
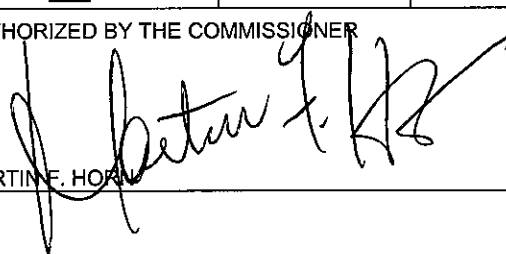




THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



**DIRECTIVE**

<input checked="" type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE		*TERMINATION DATE		<b>DOMESTIC VIOLENCE</b>	
03/28/08		/ /			
CLASSIFICATION #	SUPERSEDES	DATED	APPROVED FOR WEB POSTING	DISTRIBUTION	PAGE 1
6300			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		OF 5 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
 CAROLYN THOMAS, CHIEF OF DEPARTMENT    SIGNATURE			 MARTINE HORN    SIGNATURE		



**I. PURPOSE**

The New York City Human Rights Law prohibits discrimination against any individual who is a victim of domestic violence. This directive sets forth the Department's policies and procedures to ensure that the Department complies fully with the City's Human Rights Law by ensuring that qualified employees are not subject to unlawful discrimination on the basis of their being a victim of domestic violence.

**II. DEFINITIONS**

The Department adopts the definitions of the Human Rights Law, as published in the Administrative Code of the City of New York at Section 8-107.1(1) (2007) and includes them here for reference.

- A. "Acts or threats of violence" includes, but is not limited to, acts, which would constitute violations of the penal law.
- B. "Victim of domestic violence" means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.
- C. "Victim of sex offenses or stalking" means a victim of acts which would constitute violations of article 130 of the penal law, or a victim of acts which would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

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## II. DEFINITIONS (cont.)



- D. Practices "based on," "because of," "on account of," "as to," "on the basis of," or "motivated by" an individual's "status as a victim of domestic violence," or "status as a victim of sex offenses or stalking" include, but are not limited to, those based solely upon the actions of a person who has perpetrated acts or threats of violence against the individual.

## III. CONFIDENTIALITY

Any information related to domestic violence or the Department's response to domestic violence, including any requests for a reasonable accommodation made pursuant to the Human Rights Law, must be kept confidential. Such information will be disclosed only as necessary in order for the Department to comply with its legal requirements, except if disclosure is consented to in writing by the person requesting an accommodation; or as otherwise required by federal, state or local law.

## IV. DOCUMENTATION

- A. Employees seeking reasonable accommodations under this Directive are required to submit documentation relating to absences or lateness, and to certify that they are victims of domestic violence. If seeking a reasonable accommodation, the employee/victim must do so in writing to the Department's Equal Employment Opportunity (EEO) office, preferably using the form (Attachment Form #2232R) that is also used for requests for reasonable accommodations for a disability, refer to Directive #2232R, entitled REASONABLE ACCOMODATION. The person requesting the reasonable accommodation pursuant to this section shall provide a copy of such certification to the EEO office, as a central repository and as a confidential investigatory body, within a reasonable period after the request is made.
- B. A person may satisfy the certification requirement of this section by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or 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 police or court record; or other corroborating evidence.
- C. Because victims of domestic violence may initially lack documentation or may have difficulty obtaining documentation without compromising their safety, the EEO office will consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will

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#### IV. DOCUMENTATION (cont.)

satisfactorily meet the documentation requirements of the Department. EEO must authenticate the certification or other documentation.

- D. The EEO Office shall maintain confidential records of all employees who report that they have been the victims of domestic violence and/or who seek a reasonable accommodation for their status as a victim of domestic violence.
- E. Employees who are victims of domestic violence are encouraged to contact the Correction Assistance Response for Employees (CARE) unit for confidential consultation and other available resources.
- F. The EEO Office shall take all reasonable steps to work with an employee who needs to be absent from work as a result of being a victim of domestic violence, including assisting the employee in determining the best use of her/his attendance and leave benefits, taking into consideration the employee's particular situation as well as the needs of the Department, and maintain the confidentiality of all information related to an employee's involvement in a situation relating to domestic violence subject to the Department's need to share that information to assist the victim and to meet its legal obligations. Where possible, prior notification of disclosure will be discussed with the victim.



#### V. RESPONSIBILITIES

##### A. Victim Responsibilities and Available Resources

Employees who are victims of domestic violence and who seek a reasonable accommodation on that basis must: notify their supervisor of the possible need to be absent, following all other applicable Department rules and regulations, and discuss possible leave options; provide at least one day notice to attend to court or other proceedings related to the employee's status as a victim (or status as a witness to domestic violence); provide documentation of status as a victim of domestic violence to the EEO office; discuss with their supervisor plans to return to work and the appropriate reporting procedures.

##### B. Management and Supervisors (civilian and uniform), Health Management Division (HMD) and Equal Employment Opportunity (EEO) Office Responsibilities

Management, supervisors, HMD and EEO staff shall: immediately refer any employee, known to be the victim or the perpetrator of domestic violence, to EEO and encourage the employee to visit CARE.

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## V. RESPONSIBILITIES (cont.)

### C. Personnel Division Responsibilities

Ensure that all employees are provided with a copy of this Policy. Ensure that employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), can make reasonable changes in benefits where possible, and in accordance with statute, regulation, contract and policy.

### D. Correction Assistance Response for Employees (CARE) Responsibilities

CARE staff shall maintain up-to-date referral resources on domestic violence hotlines, advocacy groups, shelters, counseling services and legal services (pro bono legal assistance and domestic violence/family court information); maintain up-to-date resources for perpetrators, including abusers' intervention programs; and maintain the confidentiality of all information related to an employee's involvement in a situation relating to domestic violence. Participation in CARE is voluntary. Refer to Directive #7511, entitled CORRECTION ASSISTANCE RESPONSE FOR EMPLOYEES (CARE).

### E. Investigations and Trials Responsibilities



#### 1. Employees/victims

In cases that an employee's work performance difficulties are certified to be the result of their status as a victim of domestic violence, the employee will be afforded all of the measures set forth in this policy, and will be provided information about performance expectations, priorities, and performance evaluation.

#### 2. Employees who commit acts of domestic violence

a. Hold accountable employees who engage in the following behavior:

- i. misusing Department or City resources to commit an act of domestic violence;
- ii. committing an act of domestic violence from or at the workplace or from any other location while on official business; or
- iii. misusing their job-related authority and/or Department or City resources in order to harm victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence. Refer all criminal acts to the New York City Police Department and the Inspector General.

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## V. RESPONSIBILITIES (cont.)

- b. Take corrective or disciplinary action, up to and including seeking termination, in accordance with existing collective bargaining unit agreements, statutes and regulations against any employee who is found to have threatened, harassed, or abused a family or household member at the workplace, from the workplace, or on City business using any workplace resources such as work time, workplace telephones, facsimile machines, mail, electronic mail, or other means.
- c. In cases in which an agency has verification that an employee is responsible for a domestic violence-related offense, or is enjoined by a final order of protection as a result of domestic violence, and said employee, as per the employee's command, has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, determine if corrective action is warranted, in accordance with existing collective bargaining unit agreements, statutes and regulations.

## VI. FIREARMS

Firearms privileges will be reviewed according to the procedures set forth in Directive #4511R-A, entitled FIREARMS POLICY AND PROCEDURES. It is unlawful for a peace officer or any government official who has been convicted of a felony or misdemeanor crime of domestic violence to possess, transport or receive firearms or ammunition, for any purpose, including performance of their official duties.

## VII. REFERENCES

- A. New York City Human Rights Law (NYC Administrative Code Sections 8-102(16) and 8-107).
- B. Directive #2232R, entitled REASONABLE ACCOMODATION, dated 9/4/01.
- C. Directive #7511, entitled CORRECTION ASSISTANCE RESPONSE FOR EMPLOYEES (CARE), dated 1/12/07.
- D. Directive #4511R-A, entitled FIREARMS POLICY AND PROCEDURES, dated 6/12/06.

## VII. ATTACHMENT

REASONABLE ACCOMODATION REQUEST FORM (FORM #2232R)



**CORRECTION DEPARTMENT  
CITY OF NEW YORK**

FORM NO. 2232R  
EFF. 09/04/01  
REF. DIR. #2232R



**REASONABLE ACCOMMODATION  
REQUEST FORM**

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**INSTRUCTIONS:** Current employees should complete Sections I and III and submit this form pursuant to section V., step I., a. Applicants should complete Sections I and II and submit this form pursuant to section V., step I., b. Return one copy of the completed form to the applicant or employee requesting the accommodation, and immediately forward a second copy of the form to either the agency Disability Rights Coordinator (DRC) or where applicable, to the employee's Supervisor (IV.E.). The DRC should complete and update Section V. as appropriate. Agency supervisory staff shall assist applicants or employees in completing this form where requested.

**SECTION I**

*(This section should be completed by both applicants and current employees)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Accommodation Requested (attach additional sheets and supporting  
documentation as appropriate) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This accommodation is necessary to assist me in doing the following:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION II**

*(Complete this section only if you are a job applicant)*

Position/Title applied for: \_\_\_\_\_

Unit/Division (if known): \_\_\_\_\_

Location of Position (if known): \_\_\_\_\_



**CORRECTION DEPARTMENT  
CITY OF NEW YORK**

FORM NO. 2232R  
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REF. DIR. #2232R



**REASONABLE ACCOMMODATION  
REQUEST FORM**

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**SECTION II** *(for applicants only), continued*

Job Vacancy Notice Number (if known): \_\_\_\_\_

Part(s) of employment process for which an accommodation is requested (e.g., application, examination, interview): \_\_\_\_\_  
\_\_\_\_\_

Agency Contact Person (if known): \_\_\_\_\_

Date of Examination/Interview: \_\_\_\_\_

**SECTION III** *Complete this section only if you are an employee (even if you are currently on leave).*

Position/Title: \_\_\_\_\_

Unit or Division: \_\_\_\_\_

Location: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**SECTION IV** *To be completed by agency staff supervising the employment application process or supervising an employee requesting a reasonable accommodation.*

Supervisor Name and Title: \_\_\_\_\_

Unit/Agency: \_\_\_\_\_

Location: \_\_\_\_\_

Phone: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

Accommodation Provided: \_\_\_\_\_

To make a determination, we need the following additional information (this may include additional medical information) \_\_\_\_\_  
\_\_\_\_\_

The request is denied for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

After completing this section, supervisors must return a copy of this form to the applicant or employee, immediately send a copy to the Department DRC, and take such further action as is required by the Reasonable Accommodation Policy and Procedure.

