
 <b>Department of Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Equal Employment Opportunity and Diversity &amp; Inclusion Program</b>		NO. 2601
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SUPERSEDES DIR #2601 Dtd. 3/14/2022	DISTRIBUTION A	PAGES PAGE 1 OF 6	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section IV	APPROVING AUTHORITY 		

## I. POLICY

- A. New York State (NYS) has long been committed to a culture of respect that values and promotes diversity, inclusion, and equal opportunity, maintaining an environment which is free of unlawful discrimination, harassment, or retaliation on the basis of protected class status, in all functions performed and services offered by public service employees. All Department employees are responsible for reviewing and understanding the State's policies and commitment to non-discriminatory practices in the workplace. Supervisors, Managers, Executive Staff, and Personnel will be responsible for leading by example and ensuring compliance with the mission of the Department of Corrections and Community Supervision's (Department; DOCCS) Diversity & Inclusion Program.
- B. DOCCS is committed to protecting and promoting diversity, inclusion, and equal opportunity in all employment transactions, in accordance with the requirements of the New York State Human Rights Law, Executive Order No. 187 (EO-187), Title VII of the Federal Civil Rights Act, the Americans with Disabilities Act, and all applicable Federal and State Laws. The Department endeavors to ensure fair and equitable opportunities to all employees and job applicants, and to achieve full and fair participation without discrimination against any person based on their protected class, including age, race, creed, color, sex, sexual orientation, gender identity, national origin, military or veteran status, disability, predisposing genetic characteristics, marital or family status, domestic violence victim status, arrest record or criminal convictions history, retaliation where not job related, and/or any other impermissible basis, in all of its programs and services. The Department shall strive to promote equal employment opportunities during every phase of our personnel program, including, but not limited to recruitment, hiring, promotion, demotion, transfer, termination, special assignment, programs, activities, and benefits.
- C. The Department is further committed to a non-discriminatory employment program designed to meet all legal and ethical obligations of equal employment opportunity. The Department has developed a Five-Year Diversity, Equity, and Inclusion (DEI) Strategic Plan (2021-2025), which has been approved by the Department of Civil Service (DCS) and is being implemented. DOCCS will maintain equal opportunity and diversity and inclusion policies and plans and continue to report on diversity and inclusion annually to DCS to ensure compliance with EO-187 and all applicable laws.

- D. The Department will take strategic and proactive steps to increase diversity in the workforce by fostering professionalism and a respectful, inclusive work environment. Employment decisions will be based on neutral and objective criteria to avoid subjective and/or discriminatory employment decisions based on personal stereotypes or implicit/explicit biases.
- E. The Department requires all employees, contract staff, volunteers, interns, and persons conducting business with DOCCS to participate in maintaining an inclusive, professional, welcoming, and respectful work environment.

**II. BASIS:** This policy is consistent with and implements EO-187, “**Ensuring Diversity and Inclusion and Combating Harassment and Discrimination in the Workplace**,” which ensures equal employment opportunity for minorities, women, persons with disabilities, lesbian, gay, bi-sexual, and transgender (LGBTIQ+) individuals, and Vietnam-era veterans in State government and establishes the Governor’s Executive Committee for Diversity, Inclusion, and Equal Opportunity. Additionally, this policy is in accordance with, and intended to ensure compliance with, the requirements of the New York State Human Rights Law, the mandates of Title VI and VII of the Federal Civil Rights Act, as amended, and the [Equal Employment Opportunity in New York State Rights and Responsibilities, A Handbook for Employees of New York State Agencies](#).

**III. HISTORY:** While the passage of civil rights laws in past years was to assure equality and equity for the protected classes, the pattern of denial, employment barriers, and injustice continues. This denial of equal access to opportunities afforded within our society has allowed the continuation of discrimination in a variety of forms.

DOCCS acknowledges and accepts its obligation to pursue, where necessary, all contractual and legal processes available to correct such inequities.

#### **IV. REFERENCES**

- NYS Human Rights Law
- Federal Civil Rights Act
- Americans with Disabilities Act (ADA)
- Federal Rehabilitation Act
- Age Discrimination in Employment Act (ADEA)
- Gender Expression Non-Discrimination Act (GENDA)
- Gender Recognition Act (GRA)
- Executive Order No. 187 (EO-187)
- Executive Law Section 170-g: Collection of Demographic Information: Sexual Orientation and Gender Expression
- NYS Department of Civil Service General Information Bulletins No. 19-02 and No. 23-02
- ACA Expected Practices 5-ACI-1C-06, 2-CO-1C-09, 2-CO-1C-13, 4-APPFS-3E-04, 4-APPFS-3E-08, 2-1037, 2-1048, 2-1050, 2-CI-6C-4, 2-CI-6D-2, and 2-CI-6D-3
- Directives #2602, #2603, #2607, #2609, #2611, #2612, #2614, and #4040
- Department’s Five-Year Diversity, Equity, and Inclusion Strategic Plan (2021-2025)
- Equal Employment Opportunity in New York State Rights and Responsibilities, A Handbook for Employees of New York State Agencies
- NYS Department of Civil Service, ODIM, Diversity and Inclusion Strategic Plan and Framework Plan

- NYS Department of Civil Service Procedures for Implementing Reasonable Accommodations for Applicants and Employees with Disabilities and Pregnancy-Related Conditions in New York State
- NYS Department of Civil Service Procedures for Implementing Reasonable Accommodation of Religious Observance or Practices for Applicants and Employees

**V. PROGRAM RESPONSIBILITY:** The Office of Diversity and Inclusion, under the Director of Diversity and Inclusion, is responsible for the implementation of programs and actions necessary to establish an effective Equal Employment Opportunity and Diversity and Inclusion (EEO/D&I) program to eliminate all effects of unjust, exclusionary employment practices and policies throughout the Department.

The Director reports directly to the Deputy Commissioner for Correctional Industries, Compliance Standards & Diversity.

**VI. OFFICE OF DIVERSITY AND INCLUSION FUNCTIONS & GOALS:** In compliance with EO-187, the primary focus of the Department's diversity and inclusion program is to address the issues and challenges as described above. Equally important is its involvement in other operations of the Department as outlined below.

- A. The development and implementation of a comprehensive Diversity and Inclusion Strategic Plan; an annual report to the Chief Diversity Officer and the Commissioner of Civil Service on the Department's employment actions with respect to minorities, women, disabled persons, LGBTIQ+ individuals, and veterans; and identification of the Department's achievements, deficiencies, proposed solutions to problems, the need for external assistance, and other such matters as may be appropriate or requested.
- B. Providing subject matter expertise to the Commissioner's Diversity Management Advisory Council (CDMAC) in its efforts to promote fairness, equity, diversity, and inclusion across all Departmental operations, activities, functions, and decision making.
- C. The development of programmatic resolutions toward the elimination of all effects and practices of unjust and unlawful exclusionary employment practices and policies.
- D. The development of educational and training programs for all employees, with due emphasis toward the goal of advancing minorities, women, persons with disabilities, LGBTIQ+ individuals, and Vietnam-era veterans.
- E. In conjunction with the Department's Bureau of Personnel, the development of personnel practices, policies, and career ladders to assist and encourage upward mobility for employees.
- F. The development of appropriate outreach and recruitment activities for examinations and other appointments.
- G. Periodic audits of hiring and promotion patterns, and training programs to remove impediments to achieving goals and objectives.
- H. Providing technical assistance to supervisors in meeting the goals and objectives of the Department's EEO/D&I and identifying any need for remedial action.
- I. Reviewing and approving employee appointments to ensure that all Department staff and qualified applicants are receiving a fair and equitable opportunity for recruitment, hiring, promotion, demotion, transfer, training, development, and other terms or conditions of employment.

- J. Ensuring that all qualified incarcerated individual applicants are receiving an equal opportunity for access to work assignments, promotions, and programs.
- K. Immediately forwarding to the Office of Employee Relations (OER) Anti-Discrimination Investigations Division (ADID) all Title VII employees' complaints of discrimination in accordance with Directive #2602, "Employee Discrimination Complaints," and EO-187.
- L. Collaborating with the Bureau of Personnel to develop and conduct recruitment activities to attract protected class members.
- M. Coordinating with the Central Office Diversity and Inclusion Committee (CODIC) to plan, promote, and implement various special recognition and employee benefit and cultural events including but not limited to: Dr. Martin Luther King Jr., Black History Month, Women's History Month, Asian American and Pacific Islander, Caribbean American Heritage Month, LGBTIQ+ Pride Month, Hispanic Heritage Month, Veterans Appreciation Day, and National Native American Heritage Month.
- N. In conjunction with the Bureau of Personnel, participating in the examination planning conferences and reviews proposed and existing minimum qualifications to ensure there is no adverse impact on protected classes.
- O. Developing policies and procedures to ensure Department compliance with Title VI and VII of the Federal Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, as amended, the NYS Human Rights Law, and the [Equal Employment Opportunity in New York State Rights and Responsibilities, A Handbook for Employees of New York State Agencies](#) as they relate to employees, qualified applicants for employment, and incarcerated individuals.
- P. Developing policies, practices, programs, plans, and procedures to enhance Departmental awareness of and responsiveness to:
  - 1. Title VI and VII of the Civil Rights Act of 1964, as amended, Human Rights Laws, the Americans with Disabilities Act, and Section 504 of the Federal Rehabilitation Act of 1973 pertaining to complaints of discrimination on the basis of physical or mental disability and the appropriate grievance mechanisms for the Department.
  - 2. The policies, procedures, and practices of OER as described and authorized by EO-187, the DCS General Information Bulletin No. 19-02, the [Equal Employment Opportunity in New York State Rights and Responsibilities, A Handbook for Employees of New York State Agencies](#), and other guidance promulgated by that agency (see Section VII), as well as potentially adverse employment actions that may necessitate investigation and remediation.
  - 3. Fostering and maintaining a diverse workforce, and promoting mentoring, coaching cultural competency, performance management, and succession planning.
  - 4. The State has uniform policies, the "Procedures for Implementing Reasonable Accommodation for Applicants and Employees with Disabilities and Pregnancy-Related Conditions in NYS Agencies," and "Procedures for Implementing Reasonable Accommodation of Religious Observance or Practices for Applicants and Employees," which provide procedures for the implementation of reasonable accommodations in programs and services for individuals with disabilities or practices for applicants and employees.

- The Department will make good faith efforts to provide an ADA reasonable accommodation and accommodations of religious observances or practices for applicants or employees unless the Department believes such an accommodation would create an undue hardship, represents a health and safety concern, or is contrary to the Department's commitment to diversity and inclusion.
5. The Department's commitment to supporting equal employment opportunity for persons who engage in religious observances or practices.
  6. The Department's ability to employ and accommodate individuals with disabilities.
  7. The review of program services to include incarcerated individuals with disabilities.
  8. The equal and impartial delivery of the Department's various programs and services.
  9. Conducting equal employment opportunity training and outreach.
  10. Initiating and participating in projects aimed at advancing equal employment within the Department, such as job fairs, career awareness events, etc.

**VII. REDRESS:** Pursuant to EO-187, all complaints of protected class employment discrimination will be investigated by OER-ADID.

If you have any questions about what constitutes protected class employment discrimination, please refer to the [Equal Employment Opportunity In New York State Rights and Responsibilities, A Handbook for Employees of New York State Agencies](#). The Handbook is the State's anti-discrimination policy. The New York State Employee Discrimination Complaint Form (Complaint Form) is located at <https://oer.ny.gov> under the "Anti-Discrimination Investigations" heading. The Complaint Form is a web-based, fillable form, and after inserting the required information, employees can send the complaint directly to OER. When OER receives a Complaint Form, the individual submitting the complaint will receive an acknowledgement. The Complaint Form may also be filled out and sent to OER via email at: [antidiscrimination@oer.ny.gov](mailto:antidiscrimination@oer.ny.gov) or regular mail to:

Office of Employee Relations  
Anti-Discrimination Investigations Division  
2 Empire State Plaza  
Albany, New York 12223

Employees are not required to (but may) report their allegations of discrimination to any supervisor, Superintendent, Regional Director, Bureau Chief, or Division Head. The supervisor will be required to immediately report the allegations to OER ADID and should request that the employee file the complaint directly with OER ADID. The supervisor should refrain from notifying their chain of command of discrimination complaints to preserve confidentiality and prevent retaliation.

**VIII. COMPLIANCE MONITORING**

- A. Pursuant to EO-187, by December 31 of each year, the Department shall report on diversity and inclusion actions which demonstrate strategies to increase the employment of minorities, women, LGBTIQ+ individuals, disabled persons, and veterans to eliminate underrepresentation.

Diversity reports will be submitted to the Governor's Chief Diversity Officer and the Commissioner of Civil Service and shall identify the Department's achievements, deficiencies, proposed solutions to problems, the need for external assistance, and other such matters as may be appropriate or requested.

- B. The Deputy Commissioner for Correctional Industries, Compliance Standards & Diversity is designated by the Commissioner as the Department's Diversity and Inclusion Officer. The Diversity and Inclusion Officer or their designee will represent the Commissioner on the State Workforce Diversity and Inclusion Council (Workforce Advisory Council). The Workforce Advisory Council advises the Governor's Chief Diversity Officer, the Commissioner of Civil Service, and the Governor's Executive Committee for Diversity, Inclusion, and Equal Opportunity on all existing and proposed policies, procedures, practices, and programs relating to or affecting affirmative action, equal employment opportunity, and diversity and inclusion.

#### **IX. OTHER ROLES AND RESPONSIBILITIES**

- A. Employees/Applicants for Employment: Report any concerns with the hiring process regarding potential bias or discrimination to the supervisory staff.
- B. Supervisory/Managers/Executive Staff: Supervisors, Managers, and Executive Staff will ensure Department policies, procedures related to the hiring process, and provision of EO-187 and Civil Service guidelines are adhered to.
- C. Personnel: Ensure hiring selection decisions are in compliance with Departmental policies and procedures, and pursuant to EO-187 and provisions of Civil Service General Information Bulletins No. 19-02 and No. 23-02.