

New York City Council Passes Legislative Package Aimed at Preventing Sexual Harassment in the Workplace

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The New York City Council passed a package of legislation on April 11, 2018, that will strengthen the City's laws against harassment in the workplace. Mayor Bill de Blasio is expected to sign the legislation into law in the coming weeks.

Most private employers in New York City will be required to conduct mandatory annual sexual harassment training for employees starting April 1, 2019.

Key highlights of the legislation applicable to private employers are as follows:

Int. 614-A requires the New York City Commission on Human Rights to make certain information about sexual harassment available online for the public. This information will include examples of sexual harassment, a description of the Commission's complaint process, and other available agency resources.

Int. 630-A requires all employers in New York City to post an anti-sexual harassment rights and responsibilities poster. Employers also must provide an information sheet on sexual harassment to each employee at the time of hire. The poster and information sheet will be created and made available by the Commission. Similar to Int. 632-A (discussed below), this revised legislation does not contain any reference to civil penalties for violations of the posting and notice requirements, which was included in a previous bill.

Int. 632-A requires employers with at least 15 employees to conduct annual sexual harassment "interactive training" for employees, including supervisory and managerial employees, starting April 1, 2019. The original version of the bill required the annual training to be completed within one year of September 1, 2018, and every year thereafter.

The bill also clarifies that *"interactive training" is not required to be live or facilitated by an in-person instructor. Additionally, the bill requires that the training be conducted after 90 days of initial hire for new employees.* Employers must still maintain records of compliance with the law, including signed employee acknowledgements, but the bill states the acknowledgements may be electronic.

The previous version of the bill had included the removal of penalty provisions and adding "interns" in the definition of employee under the law. These are not in the version passed by the Council.

Lastly, the final legislation adds two new compliance clarifications for employees and employers:

1. An employee who has received sexual harassment training at one employer within

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the required training cycle need not receive additional sexual harassment training at another employer until the next cycle.

2. An employer who is subject to training requirements in multiple jurisdictions may provide proof of compliance with the New York City law, as long as the employer's sexual harassment training is provided annually and contains the mandated training areas discussed under the law.

Int. 657-A will expand the New York City Human Rights Law (NYCHRL) coverage of sexual harassment cases to include employers with fewer than four employees, thus aligning the NYCHRL with the New York State Human Rights Law's coverage of sexual harassment claims.

Int. 663-A will lengthen the statute of limitations for filing harassment claims arising under the NYCHRL with the Commission from one year to three years after the alleged conduct.

City agencies also will be affected by the new legislation, which includes various reporting requirements and annual sexual harassment training.

For more information on advancements of anti-sexual harassment legislation at the state level, see our article, [New York Legislature Passes Significant Changes to Laws Combatting Sexual Harassment in the Workplace](#). If the legislation is enacted, the changes will affect state contracts, mandatory arbitration clauses, mandatory nondisclosure agreements, and other subjects related to the prevention of sexual harassment in the workplace.

Please contact a Jackson Lewis attorney with any questions about New York City and New York State developments, legal obligations, and best practices related to harassment policies, training, and other preventive practices, or government relations. The Jackson Lewis Government Relations practice monitors and tracks all legislation introduced in New York and advocates for client positions at all levels of city and state government.

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