

STATE OF NEW YORK

3343

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring employers to provide employees notice of their sexual harassment prevention policy and sexual harassment prevention training program in writing in English and in employees' primary languages

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph b of subdivision 1 of section 201-g of the labor
2 law, as added by section 1 of subpart E of part KK of chapter 57 of the
3 laws of 2018, is amended and a new subdivision 2-a is added to read as
4 follows:

5 b. Every employer shall adopt the model sexual harassment prevention
6 policy promulgated pursuant to this subdivision or establish a sexual
7 harassment prevention policy to prevent sexual harassment that equals or
8 exceeds the minimum standards provided by such model sexual harassment
9 prevention policy. Such sexual harassment prevention policy shall be
10 provided to all employees in writing as required by subdivision two-a of
11 this section. Such model sexual harassment prevention policy shall be
12 publicly available and posted on the websites of both the department and
13 the division of human rights.

14 2-a. a. Every employer shall provide his or her employees, in writing
15 in English and in the language identified by each employee as the prima-
16 ry language of such employee, at the time of hiring and at every annual
17 sexual harassment prevention training provided pursuant to subdivision
18 two of this section, a notice containing such employer's sexual harass-
19 ment prevention policy and the information presented at such employer's
20 sexual harassment prevention training program. Each time the employer
21 provides such notice to an employee, the employer shall obtain from the
22 employee a signed and dated written acknowledgement, in English and in
23 the primary language of the employee, of receipt of this notice, which

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01373-01-9

1 the employer shall preserve and maintain for six years. Such acknowl-
2 edgement shall include an affirmation by the employee that the employee
3 accurately identified his or her primary language to the employer, and
4 that the notice provided by the employer to such employee pursuant to
5 this subdivision was in the language so identified or otherwise complied
6 with paragraph c of this subdivision, and shall conform to any addi-
7 tional requirements established by the commissioner with regard to
8 content and form.

9 b. The commissioner shall prepare templates of the model sexual
10 harassment prevention policy created and published pursuant to subdivi-
11 sion one of this section and the model sexual harassment prevention
12 training program produced pursuant to subdivision two of this section.
13 Each such template shall be dual-language, including English and one
14 additional language. The commissioner shall determine, in his or her
15 discretion, which languages to provide in addition to English, based on
16 the size of the New York state population that speaks each language and
17 any other factor that the commissioner shall deem relevant. All such
18 templates shall be made available to employers in such manner as deter-
19 mined by the commissioner.

20 c. When an employee identifies as his or her primary language a
21 language for which a template is not available from the commissioner,
22 the employer shall comply with this subdivision by providing that
23 employee an English-language notice or acknowledgment.

24 d. An employer shall not be penalized for errors or omissions in the
25 non-English portions of any notice provided by the commissioner.

26 e. Every employer shall notify his or her employees in writing of any
27 changes to his or her sexual harassment prevention policy or to the
28 information presented in his or her sexual harassment prevention train-
29 ing program, at least seven calendar days prior to the time of such
30 changes.

31 § 2. This act shall take effect on the ninetieth day after it shall
32 have become a law. Effective immediately the addition, amendment and/or
33 repeal of any rule or regulation necessary for the implementation of
34 this act on its effective date are authorized to be made and completed
35 on or before such effective date.