

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

I. Introduction

This policy sets out the prohibition by The Port Authority of New York and New Jersey and Port Authority Trans-Hudson Corporation, including all subsidiaries (collectively, the “Port Authority”) of all forms of discrimination at all levels of the agency. It also explains how employees may report discrimination, how those claims are handled, and the strict prohibition of retaliation against any employee who reports discrimination the employee may have experienced or witnessed, or who cooperates in any investigation of, or proceeding about, alleged discrimination.

II. Eligibility

A. This policy applies to all Port Authority employees, job applicants and contractors, each of whom is entitled to equal employment opportunities at the Port Authority. The Port Authority complies with all applicable laws and regulations prohibiting discrimination in all employment matters on the basis of race, color, religion, sex (including gender identity and sexual orientation), pregnancy, national origin, age, disability, genetic information, veteran status or any other protected category. We will not tolerate, condone or allow discrimination against employees, applicants or anyone with whom we do business. Discrimination on the basis of any protected category by any Port Authority employee, members of the Board of Commissioners, or by contractors or vendors while conducting business with the agency, is strictly prohibited by this policy and by The Port Authority Employee Code of Ethics, The Code of Ethics for Port Authority Commissioners and The Code of Ethics for Port Authority Vendors.

B. The employment matters to which this policy applies include, but are not limited to, recruitment, advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, lay-offs, termination, rates of pay or other forms of compensation, benefits and use of facilities. All employment decisions must be based solely on individual qualifications, job requirements, merit, and business needs.

III. Guidelines

A. Race/Color/National Origin/Religion

The Port Authority is committed to providing equal employment opportunities for all employees and applicants regardless of race, color, national origin or religion and to fully comply with applicable federal laws and regulations which prohibit discrimination in all

employment matters against individuals on the basis of any of these protected categories, or on the assumption that an individual is a member of a particular race, color, national origin or religion.

B. Sex/Sexual Orientation/Gender Identification

Discrimination based on an individual's sex (including pregnancy), sexual orientation or gender identification violates the agency's long-standing policy that all employees must be treated with dignity and respect, and is strictly prohibited. Gender identity is defined as having or being perceived as having a gender identity, self-image, appearance, behavior or expression different from that traditionally associated with the sex assigned to that person at birth.

C. Age

Age discrimination involves treating an applicant or employee less favorably because of their age. Making employment decisions, harassing or discriminating based on someone's age is illegal against individuals who are age 40 or older and will not be tolerated.

D. Disability

1. The Port Authority is committed to providing equal employment opportunities for all employees and applicants regardless of disability and to fully comply with applicable federal laws and regulations which prohibit discrimination and harassment in all employment matters against individuals because of the individual's disability.
2. At times, qualified individuals with disabilities may request a reasonable accommodation in order to perform the essential functions of a position. What constitutes a reasonable accommodation may depend on many factors including, but not limited to, the nature of the individual's disability and the essential functions of the position. The agency will engage in an interactive process to determine whether a reasonable accommodation can be made to facilitate their performance of the essential functions of the job without imposing an undue hardship on the agency. Both employees and management are encouraged and expected to engage in honest, meaningful and interactive discussions to explore resolutions that accommodate the employee's needs and management's concerns. Such matters may be highly confidential and sensitive, and as such, will be handled accordingly.

E. Marital/Partnership/Family/Parental Status

The Port Authority will not make any job-related decision, including hiring, firing, promotion or compensation, or otherwise discriminate in any term, or condition of employment, against an applicant or employee on the basis of marital, partnership, family or parental status. However, all employment assignments within the agency must comply with the Port Authority's Employment of Relatives Administrative Instruction 20-1.13.

F. Arrest and Conviction Records

1. The Port Authority will not make a pre-hire inquiry about or act adversely against an applicant solely due to an arrest or criminal accusation that has concluded in the applicant's favor. Further, as a general matter, the Port Authority will not deny an applicant employment solely on an applicant's previous criminal conviction. However, there are circumstances in which an exception to this general standard will be made.
2. An exception to the general standard will be made if the Port Authority determines that there is a direct relationship between a previous criminal conviction and the employment sought or if the previous criminal conviction would involve a risk to property, the safety or welfare of individuals or the general public as a result of the employment. In making such a determination, the Port Authority will consider the public policy of the States of New York and New Jersey to accommodate the employment of persons previously convicted of a criminal offense such as: the specific activities, duties, and responsibilities related to the employment sought; the bearing, if any, a criminal conviction may have on fitness or ability to perform job duties or responsibilities; the time which has elapsed since the criminal conviction; the age of the person at the time of the occurrence of the offense resulting in the criminal conviction; the seriousness of the offense; any information produced regarding the applicant's rehabilitation and good conduct; and the interest of the Port Authority in protecting the safety of its customers, employees, and property, and the welfare of specific individuals or the general public.
3. Exceptions to the general standard will also be made regarding an application for employment as a Port Authority Police Officer; an application for employment in the Aviation Department that requires a Secure Identification Display Area (SIDA) badge; an application in the Port Department that requires a Transportation Worker Identification Credential (TWIC) badge; an application for a position which, by nature of that position, would, in the opinion of the Port Authority, require that a bond be secured for any individual serving in that position; or required access by employees to secured areas at Port Authority facilities.

G. Prohibition on Harassment

1. The Port Authority is committed to maintaining an environment where all employees and applicants are valued and provided with the opportunity to fully contribute, fully compete, and fully maximize their performance. Therefore, every employee and applicant must be treated with dignity and respect.
2. The Port Authority strictly prohibits all forms of harassment including those based on race, color, religion, sex (including gender identity and sexual orientation), pregnancy, national origin, age, disability, genetic information, veteran status or any other protected category. Harassment of employees or job applicants on the basis of these categories is a form of illegal discrimination and will not be tolerated.

3. Harassment is defined as verbal or physical conduct that interferes with an individual's work performance, professional development or mental and/or physical health, or creates an intimidating, hostile, or offensive working environment which occurs because of the person's protected class, and can be imputed to the employer. Harassment can come in many different forms, including but not limited to: verbal, non-verbal, physical or other offensive conduct, or materials which contain ethnic slurs or racial epithets, or which generally disparage others based on race, color, religion, sex (including gender identity and sexual orientation), pregnancy, national origin, age, disability, genetic information or veteran status.
4. Discrimination and harassment connected to an employee's employment is prohibited both in the workplace and outside the workplace, including at work-related social events
5. The Port Authority will not tolerate the harassment of any employee. All employees are entitled to work in an environment free from harassment where all can contribute and remain productive. Our commitment to a respectful, harassment-free work environment is further outlined in the Port Authority Sexual Harassment Policy, Administrative Instruction 20-1.20 and in the Port Authority Bullying and Workplace Violence Policy, Administrative Instruction 20-1.21.

H. Diversity and Inclusion

1. The Port Authority serves a region with an extraordinarily diverse population from which the region derives great strength and innovation. As we continue to strive for excellence in all our public service endeavors, we seek a dedicated, diverse and inclusive workforce that represents the region we serve, including women, minorities, LGBTQ, differently-abled individuals and veterans -- throughout the organization, in all occupational categories, and at all organizational levels. Further, in selecting our business partners, we continuously encourage and maximize business opportunities for minorities, women, veterans and small business entrepreneurs in the New York and New Jersey region to the fullest extent possible consistent with the law.
2. Supporting varying perspectives and backgrounds produces a broader, richer environment. The agency's policy of inclusion enables all employees and all our business partners to feel welcomed and valued, not only for their abilities, but also for their unique qualities and perspectives. We believe that inclusion leads to better business decisions and more effective customer service. Every employee has the right to enjoy their experience without fear of exclusion, harassment, discrimination, or condescension, whether blatant or otherwise.
3. Human resources programs and various trainee programs will continue to provide opportunities to recruit and develop well-qualified individuals whose ideas and creative approaches will help solve the complex issues facing our agency.

4. We further demonstrate our commitment by having our employees value and respect the differences among ourselves, our patrons, and our business and community partners. Our enduring commitment helps to create an atmosphere and environment where diverse individuals and businesses are provided with the opportunity to fully compete, fully perform and fully maximize their contributions. Instilling an appreciation for diversity and inclusion in everything we do ensures that we continue to be an agency that is an effective and desirable workplace for our employees and business partners.

I. Responsibility of Executives, Managers and Supervisors

1. Employees at all levels of the agency are responsible for ensuring the effectiveness of this policy throughout the agency in an effort to maintain an environment free from discrimination, but executives, managers and supervisors have a special obligation to:
 - promote a culture of dignity and respect in the workplace;
 - remind employees of the various ways to report discrimination;
 - monitor the workplace environment and be alert to discrimination;
 - intervene in instances of discrimination when possible;
 - listen respectfully to reports, concerns, or complaints of such conduct made directly to them and take the appropriate action;
 - take steps to prevent retaliation for complaints or reports;
 - take appropriate steps to promptly elevate and respond to complaints, reports or incidents; and
 - promptly report complaints of discrimination to any of the resources listed below under “Reporting a Complaint.”
2. Executives, managers and supervisors are expected to take a pro-active approach to preventing and responding to instances of discrimination about which they receive information, regardless of whether they observed such actions directly or received a report of the offensive conduct from the target of the offensive conduct or others. Executives, managers and supervisors also have an obligation to escalate complaints to or seek guidance from one of the resources listed under “Reporting a Complaint,” even if the person making the complaint requests that the situation not be reported or investigated. Failure to meet these obligations may result in discipline, up to and including termination.
3. The resources below can also provide assistance and guidance to executives, managers and supervisors in responding to complaints.

J. Prohibition on Retaliation

1. The Port Authority strictly prohibits any retaliation against an employee or job applicant for reporting or otherwise acting on an alleged violation of this policy.

Retaliation includes adverse employment or job-related actions, as well as other acts such as bullying, verbal or physical abuse. No retaliation may be taken against any employee who has:

- refused to submit to or tolerate any form of discrimination;
 - made a complaint or report about discrimination to anyone within the Port Authority, whether verbal or written;
 - cooperated, assisted with or provided information in connection with an investigation of discrimination;
 - served as a witness in any administrative or legal proceeding concerning a claim of discrimination;
 - intervened as a bystander to prevent an act of discrimination or bullying;
 - acted on a complaint of discrimination;
 - filed a charge of discrimination with the federal Equal Employment Opportunity Commission (“EEOC”), or filed a lawsuit alleging discrimination; or
 - otherwise exercised rights consistent with the spirit of this policy or applicable laws.
2. This prohibition on retaliation protects any person who in good faith makes a complaint, reports, or takes other action against discrimination, even if it is later determined that the underlying facts and circumstances did not violate either the law or this policy. Executives, managers and supervisors have an affirmative obligation to protect employees from retaliation after they have refused to submit to, reported or taken action against discrimination. Any employee found to have engaged in retaliation will be subject to discipline, up to and including termination.

K. Reporting a Complaint

1. If you believe that you [1] have suffered, witnessed or possess information concerning the denial of an equal employment opportunity or the discrimination or harassment because of race, color, religion, sex (including gender identity and sexual orientation), pregnancy, national origin, age, disability, genetic information, veteran status or any other federally protected category as defined by this policy; [2] have experienced or observed retaliation; or [3] have questions concerning any aspect of this policy, you are strongly encouraged to speak up. There are several ways you can report or inquire:
- In any instance of assault, threatened assault, or harassment or retaliation which poses an imminent risk of physical harm to an employee, the Port Authority Police Department should be contacted on an urgent basis at 800 - 828-7273.
 - Contact the Port Authority’s Office of EEO Compliance, at 212-435-6323 or 212-435-6322, or send an email to eeo@panynj.gov This office serves as the central unit for processing complaints of discrimination, harassment and/or retaliation on the basis of race, color, religion, sex (including gender identity and sexual orientation), pregnancy, national origin, age, disability, genetic

information, veteran status or any other federally protected category. Job applicants may find contact information for the Office of EEO Compliance on the Port Authority website at the following link: <http://www.jointheportauthority.com/pages/equal-opportunity-employer>;

- Contact the Office of Ethics & Compliance at 212-435-6607, or send an email to ethicscompliance@panynj.gov;
- Contact the Human Resources Department at 212-435-8148, or send an email to mhannell@panynj.gov;
- Contact your departmental Employee Complaint Representative, whose name can be found on the Employee Code of Ethics page of the Port Authority's internal website for employees (eNet);
- Speak to your supervisor or manager. If you are uncomfortable speaking to your direct supervisor or manager, you may bypass him/her and go directly to the next higher level(s) of authority within the department or the organization; or
- Speak to another supervisor or manager with whom you feel comfortable raising your concerns;
- Contact The Voice of the Employee (VOICE) helpline at 866-279-6844 or online at panynjvoice.tnwreports.com. VOICE is available 24/7 and is administered by a third party vendor to ensure anonymity, if preferred;
- Complaints of retaliation may be reported to EEO, the Office of Ethics & Compliance or the Office of the Inspector General (contact the Office of Inspector General at (973) 565-4340, or send an email to InspectorGeneral@panynj.gov), regardless of how or to whom the underlying complaint was initially reported. Retaliation complaints will be referred to and investigated by the appropriate resource; or
- If you do not wish to bring your complaint internally to any of the resources provided above, you can report the matter to the Equal Employment Opportunity Commission (EEOC), a federal government agency that interprets and enforces the federal laws prohibiting discrimination in the workplace.

2. Each complaint will be investigated promptly, thoroughly and impartially, and kept confidential to the extent permitted by law and consistent with the agency's responsibility to fully investigate the matter. If the agency concludes that this policy has been violated, corrective measures will be taken, including discipline, up to and including termination.

A copy of this policy will be posted on the Port Authority's external website for applicants for employment, the public and recruiting sources, the Port Authority's internal employee website (eNet), and facility bulletin boards throughout the agency for viewing by all employees and employee representatives.

IV. Related Policy and Procedure Statements

The Port Authority Employee Code of Ethics
The Code of Ethics for Port Authority Commissioners
The Code of Ethics for Port Authority Vendors
AI 20-1.20 Port Authority Sexual Harassment Policy
AI 20-1.21 Port Authority Bullying and Workplace Violence Policy

Disclaimer: Although issued in revised format, the information contained in these Administrative Instructions (AIs) reflects the content of previously issued Administrative Policy Statements (APs) and, in certain limited instances, Port Authority Instructions (PAIs). This body of instructions is not intended to be exhaustive with respect to all the responsibilities of employees and it does not constitute a contract. These AIs will be updated from time to time to reflect changes or additions as appropriate.