

STATE OF NEW YORK

10610

IN ASSEMBLY

June 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Peoples-Stokes) -- read once and referred to the Committee on Governmental Employees

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

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

1 Section 1. The civil service law is amended by adding a new section
2 153 to read as follows:

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

7 b. Such model racial equity, social justice, and implicit bias train-
8 ing prevention policy shall be interactive and include:

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

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

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

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

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

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

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

25 c. The department shall include information in such model training
26 program addressing conduct by supervisors that are contrary to any state

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

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1 policy on racial equity, social justice, and implicit bias, and shall
2 include information as to how to report concerns regarding supervisor
3 conduct.

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

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

12 2. Every person who is a civil service appointee on the effective date
13 of this section shall be required to complete the model racial equity,
14 social justice, and implicit bias training program, produced pursuant to
15 subdivision one of this section, or an equivalent approved by the
16 department and the division of human rights, within one year of the
17 effective date of this section. Each person who is appointed to a civil
18 service position after the effective date of this section, shall be
19 required to complete the model racial equity, social justice, and
20 implicit bias training program produced pursuant to subdivision one of
21 this section, or an equivalent approved by the department and the divi-
22 sion of human rights, within one month of appointment to such civil
23 service position. A civil service appointee shall be required to take
24 such training once while actively employed as a civil service appointee.
25 Any prior civil service appointee who leaves civil service employment
26 after the effective date of this section and later returns to any civil
27 service appointed position shall be required to complete the model
28 training program or an equivalent approved by the department and the
29 division of human rights within one month of returning to civil service
30 employment.

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

33 4. As used in this section, the following terms shall have the follow-
34 ing meanings:

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

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

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

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

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