ATTACHMENT G

EO 64 RESPONSIBILITY OF CONTRACTED PROVIDERS OF HUMAN SERVICES IN RELATION TO MATTERS INVOLVING ALLEGATIONS OF SEXUAL HARASSMENT

Section 1.01 Background.

New York City Mayoral Executive Order No. 64 ("EO 64") entitled "Responsibility of Contracted Providers of Human Services in Relation to Matters Involving Allegations of Sexual Harassment" became effective on March 3, 2021. This Mayoral Executive Order applies to "human services" contracts, as that term is defined in section 6-129 of the New York City Administrative Code. EO 64 states that sexual harassment constitutes a form of unlawful discrimination under the New York City Human Rights Law that is prohibited in the workplace and in the provision of public accommodations, and is also illegal under New York State and Federal law. Pursuant to section 803 of the New York City Charter, the Mayor may direct the Commissioner of Investigation to undertake investigations, including investigations of alleged sexual harassment by personnel delivering services for or on behalf of the City of New York.

Section 1.02 Definitions.

A. "Agency" means the City agency or office through which the City of New York has entered into this Agreement.

B. "Agreement" means the agreement between the Agency and the Contractor, to which this rider has been added.

C. "Certification Date" means 30 days after the date that the Agreement is registered pursuant to Section 328 of the New York City Charter, or if this rider is added by an amendment, the date said amendment is registered pursuant to Section 328 of the New York City Charter.

D. "DOI" means the New York City Department of Investigation.

E. "Human Services" means services provided to third parties, including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and educational programs; and recreation programs.

F. "PassPort" means New York City's digital Procurement and Sourcing Solutions Portal;

G. "Contractor" means the entity providing Human Services under a contract with the City of New York.

H. "Rider" means this New York City Mayoral Executive Order No. 64 Rider.

Section 1.03 Reporting.

Contractor shall provide information about sexual harassment complaints, whether made by an employee, client, or other person, by making the following available to DOI at http://www.nyc.gov/HSProviderReport:

(a) A copy of the Contractor's sexual harassment policies, including complaint procedures, which shall be uploaded to PassPort; and
(b) A copy of any complaint or allegation of sexual harassment or retaliation on the basis of a complaint of sexual harassment brought by any person against the Chief Executive Officer or equivalent principal of the organization in any venue, including through the Contractor's internal Equal Opportunity process, subject to Section 2 herein. Such copy must be redacted as to the name and any identifying information of individuals except the accused and provided, by secure means that the DOI shall determine and publicize, within 30 days of receipt of the complaint or allegation; and
(c) A copy of the final determination or judgment with regard to any complaint covered in subdivision (b), redacted as to the name and any identifying information of individuals except the accused; and
(d) Any additional information the DOI requests in order to effectuate its review of any investigation and determination, including information that had been redacted pursuant to subdivisions (b) and (c).

Section 1.04 Annual Certification.

On the Certification Date and on the anniversary of said date every year thereafter during the term of the Agreement, the Contractor's Board of Directors or equivalent authority of Contractor shall upload to PassPort a certification substantially in the form annexed hereto as Annex 1 certifying that they have made all reports required pursuant to this rider or that they had no information to report.

Section 1.05 Contractor's Duty to Investigate.

The reporting obligations under Section 1.03 does not relieve the Contractor of its duty to investigate any complaint or allegation or of any other contractual obligations.

Section 2.

Disclosure to and collection by DOI of any personally identifying information relating to allegations of sexual harassment – which constitutes "sensitive identifying information" under section 6.2 of the Citywide Privacy Protections and Protocols of the City's Chief Privacy Officer and "restricted" information under the NYC Cyber Command Policies and Standards – has been authorized by the Chief Privacy Officer under section 23-1202 of the New York City Administrative Code as being in the best interests of the City.

Section 3.

Contractor hereby acknowledges the provisions of Section 4 of EO 64, which provides that Agencies may consider any findings reported by DOI, as well as a provider's failure to furnish the information required by Section 1.03 above when determining whether to continue, modify, amend, or renew a contract.

ANNEX 1
SAMPLE CERTIFICATION

I, (NAME), who is (CHAIRMAN OF THE BOARD OR EQUIVALENT PRINCIPAL) of (CONTRACTOR) (the "Contractor"), have reviewed the requirements of Mayoral Executive Order 64 of 2021 and, in compliance therewith, hereby certify to the following:

1) A copy of the Contractor's sexual harassment policy has been uploaded to the New York City's PASSPort system on DATE. The policy uploaded is the most up-to-date version of the policy.

2) Allegations of Sexual Harassment. Please initial one (1) of the two (2) options below. For the year prior to the date of this certification, or since the Contractor's last certification, whichever period is longer:

___ Contractor has reviewed its records and internal communications and confirms that it has not received any complaints or allegations of sexual harassment, or retaliation on the basis of a complaint or allegations of sexual harassment, brought against the Chief Executive Officer or equivalent principal of the organization in any venue, including through the Contractor's internal Equal Opportunity process.

___ Contractor has reviewed its records and internal communications and confirms that it has received complaints or allegations of sexual harassment, or retaliation on the basis of a complaint or allegations of sexual harassment, brought against the Chief Executive Officer or equivalent principal of the organization in any venue, including through the Contractor's internal Equal Opportunity process. Contractor has provided redacted copies of documents regarding all such complaints or allegations to DOI.

3) Final Determinations and Judgments. Please initial one (1) of the two (2) options. For the year prior to the date of this certification, or since the Contractor's last certification, whichever period is longer:

___ Contractor has reviewed its records and internal communications and confirms that it has not made any final determinations, including settlement, or received any judgments relating to any complaints or allegations covered under Mayoral Executive 64 of 2021.

___ Contractor has reviewed its records and internal communications and confirms that it has made final determinations, including settlement, or received judgments relating to complaints or allegations covered under Mayoral Executive 64 of 2021. Contractor has provided redacted copies of all such documents to DOI.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated_____
(NAME OF ENTITY):

BY:
_____
(NAME):
(TITLE):

Subscribed and sworn to before me this
_ day of_____, 20___,

_____
Notary Public