

STATE OF NEW YORK

5055

2021-2022 Regular Sessions

IN SENATE

February 22, 2021

Introduced by Sens. KENNEDY, ADDABBO, HARCKHAM, KAPLAN, KRUEGER, MAY, MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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.