

**Addendum To
Citywide EEO Policy Handbook - “About EEO: What You May Not Know”**

NOTE:

**This addendum supersedes the prior two addenda to the
Citywide EEO Policy Handbook, dated October 5, 2005 and December 14, 2006.
Amendments are denoted below by bold text.**

In order to reflect recent changes to the New York State Human Rights Law (Executive Law, Section 290 *et seq.*) and the New York City Human Rights Law (Administrative Code, Section 8-101 *et seq.*), the EEO Policy Handbook - “*About EEO: What You May Not Know*,” is hereby amended to read as follows:

1. The first sentence in paragraph 2 on page 6 is amended as follows:

The City’s EEO Policy was created to provide equal opportunity for all employees and applicants for employment by ensuring that all workplaces in City agencies are free of illegal discrimination, including harassment, based on race, color, national origin, **immigration 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), age (**18 and over**), disability, **military status**, prior record of arrest or conviction, marital status, **predisposing genetic characteristic**¹, sexual orientation, **partnership status**² or status as a victim [**or required witness**³] of domestic violence, **sex offenses and stalking**⁴.

2. Behavior that could violate the City’s EEO Policy (pages 7-8) is amended to add the following:

- **Aiding, abetting, inciting, compelling or coercing any person present in a City facility, whether or not an employee of the City, from engaging in any conduct prohibited by the City’s EEO Policy, such as creating a hostile work environment based on any protected characteristic.**
- **Discriminating against or harassing a Work Experience Program (WEP) participant who performs work at a City agency.**

¹ The term “predisposing genetic characteristic” was adopted to streamline the terms “genetic predisposition” and “carrier status” in the previous version of the **New York State** law and took effect on August 30, 2005.

² “Partnership status” was added as a protected class under New York City’s Human Rights Law on October 3, 2005.

³ The New York State Penal law provides that it is a crime for employers to penalize an employee who is required **to appear in Court as a witness in a criminal proceeding including those related to domestic violence.**

⁴ “Status as victim or witness of sex offenses or stalking” was added as a protected class under the City Human Rights Law on December 22, 2003.

Work Experience Program (“WEP”) Participants

Work Experience Program (“WEP”) participants are also protected under the City’s EEO Policy. WEP participants are public assistance recipients who are required to accept workfare assignments in order to receive benefits. The City of New York is committed to protecting WEP participants who perform work at City agencies from unlawful discrimination. WEP participants are protected under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq. (“Title VII”); the Americans with Disabilities Act, 42 U.S.C. §12101, et seq. (“ADA”); and the Age Discrimination in Employment Act, 29 U.S.C. §621, et seq. (“ADEA”). Accordingly, WEP participants have a right to a workplace that is free of discrimination, including harassment, based on race, color, national origin, religion, gender, disability, or age, as provided for in the above laws.

In addition, as a matter of City policy, WEP participants should not be harassed or discriminated against on any basis that could otherwise be determined to be prohibited behavior pursuant to the City’s Equal Employment Opportunity (“EEO”) Policy (such as **immigration** or citizenship status, sexual orientation, gender identity, or status as a victim of domestic violence, **sex offenses and stalking**) as applied to employees or applicants for employment.

All City employees who direct, oversee, or interact with WEP participants performing work assignments at City agencies are required to treat WEP participants in a manner consistent with the treatment of City employees, as mandated by Title VII, the ADA, the ADEA and the City’s EEO Policy.

If a WEP participant believes that he or she has been discriminated against or harassed in violation of Title VII, the ADA, the ADEA or any basis set forth in the City’s EEO Policy, the WEP participant may file a complaint with the EEO Officer at the agency at which he or she is assigned. The EEO Officer will then take appropriate action, following the procedures outlined in the City’s EEO Policy.

In addition, a WEP participant who believes that he or she has been discriminated against or harassed in violation of Title VII, the ADA or the ADEA may also have the right to file a complaint with the United States Equal Employment Opportunity Commission (“EEOC”), 33 Whitehall Street, 5th Floor, New York, New York 10004, (212) 336-3620, TTY: (212) 336-3622, website: www.eeoc.gov.

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