STATE OF NEW YORK

3050

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

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

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:

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

§ 201-i. Racial equity, social justice, and implicit bias training. 1. a. The department shall consult with the division of human rights to produce a model training program on racial equity, social justice, and implicit bias.

b. Such model racial equity, social justice, and implicit bias training program shall be interactive and include:

(i) a definition, explanation, and examples of racial equity, social justice, and implicit bias consistent with guidance issued by the department in consultation with the division of human rights;

(ii) examples of conduct that would be examples of violating equity, social justice, race, or implicit bias principles;

(iii) information concerning best practices to avoid inequity, social injustice, racial, or implicit bias by a civil service appointee in actions connected to their professional work;

(iv) information regarding the impact of racial equity, social justice, and implicit bias may have on individuals across the state;

(v) examples of racial inequities and their impact on communities of color;

(vi) information concerning employees' rights of redress and all available forums for adjudicating complaints; and

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

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

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

d. The model training program created pursuant to this section, and any equivalent program shall be reviewed and reapproved by the department and the division of human rights on a biennial basis.

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

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

4. As used in this section, the following terms shall have the following meanings:

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

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

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

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

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