



## Legislation Text

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**File #:** Int 0632-2018, **Version:** \*

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### Preconsidered Int. No. 632

By Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson and Powers

A Local Law to amend the administrative code of the city of New York, in relation to mandating anti-sexual harassment training for private employers

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 30 to read as follows:

30. Anti-sexual harassment training. (a) Definitions. For purposes of this subdivision, the following terms have the following meanings:

Interactive training. The term “interactive training” means participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, or other participatory forms of training as determined by the commission.

(b) Training. Employers with 15 or more employees shall conduct an anti-sexual harassment interactive training for all employees of such employer employed within the city of New York for more than 80 hours in a calendar year who perform work on a full-time or part-time basis within one year of enactment of this local law and every year thereafter. Such training must include, but need not be limited to, the following:

- (1) An explanation of sexual harassment as a form of unlawful discrimination under local law;
- (2) A disclaimer that sexual harassment is also a form of unlawful discrimination under state and federal law;
- (3) A description of what sexual harassment is and is not, using practical examples;
- (4) Any internal complaint processes available to employees to address sexual harassment claims;

(4) The complaint process available through the commission, the division of human rights and the United State equal employment opportunity commission, including contact information;

(5) The prohibition of retaliation, pursuant to subdivision 7 of section 8-107, and examples thereof; and

(6) The importance of bystander intervention.

(c) Supervisory and managerial personnel. Employers shall provide additional anti-sexual harassment interactive training to each supervisory and managerial employee annually. Such interactive training shall include, at a minimum, the specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints.

(d) Compliance. (1) Employers shall keep a record of all trainings, including a signed employee acknowledgement that shall include (i) the date, time, title, duration and location of the training; (ii) whether the training was live or web-based; and (iii) who conducted the training.

(2) Employers shall maintain such training records for at least three years and such records must be made available for commission inspection upon request.

(3) The commission shall develop online interactive training modules that may be used to satisfy the requirements of paragraph (b) of this subdivision and which shall be made publicly available at no cost on the commission's website. The commission shall develop such modules appropriate for small, medium and large-sized workplaces. Such training modules shall allow for the electronic provision of certification each time any such module is accessed and completed.

(4) The training required by this subdivision is intended to establish a minimum threshold and shall not be construed to prohibit any private employer from providing more frequent or additional anti-sexual harassment training.

(e) For purposes of this subdivision the term "employer" shall not apply to (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority,

institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity government by section 92 of the general municipal law or section 207 of the county law.

(f) Penalties. Any employer who violates this subdivision shall be liable for a civil penalty of not less than \$100 nor more than \$500 for the first violation and a civil penalty of not less than \$500 or more than \$2,000 for each succeeding violation; except that an employer shall not be subject to such civil penalty for a first-time violation of this subdivision, if such employer proves to the satisfaction of the commission, within 60 days of the issuance of the notice of violation, that such violation has been cured.

§ 2. This local law takes effect September 1, 2018.

MMB  
LS # 5326; LS # 5086 and LS # 4679  
2/21/18; 10:21 p.m.