



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER No. 64
RESPONSIBILITY OF
CONTRACTED PROVIDERS OF HUMAN SERVICES
IN RELATION TO MATTERS INVOLVING
ALLEGATIONS OF SEXUAL HARASSMENT

MARCH 3, 2021

WHEREAS, New York City only contracts with responsible bidders; and

WHEREAS, the City enters into contracts for "human services," as such term is defined in section 6-129 of the Administrative Code, in order to provide services to and protect the welfare and dignity of its most vulnerable citizens; and

WHEREAS, sexual harassment constitutes a grave threat to the welfare and dignity of all persons who live and work in New York City; and

WHEREAS, sexual harassment constitutes a form of unlawful discrimination under the New York City Human Rights Law that is prohibited in the workplace and in the provision of public accommodations, and is also illegal under New York State and federal law; and

WHEREAS, pursuant to section 803 of the New York City Charter, the Mayor may direct the Commissioner of Investigation to undertake investigations, including investigations of alleged sexual harassment by personnel delivering services for or on behalf of the City;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. All City agencies that contract with outside entities for the provision of human services shall make best efforts to amend existing contracts with such providers to require that they provide information about sexual harassment complaints, whether made by an employee, client, or other person. Such amendments shall require that the contracted providers make available to the Department of Investigation (DOI):

- (a) A copy of the contractor's sexual harassment policies, including complaint procedures, which shall be uploaded to PASSPort; and
- (b) A copy of any complaint or allegation of sexual harassment or retaliation on the basis of a complaint of sexual harassment brought by any person against the Chief Executive Officer or equivalent principal of the organization in any venue, including through the provider's internal Equal Employment Opportunity process, subject to Section 2 herein. Such copy must be redacted as to the name and any identifying information of individuals except the accused and provided, by secure means that the DOI shall determine and publicize, within 30 days of receipt of the complaint or allegation; and
- (c) A copy of the final determination or judgment with regard to any complaint covered in subdivision (b), redacted as to the name and any identifying information of individuals except the accused; and
- (d) Any additional information the DOI requests in order to effectuate its review of any investigation and determination, including information that had been redacted pursuant to subdivisions b and c.

The amendments to the provider contracts shall further require that the Board of Directors or equivalent authority of the contracted provider annually certify in writing that they have made all reports required pursuant to such amendments or that they had no information to report and upload such certification to PASSPort..

The reporting obligations under this section do not relieve a provider of its duty to investigate any complaint or allegation or of any other contractual obligations.

§ 2. Disclosure to and collection by the DOI of any personally identifying information relating to allegations of sexual harassment — which constitutes “sensitive identifying information” under section 6.2 of the Citywide Privacy Protections and Protocols of the City’s Chief Privacy Officer and “restricted” information under the NYC Cyber Command Policies and Standards — has been authorized by the Chief Privacy Officer under section 23-1202 of the New York City Administrative Code as being in the best interests of the City.

§ 3. The DOI shall review materials related to any complaint or allegation of sexual harassment required to be provided under Section 1 of this Order and, at the conclusion of its review, shall provide its findings, using secure means, to all City agencies that contract with the provider, in a manner that protects the confidentiality of any personally identifying information related thereto unless the disclosure of such information is required by law.

§ 4. Agencies may consider any findings reported by the DOI, as well as a provider's failure to furnish the information required by § 1 of this Order when determining whether to continue, modify, amend, or renew a contract.

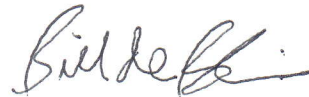
§ 5. The Mayor's Office of Contract Services shall work with the DOI and all City agencies to ensure that information provided pursuant to this executive order is appropriately reflected in the City's records.

§ 6. The Law Department and the Mayor's Office of Contract Services shall work with City agencies to ensure that this obligation is reflected in all future City contracts, renewals, amendments, and modifications.

§ 7. All City agencies shall ensure that they comply with their ongoing obligation to forward any credible reports of sexual harassment to the appropriate investigative entities, including the DOI.

§ 8. This Order is not intended to create any right on the part of any third party.

§ 9. This Order shall take effect immediately.

A handwritten signature in black ink, appearing to read "Bill de Blasio", is written above a horizontal line.

Bill de Blasio,
MAYOR