Human Rights
- United States Equal Employment Opportunity Commission
- United States Department of Labor
- United States Department of Justice

7) Describe the alleged unlawful discriminatory conduct that was reported in the anonymous complaint. If the anonymous complaint was written, attach the complaint to this form.

I certify that the above is a true recitation of an allegation of unlawful discrimination received by me either orally or anonymously in my capacity as the agency EEO Officer or Counselor.

EEO Officer or Counselor

Date

DO NOT WRITE IN THIS SPACE
FOR USE BY EEO OFFICE

COMPLAINANT vs _____
RESPONDENT

CASE NO. _____

DATED _____

CONFIDENTIAL

Personal Information:

Complainant's Name: _____

Complainant's Office Address: _____

Complainant's Home Address: _____

Office Telephone: (_____) _____

Home Telephone: (_____) _____

Respondent's Name: _____

Respondent's Title: _____

Respondent's Division/Unit: _____

Witness/es:

Please give the names, titles and divisions of any witnesses to the unlawful discrimination.

Name:

Division:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICE	
_____	vs. _____
COMPLAINANT	RESPONDENT
CASE NO. _____	
DATED _____	



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GABRIELLE SEMEL

APPENDIX E

REQUEST FOR CONCILIATION

Believing that I have a valid complaint of unlawful discrimination and desiring to resolve that complaint, if possible, without resorting to formal investigation, I respectfully request that the agency EEO Officer attempt to conciliate my complaint in accordance with the City of New York's Discrimination Complaint Procedures and the guidelines implementing those procedures.

COMPLAINANT OR AUTHORIZED AGENT

DO NOT WRITE IN THIS SPACE
FOR USE BY EEO OFFICE

_____ vs _____
COMPLAINANT RESPONDENT

CASE NO. _____

DATED _____