

# STATE OF NEW YORK

8521

## IN SENATE

June 6, 2020

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

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  
27 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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1 include information as to how to report concerns regarding supervisor  
2 conduct.

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

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

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

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

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

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

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

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

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

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