



## Military and Naval Affairs

ANDREW M. CUOMO  
Governor  
Commander-in-Chief

ANTHONY P. GERMAN  
Major General  
The Adjutant General

MNAG-TAG

1 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Equal Employment Opportunity/Reasonable Accommodation Policy

1. **Applicability:** This policy is applicable to all members assigned to the State's Organized Militia, including the Army National Guard, Air National Guard, Naval Militia, New York Guard, and all State and Federal employees of the Division of Military and Naval Affairs (Division) and Joint Force Headquarters-NY.
2. Our agency will provide for and promote equal employment opportunity in compensation and other terms and conditions of employment for all personnel. No one will be subjected to discrimination based on the following:
  - a. Federal employees: race, color, religion, sex (to include pregnancy, gender identity, and sexual orientation), national origin, age (over 40), disability, genetic information, or reprisal for having engaged in a protected equal opportunity activity.
  - b. Military personnel: race, color, religion, gender, sexual orientation, national origin, or reprisal for having engaged in a protected equal opportunity activity.
  - c. State employees: age, race, creed, color, national origin, sexual orientation, military or veteran's status, sex, marital status, physical/mental disability, gender identity, genetic predisposition or carrier status or retaliation resulting from resolution of a grievance or filing a discrimination complaint.
3. This commitment to assuring equal employment opportunities and equal access to services, programs, and activities includes providing reasonable accommodation to a qualified individual with a disability to enable such individual to perform the essential functions of the position for which he/she is applying or in which he/she is employed. Appropriate training on equal opportunity issues will be included as part of this policy.
4. Commanders, supervisors, members and employees will report instances of discriminatory treatment, workplace harassment or retaliations. I am committed to taking appropriate action with respect to any and all employees, volunteers, vendors or business partners who engage in discriminatory conduct, as well as executive, supervisory and managerial personnel who knowingly allow such conduct to continue.
5. All employees and members are required to cooperate fully with any investigation of alleged violations of this policy. An employee or member who fails to cooperate with an investigation,

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obstructs an investigation, or who intentionally provides false or malicious information during an investigation, may be subject to appropriate disciplinary action.

6. No person shall be discharged, disciplined, discriminated against or otherwise subjected to an adverse employment action on the ground that such person filed a complaint, testified, provided information, or otherwise assisted in any investigation of alleged violations of this policy. Retaliation against any complainant or witness is illegal and any person employed by or a member of the Division who engages in such conduct is subject to disciplinary action and any other consequences the law may provide.

7. This policy applies to all employment and military member practices and actions. It includes, but is not limited to recruitment, job application process, hiring, training, disciplinary actions, rate of pay or other compensation, advancement, transfer, classification, reassignment and promotions.

8. Employees may address questions regarding this policy, file a complaint or a reasonable accommodation request to the following Division personnel:

a. Federal Employees, Soldiers, and Airmen will contact the State Equal Employment Manager, Capt Ashley N. FitzGibbon at (518) 786-4733.

b. State Employees will contact Ms. Susan Schmidt, Labor Relations Representative at (518) 786-6143 for equal opportunity matters and Ms. Tina Lehning, Senior Personnel Administrator at (518) 786-4715 for reasonable accommodation matters. New York Guard and Naval Militia members may contact MNHS at (518) 786-4830 for assistance with this policy.

9. This policy supersedes "Equal Employment Opportunity/Reasonable Accommodation Policy" memorandum, dated 21 May 2015.



ANTHONY P. GERMAN  
Major General, NYANG  
The Adjutant General

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