

STATE OF NEW YORK

5055--A

2021-2022 Regular Sessions

IN SENATE

February 22, 2021

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

AN ACT to amend the labor law, in relation to establishing a model racial equity, social justice, and implicit bias training program

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 program 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. 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. The commissioner shall prepare templates of the model racial equi-
12 ty, social justice, and implicit bias training program created pursuant
13 to subdivision one of this section. The commissioner shall determine, in
14 his or her discretion, which languages to provide in addition to
15 English, based on the size of the New York state population that speaks
16 each language and any other factor that the commissioner shall deem
17 relevant. All such templates shall be made available to employers in the
18 state upon an employer's request.

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

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

23 a. "Equity" means fair and just opportunities and outcomes for all
24 individuals.

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

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

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

37 § 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law. Effective immediately, the department of
39 labor, in consultation with the division of human rights, is authorized
40 to create the model racial equity, social justice, and implicit bias
41 training program pursuant to section 201-h of the labor law as added by
42 section one of this act.