



Title	Equal Employment Opportunity (EEO)
Policy Number	200-002-POL
Responsible Office	Human Resources
Applicability	SCA Employees
Effective Date	6/13/2011
Date Revised	6/13/2011

1. Purpose

The New York City School Construction Authority (SCA) is an equal opportunity employer committed to compliance with federal, state, and local laws prohibiting discrimination in the workplace. These laws also prohibit retaliation against any individual who exercises his or her right to be free of illegal discrimination and permit the retaliation itself to serve as the basis for a complaint or lawsuit.

2. Policy

2.1 EEO Policy

2.1.1 Employment decisions at the SCA will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination on the basis of:

Age	Military status
Alienage or citizenship status	National origin
Color	Partnership status
Disability	Prior record of arrest or conviction
Gender (which includes gender identity, and a person's actual or perceived sex)	Actual or perceived race
Genetic predisposition or carrier status	Religion or creed
Marital status	Sexual orientation
	Status (actual or perceived) as a victim of domestic violence, sexual offenses, or stalking

2.1.2 There are federal, state, and local laws which protect persons against discrimination because they are perceived to be in a protected class. For example, a person who is denied a job because s/he is perceived to have a disability may file a complaint of disability discrimination even though that person actually has no disability. The same is true of persons who may be perceived to be in any of the categories listed above including race, religion, etc.

2.1.3 Harassment based on a person's actual or perceived protected status is also prohibited. Thus, if a person is harassed because of skin color, for example, s/he is protected by this policy, as well as by federal, state, and local anti-discrimination laws.



2.1.4 Consistent with the law, the SCA will make reasonable accommodation for persons with disabilities; for religious observance; and for victims of domestic violence, sex offenses, or stalking.

2.1.5 Anti-discrimination protection applies to all terms and conditions of employment, including, but not limited to:

- | | |
|------------------------|-------------------------|
| Recruitment | Work assignments |
| Promotions | Discipline |
| Testing | Salary and benefits |
| Training opportunities | Discharge |
| Hiring | Performance evaluations |
| Transfers | Working conditions |

2.1.6 The SCA is committed to preventing discrimination by ensuring that all SCA employees are aware of their rights and obligations under this policy and by fostering a work environment that tolerates and values differences among persons. The SCA shall promote these objectives through regular anti-discrimination and bias reduction training.

2.1.7 Any employee or applicant who believes that s/he has been subjected to unlawful employment discrimination, regardless of who the offender may be, is encouraged to follow the SCA's discrimination complaint and investigation procedures. Employees/applicants should contact the SCA's EEO Officer or one of the SCA's EEO Counselors for consultation and/or to file a complaint. All complaints will be handled confidentially, to the extent possible.

2.1.8 Any person found to have engaged in discriminatory conduct or practices will be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, and any other measures reasonably calculated to eliminate unlawful and/or inappropriate behavior. In addition to implementing appropriate disciplinary action, the SCA will take reasonable steps to address the impact that any unlawful discrimination has had on the complainant.

2.2 Sexual Harassment

2.2.1 Sexual harassment is a form of employment discrimination based on gender which is prohibited by law.

2.2.2 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual; or



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.

- 2.2.3 A broad range of behavior, in certain circumstances, can be considered sexual harassment, including, but not limited to, sexually suggestive remarks; pictures; email; gesturing; verbal abuse of a sexual nature; subtle or direct propositions for sexual favors; and any unnecessary touching, patting, or pinching.
- 2.2.4 Sexual harassment can also include harassment between individuals of the same sex.
- 2.2.5 Any manager or supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of a person's employment are based upon submission to sexual conduct must consult with the EEO Officer or an EEO Counselor immediately, without exception.
- 2.2.6 Any employee who believes that s/he is being harassed is urged to contact the EEO Officer or an EEO Counselor as soon as possible.

2.3 Disabilities

- 2.3.1 Discrimination against a person based upon that person's actual or perceived disability, record of disability, or that person's relationship with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by the SCA.
- 2.3.2 Disabilities are physical, mental, or psychological impairments of a body system which may limit one or more life activities of a person. A record of such an impairment includes, for example, a history of cancer which is currently in remission. A relationship with a person having a disability includes having a family member with a disability or having a cooperative or supportive relationship at work (such as assisting a colleague with a disability).
- 2.3.3 In addition to taking aggressive action against discrimination towards persons with disabilities, the SCA will take appropriate steps to encourage employment of and promotional opportunities for qualified applicants and employees with disabilities.
- 2.3.4 Anyone believing s/he has been subjected to discrimination on the basis of disability should consult with the EEO Officer or an EEO Counselor. The EEO Officer will be responsible for ensuring compliance with all federal, state, and local laws, as well as with the SCA's EEO Policy pertaining to persons with disabilities.
- 2.3.5 The EEO Officer is responsible for arranging for sign language interpreters, alternative formats for persons with visual impairments, and other effective means of communication with persons with disabilities, as required by law.



- 2.3.6 The SCA will make reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations would create undue hardship. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Some examples of accommodations which have been found reasonable for certain employers, under particular circumstances, include: making facilities physically accessible to and usable by persons with disabilities; modifying work schedules; providing or modifying equipment or devices; and providing auxiliary aides and services.
- 2.3.7 Employees with disabilities requesting reasonable accommodations to perform essential job functions should follow the relevant procedure outlined in the EEO Reasonable Accommodation for Disabilities Operating Guidelines.
- 2.3.8 All documentation and information obtained in each stage of the reasonable accommodation procedure regarding the employee's medical history must be collected by Human Resources and maintained on separate forms and in separate medical files. Such documentation must be kept separate and apart from other personnel data and treated as confidential medical records to the extent possible, except that affected managers and supervisors shall be informed of any necessary restrictions on work assignments and/or specific accommodations that may be required. Furthermore, first-aid and safety personnel may be informed if a disability requires emergency treatment. Government officials investigating legislative and/or regulatory compliance shall be provided with material and relevant information upon request.
- 2.4 Reasonable Accommodations
- 2.4.1 The SCA may be required to provide reasonable accommodations for persons with disabilities, for religious observance, and for victims of domestic violence, sex offenses or stalking.
- 2.4.1.1 An employee or applicant requesting a reasonable accommodation for domestic violence, sex offenses, or stalking may be required to provide certification that the person is a victim of domestic violence, sex offenses, or stalking. The person requesting the accommodation shall provide a copy of such certification within a reasonable period after the request is made. Acceptable certification includes: documentation from an employee, agency, or volunteer of a victim services organization; an attorney; a member of the clergy; a 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 policy or court record; or other documentation consistent with the disclosure and the request for accommodation.
- 2.4.2 An employee or applicant who wishes to request a reasonable accommodation for a disability should review the EEO Reasonable Accommodation for Disabilities Operating Guidelines.
- 2.4.3 An employee or applicant requesting a reasonable accommodation for religious reasons, or for reasons involving domestic violence, sex offenses, or stalking, may contact the SCA's EEO Officer or an EEO Counselor.



2.4.4 Consistent with law, this policy prohibits the denial of a reasonable accommodation that does not create an undue hardship for the SCA.

2.5 Anti-Retaliation

2.5.1 It is unlawful to retaliate against or harass any person for filing an EEO complaint; for seeking a reasonable accommodation for a disability, a religious observance, or for victims of domestic violence, sex offenses or stalking; or for cooperating with an investigation of an EEO complaint. The SCA will not tolerate any such retaliation.

2.5.2 Any person who believes that s/he has been subjected to retaliation for having made a complaint, or cooperating in an investigation, is urged to file a complaint of retaliation with the EEO Officer or an EEO Counselor.

2.5.3 Any employee who engages in such retaliation or harassment shall be subject to discipline, which may include reprimand, suspension, probation, demotion, transfer, or termination.

2.6 Confidentiality

2.6.1 SCA personnel shall respect employee confidentiality.

2.6.2 All documentation and information concerning the medical condition or medical history of an employee requesting an accommodation shall be collected by the Human Resources Division and maintained on forms separate from other personnel-related forms and in separate medical files.

2.6.3 Information shall be treated as confidential medical records to the extent possible, except that: (1) affected managers and supervisors shall be informed of any necessary restrictions on work assignments and/or specific accommodations that may be required; (2) first-aid and safety personnel may be informed if the disability requires emergency treatment; (3) the EEO Officer, Vice President & General Counsel, or other authorized officials must be provided with information relevant to investigating a complaint of discrimination; and (4) government officials investigating legislative and/or regulatory compliance shall be provided with material and relevant information upon request.

3. Related Policies & Operating Guidelines

2.7 200-002a-SOP – EEO Complaint & Investigation Operating Guidelines

2.8 200-002b-SOP – EEO Reasonable Accommodation for Disabilities Operating Guidelines.



4. References

Each of the following external regulatory agencies have statutory deadlines for filing complaints – in some instances as short as 180 days. If you believe you have been subjected to discrimination and wish to file a complaint with an external agency, to preserve your rights, promptly contact the New York City Commission on Human Rights, the New York State Division of Human Rights, the EEOC, the Department of Justice, or a private attorney for further guidance.

- 4.6 New York City Commission on Human Rights
40 Rector Street
New York, N.Y. 10006
212-306-7500
800-421-1220 (NY Relay Service English)
877-662-4886 (NY Relay Service Spanish)
www.nyc.gov/cchr
- 4.7 New York State Division of Human Rights
55 Hanson Place, Room 304
Brooklyn, New York 11217
718-722-2856
718-741-8300 (TTY)
www.dhr.state.ny.us
- 4.8 United States Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
212-336-3620
800-669-6820 (TTY)
www.eeoc.gov
- 4.9 In addition to filing with the agencies listed above, a person alleging unlawful discrimination based on a disability may file a complaint with:
- United States Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, DC 20530
800-514-0301
800-514-0383 (TTY)
www.ada.gov



5. **Web Address for Policy**

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6. **Contacts**

Title	Department	Phone
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Cynthia Brooks-Richardson, EEO Counselor	A/E Design Consultant Management Studio	718-472-8089
Susie Drayton, EEO Counselor	Administrative Services	718-472-8828
Sarah Sinclair, EEO Counselor	Pre-Qualification	718-472-8326
Andreana Mirabella, EEO Counselor	Human Resources	718-472-8058