

End of Year Developments for New York Employers

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As 2019 comes to a close, legislative and administrative actions in New York require consideration by employers in the state.

First, Governor Andrew Cuomo signed legislation adding reproductive rights as a protected class under the state Human Rights Law. Such an enactment usually requires an employer: (1) to ensure that there is a catch all “or any other classification protected by applicable law”; or (2) to consider adding the new classification to the listed protections in its equal employment opportunity (EEO) policy. This legislation, however, mandates that employers promulgate a specific policy noting remedies for violations. The deadline for the new policy issuance is on or about January 7, 2020.

Second, the state [issued revised guidance](#) related to this year’s amendments to New York’s #MeToo legislation. This guidance suggests employers should distribute/advise employees of the location of their sexual harassment policies and sexual harassment training materials at hire and during the annual mandated training with a cover notice. The guidance further reminds employers of the obligation to provide such policies and training materials in multiple languages based on the population of the workforce.

New York state employers (other than New York City employers with at least 11 employees) also must prepare for the increase to the hourly minimum wage as follows, effective December 31, 2019:

- New York City – Small Employers (10 or less employees): from \$13.50 to \$15.00
- Long Island & Westchester: from \$12.00 to \$13.00
- Remainder of New York State: from \$11.10 to \$11.80

Such employers also must ensure compliance with related increases to allowances and other potential payments due under the applicable wage order, as well as the increase in the minimum salary an employee must receive in order to be classified as an exempt executive or administrative employee.

All New York State employers should be aware of and modify policies and practices as appropriate in New York state and, as applicable, localities such as New York City and Westchester due to the myriad of developments in 2019, including amendments to the state’s #MeToo legislation and implementation of safe leave in Westchester. See [New York City Enacts Legislation Clarifying Independent Contractor Protection Under Human Rights Law](#), [New York City Issues New Enforcement Guidance Based on National Origin, Immigration Status](#), [New York Revises Employment Protections for Domestic Violence Victims](#), [Adds Accommodation Obligations](#), [New York Expands Harassment Laws, Protections of Religious Attire, Clothing, or Facial Hair](#), [New York Enacts SHIELD Act, Adding Data Security Requirements and Strengthening Data Breach Requirements](#), and [New York Expands Harassment Laws](#).

Please contact a Jackson Lewis attorney if you have any questions regarding New York, federal or multistate developments in 2019 and what we expect in 2020.

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