

EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK

**RESOLUTION #13/011C:** Determination of Compliance (Monitoring Period Not Required) by the Office of the Bronx Borough President with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2011 through June 30, 2013.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Office of the Bronx Borough President's (BxBPO) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination dated October 15, 2013, setting forth the following findings and required corrective actions:

1. Include or attach as addenda to the EEO Policy, a section against sexual harassment.

**Whereas**, the BxBPO submitted its response to the EEPC's Preliminary Determination on October 31, 2013 with documentation of its actions to rectify all of the required corrective actions;

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 14, 2013 which agreed and accepted documentation for implementation of the aforementioned corrective actions and no corrective actions were remaining;

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the BxBPO submitted a copy of the agency head's memorandum to staff dated October 28, 2013, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's EEO Program; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with,

federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,


**Be It Resolved**, that the Office of the Bronx Borough President has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Bronx Borough President, Ruben Diaz Jr.

Approved unanimously on November 14, 2013.

Arva R. Rice  
Commissioner

Elaine S. Reiss, Esq.  
Commissioner

  
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Angela Cabrera  
Commissioner



**BRONX BOROUGH PRESIDENT RUBEN DIAZ JR.**

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**INTEROFFICE MEMORANDUM**

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To: All Staff

Date: 10/28/2013

Re: Update to Bronx Borough President Equal Employment Practices

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As noted in the Office of the Bronx Borough President Employee Manual, our agency has applied certain Citywide Policies (such as Conflict of Interest, Equal Employment Opportunity, Disabilities, and Employee Assistance Program), including the relevant practices and procedures, to ensure appropriate workplace conduct and standards. All employees are hereby notified that the Citywide Policy regarding "Sexual Harassment" is incorporated to the Employee Manual of the Office of the Bronx Borough President. However, reporting procedures regarding employee misconduct have not changed. As noted in the Equal Employment Opportunity Policy issued by the Department of Citywide Administrative Services (hereafter "DCAS"):

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government has created guidelines which define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."<sup>1</sup>

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive

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<sup>1</sup> Code of Federal Regulations, Title 29, Section 1604.11.

remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

DCAS has published the following sections, available online from City-Share<sup>2</sup>, to provide more information about specific protections under the City's EEO Policy regarding Sexual Harassment:

**What is sexual harassment?**

Sexual harassment is a form of discrimination prohibited by federal, state and city laws. The federal government has created guidelines that describe sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

**What conduct is unwelcome?**

The conduct is unwelcome if you did not initiate it, encourage it, provoke it or request it, and you feel that you are being ridiculed or that the conduct is demeaning, insulting, offensive, undesirable, hostile, intimidating or threatening.

**What are some behaviors that violate the City's sexual harassment policy?**

Telling sexual jokes or making sexual innuendos which cause embarrassment and discomfort to an individual may violate the City's sexual harassment policy. Also, repeatedly asking a co-worker for a date may be sexual harassment if this causes negative job consequences or an uncomfortable work environment. Asking for or pressuring a person into granting sexual favors in exchange for a job benefit, or threatening a person with negative employment decisions for rejecting sexual advances, violates the City's sexual harassment policy. Using office equipment, interoffice mail, e-mail, voice-mail or bulletin boards to send or display sexually suggestive messages, pictures, cartoons, posters or objects, or making sexually suggestive comments or propositions, or leering, squeezing, pinching, grabbing or other touching may be sexual harassment.

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<sup>2</sup> [http://cityshare.nycnet/portal/site/cityshare/?front\\_door=true](http://cityshare.nycnet/portal/site/cityshare/?front_door=true)

**Does sexual harassment have to involve sexual advances or other conduct that is sexual in nature?**

The City's EEO Policy prohibits not only harassment of a sexual nature - that is, involving sexual activity or language - but also harassment that involves vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment that is related to a person's gender.

**Is everyone in the City's workplaces entitled to be free of sexual and gender-based harassment?**

Yes. Some people think that sexual harassment only happens to women and that all harassers are men, but anyone can be sexually harassed, including men and people of the same sex as the harasser. You may complain regardless of whether the harasser is a manager, supervisor or co-worker. You may complain about harassment even if you are a manager or supervisor or if someone other than yourself is the target of the offensive conduct. Sexual harassment violates the City's policy even when the harasser is from another division or agency, or when the harasser is a client, customer, consultant, vendor, or other person who is not a City employee.

**What if I don't mean to sexually harass anyone?**

Even social relationships or behaviors that are not intended to hurt others may be unwelcome, offensive, intimidating or hostile, and therefore potentially sexually harassing. A good rule to follow: be sensitive to how others are reacting to your behavior, and always try to treat your fellow employees, men and women alike, with consideration, courtesy and respect.

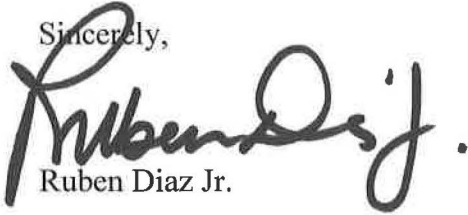
**Other Forms of Harassment**

The City's EEO Policy prohibits any harassment based on your race, color, religion, national origin, age, disability, sexual orientation, [gender, including gender identity,] etc. Harassing behavior includes, but is not limited to: slurs or abusive language, denigrating jokes, display or circulation of derogatory written or graphic materials, abusive acts, hostility, physical aggression, intimidation, or other unequal treatment. Any such conduct creates an intimidating, hostile or offensive work environment and could violate the City's EEO Policy. As in the case of sexual harassment, if you are subjected to such unwelcome conduct, you may complain regardless of whether the harasser is a manager, supervisor, co-worker, client, customer, consultant, vendor, or other person who is not a

City employee. You may complain about harassment even if you are a manager or supervisor or if someone other than yourself is the target of the offensive conduct.

As Borough President, I reaffirm the agency's commitment to maintaining fair employment practices for all employees. The Bronx Borough President's Office is committed to preventing discrimination and encouraging a work environment that tolerates and appreciates differences among employees. We will continue to work to ensure and maintain an atmosphere of professionalism and respect for diversity in our agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruben Diaz Jr.", with a stylized flourish at the end.

Ruben Diaz Jr.