

# STATE OF NEW YORK

8521--B

## 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. The labor law is amended by adding a new section 201-h to  
2 read as follows:

3 § 201-h. 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

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

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

3 c. The department shall include information in such model training  
4 program addressing conduct by supervisors that are contrary to any state  
5 policy on racial equity, social justice, and implicit bias, and shall  
6 include information as to how to report concerns regarding supervisor  
7 conduct.

8 d. Every employer in the state, both public and private, shall utilize  
9 the model training program pursuant to this subdivision or establish a  
10 training program for employees that equals or exceeds the minimum stand-  
11 ards of this section, and such training program has been approved by the  
12 department and the division of human rights.

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

16 2. Every person who is an employee in the state on the effective date  
17 of this section shall be required to complete the model racial equity,  
18 social justice, and implicit bias training program, produced pursuant to  
19 subdivision one of this section, or an equivalent approved by the  
20 department and the division of human rights, within one year of the  
21 effective date of this section. Each person who is employed after the  
22 effective date of this section, shall be required to complete the model  
23 racial equity, social justice, and implicit bias training program  
24 produced pursuant to subdivision one of this section, or an equivalent  
25 approved by the department and the division of human rights, within one  
26 month of being hired. An employee shall be required to take such train-  
27 ing once while actively employed by an employer.

28 3. a. Every employer in the state shall provide his or her employees,  
29 in writing in English and in the language identified by each employee as  
30 the primary language of such employee, at the time of hiring and at any  
31 racial equity, social justice, and implicit bias prevention training  
32 provided pursuant to subdivision two of this section, a notice contain-  
33 ing such employer's racial equity, social justice, and implicit bias  
34 prevention policy and the information presented at such employer's  
35 racial equity, social justice, and implicit bias prevention training  
36 program.

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

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

1 5. As used in this section, the following terms shall have the follow-  
2 ing meanings:

3 a. "Equity" means fair and just opportunities and outcomes for all  
4 individuals.

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

10 c. "Race" means a social construct that artificially divides people  
11 into distinct groups based on characteristics such as physical appear-  
12 ance, including color; ancestral heritage; cultural affiliation;  
13 cultural history; ethnic classification; and the social, economic and  
14 political needs of a society at a given period.

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

17 § 2. The civil service law is amended by adding a new section 153 to  
18 read as follows:

19 § 153. Racial equity, social justice, and implicit bias training.  
20 Every person who is a New York state government employee, including but  
21 not limited to managerial and confidential positions, on the effective  
22 date of this section shall be required to complete the model racial  
23 equity, social justice, and implicit bias training program, produced  
24 pursuant to section two hundred one-h of the labor law, or an equivalent  
25 approved by the department and the division of human rights, within one  
26 year of the effective date of this section. Each person who is appointed  
27 to or employed as a New York state government employee, including but  
28 not limited to managerial and confidential positions, after the effec-  
29 tive date of this section, shall be required to complete the model  
30 racial equity, social justice, and implicit bias training program  
31 produced pursuant to section two hundred one-h of the labor law, or an  
32 equivalent approved by the department and the division of human rights,  
33 within one month of being hired as a New York state government employee.  
34 A New York state government employee shall be required to take such  
35 training once while actively employed as a New York state government  
36 employee. Any prior New York state government employee who leaves state  
37 government employment after the effective date of this section and later  
38 returns to any New York state government position shall be required to  
39 complete the model training program or an equivalent approved by the  
40 department and the division of human rights within one month of return-  
41 ing to New York state government employment.

42 § 3. This act shall take effect on the one hundred eightieth day after  
43 it shall have become a law. Effective immediately, the department of  
44 labor, in consultation with the division of human rights, is authorized  
45 to create the racial equity, social justice, and implicit bias training  
46 program required to be created and published pursuant to section 201-h  
47 of the labor law as added by section one of this act.