

STATE OF NEW YORK

9384

IN SENATE

May 14, 2024

Introduced by Sen. CLEARE -- 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 legislative law, in relation to requiring state employees attend annual implicit bias training and certain public officials attend annual management training

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 27-e to
2 read as follows:

3 § 27-e. Annual implicit bias training. 1. Definitions. For the
4 purposes of this section:

5 a. "Employer" means: (1) the state; (2) a political subdivision of the
6 state; (3) a public authority, a public benefit corporation, or any
7 other governmental agency or instrumentality thereof; (4) an authorized
8 agency as defined in paragraph (a) of subdivision ten of section three
9 hundred seventy-one of the social services law that accepts children
10 adjudicated delinquent under article three of the family court act; and
11 (5) members of the legislature.

12 b. "Employee" means a public employee working for an employer.

13 c. "Implicit bias training" means a training program designed to help
14 individuals become aware of their implicit biases and equip them with
15 tools and strategies to act objectively, limiting the influence of their
16 implicit biases.

17 2. Employee information and training. Every employer shall conduct
18 implicit bias training to its employees. A copy of such training shall
19 be filed with the department.

20 § 2. Paragraphs i, k and l of subdivision 7 of section 80 of the
21 legislative law, paragraph i as amended by chapter 841 of the laws of
22 2022 and paragraphs k and l as amended by section 4 of part QQ of chap-
23 ter 56 of the laws of 2022, are amended and a new paragraph m is added
24 to read as follows:

25 i. Upon written request from any person who is subject to the juris-
26 diction of the commission and the requirements of sections seventy-
27 three, seventy-three-a and seventy-four of the public officers law, and

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

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1 section five-b of this chapter render formal advisory opinions on the
2 requirements of said provisions. A formal written opinion rendered by
3 the commission, until and unless amended or revoked, shall be binding on
4 the legislative ethics commission in any subsequent proceeding concern-
5 ing the person who requested the opinion and who acted in good faith,
6 unless material facts were omitted or misstated by the person in the
7 request for an opinion. Such opinion may also be relied upon by such
8 person, and may be introduced and shall be a defense in any criminal or
9 civil action. The commission on ethics and lobbying in government shall
10 not investigate an individual for potential violations of law based upon
11 conduct approved and covered in its entirety by such an opinion, except
12 that such opinion shall not prevent or preclude an investigation of and
13 report to the legislative ethics commission concerning the conduct of
14 the person who obtained it by the commission on ethics and lobbying in
15 government for violations of section seventy-three, seventy-three-a or
16 seventy-four of the public officers law and section ~~5-b~~ **five-b** of this
17 chapter to determine whether the person accurately and fully represented
18 to the legislative ethics commission the facts relevant to the formal
19 advisory opinion and whether the person's conduct conformed to those
20 factual representations. The commission on ethics and lobbying in
21 government shall be authorized and shall have jurisdiction to investi-
22 gate potential violations of the law arising from conduct outside of the
23 scope of the terms of the advisory opinion; ~~and~~

24 k. Develop educational materials and training with regard to legisla-
25 tive ethics for members of the legislature and legislative employees
26 including an online ethics orientation course for newly-hired employees
27 and, as requested by the senate or the assembly, materials and training
28 in relation to a comprehensive ethics training program; ~~and~~

29 l. Prepare an annual report to the governor and legislature summariz-
30 ing the activities of the commission during the previous year and recom-
31 mending any changes in the laws governing the conduct of persons subject
32 to the jurisdiction of the commission, or the rules, regulations and
33 procedures governing the commission's conduct. Such report shall
34 include: (i) a listing by assigned number of each complaint and report
35 received from the commission on ethics and lobbying in government which
36 alleged a possible violation within its jurisdiction, including the
37 current status of each complaint, and (ii) where a matter has been
38 resolved, the date and nature of the disposition and any sanction
39 imposed, subject to the confidentiality requirements of this section.
40 Such annual report shall not contain any information for which disclo-
41 sure is not permitted pursuant to subdivision twelve of this section~~;~~;
42 **and**

43 **m. Provide mandatory annual management training for the governor,**
44 **lieutenant governor, attorney general, comptroller, members of the state**
45 **legislature, and legislative employees which shall include, but not be**
46 **limited to, diversity training. Such program shall also be available to**
47 **any employees of such elected officials, executive employees, and any**
48 **other employee of the state.**

49 § 3. This act shall take effect on the first of January next succeed-
50 ing the date on which it shall have become a law. Effective immediately,
51 the addition, amendment and/or repeal of any rule or regulation neces-
52 sary for the implementation of this act on its effective date are
53 authorized to be made and completed on or before such effective date.