

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:

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 or employee, includ-
12 ing but not limited to managerial and confidential positions, on the
13 effective date of this section shall be required to complete the model
14 racial equity, social justice, and implicit bias training program,
15 produced pursuant to subdivision one of this section, or an equivalent
16 approved by the department and the division of human rights, within one
17 year of the effective date of this section. Each person who is appointed
18 to or employed in a civil service position, including but not limited to
19 managerial and confidential positions, after the effective date of this
20 section, shall be required to complete the model racial equity, social
21 justice, and implicit bias training program produced pursuant to subdivi-
22 vision one of this section, or an equivalent approved by the department
23 and the division of human rights, within one month of appointment to
24 such civil service position. A civil service appointee shall be required
25 to take such training once while actively employed as a civil service
26 appointee. Any prior civil service appointee who leaves civil service
27 employment after the effective date of this section and later returns to
28 any civil service appointed position shall be required to complete the
29 model training program or an equivalent approved by the department and
30 the division of human rights within one month of returning to civil
31 service employment.

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

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

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

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

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

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

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