

# STATE OF NEW YORK

8421

2019-2020 Regular Sessions

## IN ASSEMBLY

June 16, 2019

Introduced by M. of A. SIMOTAS, WRIGHT, ROZIC, WEINSTEIN, SIMON, CRUZ --  
read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to increased protections for protected classes and special protections for employees who have been sexually harassed; to amend the general obligations law, in relation to nondisclosure agreements; to amend the civil practice law and rules and the executive law, in relation to discrimination; to amend the labor law, in relation to requiring employers to provide employees notice of their sexual harassment prevention training program in writing in English and in employees' primary languages; to amend the executive law, in relation to extending the statute of limitations for claim resulting from unlawful or discriminatory practices constituting sexual harassment to three years; to amend the labor law, in relation to the model sexual harassment prevention guidance document and sexual harassment prevention policy; and directing the commissioner of labor to conduct a study on strengthening sexual harassment prevention laws

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

1 Section 1. Subdivision 5 of section 292 of the executive law, as  
2 amended by chapter 363 of the laws of 2015, is amended to read as  
3 follows:

4 5. The term "employer" [~~does not include any employer with fewer than~~  
5 ~~four persons in his or her employ except as set forth in section two~~  
6 ~~hundred ninety-six-b of this article, provided, however, that in the~~  
7 ~~case of an action for discrimination based on sex pursuant to subdivi-~~  
8 ~~sion one of section two hundred ninety-six of this article, with respect~~  
9 ~~to sexual harassment only, the term "employer"~~] shall include all  
10 employers within the state, including the state and all political subdivi-  
11 visions thereof.

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

LBD13425-01-9

§ 1-a. Section 292 of the executive law is amended by adding a new subdivision 37 to read as follows:

37. The term "private employer" as used in section two hundred ninety-seven of this article shall include any person, company, corporation, labor organization or association. It shall not include the state or any local subdivision thereof, or any state or local department, agency, board or commission.

§ 2. Subdivision 1 of section 296 of the executive law is amended by adding a new paragraph (h) to read as follows:

(h) For an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status, or because the individual has opposed any practices forbidden under this article or because the individual has filed a complaint, testified or assisted in any proceeding under this article, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims. Such harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of these protected categories. The fact that such individual did not make a complaint about the harassment to such employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. Nothing in this section shall imply that an employee must demonstrate the existence of an individual to whom the employee's treatment must be compared. It shall be an affirmative defense to liability under this subdivision that the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic would consider petty slights or trivial inconveniences.

§ 3. Paragraph (b) of subdivision 2 of section 296-b of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

~~(b) Subject a domestic worker to [unwelcome] harassment [based on gender, race, religion, sexual orientation, gender identity or expression or national origin, where such harassment has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment]~~  
as set out in paragraph (h) of subdivision 1 of section two hundred ninety-six of this article.

§ 4. Section 296-d of the executive law, as added by section 1 of subpart F of part KK of chapter 57 of the laws of 2018, is amended to read as follows:

§ 296-d. ~~[Sexual harassment]~~ Unlawful discriminatory practices relating to non-employees. It shall be an unlawful discriminatory practice for an employer to permit ~~[sexual harassment of]~~ unlawful discrimination against non-employees in its workplace. An employer may be held liable to a non-employee who is a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace or who is an employee of such contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace, with respect to ~~[sexual harassment]~~ an unlawful discriminatory practice, when the employer, its agents or supervisors knew or

1 should have known that such non-employee was subjected to [~~sexual~~  
2 ~~harassment~~] an unlawful discriminatory practice in the employer's work-  
3 place, and the employer failed to take immediate and appropriate correc-  
4 tive action. In reviewing such cases involving non-employees, the extent  
5 of the employer's control and any other legal responsibility which the  
6 employer may have with respect to the conduct of the [~~harasser~~] person  
7 who engaged in the unlawful discriminatory practice shall be considered.

8 § 5. Subdivision 1, paragraph c of subdivision 4 and subdivisions 9  
9 and 10 of section 297 of the executive law, subdivision 1 and paragraph  
10 c of subdivision 4 as amended by chapter 166 of the laws of 2000,  
11 subparagraph (vi) of paragraph c of subdivision 4 as amended by section  
12 1 of part AA of chapter 57 of the laws of 2009, subdivision 9 as amended  
13 by section 16 of part D of chapter 405 of the laws of 1999 and subdivi-  
14 sion 10 as amended by chapter 364 of the laws of 2015, are amended to  
15 read as follows:

16 1. Any person claiming to be aggrieved by an unlawful discriminatory  
17 practice may, by himself or herself or his or her attorney-at-law, make,  
18 sign and file with the division a verified complaint in writing which  
19 shall state the name and address of the person alleged to have committed  
20 the unlawful discriminatory practice complained of and which shall set  
21 forth the particulars thereof and contain such other information as may  
22 be required by the division. The commissioner of labor or the attorney  
23 general, or the chair of the commission on quality of care for the  
24 mentally disabled, or the division on its own motion may, in like  
25 manner, make, sign and file such complaint. In connection with the  
26 filing of such complaint, the attorney general is authorized to take  
27 proof, issue subpoenas and administer oaths in the manner provided in  
28 the civil practice law and rules. Any employer whose employees, or some  
29 of them, refuse or threaten to refuse to cooperate with the provisions  
30 of this article, may file with the division a verified complaint asking  
31 for assistance by conciliation or other remedial action.

32 c. Within one hundred eighty days after the commencement of such hear-  
33 ing, a determination shall be made and an order served as hereinafter  
34 provided. If, upon all the evidence at the hearing, the commissioner  
35 shall find that a respondent has engaged in any unlawful discriminatory  
36 practice as defined in this article, the commissioner shall state find-  
37 ings of fact and shall issue and cause to be served on such respondent  
38 an order, based on such findings and setting them forth, and including  
39 such of the following provisions as in the judgment of the division will  
40 effectuate the purposes of this article: (i) requiring such respondent  
41 to cease and desist from such unlawful discriminatory practice; (ii)  
42 requiring such respondent to take such affirmative action, including  
43 (but not limited to) hiring, reinstatement or upgrading of employees,  
44 with or without back pay, restoration to membership in any respondent  
45 labor organization, admission to or participation in a guidance program,  
46 apprenticeship training program, on-the-job training program or other  
47 occupational training or retraining program, the extension of full,  
48 equal and unsegregated accommodations, advantages, facilities and privi-  
49 leges to all persons, granting the credit which was the subject of any  
50 complaint, evaluating applicants for membership in a place of accommo-  
51 dation without discrimination based on race, creed, color, national  
52 origin, sex, disability or marital status, and without retaliation or  
53 discrimination based on opposition to practices forbidden by this arti-  
54 cle or filing a complaint, testifying or assisting in any proceeding  
55 under this article; (iii) awarding of compensatory damages to the person  
56 aggrieved by such practice; (iv) awarding of punitive damages, in cases

1 of employment discrimination related to private employers, and, in cases  
2 of housing discrimination [~~only~~], with damages in housing discrimination  
3 cases in an amount not to exceed ten thousand dollars, to the person  
4 aggrieved by such practice; (v) requiring payment to the state of  
5 profits obtained by a respondent through the commission of unlawful  
6 discriminatory acts described in subdivision three-b of section two  
7 hundred ninety-six of this article; and (vi) assessing civil fines and  
8 penalties, in an amount not to exceed fifty thousand dollars, to be paid  
9 to the state by a respondent found to have committed an unlawful discrimi-  
10 natory act, or not to exceed one hundred thousand dollars to be paid  
11 to the state by a respondent found to have committed an unlawful discrimi-  
12 natory act which is found to be willful, wanton or malicious; (vii)  
13 requiring a report of the manner of compliance. If, upon all the  
14 evidence, the commissioner shall find that a respondent has not engaged  
15 in any such unlawful discriminatory practice, he or she shall state  
16 findings of fact and shall issue and cause to be served on the complain-  
17 ant an order based on such findings and setting them forth dismissing  
18 the said complaint as to such respondent. A copy of each order issued by  
19 the commissioner shall be delivered in all cases to the attorney gener-  
20 al, the secretary of state, if he or she has issued a license to the  
21 respondent, and such other public officers as the division deems proper,  
22 and if any such order issued by the commissioner concerns a regulated  
23 creditor, the commissioner shall forward a copy of any such order to the  
24 superintendent. A copy of any complaint filed against any respondent who  
25 has previously entered into a conciliation agreement pursuant to para-  
26 graph a of subdivision three of this section or as to whom an order of  
27 the division has previously been entered pursuant to this paragraph  
28 shall be delivered to the attorney general, to the secretary of state if  
29 he or she has issued a license to the respondent and to such other  
30 public officers as the division deems proper, and if any such respondent  
31 is a regulated creditor, the commissioner shall forward a copy of any  
32 such complaint to the superintendent.

33 9. Any person claiming to be aggrieved by an unlawful discriminatory  
34 practice shall have a cause of action in any court of appropriate juris-  
35 diction for damages, including, in cases of employment discrimination  
36 related to private employers and housing discrimination only, punitive  
37 damages, and such other remedies as may be appropriate, including any  
38 civil fines and penalties provided in subdivision four of this section,  
39 unless such person had filed a complaint hereunder or with any local  
40 commission on human rights, or with the superintendent pursuant to the  
41 provisions of section two hundred ninety-six-a of this chapter, provided  
42 that, where the division has dismissed such complaint on the grounds of  
43 administrative convenience, on the grounds of untimeliness, or on the  
44 grounds that the election of remedies is annulled, such person shall  
45 maintain all rights to bring suit as if no complaint had been filed with  
46 the division. At any time prior to a hearing before a hearing examiner,  
47 a person who has a complaint pending at the division may request that  
48 the division dismiss the complaint and annul his or her election of  
49 remedies so that the human rights law claim may be pursued in court, and  
50 the division may, upon such request, dismiss the complaint on the  
51 grounds that such person's election of an administrative remedy is  
52 annulled. Notwithstanding subdivision (a) of section two hundred four of  
53 the civil practice law and rules, if a complaint is so annulled by the  
54 division, upon the request of the party bringing such complaint before  
55 the division, such party's rights to bring such cause of action before a  
56 court of appropriate jurisdiction shall be limited by the statute of

1 limitations in effect in such court at the time the complaint was  
2 initially filed with the division. Any party to a housing discrimination  
3 complaint shall have the right within twenty days following a determi-  
4 nation of probable cause pursuant to subdivision two of this section to  
5 elect to have an action commenced in a civil court, and an attorney  
6 representing the division of human rights will be appointed to present  
7 the complaint in court, or, with the consent of the division, the case  
8 may be presented by complainant's attorney. A complaint filed by the  
9 equal employment opportunity commission to comply with the requirements  
10 of 42 USC 2000e-5(c) and 42 USC 12117(a) and 29 USC 633(b) shall not  
11 constitute the filing of a complaint within the meaning of this subdivi-  
12 sion. No person who has initiated any action in a court of competent  
13 jurisdiction or who has an action pending before any administrative  
14 agency under any other law of the state based upon an act which would be  
15 an unlawful discriminatory practice under this article, may file a  
16 complaint with respect to the same grievance under this section or under  
17 section two hundred ninety-six-a of this article.

18 10. With respect to all cases of housing discrimination and housing  
19 related credit discrimination in an action or proceeding at law under  
20 this section or section two hundred ninety-eight of this article, the  
21 commissioner or the court may in its discretion award reasonable attor-  
22 ney's fees to any prevailing or substantially prevailing party; and with  
23 respect to a claim of [~~employment or~~] credit discrimination where sex is  
24 a basis of such discrimination, and with respect to all claims of  
25 employment discrimination in an action or proceeding at law under this  
26 section or section two hundred ninety-eight of this article, the commis-  
27 sioner or the court [~~may in its discretion~~] shall award reasonable  
28 attorney's fees attributable to such claim to any prevailing party;  
29 provided, however, that a prevailing respondent or defendant in order to  
30 recover such reasonable attorney's fees must make a motion requesting  
31 such fees and show that the action or proceeding brought was frivolous;  
32 and further provided that in a proceeding brought in the division of  
33 human rights, the commissioner may only award attorney's fees as part of  
34 a final order after a public hearing held pursuant to subdivision four  
35 of this section. In no case shall attorney's fees be awarded to the  
36 division, nor shall the division be liable to a prevailing or substan-  
37 tially prevailing party for attorney's fees, except in a case in which  
38 the division is a party to the action or the proceeding in the divi-  
39 sion's capacity as an employer. In cases of employment discrimination, a  
40 respondent shall only be liable for attorney's fees under this subdivi-  
41 sion if the respondent has been found liable for having committed an  
42 unlawful discriminatory practice. In order to find the action or  
43 proceeding to be frivolous, the court or the commissioner must find in  
44 writing one or more of the following:

45 (a) the action or proceeding was commenced, used or continued in bad  
46 faith, solely to delay or prolong the resolution of the litigation or to  
47 harass or maliciously injure another; or

48 (b) the action or proceeding was commenced or continued in bad faith  
49 without any reasonable basis and could not be supported by a good faith  
50 argument for an extension, modification or reversal of existing law. If  
51 the action or proceeding was promptly discontinued when the party or  
52 attorney learned or should have learned that the action or proceeding  
53 lacked such a reasonable basis, the court may find that the party or the  
54 attorney did not act in bad faith.

55 § 6. Section 300 of the executive law, as amended by chapter 166 of  
56 the laws of 2000, is amended to read as follows:

§ 300. Construction. The provisions of this article shall be construed liberally for the accomplishment of the remedial purposes thereof, regardless of whether federal civil rights laws, including those laws with provisions worded comparably to the provisions of this article, have been so construed. Exceptions to and exemptions from the provisions of this article shall be construed narrowly in order to maximize deterrence of discriminatory conduct. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination [~~because of race, creed, color or national origin~~]; but, as to acts declared unlawful by section two hundred ninety-six of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other state civil action[, ~~civil or criminal,~~] based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, he or she may not subsequently resort to the procedure herein.

§ 7. Section 5-336 of the general obligations law, as added by section 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended to read as follows:

§ 5-336. Nondisclosure agreements. 1. (a) Notwithstanding any other law to the contrary, no employer, its officers or employees shall have the authority to include or agree to include in any settlement, agreement or other resolution of any claim, the factual foundation for which involves [~~sexual harassment~~] discrimination, in violation of laws prohibiting discrimination, including but not limited to, article fifteen of the executive law, any term or condition that would prevent the disclosure of the underlying facts and circumstances to the claim or action unless the condition of confidentiality is the complainant's preference.

(b) Any such term or condition must be provided in writing to all parties in plain English, and, if applicable, the primary language of the complainant, and the complainant shall have twenty-one days to consider such term or condition. If after twenty-one days such term or condition is the complainant's preference, such preference shall be memorialized in an agreement signed by all parties. For a period of at least seven days following the execution of such agreement, the complainant may revoke the agreement, and the agreement shall not become effective or be enforceable until such revocation period has expired.

(c) Any such term or condition shall be void to the extent that it prohibits or otherwise restricts the complainant from: (i) initiating, testifying, assisting, complying with a subpoena from, or participating in any manner with an investigation conducted by the appropriate local, state, or federal agency; or (ii) filing or disclosing any facts necessary to receive unemployment insurance, Medicaid, or other public benefits to which the complainant is entitled.

2. Notwithstanding any provision of law to the contrary, any provision in a contract or other agreement between an employer or an agent of an employer and any employee or potential employee of that employer entered into on or after January first, two thousand twenty, that prevents the disclosure of factual information related to any future claim of discrimination is void and unenforceable unless such provision notifies the employee or potential employee that it does not prohibit him or her from speaking with law enforcement, the equal employment opportunity commission, the state division of human rights, a local commission on

1 human rights, or an attorney retained by the employee or potential  
2 employee.

3 § 8. Paragraphs 2 and 3 of subdivision (a) of section 7515 of the  
4 civil practice law and rules, as added by section 1 of subpart B of part  
5 KK of chapter 57 of the laws of 2018, are amended to read as follows:

6 2. The term "prohibited clause" shall mean any clause or provision in  
7 any contract which requires as a condition of the enforcement of the  
8 contract or obtaining remedies under the contract that the parties  
9 submit to mandatory arbitration to resolve any allegation or claim of  
10 ~~[an unlawful discriminatory practice of sexual harassment]~~ discrimi-  
11 nation, in violation of laws prohibiting discrimination, including but  
12 not limited to, article fifteen of the executive law.

13 3. The term "mandatory arbitration clause" shall mean a term or  
14 provision contained in a written contract which requires the parties to  
15 such contract to submit any matter thereafter arising under such  
16 contract to arbitration prior to the commencement of any legal action to  
17 enforce the provisions of such contract and which also further provides  
18 language to the effect that the facts found or determination made by the  
19 arbitrator or panel of arbitrators in its application to a party alleg-  
20 ing ~~[an unlawful discriminatory practice based on sexual harassment]~~  
21 discrimination, in violation of laws prohibiting discrimination, includ-  
22 ing but not limited to, article fifteen of the executive law shall be  
23 final and not subject to independent court review.

24 § 9. Section 5003-b of the civil practice law and rules, as added by  
25 section 2 of subpart D of part KK of chapter 57 of the laws of 2018, is  
26 amended to read as follows:

27 § 5003-b. Nondisclosure agreements. Notwithstanding any other law to  
28 the contrary, for any claim or cause of action, whether arising under  
29 common law, equity, or any provision of law, the factual foundation for  
30 which involves ~~[sexual harassment]~~ discrimination, in violation of laws  
31 prohibiting discrimination, including but not limited to, article  
32 fifteen of the executive law, in resolving, by agreed judgment, stipu-  
33 lation, decree, agreement to settle, assurance of discontinuance or  
34 otherwise, no employer, its officer or employee shall have the authority  
35 to include or agree to include in such resolution any term or condition  
36 that would prevent the disclosure of the underlying facts and circum-  
37 stances to the claim or action unless the condition of confidentiality  
38 is the plaintiff's preference. Any such term or condition must be  
39 provided to all parties, and the plaintiff shall have twenty-one days to  
40 consider such term or condition. If after twenty-one days such term or  
41 condition is the plaintiff's preference, such preference shall be memo-  
42 rialized in an agreement signed by all parties. For a period of at least  
43 seven days following the execution of such agreement, the plaintiff may  
44 revoke the agreement, and the agreement shall not become effective or be  
45 enforceable until such revocation period has expired.

46 § 10. Subdivisions 9 and 10 of section 63 of the executive law, subdi-  
47 vision 9 as amended by chapter 359 of the laws of 1969, are amended to  
48 read as follows:

49 9. Bring and prosecute or defend upon request of the ~~[industrial]~~  
50 commissioner of labor or the state division of human rights, any civil  
51 action or proceeding, the institution or defense of which in his judg-  
52 ment is necessary for effective enforcement of the laws of this state  
53 against discrimination by reason of age, race, sex, creed, color ~~[or]~~,  
54 national origin, sexual orientation, gender identity or expression,  
55 military status, disability, predisposing genetic characteristics, fami-  
56 lial status, marital status, or domestic violence victim status, or for

1 enforcement of any order or determination of such commissioner or divi-  
2 sion made pursuant to such laws.

3 10. Prosecute every person charged with the commission of a criminal  
4 offense in violation of any of the laws of this state against discrimi-  
5 nation because of age, race, sex, creed, color, [~~ex~~] national origin,  
6 sexual orientation, gender identity or expression, military status,  
7 disability, predisposing genetic characteristics, familial status, mari-  
8 tal status, or domestic violence victim status, in any case where in his  
9 judgment, because of the extent of the offense, such prosecution cannot  
10 be effectively carried on by the district attorney of the county wherein  
11 the offense or a portion thereof is alleged to have been committed, or  
12 where in his judgment the district attorney has erroneously failed or  
13 refused to prosecute. In all such proceedings, the attorney-general may  
14 appear in person or by his deputy or assistant before any court or any  
15 grand jury and exercise all the powers and perform all the duties in  
16 respect of such actions or proceedings which the district attorney would  
17 otherwise be authorized or required to exercise or perform.

18 § 11. Paragraph b of subdivision 1 of section 201-g of the labor law,  
19 as added by section 1 of subpart E of part KK of chapter 57 of the laws  
20 of 2018, is amended and a new subdivision 2-a is added to read as  
21 follows:

22 b. Every employer shall adopt the model sexual harassment prevention  
23 policy promulgated pursuant to this subdivision or establish a sexual  
24 harassment prevention policy to prevent sexual harassment that equals or  
25 exceeds the minimum standards provided by such model sexual harassment  
26 prevention policy. Such sexual harassment prevention policy shall be  
27 provided to all employees in writing as required by subdivision two-a of  
28 this section. Such model sexual harassment prevention policy shall be  
29 publicly available and posted on the websites of both the department and  
30 the division of human rights.

31 2-a. a. Every employer shall provide his or her employees, in writing  
32 in English and in the language identified by each employee as the prima-  
33 ry language of such employee, at the time of hiring and at every annual  
34 sexual harassment prevention training provided pursuant to subdivision  
35 two of this section, a notice containing such employer's sexual harass-  
36 ment prevention policy and the information presented at such employer's  
37 sexual harassment prevention training program.

38 b. The commissioner shall prepare templates of the model sexual  
39 harassment prevention policy created and published pursuant to subdivi-  
40 sion one of this section and the model sexual harassment prevention  
41 training program produced pursuant to subdivision two of this section.  
42 The commissioner shall determine, in his or her discretion, which  
43 languages to provide in addition to English, based on the size of the  
44 New York state population that speaks each language and any other factor  
45 that the commissioner shall deem relevant. All such templates shall be  
46 made available to employers in such manner as determined by the commis-  
47 sioner.

48 c. When an employee identifies as his or her primary language a  
49 language for which a template is not available from the commissioner,  
50 the employer shall comply with this subdivision by providing that  
51 employee an English-language notice.

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

54 § 12. The commissioner of labor in collaboration with the commissioner  
55 of human rights shall conduct a study on how to build on the require-  
56 ments of section two hundred one-g of the labor law, in order to further

1 combat unlawful harassment and discrimination in the workplace. The  
2 study shall include but not be limited to: a review of the section two  
3 hundred one-g of the labor law requirements for employers to provide a  
4 sexual harassment training and policy to all employees and comparison  
5 with similar requirements across other jurisdictions; a review of the  
6 full scope of discriminatory practices in the workplace made unlawful by  
7 relevant state and federal laws; engagement with relevant stakeholders  
8 on the most effective tools to prevent and remediate such discriminatory  
9 practices; and the efficacy of requiring such training in the workplace  
10 in reducing discrimination. On or before December 1, 2019, the commis-  
11 sioner of labor shall submit his report and recommendations to the  
12 governor, the temporary president of the senate and the speaker of the  
13 assembly.

14 § 13. Subdivision 5 of section 297 of the executive law, as amended by  
15 chapter 958 of the laws of 1968, is amended to read as follows:

16 5. Any complaint filed pursuant to this section must be so filed with-  
17 in one year after the alleged unlawful discriminatory practice. In cases  
18 of sexual harassment in employment, any complaint filed pursuant to this  
19 section must be so filed within three years after the alleged unlawful  
20 discriminatory practices.

21 § 14. Section 201-g of the labor law is amended by adding a new subdi-  
22 vision 4 to read as follows:

23 4. Beginning in the year two thousand twenty-two, and every succeeding  
24 four years thereafter, the department in consultation with the division  
25 of human rights shall evaluate, using the criteria within this section,  
26 the impact of the current model sexual harassment prevention guidance  
27 document and sexual harassment prevention policy. Upon the completion  
28 of each evaluation the department shall update the model sexual harass-  
29 ment prevention guidance document and sexual harassment prevention poli-  
30 cy as needed.

31 § 15. Severability clause. If any clause, sentence, paragraph, subdi-  
32 vision, section or subpart of this act shall be adjudged by any court of  
33 competent jurisdiction to be invalid, such judgment shall not affect,  
34 impair, or invalidate the remainder thereof, but shall be confined in  
35 its operation to the clause, sentence, paragraph, subdivision, section  
36 or subject thereof directly involved in the controversy in which such  
37 judgment shall have been rendered. It is hereby declared to be the  
38 intent of the legislature that this act would have been enacted even if  
39 such invalid provisions had not been included herein.

40 § 16. This act shall take effect immediately, provided, however:

41 (a) Sections one of this act shall take effect on the one hundred  
42 eightieth day after it shall have become a law.

43 (b) Sections one-a, two, three, four, five, seven, eight and nine of  
44 this act shall take effect on the sixtieth day after it shall have  
45 become a law.

46 (c) Section thirteen of this act shall take effect one year after it  
47 shall have become a law.

48 (d) Sections one, one-a, two, three, four, five, six and thirteen  
49 shall only apply to claims filed under such sections on or after the  
50 effective date of such sections.

51 (e) Effective immediately, the addition, amendment and/or repeal of  
52 any rule or regulation necessary for the implementation of this act on  
53 its effective date are authorized and directed to be made and completed  
54 on or before such effective date.