STATE OF NEW YORK

8521--A

IN SENATE

June 6, 2020

Introduced by Sens. KENNEDY, ADDABBO, HARCKHAM, KAPLAN, KRUEGER, MARTINEZ, MAY, MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to establishing a racial equity, social justice, and implicit bias training program for all civil service appointees and employees

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

Section 1. The civil service law is amended by adding a new section 153 to read as follows:

§ 153. Racial equity, social justice, and implicit bias training. 1. a. The department shall consult with the division of human rights to produce a model training program on racial equity, social justice, and implicit bias.

b. Such model racial equity, social justice, and implicit bias training prevention policy shall be interactive and include:

(i) a definition, explanation, and examples of racial equity, social justice, and implicit bias consistent with guidance issued by the department in consultation with the division of human rights;

(ii) examples of conduct that would be examples of violating equity, social justice, race, or implicit bias principles;

(iii) information concerning best practices to avoid inequity, social injustice, racial, or implicit bias by a civil service appointee in actions connected to their professional work;

(iv) information regarding the impact of racial equity, social justice, and implicit bias may have on individuals across the state;

(v) examples of racial inequities and their impact on communities of color;

(vi) information concerning employees' rights of redress and all available forums for adjudicating complaints; and

(vii) any other information the department and the division of human rights deems relevant and appropriate for such a course.

c. The department shall include information in such model training program addressing conduct by supervisors that are contrary to any state policy on racial equity, social justice, and implicit bias, and shall

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

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include information as to how to report concerns regarding supervisor conduct.

d. Every employer with employees subject to this chapter shall utilize the model training program pursuant to this subdivision or establish a training program for employees that equals or exceeds the minimum standards of this section, and such training program has been approved by the department and the division of human rights.

e. The model training program created pursuant to this section, and any equivalent program shall be reviewed and reapproved by the department and the division of human rights on a biennial basis.

2. Every person who is a civil service appointee or employee, including but not limited to managerial and confidential positions, on the effective date of this section shall be required to complete the model racial equity, social justice, and implicit bias training program, produced pursuant to subdivision one of this section, or an equivalent approved by the department and the division of human rights, within one year of the effective date of this section. Each person who is appointed to or employed in a civil service position, including but not limited to managerial and confidential positions, after the effective date of this section, shall be required to complete the model racial equity, social justice, and implicit bias training program produced pursuant to subdivision one of this section, or an equivalent approved by the department and the division of human rights, within one month of appointment to such civil service position. A civil service appointee shall be required to take such training once while actively employed as a civil service appointee. Any prior civil service appointee who leaves civil service employment after the effective date of this section and later returns to any civil service appointed position shall be required to complete the model training program or an equivalent approved by the department and the division of human rights within one month of returning to civil service employment.

3. The department may promulgate any regulations necessary for the purposes of carrying out the provisions of this section.

4. As used in this section, the following terms shall have the following meanings:

(a) "Equity" means fair and just opportunities and outcomes for all individuals.

(b) "Social justice" means every individual deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race; socioeconomic status; age; sex, including on the basis of gender identity or orientation; religion; disability; or other characteristics.

(c) "Race" means a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance, including color; ancestral heritage; cultural affiliation; cultural history; ethnic classification; and the social, economic and political needs of a society at a given period.

(d) "Implicit bias" means the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the department of civil service, in consultation with the division of human rights, is authorized to create the racial equity, social justice, and implicit bias training program required to be created and published pursuant to section 153 of the civil service law as added by section one of this act.