



ADMINISTRATIVE GUIDE

Section: Employee Rights/Responsibilities		Procedure No: 332-01
EMPLOYMENT DISCRIMINATION		
DATE EFFECTIVE: 10/10/25	LAST REVISION: R.O. 100	PAGE: 1 of 13

PURPOSE

To process and resolve all complaints of employment discrimination, sexual harassment, and/or related retaliation made against Department employees and applicants.

SCOPE

Federal, State, and/or City laws, and/or Department policy prohibits employment discrimination based on a person's actual or perceived membership in a **protected class**. Employees and applicants for employment who have a complaint of employment discrimination, sexual harassment, and/or related retaliation, or have any questions regarding these complaints, are directed to contact the Office of Equal Employment Opportunity (OEEO). Uniformed and civilian supervisors and managers are required to make all employment decisions in accordance with the Department's Equal Employment Opportunity (EEO) policy. Uniformed and civilian supervisors, managers, and EEO Liaisons must report allegations of sexual harassment and any observations of conduct of a discriminatory or retaliatory nature.

All EEO complaints will be handled under the direction of the OEEO. In appropriate cases, the investigation will be conducted in conjunction with the Internal Affairs Bureau and other Department units as necessary or required.

Prohibited conduct includes the following:

1. Employment Discrimination
 - a. Discrimination
 - b. Harassment and/or Hostile Work Environment
2. Sexual Harassment
 - a. Hostile Work Environment
 - b. Quid Pro Quo
3. Retaliation for Protected Activity
 - a. Reasonable Accommodation
 - b. Prior and/or current complaints

All forms of employment discrimination, sexual harassment, and/or retaliation, are prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace.

Employees and applicants should file a complaint with the OEEO at the earliest opportunity if the employee or applicant believes that they have been the victim of employee discrimination, sexual harassment, and/or retaliation, by any uniformed or civilian employee of the Department.

NOTE

A complaint made in good faith will not be considered a false accusation. Knowingly making a false accusation of discrimination, sexual harassment, or retaliation, or knowingly providing false information during the course of an investigation of a complaint may be grounds for discipline.

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DEFINITIONS

EMPLOYMENT DISCRIMINATION – Discriminatory treatment regarding any terms, conditions, or privileges of employment, including, but not limited to, hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, career development and advancement, leave of absence, recruitment, testing, discipline, termination, or any other application or selection process relating to employment in which an individual is treated less well or is subjected to inferior terms, conditions or privileges, or employment based on actual or perceived status of a person's protected class.

HARASSMENT AND/OR HOSTILE WORK ENVIRONMENT – Harassment based on one or more protected classes, which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, offensive, or abusive work environment. This includes offensive or objectionable conduct relating to any protected class including, but not limited to, derogatory or demeaning statements, slurs, jokes, epithets, gestures, notes, materials, images, intimidation, ridicule, insults, discourteous, disparaging, or disrespectful remarks, or communications in violation of this policy.

EXTENSION OF THE WORKPLACE – Including but not limited to an off-site Department sanctioned social function or off-duty conduct that impacts the workplace (e.g., phone calls, text messages, e-mails, and social media usage negatively impacting the workplace can constitute harassment).

PROTECTED CLASSES:

AGE – Protection from discrimination and harassment based on actual or perceived age, except where lawful age requirements apply.

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 New York City Police Department (NYPD) is a public safety organization.

CAREGIVER STATUS – A person who provides direct or ongoing medical/disability care to a minor child or care recipient.

COLOR – Protection from discrimination and harassment based on actual or perceived color, including complexion or skin pigmentation. This covers preferences or aversions to particular skin tones.

CONSUMER CREDIT HISTORY – Protection from adverse treatment in employment based on consumer credit history – including creditworthiness, payment history, debts, bankruptcies, judgments, and liens. Certain positions such as police officer and high-level roles are exempt.

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DEFINITIONS (continued)

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 a temporary disability if there are medical conditions arising from the pregnancy or childbirth.

FAMILIAL STATUS – Protection from discrimination based on familial status, including pregnancy, having a child under 18, securing legal custody of a minor, or living with minors under the care of a parent, guardian, or designee.

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 or female.

GENDER IDENTITY OR EXPRESSION – Protection from discrimination and harassment based on actual or perceived gender identity or expression. This includes an individual's self-image, appearance, behavior, or other gender-related characteristics, regardless of sex assigned at birth. It encompasses identities that may not be distinctly male or female and includes non-conforming and transgender individuals.

HEIGHT – Covered persons are protected from discrimination and harassment based on their actual or perceived height.

IMMIGRATION OR CITIZENSHIP STATUS – Protection from discrimination based on a person's immigration or citizenship status. Employers must verify identity and work eligibility.

MARITAL STATUS OR PARTNERSHIP STATUS - Single, unmarried, married, divorced, separated, or widowed persons, as well as all individuals in a domestic partnership.

NATIONAL ORIGIN OR ETHNICITY – Protection from discrimination based on actual or perceived national origin or ethnicity. This includes unfavorable treatment because an individual or their ancestors are from a particular country or part of the world, or due to cultural characteristics like accent, physical traits, or ethnic background.

PREDISPOSING GENETIC CHARACTERISTICS – Protection from discrimination based on inherited genetic traits that are medically or scientifically believed to predispose an individual or their offspring to a disease or disability. This includes traits identified through genetic tests or inferred from family medical history.

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DEFINITIONS (continued)

RACE – Protection from discrimination and harassment based on actual or perceived race. This includes personal characteristics associated with race, such as hair texture, protective hairstyles, skin color, or certain physical features.

RELIGION/CREED – Protection from discrimination based on actual or perceived religion or creed. This includes individuals who belong to organized religions and those with sincerely held personal religious beliefs.

SALARY OR PAY HISTORY – Agencies cannot ask about a job applicant's salary history during the hiring process including on applications or in interviews. Salary history includes current or prior wages, benefits, or other compensation, but not objective measures of productivity, such as sales figures. Exceptions apply for internal transfers, promotions within or among city agencies, and positions where compensation is set by collective bargaining.

SEXUAL ORIENTATION – Protection from discrimination based on actual or perceived sexual orientation, including an individual's romantic, physical, or sexual attraction to others or lack thereof.

SEXUAL AND REPRODUCTIVE HEALTH DECISIONS – Protection from discrimination based on actual or perceived decisions regarding sexual and reproductive health services. This includes choices related to fertility treatments, sexually transmitted disease prevention, testing and treatment, family planning services, contraception, sterilization procedures, pregnancy testing, abortion, and hormone therapy, or transition-related care for transgender individuals. Retaliation against individuals for exercising these rights is prohibited.

STATUS AS A VETERAN OR ACTIVE-DUTY MILITARY SERVICE MEMBER – Protection from discrimination based on actual or perceived uniformed service, including current or prior service in the armed forces or reserves.

UNEMPLOYMENT STATUS – Protection from discrimination based on an applicant's unemployment status. Employers may not base hiring decisions, compensation, or employment terms on an individual's unemployment unless there is a substantial job-related reason. Certain public agency actions and appointments from eligible lists are exempt from this prohibition.

VICTIM/SURVIVOR OF DOMESTIC VIOLENCE, SEX OFFENSES, AND/OR STALKING – Protection from discrimination and harassment based on being a victim or survivor of domestic violence, sex offenses, or stalking. This includes individuals subjected to acts or threats of violence (excluding self-defense) by a current or former spouse, someone they share a child with, cohabitants, or individuals in a romantic or intimate relationship.

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DEFINITIONS (continued)

WEIGHT – Covered persons are protected from discrimination and harassment based on their actual or perceived weight.

PROHIBITED CONDUCT:

SEXUAL HARASSMENT - is a form of gender/sex discrimination. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, and gender identity. Sexual harassment can occur between any individuals, regardless of their gender or sex, rank or title, and protections extend to NYPD employees, applicants and any non-employee who is an independent contractor, subcontractor, contract worker, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or client, customer, or visitor.

Sexual harassment is unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when: (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

There are two types of sexual harassment: "hostile work environment" and "quid pro quo."

HOSTILE WORK ENVIRONMENT (HWE) SEXUAL HARASSMENT: HWE sexual harassment is conduct that is directed at an individual; because of their sex, sexual orientation, gender identity, gender expression, or status of being a transgender and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. HWE sexual harassment includes:

- a. Unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient and that cause the recipient discomfort or humiliation, and/or interfere with the recipient's job performance.
- b. Visual material such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic.
- c. Sexual oriented words, gestures, noises, remarks, jokes, pranks, or comments.
- d. Repeated requests for dates or romantic gestures, including gift-giving.
- e. Physical acts of a sexual nature, such as touching, pinching, patting, grabbing, kissing, hugging, brushing against, or poking another. Physical acts also include serious offenses such as rape, sexual battery, molestation, or attempts to commit these assaults.

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DEFINITIONS (continued)

- f. Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform their job; sabotaging an individual's work; bullying, yelling, and name-calling; or intentional misuse of an individual's pronouns.
- g. Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look, including remarks regarding an individuals' gender expression, such as wearing a garment typically associated with a different gender identity, or asking employees to take on traditional gendered roles.

QUID PRO QUO (QPQ) SEXUAL HARASSMENT: QPQ sexual harassment occurs when a person of authority trades, or attempts to trade, something work-related in exchange for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment and occurs between an employee and someone with authority. Quid pro quo sexual harassment includes, but is not limited to:

- a. Offering or granting better working conditions or opportunities in exchange for a personal and/or sexual relationship.
- b. Threatening adverse working conditions (e.g., demotions, tour change/alternation, or post changes) or denial of opportunities if a personal or sexual relationship is refused.
- c. Using pressure, threats, or physical acts to force a personal or sexual relationship.
- d. Retaliating for refusal to engage in a personal and/or sexual relationship.

NOTE

Sexual harassment, quid pro quo, and hostile work environment can also occur outside the workplace.

RETALIATION FOR A PROTECTED ACTIVITY – It is a policy violation to retaliate against anyone exercising rights under this policy. Retaliation includes coercion, threats, or interference, directly or indirectly, against those who file discrimination complaints, participate in investigations, start a civil action for discrimination, or request accommodations. It includes any action with negative effects on employment terms, conditions, or privileges, during or after employment.

Adverse actions can include, but are not limited to, reprimands, suspensions, demotions, terminations, loss of benefits, injury to reputation, or threats outside of work hours, are prohibited if based on discriminatory or retaliatory motives. Retaliation also covers those who report discrimination or harassment, support such reports, participate in protected activities, oppose policy violations, or request accommodations. These actions are considered “protected activity.”

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DEFINITIONS (continued)

REASONABLE ACCOMMODATION – Any modification or reasonable adjustment provided by the employer that assists employees and qualified applicants to perform the essential functions of their jobs and enjoy the benefits and privileges of employment. The accommodation cannot create an undue hardship for the Department.

The denial of reasonable accommodations for disabilities; religious beliefs, observances, and practices; victims of domestic violence, sexual and stalking offenses; and pregnancy, childbirth, and related medical conditions (including lactation needs) that do not create undue hardship or direct threat is prohibited. The department is required to engage in a cooperative dialogue with covered persons to determine an effective accommodation under which the employee can perform the essential functions of the job. The obligation to engage in a cooperative dialogue can arise when agencies know, or should have known, that the covered person may need an accommodation. Any accommodation is considered reasonable unless it causes an undue hardship for the agency or direct threat to the agency.

NOTE

Any member of the service who has been found to have engaged in such retaliation, discrimination, or harassment will be subject to disciplinary action regardless of the findings of the initial EEO investigation or proceeding.

CONFIDENTIALITY – The OEEO and all Department uniformed and civilian supervisors, managers and EEO Liaisons will treat each complaint with CONFIDENTIALITY. This means that information obtained from the complaint revealed during the course of the investigation conducted by the OEEO will not be discussed with other personnel except as necessary to investigate and resolve the complaint or as required by law. Complainants should make every effort to maintain the confidential nature of this process. Witnesses and respondents of an EEO investigation shall not discuss the nature of the complaint being investigated by the OEEO or any aspect of an open or closed OEEO case with anyone except their union representative and/or legal counsel. Failure to maintain confidentiality as defined will result in disciplinary action.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) LIAISONS – At least one or more trained EEO Liaisons must be designated in every command throughout the Department to provide assistance to complainants, witnesses, and others regarding any EEO matters. Generally, EEO Liaisons are non-supervisory members of the service who serve voluntarily with the recommendation of their Commanding Officer and approval of the OEEO. EEO Liaisons are mandated reporters. For further information about the EEO Liaison Network, contact the Program Coordinator at [REDACTED].

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DEFINITIONS (continued)

MANDATED REPORTER – All uniformed and civilian supervisors, managers, and EEO Liaisons. Mandated reporters must immediately report workplace discrimination, sexual harassment, and/or retaliation to the OEE0, when they:

- a. Observe conduct of a discriminatory nature; or
- b. Observe or become aware of an allegation or complaint of employment discrimination, sexual harassment, and/or retaliation regarding EEO matters.

NOTE

The member must report and shall not investigate the observed conduct, allegation, or complaint of employment discrimination, sexual harassment, and/or retaliation. In order to ensure confidentiality, supervisors, managers, and EEO Liaisons must not make any entries regarding a complaint of employment discrimination and/or related retaliation in any official Department record.

All complaints must be filed with the NYPD OEE0 within one year from the date of the last occurrence of a discriminatory action. The one-year time period for filing complaints of employment discrimination, including related retaliation with the New York City Police Department, shall not serve as a limitation upon the Department's authority to discipline members of the service as otherwise authorized pursuant to applicable law.

PROCEDURE

When a member of the service or an applicant for employment believes that employment discrimination, sexual harassment, and/or retaliation relating to EEO has occurred:

MEMBER CONCERNED

1. File a complaint of employment discrimination, sexual harassment, and/or related retaliation by doing the following:
 - a. Office of Equal Employment Opportunity by telephone at [REDACTED] by email at [REDACTED], in writing, or in person at [REDACTED] or [REDACTED]
 - b. Notify a mandated reporter, uniformed or civilian, as described above.

NOTE

After business hours and on weekends, the OEE0 receives messages via office voice mail, and e-mail and will return phone calls on the next business day.

Non-supervisory members of the service may telephone the OEE0 anonymously to file a complaint and/or discuss matters regarding employment discrimination and/or related retaliation. An investigator assigned to the OEE0 will be able to provide guidance and take appropriate follow-up action. Members concerned should understand that the cooperation of complainants and witnesses may be needed to rectify or address a problem of employment discrimination. Non-supervisory members of the service may report an allegation(s) of employment discrimination and/or related retaliation in writing anonymously by preparing a detailed written report and forwarding the report to the Office of Equal Employment Opportunity, [REDACTED]

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NOTE
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A non-supervisory member of the service is strongly encouraged to report any complaint or issue to the OEE0.

COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-151) forms will be readily available for viewing and printing on the Department Intranet.

**MANDATED
REPORTER**

2. Immediately upon observing conduct or becoming aware of an allegation or complaint of employment discrimination, sexual harassment, or retaliation relating to an EEO issue:
 - a. Notify the OEE0 immediately
 - (1) If outside the business hours of Monday through Friday, 0800 to 1800 hours, leave a message on voice mail with contact number and an investigator assigned to the OEE0 will contact caller; and/or send email to [REDACTED].
 - b. Obtain OEE0 case or inquiry number and name of the investigator.
 - c. Be guided by information received from the OEE0.
3. If matter is issued an OEE0 case number, forward confidential report Typed Letterhead to the OEE0 (DIRECT), within five business days.

NOTE

A mandated reporter receiving any allegations of possible employment discrimination, sexual harassment, and/or related retaliation against oneself must immediately notify the OEE0. Do not make any other notifications to other members of the command to preserve confidentiality. Improper notifications may result in disciplinary action.

A mandated reporter who fails to report an allegation of possible employment discrimination, sexual harassment, and/or retaliation, to the OEE0 as required, and/or who fails to take such actions as directed by the OEE0 to prevent employment discrimination, can be subject to disciplinary action.

The Department prohibits the display, in any form, of offensive sexual, ethnic, racial, religious or other discriminatory material. Refer to A.G. 332-02, "Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material," for guidelines on handling incidents involving the display of offensive material.

**OFFICE OF
EQUAL
EMPLOYMENT
OPPORTUNITY**

4. Notify commanding officer/manager, if and/or when appropriate.
5. Emphasize to the commanding officer/manager and all others concerned that reprisal or retaliation against complainants and/or witnesses is against the law and allegations of retaliation will be investigated and, if substantiated, members will be subject to disciplinary action.
6. Record required data in appropriate OEE0 record and assign a case or inquiry number to all complaints.

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NOTE

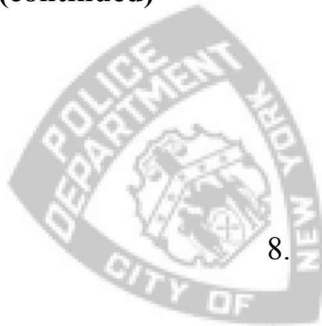
Upon receiving a complaint, an investigator assigned to the OEEO will attempt to contact and interview the complainant. The investigator will advise the complainant that they may meet with an investigator to discuss the complaint at the OEEO or at a mutually agreed upon location before, during, or after work hours to protect their confidentiality. Additionally, the member will be advised that they may be accompanied by a representative of their choice.

Members are reminded that they do not have to notify a supervisor if they agree to meet with an OEEO investigator during non-working hours.

However, if a complainant wishes to meet with an investigator during working hours, the investigator will make a confidential notification to the command's integrity control officer, assistant integrity control officer, executive officer, commanding officer, or other supervisory member not involved in the complaint to have the complainant appear at the OEEO. Supervisors cannot unreasonably deny permission to attend the meeting. A member's appearance at the OEEO must not be documented on any official Department record.

In order to encourage members of the service to come forward, all communications between complainants and the OEEO relating to employment discrimination, sexual harassment, and retaliation complaints will be kept confidential consistent with the above statement regarding CONFIDENTIALITY. Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of their choice.

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY (continued)



7. Instruct member filing complaint about options for handling complaint and/or refer member to other personnel for assistance. This may include:
 - a. Investigation by the OEEO;
 - b. Mediation by a neutral mediation service;
 - c. Referrals for the member of the service (e.g., Health & Wellness, etc.);
 - d. The member of the service filing a formal complaint with an outside agency; and/or
 - e. Referral of the member concerned to other personnel for assistance if it appears that the complaint does not involve an EEO issue.
8. If it is determined that an investigation is to be conducted, notify respondent in person or via email of the nature of the allegation(s), when necessary:
 - a. Remind respondent that employment discrimination, sexual harassment, and/or related retaliation will not be tolerated and may be subject to discipline.
9. After completion of the investigation and when appropriate, forward results of the investigation conducted by the OEEO to the Police Commissioner.
10. Notify complainant and respondent in writing of the outcome of the investigation and recommended findings.

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COMMANDING OFFICER/ MANAGER

11. Address the matter as directed by and under the guidance of the OEE0.
12. If directed to forward a confidential report on Typed Letterhead to OEE0 (DIRECT), include the following:
 - a. Refer to OEE0 case number; and
 - b. Report what corrective action was taken to address the complaint and describe any steps taken to preclude a reoccurrence.
13. Take all reasonable steps necessary to prevent any member of the service from engaging in additional employment discrimination, sexual harassment, and/or related retaliation.

ADDITIONAL DATA

MEDIATION

In appropriate cases, certain EEO complaints will be referred for mediation by a neutral mediator at a neutral location. Mediation is a dispute resolution program designed to help resolve EEO complaints at the earliest stage possible without the need for a formal investigation. The procedure is not adversarial but is a means of finding a mutually acceptable end to the parties' differences. This process is voluntary, and the parties must mutually agree to the outcome. If the parties cannot agree upon a resolution, the matter will be referred back to the OEE0 for appropriate action. If a resolution is reached after mediation, no notations concerning the matter will be made on the respondent's Central Personnel Index file.

INVESTIGATION

At the conclusion of a substantiated investigation, the OEE0 will forward a confidential report of the investigation to the Police Commissioner. The Police Commissioner will review the report prepared by the OEE0 and make a final determination regarding the investigation and any recommendation for corrective action. Disciplinary action shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements. In addition, findings of unsubstantiated are also reviewed by the Police Commissioner.

When charges and specifications are pending or preferred against a member of the service, an allegation of discriminatory treatment raised as a defense to the charges by the respondent member of the service shall vest in the exclusive jurisdiction of the Deputy Commissioner, Trials until the charges and specifications have been resolved. After the charges and specifications have been resolved, jurisdiction over the allegation of employment discrimination shall be assumed by the OEE0 upon written request of the affected party. In all other disciplinary matters, any allegation of employment discrimination raised by the member of the service concerned must be immediately reported to the OEE0.

ADDITIONAL PLACES WHERE A COMPLAINT OF DISCRIMINATION MAY BE MADE

Any member of the service or applicant for employment who believes that they have experienced discrimination has a right to file a formal complaint with the federal, state or local agencies listed below. A person does not give up this right when the person files a complaint with the Department's OEE0. The following local, state, and federal agencies enforce laws against discrimination:

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ADDITIONAL DATA

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NEW YORK CITY COMMISSION ON HUMAN RIGHTS (NYCCHR)

One year for employment discrimination and three years for sexual harassment, both from the date of the last occurrence of discriminatory action (New York City Administrative Code, Title 8, Chapter 1).

*Main Office (Manhattan)
22 Reade Street
New York, NY 10007*

*Brooklyn Community Service Center
25 Chapel Street, Suite 1001
Brooklyn, NY 11201*

*Bronx Community Service Center
1932 Arthur Avenue, Room 203A
Bronx, NY 10457*

*Queens Community Service Center
153-01 Jamaica Avenue, 2nd Floor
Jamaica, NY 11432*

*Staten Island Community Service Center
60 Bay Street, 7th Floor
Staten Island, NY 10301*

NEW YORK STATE DIVISION OF HUMAN RIGHTS (NYSDHR)

One year for employment discrimination (New York Executive Law, Article 15, section 297) (may not file if civil action filed first) and three years for sexual harassment, both from the date of the last occurrence of discriminatory action.

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

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

300 days from the date of the last occurrence of discriminatory action, regardless of whether there has been a prior filing with another agency. A member of the service is advised to contact the United States Equal Employment Opportunity Commission directly for guidance on this issue (42 USC, Section 2000e-5 [c]).

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**ADDITIONAL
DATA**
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*New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004*

