

OPERATING PROCEDURE NO. 20-32¹

Equal Employment Opportunity (EEO) Policy and Program

Approval: Approved by Mitchell Katz, MD, President and CEO

Responsible Department: The Office of Equal Employment Opportunity (Office of EEO)

Sub-Department: The Office of Legal Affairs

Table of Contents

I. POLICY:	3
II. PURPOSE:	3
III. SCOPE AND APPLICABILITY:	3
IV. LEGAL REQUIREMENTS:	4
A. Laws and Regulations	4
B. Discrimination	5
1. Age	5
2. Arrest or Conviction Record	5
3. Color/Race	5
4. Disability	5
5. Family or Caregiver Status	5
6. Gender Identity or Expression	6
7. Genetic Information Non-discrimination Act (GINA)	6
8. Immigration or Citizenship Status	6
9. National Origin/Ethnicity	6
10. Religion/Creed	6
11. Sex/Gender (including Pregnancy, Childbirth, or Related Conditions)	7
12. Status as a Veteran or Active-Duty Military Service Member	7
13. Status as Victim of Domestic Violence, Sex Offenses, or Stalking	7

¹ This Operating Procedure supersedes Operating Procedure 20-32, “Equal Employment Opportunity Program,” dated August 2020.

C. Retaliation	7
D. Sexual Harassment	8
V. RESPONSIBILITIES:	10
VI. PROCEDURES:	10
A. Requests for Reasonable Accommodations	10
1. Disabilities	11
2. Religion	12
3. Victim of Domestic Violence, Sex Offenses, or Stalking	12
4. Pregnancy, Childbirth or Related Medical Condition	12
5. Lactation	13
B. Internal Complaint Procedure	13
1. Reporting Violations of the EEO Policy	13
2. Complaints Against Senior Management Staff	15
3. Complaints by Staff Assigned to the Office of Equal Employment Opportunity	15
4. Cooperating in an Investigation	15
5. Confidentiality	15
6. Allegations Made in Bad Faith	16
7. Contact with the Office of EEO	16
8. Right to Representation During Internal Investigation	16
9. Withdrawing Complaints	16
10. Other Places Where Complaints May Be Filed	17

I. POLICY:

It is the policy of NYC Health + Hospitals (hereafter, the System) to recruit, select, train and promote, into all job levels, the most qualified individuals without regard to actual or perceived race; color; national origin; immigration or citizenship status; religion/creed; sex and/or gender (including sexual harassment² or “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, gender expression, and the status of being transgender); disability; age; pregnancy; prior record of arrest or conviction; marital status; partnership status; familial status; caregiver status; weight; height; genetic information or predisposing genetic characteristics; sexual orientation; unemployment status; salary history; credit history; status as a veteran or active military member; status as a victim or witness of domestic violence, sex offenses or stalking; sexual and reproductive health decisions³, and/or any other protected class covered by federal, state and/or local anti-discrimination laws.

II. PURPOSE:

This Operating Procedure sets forth all applicable policies and procedures with respect to the System’s Equal Employment Opportunity Program. Further, this Operating Procedure serves to advise all staff of their rights and responsibilities with respect to fostering and maintaining a workplace of equal employment opportunity and to ensure compliance with all applicable federal, state and local anti-discrimination laws.

III. SCOPE AND APPLICABILITY:

Everyone who works for the System, or is an applicant for employment with the System, is covered by federal, state, and/or local anti-discrimination laws as well as this Operating Procedure. This includes current employees, volunteers, temporary staff, and job applicants. Further, the System is committed to a workplace free from discrimination and/or retaliation. All System employees are expected to be respectful of everyone in the System’s workplace (including, but not limited to, contractors, affiliates, vendors, and patients) and members of the public, and to be sensitive to the effects of their behavior on those around them. All affiliates contractors and/or other non-System employees assigned to a System facility are required to

² Sexual harassment, a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, gender, gender identity, gender expression (perceived or actual), or the status of being transgender. Sexual harassment includes unwelcome verbal or physical behavior and is prohibited under federal, state, and local anti-discrimination laws.

³ The term “sexual and reproductive health decisions” means any decision by an individual to receive services, which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility- related medical procedures, sexually transmitted disease prevention, testing, treatment and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion

comply with the System's EEO Operating Procedure consistent with the terms of their affiliation agreements, service contracts, and/or applicable agreements, rules, regulations, and laws.

This Operating Procedure not only protects individuals from prohibited conduct because of their own protected status, but also protects individuals from conduct motivated by the actual or perceived characteristics, of other persons with whom they are associated. For example, this Operating Procedure 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.

The System's EEO Operating Procedure extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, work conferences/trade shows, offsite business-related or System-sponsored social functions (e.g. System sponsored holiday party), System vehicle, or facility where System business is being conducted and discussed.

To achieve and maintain an atmosphere of opportunity and equality, the System has in place an Equal Employment Opportunity Office (the "Office of EEO") staffed by Office of EEO personnel. The Office of EEO is responsible for the day-to-day implementation and monitoring of the Equal Employment Opportunity Program under the supervision of the Office of Legal Affairs. However, it is the responsibility of all employees of the System to not engage in conduct violative of this Operating Procedure, and to foster a work environment where all covered individuals are given the opportunity to realize their full potential.

IV. LEGAL REQUIREMENTS:

A. Laws and Regulations

The System's Operating Procedure is implemented and followed in accordance with applicable federal, state and local anti-discrimination laws and regulations that govern prohibited conduct in the workplace and include, but are not limited to:

- The Age Discrimination Employment Act ("ADEA")
- The Americans with Disabilities Act ("ADA")
- The Immigration and Naturalization Act ("INA")
- The Pregnant Workers Fairness Act ("PWFA")
- The Pregnancy Discrimination Act of 1978 ("PDA")
- Title VII of the Civil Rights Act of 1964 ("Title VII")
- The Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA")
- The New York State Human Rights Law ("SHRL")
- The New York City Human Rights Law ("CHRL")
- Title II of the Genetic Information Non-Discrimination Act ("GINA")
- Regulations set forth by the U.S. Equal Employment Opportunity Commission ("EEOC"), the U.S. Department of Justice ("DOJ"), Health and Human Services ("HHS") and other federal, state, and local agencies.

Decisions and practices based on an individual's protected status that unlawfully affect the terms and conditions of employment or potential employment with the System, including with respect to all personnel practices such as hiring, recruitment, advertising, promotion, training, compensation and benefits, are prohibited by this Operating Procedure.

B. Discrimination

The following examples of protected categories are provided to enable staff members to understand specific protections in employment as informed by federal, state and local laws. It is not, however, intended to be a complete list of conduct prohibited by this Operating Procedure. Except where consideration of a protected characteristic is required by law or regulation, discrimination against a covered individual based on that person's actual or perceived protected characteristic, or relationship with a person with a protected characteristic will not be tolerated by the System.

This Operating Procedure protects against discrimination and prohibits discrimination against a covered individual because of their actual or perceived protected characteristic, membership in a protected category, or relationship with a person who has or is perceived to have a protected characteristic, including but not limited to, discrimination based upon:

1. Age

Involves adverse treatment in employment based on a covered individual's actual or perceived age.

2. Arrest or Conviction Record

3. Color/Race

Involves treating a covered individual unfavorably because of their actual or perceived race or because of personal characteristics associated with race such as hair texture, "protective hairstyles," skin color, complexion, or other physical characteristics and may occur because of a preference for, or an aversion to, a particular race, complexion or pigmentation.

4. Disability

Involves adverse treatment based on an actual or perceived disability. For purposes of this Operating Procedure, 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 System, through its Office of EEO, provides reasonable accommodation to its employees and applicants with disabilities to enable them to perform the essential functions of their jobs.

5. Family or Caregiver Status

For the purposes of this Operating Procedure, family or caregiver status involves a covered individual undertaking adoption of a child or providing ongoing and direct

care to a child, spouse, domestic partner, parent, sibling, grandchild, grandparent, child of a spouse or domestic partner, parent of a spouse or domestic partner, or any other individual in a familiar relationship with the caregiver as recognized at law.

6. Gender Identity or Expression

For the purposes of this Operating Procedure, gender/identity expression includes a covered individual's actual or perceived sexual orientation, gender related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. It also includes representation of gender through one's name, choice of pronoun, clothing, haircut, behavior, voice, or body characteristics. Gender identity or expression may be different from an individual's sex assigned at birth, including non-conforming and transgender.

7. Genetic Information Non-discrimination Act (GINA)

The System, in keeping with GINA, hereby confirms its commitment to prevent the misuse of certain information for employment purposes. The System respects all employees' privacy of their genetic information and enforces a strict policy of non-discrimination on the basis of genetic information. It is a violation of this Operating Procedure to discriminate, harass or retaliate on the basis of genetic information when it comes to all aspects of employment. This includes unlawful decisions, actions, and practices that occur in the course of recruitment, testing, hiring, work assignments, determination of salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge, or any other application or selection process relation to employment. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. family medical history).

8. Immigration or Citizenship Status

Discrimination in employment based on actual or perceived immigration or citizenship status is prohibited, except as expressly required or permitted by law with respect to designated employment opportunities (such as law enforcement) and/or federal contract provisions. This Operating Procedure prohibits the rejection of lawful documentation that verifies employment eligibility based on a covered individual's immigration or citizenship status. This Operating Procedure further prohibits requesting or requiring additional employment eligibility documentation beyond what is legally required.

9. National Origin/Ethnicity

Involves treating covered individuals unfavorably because they or their ancestors are from or are perceived to be from a particular country or part of the world or because of their cultural characteristics, including accent, attire, physical, linguistic, or other ethnic characteristics.

10. Religion/Creed

Involves members of an organized religion as well as covered individuals with sincerely held religious beliefs, practices or observances. Reasonable accommodations

are provided based on religion/creed under Operating Procedure 20-18.

11. Sex/Gender (including Pregnancy, Childbirth, or Related Conditions)

Includes adverse treatment based on a covered individual's actual perceived sex or gender, including because of biological or socially determined characteristics used to categorize individuals, sexual or reproductive health decisions, and pregnancy status.

The System provides reasonable accommodations to its employees and applicants for pregnancy, childbirth, or related conditions (for example, lactation) to enable them to continue working while pregnant as provided for in the PWFA and/or other applicable laws.

12. Status as a Veteran or Active-Duty Military Service Member

Preferences may not be provided nor adverse treatment directed at a covered individual because of their current or former service in the armed forces, reserves, or an intent to enlist as defined by USERRA.

13. Status as Victim of Domestic Violence, Sex Offenses, or Stalking

The System provides reasonable accommodation to its employees and applicants for hire who are victims of domestic violence, sex offenses or stalking to enable them to perform the essential requisites of their job.

C. Retaliation

It is a violation of this Operating Procedure to retaliate against or harass any person who asserts their rights regarding claims of employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about conduct prohibited by this Operating Procedure; or 3) participating in any way in the complaint and/or investigation of an EEO-related matter or in the reasonable accommodation process.

It is also a violation of this Operating Procedure to retaliate against or harass someone because of their association with such an individual.

Retaliation includes any adverse employment action taken directly or indirectly against a covered person that has the effect of dissuading or discouraging a staff member from coming forward to make or support a claim of discrimination or harassment. Engaging in protected conduct, however, does not shield a staff member from employment actions based on non-retaliatory and non-discriminatory reasons.

Examples of behavior that are protected against retaliation under this Operating Procedure include, but are not limited to, expressing an intent to file or filing a charge or complaint alleging prohibited conduct under this Operating Procedure; participating as a witness in an Office of EEO investigation, an EEO administrative proceeding, hearing, or trial; and/or seeking a reasonable accommodation

The following describes some of the types of acts that may be considered to be retaliatory if not taken for non-retaliatory and non-discriminatory reasons:

- Threats of discipline, reprimands, negative evaluations, suspensions, demotions, and discharge;
- Transfers;
- Refusal to hire;
- Denial of promotion or job benefits;
- Denial of training opportunities;
- Threats of physical violence;
- Negative references to prospective employers, or other actions affecting the terms, conditions, or privileges of employment.

D. Sexual Harassment

NYC Health + Hospitals is committed to maintaining a workplace free from sexual harassment. Sexual harassment is unlawful and subjects the System to liability. The System is committed to eliminating such practices through heightened employee awareness, training, and prompt investigations of allegations.

Sexual harassment includes harassment on the basis of sex, gender, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Sexual harassment need not be severe and pervasive, but includes behavior that rises above a petty slight or a trivial inconvenience. It includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature in which someone's submission to or rejection of the conduct is made part of their employment, used as the basis for employment decisions affecting them, or the conduct unreasonable interferes with their work or created an intimidating, hostile or offensive work environment.

Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature and includes all forms of sex-based harassment including gender role stereotyping and treating employees different because of their sex or gender. The intent of the behavior, does not neutralize a harassment claim. Not intending to harass is not a defense. Rather, the impact of the behavior on a person is what counts. 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.

The key word is "unwelcome" indicating that the conduct must not be wanted or solicited. This Operating Procedure 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.

The following describes some of the types of acts that may be considered sexual harassment:

- Physical acts of a sexual nature, such as: intentional or unintentional touching, pinching, patting, grabbing, brushing against another employee's body, or poking another covered individual's body. Physical acts also include serious offenses, such as: rape, sexual battery, molestation, or attempts to commit the same.

- Unwanted sexual advances, propositions or other sexual comments, such as:
 - ◆ Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments, such as: shift or work assignment changes;
 - ◆ Subtle or obvious pressure for unwelcome sexual activities;
 - ◆ Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, jokes or questions or comments about a person's sexuality or sexual experience which create a hostile work environment. This behavior is not limited to in person interactions and can include remarks made through means of electronic communication platforms.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - ◆ Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers, cell phones, or other electronic devices, and sharing such displays while in the workplace.
 - ◆ This also extends to remote workspaces and can including having such materials visible in the background during a virtual meeting.
- Hostile actions taken against an individual because of that individual's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression, such as:
 - ◆ Intentional repeated misuse of a staff member's preferred pronouns;
 - ◆ Creating different expectations or assigning different job duties to a staff member based upon their identity.

Sexual harassment may involve individuals of the same or different gender(s) and can include a complaint by or against a manager or employees of the same rank or against a non- employee. Sexual harassment is not limited to the System's physical facilities. It can occur when traveling on System business, at System sponsored events, on calls, texts, emails, and can occur when working remotely as well.

Any covered individual who believes that they have experienced sexual harassment and/or are made aware that sexual harassment occurred, even if it does not involve themselves, in the workplace should contact the Office of EEO. In addition, employees are encouraged to be an ally to any person who was harassed by letting them know that they saw what happened to them and encouraging them to report the behavior to the Office of EEO. Any supervisor or manager that witnesses and/or is made aware that sexual harassment occurred must report it to the Office of EEO.

Please note that pursuant to the System's EEO Internal Complaint process, whenever the Office of EEO receives a complaint of sexual harassment or otherwise knows of possible sexual harassment occurring, it will investigate. Those who are found to have engaged in sexual harassment and/or any supervisory or managerial personnel who knowingly allows such

behavior to continue will be subject to appropriate sanctions, including but not limited to disciplinary and/or corrective actions as deemed appropriate.

Retaliation against those who complain of sexual harassment or who testify, assist or participate in an investigation, proceeding, or hearing involving a complaint of sexual harassment is unlawful and strictly prohibited by this Operating Procedure. Some examples of retaliation could include a termination or failure to hire, a demotion, a decrease in pay, a decrease in the number of hours worked, poor performance, evaluation/rating, etc. Even if the alleged harassment does not turn out to rise to the level of a violation of the EEO Operating Procedure, those who complain of sexual harassment are protected from retaliation so long as the complainant had a good faith belief that the practices were unlawful. Complainants, however, are not protected where they intentionally made false charges of harassment.

V. RESPONSIBILITIES:

A. The Office of EEO

The Office of EEO is responsible for overseeing and coordinating requests for reasonable accommodation received from employees or applicants for hire. In order to request an accommodation, the individual shall make a request with the Office of EEO. The Office of EEO is also responsible for investigating complaints of discrimination, harassment, and retaliation in violation of this Operating Procedure. The Office of EEO shall refer substantiated complaints to the Office of Labor Relations or Human Resources, as designated.

B. The Office of Legal Affairs

The Office of Legal Affairs provides advice and counsel as set forth herein.

C. Managers and Supervisors

For the purpose of this Operating Procedure only, references to “managers” or “supervisors” include any employee or agent of the System who exercises any managerial or supervisory responsibilities as well as human resource personnel. Managers and supervisors must timely notify the Office of EEO when they become aware that a covered individual may need a reasonable accommodation, as well as referring the Office of EEO of complaints of discrimination, sexual harassment, and/or retaliation without delay. Managers and supervisors must also cooperate with the Office of EEO’s requests for information pertinent to reasonable accommodations and promptly respond to inquiries from the Office of EEO.

VI. PROCEDURES:

A. Requests for Reasonable Accommodations

The System shall provide reasonable accommodations to qualified employees or job applicants unless doing so would cause an undue hardship. Reasonable accommodation requests may be made in connection with disabilities⁴; pregnancy, childbirth, or a related medical condition;

⁴ The System treats leave requests to address medical or health care needs related to any individual’s gender identity in the same manner as requests for all medical conditions. In

lactation; sincerely held religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Undue hardship may exist when an accommodation is significantly difficult or unduly costly, extensive, substantial, disruptive, or would fundamentally change the nature or operation of the System's business.

The Office of EEO is responsible for overseeing and coordinating requests for reasonable accommodations received from employees and job applicants for disabilities; pregnancy, childbirth, or a related medical condition; or for victims of domestic violence, sex offenses, or stalking. All requests for a reasonable accommodation for these categories must be made with and/or referred to the Office of EEO.

In order to request a reasonable accommodation for a disability, the employee or job applicant shall make a request to the Office of EEO by completing a reasonable accommodation request form and providing supporting documentation (as applicable). The System shall only request medical documentation to the extent necessary to engage in the interactive process/cooperative dialog. Requests for a reasonable accommodation may also be referred to the Office of EEO through Human Resources, the Occupational Health and Safety Department ("OHS") or from the employee's department.

Upon receipt and/or notice of an employee's need for a reasonable accommodation, the assigned Office of EEO personnel will engage in the interactive process/cooperative dialog to clarify the employee's functional limitations and identify the appropriate reasonable accommodation(s). In order to determine an employee's essential functions, the reasonableness of a request, and/or whether or not such a request would impose an undue hardship, the Office of EEO personnel will engage in an interactive/cooperative dialogue with the employee's department to discuss if and how the requested reasonable accommodation can be effectuated by the department without imposing an undue hardship and, when appropriate, discuss alternative accommodations with the employee. Whether an accommodation is reasonable will depend upon the circumstances of the particular request.

The following details the specific aspects of each type of reasonable accommodation request:

1. Disabilities

An employee or job applicant with a disability who requests reasonable accommodation(s) to enable them to perform the essential functions of the job, or to enjoy the benefits and privileges of employment, may make such requests to the Office of EEO. The Office of EEO personnel involved in the process shall provide reasonable assistance (such as help in completing forms) to an individual requesting an accommodation. Additionally, if a reasonable accommodation is requested to facilitate an individual's ability to apply for

addition, the System provides reasonable accommodations to individuals undergoing gender transition, including medical leave for medical and counseling appointments, surgery and recovery from gender affirming procedures, surgeries and treatments as it would for any other medical condition

employment, the staff supervising the application procedures may be required to assist the applicant in completing the application process. All documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability shall be collected and maintained by the Office of EEO separately and apart from the individual's personnel and labor files. Such information will be treated as confidential records, except that managers and supervisors may be informed of limitations, work restrictions and reasonable accommodations requested. Furthermore, medical information may be provided: 1) to first-aid and safety personnel if the disability might require emergency treatment; 2) to government officials investigating the System's compliance with applicable laws; 3) to workers' compensation offices in accordance with Workers' Compensation Law; and 4) for insurance purposes.

2. Religion

The System shall grant requests by employees and job applicants for a reasonable accommodation of the individual's sincerely-held religious beliefs, practices or observances unless granting such request will cause an undue hardship to the operation of the applicable facility. Requests for religious accommodations should be made in writing to the individual's "Senior Manager" as set forth in NYC Health+ Hospitals Operating Procedure 20-18, **"Corporation Policy With Respect To Requests For Religious Accommodation."** Please refer to Operating Procedure 20-18 for further guidance on the System's policy regarding requests for religious accommodation.

3. Victim of Domestic Violence, Sex Offenses, or Stalking

Employees or applicants requesting reasonable accommodations in connection to their status as a victim of domestic violence, sex offenses or stalking may make such requests to the Office of EEO. Certification of one's status as a victim of domestic violence, sex offenses, or stalking may be requested by the Office of EEO personnel handling the accommodation request. A person may satisfy the certification requirement by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or medical or other professional service provider from whom the individual seeking a reasonable accommodation, or that individual's family or household member, has sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for accommodation.

4. Pregnancy, Childbirth or Related Medical Condition⁵

In accordance with the Pregnant Workers Fairness Act ("PWFA") and other applicable federal, state and local laws, employees or job applicants who require a reasonable accommodation on the basis of pregnancy, childbirth, or a related medical condition are urged to promptly request an accommodation with the Office of EEO. In evaluating the request, the System may request medical documentation, where it is not commonly known

⁵ Employees seeking an accommodation for lactation may submit such a request to the Office of EEO, but should consult Operating Procedure 20-74 for further guidance on the System's policy regarding lactation accommodations.

that the condition or limitation is related to, affected by, or arising out of pregnancy, childbirth, or related medical condition. Supervisors, managers, or human resources personnel who become aware of any employee or job applicants request for a reasonable accommodation must notify the Office of EEO. The System shall provide reasonable accommodation to employees or job applicants on the basis of pregnancy, childbirth, or a related medical condition unless to do so would cause undue hardship. Such reasonable accommodations may include, but are not limited to bathroom breaks; breaks to facilitate increased water intake; breaks for the purpose of expressing breast milk; periodic rest for those who stand for long periods of time; temporarily excusing an employee from performing an essential function of their position, so long as the essential function can be performed in the near future; and assistance with manual labor, among other things. If granted, the reasonable accommodation shall allow the individual to perform their job, so long as the accommodation does not cause an undue hardship on the System. If no other reasonable accommodation can be provided, the System may offer the employee a period of leave for the duration of pregnancy or medical condition resulting from the pregnancy as a reasonable accommodation.

Similar to all reasonable accommodation requests based upon a disability, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for pregnancy, childbirth, or a related medical condition, shall be collected and maintained by the Office of EEO separately and apart from the individual's personnel and labor files. Such information will be treated as confidential records, except that managers and supervisors may be informed of limitations, work restrictions and reasonable accommodations requested. Furthermore, medical information may be provided: 1) to first-aid and safety personnel if the disability might require emergency treatment; 2) to government officials investigating the System's compliance with applicable laws; 3) to workers' compensation offices in accordance with Workers' Compensation Law; and 4) for insurance purposes.

5. Lactation

Requests to express breast milk at work should be made in writing to the employee's manager or to the Office of EEO as set forth in the NYC Health + Hospitals Operating Procedure 20-74 "**Employee Lactation Accommodation.**" Please refer to Operating Procedure 20-74 for further guidance on the System's policy regarding requests for lactation accommodations.

B. Internal Complaint Procedure

1. Reporting Violations of the EEO Policy

Employees or job applicants of the System who believe that they have been subjected to any action, decision, or harassment in violation of this Operating Procedure, or who witness others being subjected to conduct covered by this Operating Procedure, are urged to promptly report the incident(s) to the Office of EEO. Supervisors, managers, or human resources personnel who become aware of any claimed violations of this Operating Procedure must notify the Office of EEO. Please note that a complaint can be filed against a non-System employee, including but not limited to, affiliates, contractors, members of

the public, and/or other non-System employees assigned to a System facility. In such cases, the Office of EEO may contact the non-employee and/or issue recommendations for remedial action consistent with the terms of their affiliation agreements, service contracts, and/or applicable agreements, rules, and regulations. In certain circumstances, a joint investigation between the System's Office of EEO and the non-employee's employer may be appropriate. Further, should the Office of EEO receive a complaint against a System employee from a non-employee, the Office of EEO may investigate, and/or jointly investigate with the non-employee's employer, and issue recommendations for remedial action as deemed appropriate.

Complaints should be in writing and directed to the Office of EEO within one (1) year of the most recent alleged discriminatory action, except in the case of allegations of sexual harassment, which must be in writing and filed within three (3) years of the most recent alleged instance of sexual harassment. Complaint forms may be obtained from Office of EEO and/or the NYC Health + Hospitals Intranet portal. The complaint should include the name, contact information and signature of the person filing the complaint and a detailed description of the action alleged. It may be filed by personal delivery, electronic mail, or ordinary mail, addressed to the Office of EEO.

The person making the complaint may do so anonymously, if they choose. Anonymous complaints will be treated the same as identified complaints, to the extent possible. A complaint may be filed by an employee, a former employee, independent contractor, a consultant, a volunteer, an intern, a student, or an applicant for System employment. A complaint may be filed on the Complainant's own behalf or on behalf of someone else. Supervisors and managers are required under this Operating Procedure to timely notify the Office of EEO of any alleged discriminatory conduct they observe or become aware of.

After the submission of a written complaint to the Office of EEO, the assigned Office of EEO personnel will review the complaint to determine if it alleges a violation of the EEO Operating Procedure. If so, the assigned EEO personnel will investigate the complaint. If deemed necessary, as part of the investigation, separate meetings will be arranged to discuss allegations with the person who submitted the complaint, the person who is alleged to have violated the EEO Operating Procedure, potential witnesses and/or other persons who could contribute any information regarding the allegations. During the course of the investigation, the Office of EEO may facilitate interim relief, as deemed necessary and appropriate. All internal complaints shall be responded to by the assigned Office of EEO personnel as soon as practicable based on the unique facts and circumstances of the complaint.

After the investigation, the assigned Office of EEO personnel will decide whether a violation of this Operating Procedure has occurred. If it is determined that there is no violation of the EEO Operating Procedure, the complaint will be closed with such notice of determination sent to the Complainant and the Respondent. If it is determined that there is reasonable cause to believe that the EEO Operating Procedure was violated, such notice of determination will be provided to the parties. Where appropriate, and where it has been determined that there is reasonable cause to believe that the EEO Operating Procedure was violated, remedial measures will be taken by the Office of EEO and/or the matter will be referred to Human Resources, Labor Relations and/or another department for corrective measures as deemed appropriate. In addition to imposing disciplinary actions, the System

may also take corrective, preventative, or remedial action as required by law and as permitted by the terms of employment and relevant collective bargaining agreement(s), as applicable.

2. Complaints Against Senior Management Staff

Complaints against senior management staff (President, Senior Vice Presidents, Vice Presidents, Executive Directors, and General Counsel) and/or members of the Board of Directors may be filed with the Office of EEO at Central Office. The Office of EEO and the Office of Legal Affairs, in consultation, will determine whether the investigation will be conducted by the Office of EEO or by an external independent investigator, as appropriate. Where the General Counsel is named as a respondent, the complaint will be referred to the President of NYC Health + Hospitals for the assignment of an investigator. The investigative findings and recommendations of an independent investigator, before finalization, shall be shared with the Office of EEO and/or the Office of Legal Affairs, except where the General Counsel has been named as a respondent. The Office of EEO or the Office of Legal Affairs shall refer the investigative findings and recommendations to either the President or Board of Directors, as appropriate. In those instances where the General Counsel is named as a respondent, the findings will be referred to the President of NYC Health + Hospitals.

3. Complaints by Staff Assigned to the Office of Equal Employment Opportunity

Complaints by staff of the Office of EEO alleging sexual harassment, discrimination, or any other conduct that they believe is prohibited by this Operating Procedure and/or federal, state, or local anti-discrimination laws can be submitted to the System's Office of Corporate Compliance. All such complaints shall be forwarded to the General Counsel for assignment of an independent investigator. The investigative findings and recommendations of an independent investigation, before finalization, shall be shared with the General Counsel.

Any remedial or corrective action taken in connection with the investigative findings will be shared with the Office of Corporate Compliance. The reporting process described in this paragraph is available to the Office of EEO staff in addition to existing reporting mechanisms provided by the Operating Procedure.

4. Cooperating in an Investigation

All current employees, volunteers, contingent workers, affiliates, and temporary staff, are required to cooperate fully during an investigation into an EEO complaint. Failure or refusal to cooperate may result in a recommendation for disciplinary action.

5. Confidentiality

All EEO complaints and investigations will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. While all internal EEO investigations will be conducted in a confidential manner, certain exceptions apply. In the course of the investigation, the assigned Office of EEO personnel may discuss EEO matters with other individuals who may have information about a complaint. In addition, it may be

necessary for the assigned Office of EEO personnel to disclose certain information on a need to know basis. The Office of EEO may disclose to persons with a legitimate need to know certain information in order to respond to the complaint allegations or to implement interim action (e.g. certain information regarding the complaint and witness statements may be shared with Labor Relations and/or Human Resources in order to determine whether further action/s should be taken). All persons with whom the Office of EEO interacts concerning the complaint and its investigation are to refrain from discussing the complaint, to the extent possible, beyond their interaction with the Office of EEO.

6. Allegations Made in Bad Faith

If any employee knowingly makes a false accusation of discrimination or knowingly provides information in bad faith 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.

7. Contact with the Office of EEO

An employee has a right to meet privately with the Office of EEO. Such meeting may take place either during or outside of office hours. If an employee makes a request to meet with an Office of EEO personnel during office hours, the employee should obtain approval from a manager or supervisor before leaving their work assignment. An employee need not disclose to the manager/supervisor the purpose for or details of the meeting with the EEO personnel.

Reasonable requests to meet with an Office of EEO personnel during work hours should not be denied by managers or supervisors. Managers and supervisors shall allow employees to meet with EEO personnel at the earliest practical time consistent with the operational needs of their units.

At the employee's request, arrangements may also be made to hold the EEO meeting before or after office hours, or during the employee's lunch period. Should such a meeting take place entirely on the employee's own time, he or she need not advise a manager or supervisor of the meeting, or obtain the consent or approval of a manager or supervisor. If necessary, the Office of EEO personnel will make arrangements for interpreters and other forms of communication assistance to facilitate effective communication with persons with disabilities.

8. Right to Representation During Internal Investigation

All internal EEO investigations will be conducted consistent with all applicable collective bargaining agreements and/or rules. In instances where Group 12 (unionized) employees are named as Respondents and/or where disciplinary action may reasonably result from the interview and/or pursuant to their rights under applicable collective bargaining agreements, the unionized employee will have the right to union representation during an EEO investigation at their own election and discretion.

9. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. Once a withdrawal is submitted, the assigned Office of EEO personnel will end the investigation. In some instances, the assigned Office of EEO personnel may continue the investigation if deemed appropriate. Investigations of complaints alleging sexual harassment will continue notwithstanding the withdrawal of a complaint.

10. Other Places Where Complaints May Be Filed

All complainants shall be advised of their right to pursue an external complaint with an outside Civil Rights enforcement agency (see below) and/or to pursue a complaint through the judicial system. This right is not forfeited by using the System's internal procedure.

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

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

When an employee or job applicant exercises their right to file a complaint with a federal, state, or local civil rights enforcement agency (known as an "external complaint") based on or related to the same facts and circumstances of an internal complaint, the Office of EEO will cooperate with the enforcement agency with respect to the ultimate resolution of the complaint. Complaints filed with the EEOC must be filed within 300 days of the alleged unlawful act. Complaints filed with the SDHR must be filed within three years of the alleged unlawful act. Complaints filed with the CCHR must be filed within one year of the alleged unlawful act (note: individuals have up to 3 years to file a sexual harassment claim with the CCHR). In such cases, the Office of EEO will respond to the internal complaint through the external complaint process. Please note that if an employee or job applicant files an external complaint prior to the completion of the investigation of an internal complaint based on the same facts and circumstances, they will not receive a written decision pursuant to the informal complaint procedure; rather, the System's response will be to the external complaint. In addition, there may be certain instances, based on the unique circumstances of the case, where an internal complaint will not be taken and instead the Complainant will be notified of their right to file a complaint externally should they wish to proceed with a complaint.

Please note that for federal claims, for instance under Title VII, an employee must first file with the EEOC within 300 days of the act of discrimination. Filing a charge of discrimination with the EEOC is a mandatory requirement before filing a lawsuit in federal court. A charging party must receive a "notice of right to sue" from the EEOC before they can file in federal court. For claims of discrimination brought under the New York State Human Rights and/or the New York City Human Rights Law, an employee or applicant for

employment may elect to initiate a lawsuit in the New York State Supreme Court without first filing with the New York State Division of Human Rights and/or the New York City Commission on Human Rights. An employee has three years from the act of discrimination complained of to file such a lawsuit. Employees filing charges or lawsuits in New York City or New York State should be aware that you cannot file simultaneously in two venues, for example, with the New York City Commission on Human Rights and the New York State Supreme Court. As there are legal implications as to where a complainant files it may be a good idea to consult with an attorney before making a decision. The Office of EEO is also available to explain your options.

a. Filing a Complaint with an External Civil Rights Enforcement Agency

Any employee or applicant for employment who believes that they have experienced unlawful 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 they file an internal complaint with NYC Health + Hospitals Office of EEO.

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

New York Field Office Address: 33 Whitehall Street, 5th Floor, New York, NY 10004

Voice Phone: 1-800-669-4000

TTY: 1-800-669-6820

ASL Video Phone: 844-234-5122

Website: <https://www.eeoc.gov/field-office/newyork/location>

NEW YORK STATE DIVISION OF HUMAN RIGHTS

Headquarters Address: One Fordham Plaza, 4th Floor, Bronx, NY 10458

Voice Phone: 1-888-392-3644

TDD:/TTY: 718-741-8300

Website: <https://dhr.ny.gov/contact-us> (includes phone, email, and address information for all regional office locations across the State)

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

Main Office Address: 22 Reade Street, New York, NY 10007

Phone: 311 “human rights” or 212-416-0197 or 212-306-7450

Website: <https://www1.nyc.gov/site/cchr/about/contact-us.page> (includes phone and address information for all office locations across the City)

In addition to filing with the aforementioned agencies, a person with a complaint alleging discrimination based on disability may file with:

UNITED STATES DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION

Disability Rights Section

950 Pennsylvania Avenue N.W.

Washington, D.C. 20530
Phone: (202) 514-3847 (202) 514-0716 (TTY)
Web site: www.usdoj.gov/crt/drs/drshome/htm

A person with a complaint alleging discrimination based on citizenship or immigration status may file with:

UNITED STATES DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION

Immigrant and Employee Rights Section (IER)
Civil Rights Division
US Department of Justice
950 Pennsylvania Avenue, NW (4CON)
Washington, DC 20530
Phone: 212-616-5594 or 1-800-255-7688; 1-800-437-1215 (TTY)
Web site: www.usdoj.gov/crt/osc

A person who believes they have been discriminated against by a recipient of financial assistance from the U.S. Department of Labor may file a complaint, either with the recipient or with the Civil Rights Center (CRC). Those who wish to file complaints with CRC should mail their complaints to:

UNITED STATES DEPARTMENT OF LABOR

Director, Civil Rights Center
Frances Perkins Building, Room N-4123
200 Constitution Avenue N.W.
Washington, D.C. 20210
(866) 4-USA-DOL (866) 487-2365 (TTY) Web site:
www.dol.gov/dol/oasam/crchome.htm

A person who believes they have been discriminated against because of race, color, national origin, disability, age, sex, or religion in programs or activities that HHS directly operates or to which HHS provides federal financial assistance may file a complaint with OCR:

U.S. DEPT. OF HEALTH AND HUMAN SERVICES (HHS) – OFFICE OF CIVIL RIGHTS*

New York Regional Office Address: 26 Federal Plaza - Suite 3312, New York, NY 10278

Voice Phone: (800) 368-1019

TDD: (800) 537-7697

Website: <https://www.hhs.gov/ocr/about-us/contact-us/index.html>

** NOTE: "Do you have a complaint about housing, law enforcement, labor, education or employment discrimination? OCR does not generally investigate these types of complaints." <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>*

Please Note: There are statutory deadlines for filing complaints with each of these agencies. The deadline in some instances is as short as 300 days. If you wish to file a complaint with an external administrative agency, you should contact the external agencies promptly.

Signed By	Title	Department	Date Signed
Mitchell Katz	President and CEO	OFFICE OF THE PRESIDENT	03/06/2025
Andrea Cohen	General Counsel	GENERAL COUNSEL	01/10/2025
Blanche Greenfield	Deputy Counsel	GENERAL COUNSEL	01/13/2025