STATE OF NEW YORK

1221

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to creating a company climate report system to assess the workplace environment of companies doing business in New York

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

Section 1. The executive law is amended by adding a new section 295-a to read as follows:

§ 295-a. Company climate reports. 1. (a) Every company that does business in New York state shall file a biennial climate report with the division. The requirements for the form and content of such climate report shall be promulgated by the commissioner and at a minimum shall include:

(i) Company climate surveys to be filled out anonymously by employees, which are designed to assess such company's workplace environment including, but not limited to, pay equity, sexual harassment and discrimination based on an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status.

(ii) A copy of the company's sexual harassment and anti-discrimination policies.

(iii) Records of any sexual harassment or discrimination claims, settlements and cases and the disposition thereof.

(b) A company filing a company climate report shall not include any names or other personally identifying information in such report.

2. (a) The commissioner shall develop a grading system to rate a company's workplace environment and handling of sexual harassment and discrimination issues, determine what constitutes a passing score in

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

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such system and create an appeal process for a company to appeal a failing score.

(b) The division shall aggregate the data provided in each company climate report received and assign each company a score on the grading system created in paragraph (a) of this subdivision.

(c) The division shall create and thereafter maintain a publicly accessible website which shall contain the content of the company climate report and corresponding score for each company.

3. A company which receives a failing score and does not successfully appeal such score shall be required to implement changes recommended by the division to improve such score. A company who fails to improve such score to a passing score within two years shall be ineligible for any type of state benefit, including but not limited to submitting a bid to any contracting agency, as defined in section three hundred ten of this chapter, or be awarded any such contract or tax credits awarded by the state, until such time as such company receives a passing score from the division.

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