




NEW YORK CITY HEALTH AND HOSPITALS CORPORATION
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Manasses C. Williams
Assistant Vice President
Affirmative Action/EEO

TO: Senior Vice Presidents
Executive Directors
Human Resources Directors
Affirmative Action/EEO Officers

FROM: Manasses C. Williams 

DATE: November 12, 2008

SUBJECT: Equal Opportunity Policy Statements

The Corporation's Equal Opportunity Policy Statements have been updated and signed by Alan D. Aviles, the President, Rev. Lacey the Chairperson of the Board's Equal Employment Opportunity Committee and Mr. Michael A. Stocker, MD the Chairperson of the Board of Directors. They include statements on:

- Equal Opportunity;
- Non-Discrimination for Persons with Disabilities;
- Accommodation of Religious Needs;
- Guide Dog Accommodation;
- Sexual Harassment;
- Sexual Harassment Informal Complaint Procedure; and
- Equal Employment Opportunity Informal Complaint Procedure

It is the responsibility of Senior Vice Presidents, Executive Directors, managers and supervisors to disseminate and enforce these policies. Additionally, the Equal Employment Opportunity Informal Complaint and Sexual Harassment Complaint procedures should be provided to employees that wish to file an equal opportunity complaint. Please feel free to make as many copies as needed. All prior policies are no longer in effect.

Please have these policies and procedures available to all employees and posted on bulletin boards throughout your facility. They should also be incorporated in all new employee information materials and Corporate Operating Procedure Manuals behind Operating Procedure No. 20-32. Additionally, post a photograph of the AA/EEO officer with his/her name, telephone number and room number (at least one per floor). Such posting is in compliance with Federal, State and Local Equal Employment Opportunity guidelines.

The Corporate Office of Affirmative Action/EEO located at 125 Worth Street, Room 401, (212) 788-3380, is available to provide guidance and technical assistance regarding these policies and procedures.

For your information, copies of the policies and procedures have been distributed through Distribution "D".

Thanks for your support of the Corporation's Equal Opportunity program.

MCW:nei
Attachments

c: Michael A. Stocker, MD, Chairperson, Board of Directors
Rev. Diane Lacey, Chairperson, Equal Employment Opportunity Committee
Alan D. Aviles, President
Frank J. Cirillo, Senior Vice President, Operations/Chief Operating Officer
Nancy Doyle, Assistant Vice President, Workforce Planning & Development

EQUAL EMPLOYMENT OPPORTUNITY

POLICY STATEMENT

The New York City Health and Hospitals Corporation is committed to providing equal employment opportunity (EEO) to all individuals and encouraging each one to realize their full potential. It is our objective to recruit, select, train and promote into all job levels the most qualified individuals without regard to race, color, national origin, religion, 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, disability, alienage or citizenship status, marital status, prior record of arrest or conviction, genetic predisposition (having something in your genes which increases the risk of your having a disease or disability), carrier status (having something in your genes which increases the risk of your children having a disease, even though you do not have it yourself), sexual orientation, military status, being a victim of domestic violence, sex offenses or stalking or status as a disabled veteran or Vietnam Era veteran.

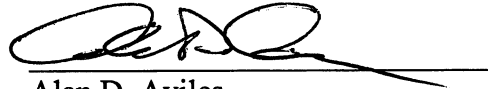
In support of this policy, the Corporation reaffirms its commitment to comply voluntarily with the requirements and the spirit of federal, state and local anti-discrimination laws and regulations. We will implement specific programs and practices of affirmative action designed to promote EEO in the work place and will undertake steps to assure that minorities and women are represented in all areas and at all levels of the Corporation.

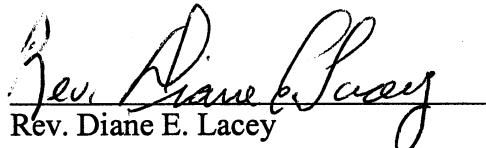
The individual who has responsibility for the day-to-day implementation and monitoring of the Affirmative Action EEO Program is Manasses C. Williams, Assistant Vice President, Office of Affirmative Action/Equal Employment Opportunity (AA/EEO). Each network or facility has a designated AA/EEO Officer who oversees implementation of their Affirmative Action/EEO Program. However, it is the responsibility of each manager and supervisor to ensure compliance with our EEO policies and affirmative action obligations; to disseminate and implement these policies; to prevent discrimination in the work place; and to assure that all employees are given the opportunity to realize their full potential.

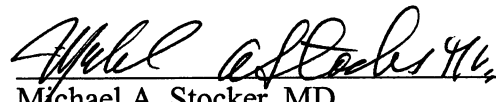
The mission of the New York City Health and Hospitals Corporation is to guarantee equal access to health services for all New York City residents without regard to individual’s race, color, national origin, religion, gender, age, disability, alienage or citizenship status, marital status, sexual orientation, status as a disabled veteran, or Vietnam Era veteran or source of payment for services and to provide health services that are comprehensive, high in quality and caring in their delivery. Affirmative Action/Equal Employment Opportunity considerations will be an integral part of all the Corporation’s activities performed in the furtherance of our mission and in meeting our health services responsibilities.

Persons who allege to have been discriminated against by employees of the New York City Health and Hospitals Corporation may file a complaint within a year of the alleged incident with the AA/EEO Officer in the network/facility where the action occurred or with a Civil Rights enforcement agency.

Date: December 19, 2008


Alan D. Aviles
President


Rev. Diane E. Lacey
Chairperson, EEO Committee


Michael A. Stocker, MD
Chairperson, Board of Directors

NON-DISCRIMINATION FOR PERSONS WITH DISABILITIES

POLICY STATEMENT

It is the policy of the New York City Health and Hospitals Corporation to provide equal employment opportunity to persons with disabilities who are capable of performing the job. This policy is applicable to all personnel practices, including hiring, recruitment, advertising, promotion, training or compensation and benefits. Contractors are also subject to this policy.

A disabled individual is one that:

- a. has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. has a record of such impairment; or
- c. is being regarded as having such impairment.

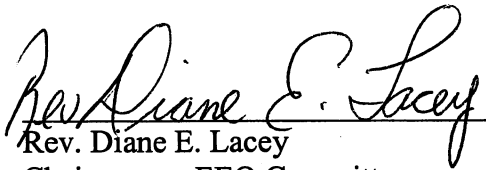
In support of this policy, the Corporation has adopted a program of affirmative action to employ and promote capable individuals with disabilities. This program conforms with the guidelines for implementation of Section 504 of the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990.


To ensure their rights under this program, employees who claim physical or mental impairment are invited to identify themselves on a voluntary and confidential basis. Reasonable accommodations will be made available where applicable.


It is the responsibility of each manager and supervisor to disseminate and implement this policy; to prevent discrimination against persons with disabilities in the work place; and to assure that all employees are given the opportunity to realize their full potential.

Persons who allege to have been discriminated against may file a complaint within a year of the alleged incident with the AA/EEO Officer in the network/facility where the action occurred or with a Civil Rights enforcement agency.

Date: December 19, 2008


Rev. Diane E. Lacey
Chairperson, EEO Committee


Alan D. Aviles
President


Michael A. Stocker, MD
Chairperson, Board of Directors

ACCOMMODATION OF RELIGIOUS NEEDS

POLICY STATEMENT

The New York City Health and Hospitals Corporation, consistent with the safe and efficient delivery of quality health care services to the public, hereby affirms its commitment to reasonably accommodate the religious needs of its work force.

In support of this commitment:

1. Employees, who, due to their religious beliefs, cannot work on their Sabbath or worship day, should be reasonably accommodated. Adjustments should be made whenever possible and may include rescheduling of days off and/or reassignment of employees.
2. Any employee whose religious customs necessitate the wearing of a particular head covering or clothing should be permitted to do so, unless the head covering or clothing impedes or interferes with the performance of the employee's regular duties or creates a hazard to the safety or health of patients or staff. Whenever possible, uniform head coverings will not be required when an employee's bona fide religious practices are accommodated under this policy.

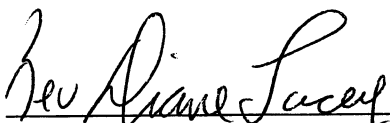
It is the responsibility of each manager and supervisor to disseminate and implement this policy. It applies to all divisions of the Corporation and supersedes all local policies on the same subject.

Any employee of the New York City Health and Hospitals Corporation who alleges to have been discriminated against may file a complaint within a year of the alleged incident with the AA/EEO Officer in the network/facility where the action occurred or with a Civil Rights enforcement agency.

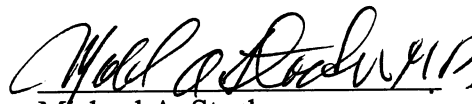
Date: December 19, 2008



Alan D. Aviles
President



Rev. Diane Lacey
Chairperson, EEO Committee



Michael A. Stocker
Chairperson, Board of Directors

GUIDE DOG ACCOMMODATION

POLICY STATEMENT

The New York City Health and Hospitals Corporation, in keeping with Section 296 of the New York State Human Rights Law, hereby confirms its commitment to protect the rights of sightless persons who are accompanied in our facilities by guide dogs.

In keeping with the commitment, sightless visitors who are accompanied by guide dogs shall be afforded the same visitation privileges to patients as those afforded all other individuals, except that guide dogs may be excluded from areas where their presence would compromise sterile conditions or infection control requirements. Wherever practicable, the information desk shall notify the nurse in charge of the ward that a visitor will be accompanied by a guide dog.

Sightless out-patients with guide dogs shall be afforded the same access and privileges as sighted patients. Every effort should be made to expedite the patient's visit.

Should it become necessary for a sightless person accompanied by a guide dog to be admitted, the Social Work Services Department shall be contacted to make arrangements for the care of the animal until the patient is discharged.

The presence of all other animals, exclusive of those required for laboratory purposes, is prohibited by the New York State Health Code.

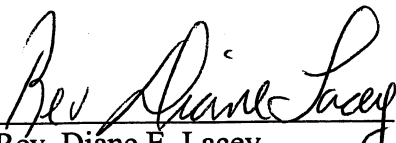
It is the responsibility of each manager and supervisor to disseminate and implement this policy. This policy applies to all facilities and supersedes all local policies on the same subject.

Any sightless visitor who is accompanied by a guide dog and who alleges to have been discriminated against may file a complaint within a year of the alleged incident with the AA/EEO Officer in the network/facility where the action occurred or with a Civil Rights enforcement agency.

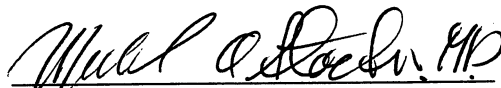
Date: December 19, 2008



Alan D. Aviles
President



Rev. Diane E. Lacey
Chairperson, EEO Committee



Michael A. Stocker, MD
Chairperson, Board of Directors

SEXUAL HARASSMENT

POLICY STATEMENT

It is the policy of the New York City Health and Hospitals Corporation (HHC) to provide a work environment free of unlawful discrimination, which includes freedom from sexual harassment. The Corporation will not tolerate sexually harassing behavior. We are committed to eliminating such practices through heightened employee awareness, training and prompt and swift investigation of allegations. The policy applies to all applicants for employment, all employees and patients served by HHC and its member institutions.

Guidelines issued by the U.S. Equal Employment Opportunity Commission and decisions by the U.S. Supreme Court have reconfirmed that sexual harassment is an unlawful discriminatory employment practice and a violation of Title VII of the Civil Rights Act of 1964.

Sexual harassment has been defined by government regulation 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 either an explicit or implicit condition of employment; or
2. Submission to or rejection of such conduct is used as the basis for employment decisions such as compensation, promotions or assignments affecting the 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 work environment.

The key word is “unwelcome” indicating that the conduct must not be wanted or solicited. This policy is not intended to regulate social interactions in the work place. When a person makes it known that the sexual overture or conduct is unwelcome, then it must stop immediately.

It is the responsibility of each manager and supervisor to prevent sexual harassment in the work place and assure that no employee is subjected to such conduct.

This includes making it clear that unwelcome behaviors such as offensive flirtation, sexual comments or jokes, graphic descriptions of an individual's body, sexually degrading words used to describe an individual and the display in the work place of sexually suggestive objects or pictures are not allowed.

Sexual Harassment Policy Statement

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If any employee of the New York City Health and Hospitals Corporation believes he or she has experienced sexual harassment, the situation should be discussed immediately with a supervisor. If such a discussion is not feasible, the situation should be reported immediately to the Affirmative Action/Equal Employment Opportunity Officer. Specific complaint forms are available. Complaints will be handled in a confidential manner to the extent permitted by law. No retaliation will be permitted against any employee alleging sexual harassment or for participating in an investigation of a complaint.

If any patient believes he or she has experienced sexual harassment, the situation should immediately be brought to the attention of a Patient Representative, nurse or physician in charge.

The substantiation of a charge of sexual harassment may result in disciplinary action as necessary up to and including termination of employment.

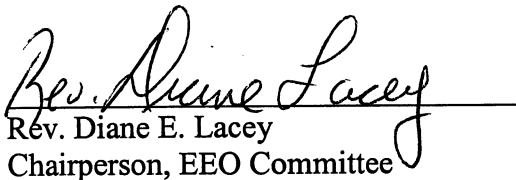
The Corporate Office of Affirmative Action/EEO located at 125 Worth Street, Room 401 is available to provide guidance on this issue.

HHC will take all appropriate steps to enforce this policy. Any employee or applicant for employment who alleges to have been subject to sexual harassment may file a complaint within a year of the alleged incident with the AA/EEO Officer in the network/facility where the action occurred or with a Civil Rights enforcement agency.

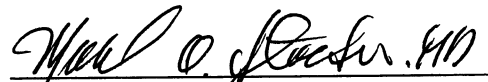
Date: December 19, 2008



Alan D. Aviles
President



Rev. Diane E. Lacey
Chairperson, EEO Committee



Michael A. Stocker, MD
Chairperson, Board of Directors

SEXUAL HARASSMENT INFORMAL COMPLAINT PROCEDURE

A. INTRODUCTION

The "Guidelines on Discrimination Because Of Sex under Title VII of the Civil Rights Act of 1964" defines sexual harassment as an unlawful discriminatory practice. The New York City Health and Hospitals Corporation (HHC) prohibits and will not tolerate sexual harassment. Such conduct may result in disciplinary action as necessary up to and including termination of employment. Any employee or applicant for employment with the HHC claiming to be aggrieved by an alleged unlawful discrimination practice of sexual harassment may file a complaint with the Affirmative Action/Equal Employment Opportunity (AA/EEO) Officer in the network/facility. The complaint must be filed within a year after the alleged discriminatory action occurred.

The responsible Network Senior Vice President or facility Executive Director may in his or her discretion, where appropriate, request the Corporate Office of AA/EEO to investigate certain complaints. Such complaints may include complaints against high-ranking officials at the various facilities or other complaints deemed appropriate by the Senior Vice President/Executive Director. Requests for such investigations should be addressed to the Senior Vice President, Operations.

All investigations are confidential. Investigators are required to maintain the confidentiality of all persons participating in the investigation as well as data collected. Witnesses are also required to maintain confidentiality.

Acts of retaliation against a complainant or any person participating in the investigation of a charge are strictly prohibited.

B. PROCEDURE

1. Complaint forms can be obtained from the network/facility AA/EEO Officer, the AA/EEO Officer for Central Office or the Corporate Office of AA/EEO, as appropriate.
2. Complaints must be in writing. They must include the name, address and signature of the person filing and a brief description of the action alleged. It may be filed by personal delivery or ordinary mail, addressed to the network/facility AA/EEO Officer or the Corporate Office of AA/EEO, as appropriate. If a complainant wishes to speak to an AA/EEO investigator of the same sex and none is available at the facility the complainant may contact the Office of the Network Senior Vice President/Executive Director and request such an investigator.

3. After the filing of a complaint, the AA/EEO Officer shall make a prompt and comprehensive investigation of the allegations in the complaint.
4. Separate meetings must be arranged to discuss allegations with complainant and respondent under conditions of strict confidentiality.
5. Acts of retaliation against a complainant or any person participating in the investigation of a charge are strictly prohibited.
6. After a comprehensive investigation, the AA/EEO Officer's findings and determination of whether a violation has occurred shall be reviewed by the appropriate administrator. The Network Senior Vice President/Executive Director shall be notified of said findings and the administrator's determination.
7. If it is determined that the charge is without merit, the complaint shall be dismissed with notice to the charging party and the respondent. The notice shall state the reasons for the dismissal.
8. If it is determined that reasonable cause exists, immediate action shall be taken to eliminate the alleged unlawful practice and appropriate discipline, if warranted, shall be imposed.
9. If a complainant is not satisfied with the written decision of the AA/EEO Officer in the network/facility or at Central Office, he/she has the right to appeal the decision to the Network Senior Vice President/Executive Director. The request to appeal must be submitted within seven working days from the date of the original decision. Complaints filed in Central Office may be appealed to the Corporate Office of AA/EEO. The decision of the Network Senior Vice President/Executive Director or Corporate Office of AA/EEO, as appropriate, shall be the final decision of the Corporation.
10. All complainants shall be advised that they have the right to pursue a formal complaint with an outside Civil Rights enforcement agency (see attached list). This right is not forfeited by using HHC's internal (informal) procedure.
11. All complainants shall be advised that they may contact the Employee Assistance Program (EAP) for guidance and/or short term counseling to help them cope with incidents of sexual harassment. EAP services are free, strictly confidential and participation is voluntary.

C. PROCEDURE FOR PROCESSING COMPLAINTS AGAINST CORPORATE OFFICERS

1. Complaints against Corporate officers (Senior Vice Presidents, Executive Directors, General Counsel) and/or members of the Board of Directors as well as the Inspector General may be filed with the Corporate Office of AA/EEO. AA/EEO and the Office of Legal Affairs, in consultation, will determine whether the investigation will be conducted by AA/EEO or by an independent investigator, as appropriate. Where the General Counsel is named as a respondent, the complaint will be referred to the Board of Directors for the assignment of an investigator. Complaints against the Assistant Vice President, AA/EEO, will be processed by the AA/EEO officer for Central Office. The investigative findings and recommendations of an independent investigator, before finalization, shall be shared with AA/EEO and the Office of Legal Affairs, except where the General Counsel has been named as a respondent. In those instances, the findings will be referred to the Board of Directors.
2. AA/EEO or the Office of Legal Affairs shall refer investigative findings and recommendations to either the President or the Board of Directors, as appropriate.
3. If it is determined that the charge is without merit, the complaint shall be dismissed with notice to the charging party and the respondent. The notice shall state the reasons for the dismissal.
4. If it is determined that reasonable cause exists, immediate action shall be taken to eliminate the alleged unlawful practices and appropriate discipline, if warranted, shall be imposed.
5. The decision of the Corporate Office of AA/EEO, the President or the Board of Directors, as appropriate shall be the Corporation's final decision.
6. Complainants shall be advised that they have a right to pursue a formal complaint with an outside Civil Rights enforcement agency (see attached list). This right is not forfeited by using HHC's internal (informal) procedure.
7. Complainants shall be advised that they may contact the Employee Assistance Program (EAP) for guidance and/or short term counseling to help them cope with the incidents of discrimination. EAP services are free, strictly confidential and participation is voluntary.

EQUAL EMPLOYMENT OPPORTUNITY
INFORMAL COMPLAINT PROCEDURE

A. INTRODUCTION

Any employee or applicant for employment with the NYC Health and Hospitals Corporation (HHC) claiming to be aggrieved by an alleged unlawful, discriminatory practice because of race, color, national origin, religion, 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, disability, alienage or citizenship status, marital status, prior record of arrest or conviction, genetic predisposition (having something in your genes which increases the risk of your having a disease or disability), carrier status (having something in your genes which increases the risk of your children having a disease, even though you do not have it yourself), sexual orientation, military status, being a victim of domestic violence, sex offenses or stalking or status as a disabled veteran or Vietnam Era veteran may file a complaint with the Affirmative Action/Equal Employment Opportunity (AA/EEO) Officer at the network/facility. The complaint must be filed within a year after the alleged discriminatory action occurred.

The responsible Network Senior Vice President/Executive Director may in his or her discretion, where appropriate, request the Corporate Office of AA/EEO to investigate certain complaints. Such complaints may include complaints against high-ranking officials at the various facilities or other complaints deemed appropriate by the Senior Vice President/Executive Director. Requests for such investigations should be addressed to the Senior Vice President, Operations.

All investigations are confidential. Investigators are required to maintain the confidentiality of all persons participating in the investigation as well as data collected. Witnesses are also required to maintain confidentiality.

B. PROCEDURE

1. Complaint forms can be obtained from the network/facility AA/EEO Officer, the AA/EEO Officer for Central Office or the Corporate Office of AA/EEO, as appropriate.

2. Complaints must be in writing. They must include the name, address and signature of the person filing and a brief description of the action alleged. It may be filed by personal delivery or ordinary mail, addressed to the network/facility AA/EEO Officer or the Corporate Office of AA/EEO, as appropriate.
3. After the filing of a complaint, the AA/EEO Officer shall make a prompt and comprehensive investigation of the allegations in the complaint.
4. Separate meetings must be arranged to discuss allegations with complainant and respondent under the conditions of strict confidentiality.
5. Acts of retaliation against a complainant or any person participating in the investigation of a charge are strictly prohibited.
6. After a comprehensive investigation, the AA/EEO Officer's findings and determination of whether a violation has occurred shall be reviewed by the appropriate administrator. The Network Senior Vice President/Executive Director shall be notified of said findings and the administrator's determination.
7. If it is determined that the charge is without merit, the complaint shall be dismissed with notice to the charging party and the respondent. The notice shall state the reasons for the dismissal.
8. If it is determined that reasonable cause exists, immediate action shall be taken to eliminate the alleged unlawful practice and appropriate discipline, if warranted, shall be imposed.
9. If a complainant is not satisfied with the written decision of the AA/EEO Officer at the network/facility, he/she has the right to appeal the decision to the Network Senior Vice President/Executive Director. The request to appeal must be submitted within seven working days from the date of the original decision. Complaints filed in Central Office may be appealed to the Corporate Office of AA/EEO. The decision of the Network Senior Vice President/Executive Director or Corporate Office of AA/EEO, as appropriate, shall be the final decision of the Corporation.
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11. All complainants shall be advised that they may contact the Employee Assistance Program (EAP) for guidance and/or short term counseling to help them cope with incidents of discrimination. EAP services are free, strictly confidential and participation is voluntary.

C. PROCEDURE FOR PROCESSING COMPLAINTS AGAINST CORPORATE OFFICERS

1. Complaints against Corporate officers (Senior Vice Presidents, Executive Directors, General Counsel) and/or members of the Board of Directors as well as the Inspector General may be filed with the Corporate Office of AA/EEO. AA/EEO and the Office of Legal Affairs, in consultation, will determine whether the investigation will be conducted by AA/EEO or by an independent investigator, as appropriate. Where the General Counsel is named as a respondent, the complaint will be referred to the Board of Directors for the assignment of an investigator. Complaints against the Assistant Vice President, AA/EEO, will be processed by the AA/EEO officer for Central Office. The investigative findings and recommendations of an independent investigator, before finalization, shall be shared with AA/EEO and the Office of Legal Affairs, except where the General Counsel has been named as a respondent. In those instances, the findings will be referred to the Board of Directors.
2. AA/EEO or the Office of Legal Affairs shall refer the investigative findings and recommendations to either the President or Board of Directors, as appropriate.
3. If it is determined that the charge is without merit, the complaint shall be dismissed with notice to the charging party and the respondent. The notice shall state the reasons for the dismissal.
4. If it is determined that reasonable cause exists, immediate action shall be taken to eliminate the alleged unlawful practice and appropriate discipline, if warranted, shall be imposed.
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6. Complainants shall be advised that they have a right to pursue a formal complaint with an outside civil rights enforcement agency (see attached list). This right is not forfeited by using HHC's internal (informal) procedure.

7. Complainants shall be advised that they may contact the Employee Assistance Program (EAP) for guidance and/or short term counseling to help them cope with the incidents of discrimination. EPA services are free, strictly confidential and participation is voluntary.

**FORMAL DISCRIMINATION COMPLAINTS MAY BE FILED AT ANY ONE
OF THE FOLLOWING AGENCIES:**

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

40 RECTOR STREET, 10th Floor
NEW YORK, NY 10006
(212) 306-7500/7450

WEB SITE:<http://www.nyc.gov/html/cchr/>

NEW YORK STATE DIVISION OF HUMAN RIGHTS

20 EXCHANGE PLACE, 2ND FLOOR
NEW YORK, NY 10005
(212) 480-2522

WEB SITE:http://www.dhr.state.ny.us/regional_offices.html

NEW YORK STATE DIVISION OF HUMAN RIGHTS

163 WEST 125TH STREET, 4TH FLOOR
NEW YORK, NY 10027
(212) 961-8650

NEW YORK STATE DIVISION OF HUMAN RIGHTS

ONE FORDHAM PLAZA, 4TH FLOOR
BRONX, NY 10458
(718) 741-8400

NEW YORK STATE DIVISION OF HUMAN RIGHTS

55 HANSON PLACE, ROOM 304
BROOKLYN, NY 11217
(718) 722-2856

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

33 WHITEHALL STREET, 5th FLOOR
NEW YORK, NY 10004-2112
(800) 669-4000

WEB SITE:<http://www.eeoc.gov/newyork/index.html>

OFFICE FOR CIVIL RIGHTS
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
26 FEDERAL PLAZA – ROOM 3312
NEW YORK, NY 10278

WEB SITE:<http://www.hhs.gov/ocr/contact.html>