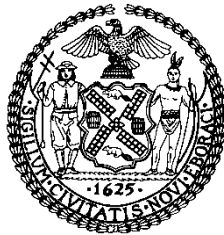


Committee Staff:  
Aminta Kilawan, *Counsel*  
Malcom Butehorn, *Counsel*  
Brenda McKinney, *Legislative Analyst\**  
Joan Povolny, *Senior Policy Analyst*  
Chloë Rivera, *Policy Analyst*  
Daniel Kroop, *Finance Analyst*  
Raabia Qasim, *Legal Fellow*



## **THE COUNCIL OF THE CITY OF NEW YORK**

### **COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

Jeff Baker, Legislative Director  
Terzah Nasser, Deputy Director of Human Services

### **COMMITTEE ON WOMEN'S ISSUES**

Hon. Helen Rosenthal, Chair

**April 9, 2018**

**PROPOSED INT. NO. 612-A:**

By The Speaker (Council Member Cory Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides and Reynoso

**TITLE:**

A Local Law to amend the New York city charter, in relation to anti-sexual harassment trainings at city agencies

**CHARTER:**

Adds section 815.1

**PROPOSED INT. NO. 613-A:** By Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso

**TITLE:** A Local Law in relation to assessing workplace risk factors associated with sexual harassment within city agencies

**ADMINISTRATIVE CODE:** None.

**PROPOSED INT. NO. 630-A:** By Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers, and Constantinides

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating an anti-sexual harassment rights and responsibilities poster

**ADMINISTRATIVE CODE:** Amends section 8-107

**PROPOSED INT. NO. 632-A:** By Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson, Powers and Constantinides

**TITLE:** 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

**ADMINISTRATIVE CODE:** Amends section 8-107

**PROPOSED INT. NO. 653-A:** By Council Members Levine, Williams, Torres, Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides and Reynoso

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to mandating annual reporting on workplace sexual harassment within city agencies

**ADMINISTRATIVE CODE:** Adds section 3-119.2

**PROPOSED INT. NO. 664-A:** By Council Members Rosenthal, Rose, Chin, Powers and Constantinides

**TITLE:** A Local Law in relation to climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies

**ADMINISTRATIVE CODE:** None.

**PROPOSED INT. NO. 693-A:** By Council Members Van Bramer, Rose, Rosenthal, Chin, Powers and Constantinides

**TITLE:** A Local Law to amend the New York city charter, in relation to division of labor services employment reports

**CHARTER:** Amends section 1305

## **I. INTRODUCTION**

On Monday, April 9, 2018, the Committee on Women, chaired by Council Member Helen Rosenthal, will hold a hearing to consider Proposed Int. No. 612-A, sponsored by The Speaker (Council Member Cory Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides and Reynoso, which would require anti-sexual harassment trainings at city agencies. The committee will also consider Proposed Int. No. 613-A, sponsored by Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso, which requires assessing workplace risk factors associated with sexual harassment within city agencies; Proposed Int. No. 630-A, sponsored by Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers, and Constantinides, which would require creating an anti-sexual harassment rights and responsibilities poster; Proposed Int. No. 632-A, sponsored by Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson, Powers and Constantinides, which would require mandating anti-sexual harassment training for private employers; Proposed Int. No. 653-A, sponsored by Council Members Levine, Williams, Torres,

Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides and Reynoso, which would require mandating annual reporting on workplace sexual harassment within city agencies; Proposed Int. No. 664-A, sponsored by Council Members Rosenthal, Rose, Chin, Powers, Constantinides, which would require climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies and Proposed Int. No. 693, sponsored by Council Members Van Bramer, Rose, Rosenthal, Chin, Powers, Constantinides, which would require information in labor services employment reports

The first hearing on Int. 612, 613, 630, 632, 653, 664 and 693 was held on February 28, 2018, as a joint oversight hearing with the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene. At the hearing, titled “Sexual Harassment Best Practices/Policies in New York City,” the Committees sought information on sexual harassment policies and procedures at New York City (“NYC” or “City”) agencies and in the private sector, considering these seven bills, in addition to several others before the Civil and Human Rights Committee. The Committees also explored best practices and model sexual harassment policies in other jurisdictions. Those invited to testify included representatives from the City’s Commission on Gender Equity, Commission on Human Rights, the Department of Citywide Administrative Services, and Equal Employment Practices Commission, as well as businesses, advocacy groups, labor unions and other interested parties.

## **II. PROPOSED INT. NO. 612-A**

Section one of Proposed Int. No. 612-A would add section 815.1 to the New York city charter to define agency under the same definition used in section 1150 of the New York city charter and include the offices of the borough presidents, comptroller and public advocate in this definition. The legislation clarifies that interactive training means participatory teaching whereby

the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory demonstrations and that it is not required to be live or facilitated by an in-person instructor.

Proposed Int. No. 612-A would require the head of each agency to ensure that each employee receives anti-sexual harassment interactive training annually. The legislation would require that interns be considered employees and that training include: (i) an explanation that sexual harassment is a form of unlawful discrimination under local, state and federal law; (ii) a description of what sexual harassment is; (iii) the internal complaint process available to employees within their agency; (iv) the complaint process available through the city's commission on human rights, the state's division of human rights and the United States equal employment opportunity commission; (v) the prohibition of retaliation; and (vi) information concerning bystander intervention. Finally, the legislation requires that the department of citywide administrative services report to the mayor and speaker on the results of agency compliance by January 31 of each year.

Section two of proposed Int. No. 612-A would establish that this local law go into effect 120 days after it becomes law.

Since introduction, Proposed Int. 612-A was amended to require trainings annually rather than two times per year, to remove the separate additional training for supervisors and managers and merging this section with the section on employee training generally to clarify that they can be trained with all employees, to clarify that interactive training would not require that the training be live or facilitated by an in-person instructor, to clarify that the department and not agency heads maintain the information, to clarify that agency would be defined by section 1150 and not section 385 of the city charter and would include the offices of the borough presidents,

the comptroller and the public advocate and to clarify that information concerning bystander intervention would include resources that explain how to engage in bystander intervention.

### **III. PROPOSED INT. NO. 613-A**

Section one of Proposed Int. No. 613-A would require that agency has the same meaning as defined in section 1150 of the New York city charter and require all city agencies, including the offices of the borough presidents, comptroller and public advocate, to conduct an ongoing assessment of risk factors associated with sexual harassment. The legislation also requires that each agency submit its ongoing assessment of risk factors to the department of citywide administrative services for periodic review, to assist the department of citywide administrative services and each agency to develop responsive strategies to combat sexual harassment.

Pursuant to Proposed Int. No. 613-A, risk factors assessed may include homogenous workforce, such as work environments with low diversity with respect to age, ethnicity, gender, race, or sex, language differences in the workplace, workplaces with significant power disparities such as workplaces where employees hold positions usually subject to the direction of others, isolated workplaces such as workplaces where employees work alone or have few opportunities to interact with others, and decentralized workplaces such as workplaces that are geographically dispersed. Finally, the legislation would further note that assessments be submitted to the department of citywide administrative services for periodic review.

Section two of Proposed Int. No. 613-A would establish that this local law takes effect immediately and would be repealed on January 31, 2022.

Since introduction, Proposed Int. 613-A was amended to simplify the language to make it more understandable and translatable to the workplace, including condensing the 11 factors to 5, to clarify that the department and not the commission would be responsible for the process, and

to clarify that agency would be defined by section 1150 and not section 385 of the city charter and would include the offices of the borough presidents, the comptroller and the public advocate.

#### **IV. PROPOSED INT. NO. 630-A**

Section one of Proposed Int. No. 630-A would amend section 8-107 of the administrative code of the city of New York to require that every employer conspicuously display an anti-sexual harassment rights and responsibilities poster, designed by the commission, in employee breakrooms or other common areas employees gather and, at a minimum, in English and in Spanish. The legislation requires that the poster be set forth in simple and understandable terms, including, at a minimum: an explanation of sexual harassment as a form of unlawful discrimination under local law, a statement that sexual harassment is also a form of unlawful discrimination under state and federal law, a description of sexual harassment, complaint processes available and the prohibition against retaliation pursuant to subdivision 7 of section 8-107.

Pursuant to Proposed Int. No. 630-A, the poster would be at least 8 1/2 by 14 inches, use a minimum 12-point type, and contain only one language, although the legislation indicates it would be made available in English, Spanish and any other language deemed appropriate and would be made available online to download. The legislation also requires that employers also distribute an information sheet on sexual harassment to individual employees at the time of hire, and indicates the sheet could be include an employee handbook. The legislation notes that the information sheet would contain the same elements as the poster and be available in English, Spanish and any other language deemed appropriate.

Section two of Proposed Int. No. 630-A would establish that this local law takes effect 120 days after it becomes law.

Since introduction, Proposed Int. 630-A was amended to remove the penalty scheme and clarify that the poster should be available in any language deemed appropriate by the commission, in addition to English and Spanish.

**V. PROPOSED INT. NO. 632-A**

Section one of Proposed Int. No. 632-A would amend section 8-107 of the administrative code of the city of New York to require that interactive training be defined as participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory forms of training as determined by the commission and clarify live instruction and an in-person instructor is not required. The legislation would require that employers with 15 or more employees conduct an anti-sexual harassment interactive training for all employees, including supervisory and managerial employees, annually and within 90 days of initial hire for employees who work more than 80 hours in a calendar year who perform work on a full-time or part-time basis. Pursuant to the legislation, the training would include information explaining that sexual harassment as a form of unlawful discrimination under local, state and federal law, describing and providing examples of sexual harassment, providing information on complaint processes, providing examples and information of retaliation, prohibited pursuant to subdivision 7 of section 8-107, bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention and specific responsibilities for preventing sexual harassment and retaliation.

Proposed Int. No. 632-A would also require that all employers keep a record of both trainings and a signed acknowledgement of attendance from employees for at least three years. The legislation requires the commission on human rights to develop an online interactive training module to satisfy the requirements that would be available to employers if the employer also



provides separate information on complaint processes to employees and provide employees with a certificate of completion. Pursuant to Proposed Int. No. 632-A, the term employer would not apply to the United States government; the state of New York, the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law. The legislation would indicate it applies to interns, that an employee would not be required to receive additional training until the new cycle if they complete the training once during a cycle and change employers during the cycle. has received anti-sexual harassment training at one employer within the required training cycle shall not be required to receive additional anti-sexual harassment training at another employer until the next cycle and options for employers who are subject to anti-sexual harassment training requirements in multiple jurisdictions.

Section two of Proposed Int. No. 632-A would establish that this local law takes effect on April 1, 2019.

Since introduction, Proposed Int. 632-A was amended to remove the penalty scheme, clarify that all employees are trained, including supervisors and managers, as they were separate before, clarify that employees do not have to be trained until after 90 days of employment, simplify record retention compliance, training parameters for employers who face multi-jurisdiction and compliance for employee who receives training at one employer and changes jobs within a cycle and to change the effective date from Sept 1, 2018 to April 1, 2019.

## **VI. PROPOSED INT. NO. 653-A**

Section one of Proposed Int. No. 653-A would amend the administrative code of the city of New York by adding section 3-119.2. The legislation would define agency under the same definition used in section 1150 of the New York city charter and include the offices of the

borough presidents, the comptroller and the public advocate in this definition. Pursuant to Proposed Int. No. 653-A, department would be defined as department of citywide administrative services, reporting individual is defined as an individual who brings forth a report of workplace sexual harassment, including city job or internship applicants, current or former employees, interns, independent contractors and volunteers, and respondent would be defined as an individual under the same categories who has entered the agency's official complaint process.

Proposed Int. No. 653-A would require each agency to annually report complaints of workplace sexual harassment to the department. Pursuant to the legislation, the department would be required to compile and submit the reports to the mayor, the council and the commission on human rights by December 31 and post a report on the complaints online, which would include the number of sexual harassment complaints that were filed, resolved, substantiated, not substantiated and closed because the complaint was withdrawn. The legislation notes that the report would disaggregate information by agency, that the information on agencies with under 10 employees would be aggregated together, and that no report would contain personally identifiable information.

Section two of proposed Int. No. 653-A would establish that this local law takes effect 180 days after it becomes law.

Since introduction, Proposed Int. 653-A was amended to merge some of the reporting categories, remove the disciplinary reporting category to protect privacy of city employees, to clarify that Proposed Int. 653-A would capture former employees whether they were the reporting individual or the respondent, to require the definition of Agency to mirror section 1150 and not section 385 of the city charter and to include the offices of the borough presidents, the comptroller and the public advocate, to clarify how department is defined, and to clarify that if

any category requested contains between 0, not 1, and 5 incidents of sexual harassment claims, the number shall be replaced with a symbol.

## **VII. PROPOSED INT. NO. 664-A**

Section one of Proposed Int. No. 664-A would define agency as it is defined under section 1150 of the New York city charter and would include the offices of the borough presidents, the comptroller and the public advocate. This legislation would require the department of citywide administrative services to develop a climate survey to assess the general awareness and knowledge of the city's equal employment opportunity policy, including on sexual harassment policies, prevention at city agencies and employee experience with and knowledge of reporting of prohibited acts, and notes that the surveys would include optional questions on the race, ethnicity, gender, sexual orientation and age of the individual reporting.

Pursuant to Proposed Int. No. 664-A, the department would assess each agency on factors including employee familiarity with policies, where to get help, how to file a complaint or initiate a disciplinary procedure, responsibilities and ways to report sexual harassment, viewpoints on safety, fairness, and resources. The legislation would require that the department make the survey available to disseminate to employees at all agencies on or before September 31, 2018. Further, the legislation would require that agencies ensure employees are aware of the survey, that it would be optional and anonymous, and would require agencies to take steps to ensure that no personally identifiable information was included.

Proposed Int. No. 664-A would require the department to prepare and submit a report with the results of surveys no later than February 28, 2019. The report would be open to additional information from agencies. The legislation would also require the department to work with each agency to develop and report on an action plan that would address issues raised in the

survey and a plan to address them and recommendations. Proposed Int. No. 664-A would require each agency to redistribute the climate survey to each employee no later than July 31, 2020, and require the department to provide the mayor and the speaker with the results on or before December 31, 2021.

Finally, the legislation would require the department to work with each agency and each agency to update their action plan by December 31, 2022 with the results of the agency's survey, incorporate the plans into the agency's annual EEO plan, and report results to the mayor and the speaker on or before December 31, 2022. Proposed Int. No. 664-A would require each agency to redistribute the climate survey on or before July 31, 2024 and on or before July 31 every four years thereafter and to produce a report on the results of the survey to the mayor and the speaker on or before December 31, 2025 and on or before December 31 every four years thereafter.

Section two of Proposed Int. No. 664-A would establish that this local law takes effect 90 days after it becomes law.

Since introduction, Proposed Int. 664-A was amended to clarify that the department and not the commission will be responsible for and oversee the process, to clarify that surveys would be developed by September 2018 and not July 2018, to clarify that the reply on the surveys would be due in February 2019 and not December 2018, to require that the surveys go into perpetuity, to be conducted every four years after the initial two are conducted, and to remove the sunset clause.

### **VIII. PROPOSED INT. NO. 693-A**

Section one of Proposed Int. No. 693-A would amend section 1305 of chapter 56 of the New York city charter to require that employment reports include information on employment practices, policies and procedures and to require that the contracting agency transmit the report.

The legislation requires that the commissioner ensure that contractors and subcontractors conducting reports follow the equal employment opportunity requirement of local, state and federal law and executive orders.

Section two of Proposed Int. No. 693-A would establish that this local law takes effect 60 days after it becomes law.



Proposed Int. No. 612-A

By The Speaker (Council Member Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides and Reynoso

A LOCAL LAW

To amend the New York city charter, in relation to anti-sexual harassment trainings at city agencies

Be it enacted by the Council as follows:

1 Section 1. Chapter 35 of the New York city charter is amended by adding a new section

2 815.1 to read as follows:

3 §815.1. Anti-sexual harassment training. a. Definitions. For purposes of this section, the  
4 following terms have the following meanings:

5 Agency. The term “agency” has the same meaning as such term is defined in section 1150 and  
6 shall include the offices of the borough presidents, the comptroller and the public advocate.

7 Interactive training. The term “interactive training” means participatory teaching whereby the  
8 trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online  
9 training program or other participatory demonstrations as determined by the commission.  
10 However, such “interactive training” is not required to be live or facilitated by an in-person  
11 instructor in order to satisfy the provisions of this subdivision.

12 b. All personnel. The head of each agency, in consultation with the department, shall  
13 ensure that each employee of such agency receives anti-sexual harassment interactive training  
14 annually. Such training shall be designed to create an environment that is free from sexual  
15 harassment, to discourage the development of sexual harassment, to raise awareness and  
16 sensitivity of employees to potential sexual harassment and to enable employees to prevent and  
17 respond to sexual harassment. Such training shall include the specific responsibilities of

1 supervisory and managerial employees in the prevention of sexual harassment and retaliation,  
2 and measures that such employees may take to appropriately address sexual harassment  
3 complaints. Such training may be included as a part of a broader anti-discrimination training and  
4 shall include but not be limited to the following:

5 1. An explanation of sexual harassment as a form of unlawful discrimination under local  
6 law;

7 2. A statement that sexual harassment is a form of unlawful discrimination under federal  
8 and state law;

9 3. A description of what sexual harassment is;

10 4. The internal complaint process available to employees within such agency;

11 5. The complaint process available through the commission on human rights, the  
12 division of human rights and the United States equal employment opportunity commission,  
13 including contact information;

14 6. The prohibition of retaliation, pursuant to federal, state and local law and the internal  
15 complaint process, and examples thereof; and

16 7. Information concerning bystander intervention, including but not limited to any  
17 resources that explain how to engage in bystander intervention.

18 c. For purposes of this section the term “employee” shall apply to interns.

19 d. Compliance. 1. The department of citywide administrative services shall maintain a  
20 record of all trainings required pursuant to this section for at least three years. On or before  
21 January 31 of each year the department of citywide administrative services shall report to the  
22 mayor and the speaker the results of agency compliance with the requirements of this section.



1           2. The training required pursuant to this section is intended to establish a minimum  
2 threshold and does not prohibit any agency from providing more frequent or additional anti-  
3 sexual harassment training.

4           § 2. This local law takes effect 120 days after it becomes law.

ACK / MMB  
LS # 5327  
4/3/2018 9:53pm



Proposed Int. No. 613-A

By Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso

A LOCAL LAW

In relation to assessing on workplace risk factors associated with sexual harassment within city agencies

Be it enacted by the Council as follows:

1           Section 1. Sexual harassment workplace risk factors report. a. Definitions. For purposes  
2 of this local law, the term “agency” has the same meaning as such term is defined in section  
3 1150 of the New York city charter and shall include the offices of the borough presidents, the  
4 comptroller and the public advocate.

5           b. Every agency shall conduct an ongoing assessment of risk factors associated with  
6 sexual harassment at such agency in order to help provide a fair and safe work environment for  
7 all city workers. Each agency shall submit its ongoing assessment of risk factors to the  
8 department of citywide administrative services for periodic review. Such ongoing assessment of  
9 risk factors is intended to assist the department of citywide administrative services and each  
10 agency to develop responsive strategies to combat sexual harassment.

11           c. The risk factors to be assessed may include, but need not be limited to, the following:

12           (a) Homogenous workforce, such as work environments with low diversity with respect  
13 to age, ethnicity, gender, race, or sex;

14           (b) Language differences in the workplace;

15           (c) Workplaces with significant power disparities such as workplaces where employees  
16 hold positions usually subject to the direction of others;

1 (d) Isolated workplaces such as workplaces where employees work alone or have few  
2 opportunities to interact with others; and

3 (e) Decentralized workplaces such as workplaces that are geographically dispersed.

4 d. The assessments required pursuant to this section shall be submitted to the department  
5 of citywide administrative services for periodic review.

6 § 2. This local law takes effect immediately and shall be deemed repealed on January 31,  
7 2022.

MMB / ACK  
LS # 5324  
4/2/2018 10:24pm

Proposed Int. No. 630-A

By Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers, and Constantinides

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating an anti-sexual harassment rights and responsibilities poster

Be it enacted by the Council as follows:

1           Section 1. Section 8-107 of the administrative code of the city of New York is amended  
2 by adding a new subdivision 29 to read as follows:

3 29. Anti-sexual harassment rights and responsibilities; poster. (a) Every employer must  
4 conspicuously display an anti-sexual harassment rights and responsibilities poster designed by  
5 the commission, in employee breakrooms or other common areas employees gather. Every  
6 employer at a minimum shall display such poster in English and in Spanish.

7           (b) The commission shall create a poster that sets forth in simple and understandable  
8 terms the following minimum requirements:

9           (1) An explanation of sexual harassment as a form of unlawful discrimination under local  
10 law;

11           (2) A statement that sexual harassment is also a form of unlawful discrimination under  
12 state and federal law;

13           (3) A description of sexual harassment, using examples;

14           (4) The complaint process available through, and directions on how to contact, the  
15 commission;

16           (5) The complaint process available through, and directions on how to contact, the state  
17 division of human rights;

1           (6) The complaint process available through, and directions on how to contact, the United  
2 States equal employment opportunity commission; and

3           (7) The prohibition against retaliation, pursuant to subdivision 7 of section 8-107.

4           (c) The size and style of the poster shall be at least 8 1/2 by 14 inches with a minimum 12  
5 point type. Such poster shall be made available in English and Spanish and any other language  
6 deemed appropriate by the commission, however, any such poster shall only contain one  
7 language.

8           (d) Any poster required pursuant to this section shall be made available on the  
9 commission's website for employers to download for legible color reproduction in English,  
10 Spanish and any other language deemed appropriate by the commission.

11           (e) The commission shall develop an information sheet on sexual harassment that  
12 employers shall distribute to individual employees at the time of hire. Such information sheet  
13 may be included in an employee handbook. Such information sheet shall contain, at a minimum,  
14 the same elements of paragraph (b) of this subdivision. The information sheet shall be made  
15 available in English and Spanish and any other language deemed appropriate by the commission.

16           § 2. This local law takes effect 120 days after it becomes law; provided, however that the  
17 commission on human rights shall take all actions necessary for its implementation, including the  
18 promulgation of rules, before such date.

MMB / ACK  
LS # 4988 and LS # 5089  
4/3/2018 9:51pm

Proposed Int. No. 632-A

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

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:

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

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

5 Interactive training. The term “interactive training” means participatory teaching whereby the  
6 trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online  
7 training program or other participatory forms of training as determined by the commission.  
8 However, such “interactive training” is not required to be live or facilitated by an in-person  
9 instructor in order to satisfy the provisions of this subdivision.

10           (b) Training. Employers with 15 or more employees shall annually conduct an anti-sexual  
11 harassment interactive training for all employees, including supervisory and managerial  
12 employees, of such employer employed within the city of New York. Such training shall be  
13 required after 90 days of initial hire for employees who work more than 80 hours in a calendar  
14 year who perform work on a full-time or part-time basis. Such training shall include, but need  
15 not be limited to, the following:

16           (1) An explanation of sexual harassment as a form of unlawful discrimination under local  
17 law;

1           (2) A statement that sexual harassment is also a form of unlawful discrimination under  
2 state and federal law;

3           (3) A description of what sexual harassment is, using examples;

4           (4) Any internal complaint process available to employees through their employer to  
5 address sexual harassment claims;

6           (5) The complaint process available through the commission, the division of human  
7 rights and the United States equal employment opportunity commission, including contact  
8 information;

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

11           (7) Information concerning bystander intervention, including but not limited to any  
12 resources that explain how to engage in bystander intervention.

13           (8) The specific responsibilities of supervisory and managerial employees in the  
14 prevention of sexual harassment and retaliation, and measures that such employees may take to  
15 appropriately address sexual harassment complaints.

16           (c) Compliance. (1) Employers shall keep a record of all trainings, including a signed  
17 employee acknowledgement. Such acknowledgment may be electronic.

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

20           (3) The commission shall develop an online interactive training module that may be used  
21 by an employer as an option to satisfy the requirements of paragraph (b) of this subdivision,  
22 provided that an employer shall inform all employees of any internal complaint process available  
23 to employees through their employer to address sexual harassment claims. Such training module



1 shall be made publicly available at no cost on the commission’s website. Such training module  
2 shall allow for the electronic provision of certification each time any such module is accessed  
3 and completed. The commission shall update such modules as needed.

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

7 (d) For purposes of this subdivision the term “employer” shall not apply to (i) the United  
8 States government; (ii) the state of New York, including any office, department, independent  
9 agency, authority, institution, association, society or other body of the state including the  
10 legislature and the judiciary; or (iii) the city of New York or any local government, municipality  
11 or county or any entity governed by section 92 of the general municipal law or section 207 of the  
12 county law.

13 (e) For purposes of this subdivision the term “employee” shall apply to interns.

14 (f) An employee who has received anti-sexual harassment training at one employer  
15 within the required training cycle shall not be required to receive additional anti-sexual  
16 harassment training at another employer until the next cycle.

17 (g) An employer that is subject to training requirements in multiple jurisdictions may  
18 assert that it is compliant with this subdivision provided that each provision in subparagraph b of  
19 this subdivision is fulfilled in an anti-sexual harassment training that such employer makes  
20 available to its employees on an annual basis and shall be allowed to provide proof of  
21 compliance.

22 § 2. This local law takes effect April 1, 2019.

MMB / ACK  
LS # 5326; LS # 5086 and LS # 4679  
4/3/2018 9:51 p.m.



Proposed Int. No. 653-A

By Council Members Levine, Williams, Torres, Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides and Reynoso

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to mandating annual reporting on workplace sexual harassment within city agencies

Be it enacted by the Council as follows:

1           Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of  
2 New York is amended by adding a new section 3-119.2 to read as follows:

3 § 3-119.2 Annual reporting on workplace sexual harassment. a. Definitions. For purposes of this  
4 section, the following terms have the following meanings:

5 Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the  
6 charter and shall include the offices of the borough presidents, the comptroller and the public  
7 advocate.

8           Department. The term “department” means the department of citywide administrative  
9 services.

10           Reporting individual. The term “reporting individual” means a city job or internship  
11 applicant, or a current or former employee, intern, independent contractor or volunteer who  
12 brings forth a report of workplace sexual harassment.

13           Respondent. The term “respondent” means a city job or internship applicant, or a current  
14 or former employee, intern, independent contractor or volunteer accused of workplace sexual  
15 harassment who has entered into the agency’s official complaint process.

16           b. Each agency shall report to the department complaints of workplace sexual harassment  
17 annually. The department shall annually compile complaints of workplace sexual harassment

1 within each agency for the preceding fiscal year and shall annually submit by December 31 to  
2 the mayor, the council and commission on human rights, which shall post it on its website, a  
3 report containing the following information:

4 1. The number of such complaints that were filed;

5 2. Of those complaints in paragraph 1 of this subdivision, the number of complaints  
6 resolved;

7 3. Of those complaints in paragraph 2 of this subdivision, the number of complaints  
8 substantiated;

9 4. Of those complaints in paragraph 2 of this subdivision, the number of complaints not  
10 substantiated; and

11 5. The number of complaints in the agency's official discrimination claim process that  
12 were closed because the complaint was withdrawn by the reporting individual prior to a final  
13 determination.

14 c. The information required pursuant to subdivision b of this section shall be  
15 disaggregated by agency, except that agencies with 10 employees or less shall be aggregated  
16 together.

17 d. No report required pursuant to subdivision b of this section shall contain personally  
18 identifiable information. If any category requested contains between 0 and 5 incidents of sexual  
19 harassment claims, the number shall be replaced with a symbol.

20 § 2. This law takes effect 180 days after it becomes law.

MMB / ACK  
LS # 5024; LS #5059; LS # 5283; LS # 5287 and LS # 5772  
4/3/2018 9:50pm

Proposed Int. No. 664-A

By Council Members Rosenthal, Rose, Chin, Powers and Constantinides

A LOCAL LAW

In relation to climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies

Be it enacted by the Council as follows:

1           Section 1. Equal employment opportunity and sexual harassment climate surveys. a.  
2   Definitions. For purposes of this local law, the term “agency” has the same meaning as such term  
3   is defined in section 1150 of the New York city charter and shall include the offices of the  
4   borough presidents, the comptroller and the public advocate.

5           b. The department of citywide administrative services shall develop a climate survey to  
6   assess the general awareness and knowledge of the city’s equal employment opportunity  
7   (“EEO”) policy, including but not limited to sexual harassment policies and prevention at city  
8   agencies, including employee experience with and knowledge of reporting of prohibited acts. In  
9   addition, such survey shall include questions, that may be completed in full or in part, at the  
10   discretion of the employee respondent, including race, ethnicity, gender, sexual orientation and  
11   age of the employee. The department shall use such survey to assess each agency regarding the  
12   following:

13           (1) The extent that employees of each agency are familiar with the EEO policy of such  
14   agency they are employed by or assigned to, including but not limited to sexual harassment;

15           (2) The extent that employees are knowledgeable about the EEO policy, including but not  
16   limited to sexual harassment, and where they can get help if they believe that they were sexually  
17   harassed;

1           (3) The extent that employees are knowledgeable about how and where to file a formal  
2 complaint about a violation of the EEO policy, including but not limited to a complaint about  
3 sexual harassment or related misconduct or how to initiate a disciplinary procedure;

4           (4) The extent that employees are knowledgeable about the process that occurs after an  
5 employee has filed a complaint about a violation of the EEO policy, including but not limited to  
6 a complaint of sexual harassment or related misconduct;

7           (5) For supervisory and managerial employees, the extent that such employees are  
8 knowledgeable about their responsibilities with respect to the prevention of violations of the  
9 EEO policy, including but not limited to sexual harassment and retaliation as such conduct is  
10 prohibited by the city's human rights law;

11           (6) For supervisory and managerial employees, the extent that such employees are  
12 knowledgeable about measures that such employee may take to appropriately address complaints  
13 under the EEO policy, including but not limited to sexual harassment complaints;

14           (7) Whether employees have witnessed or experienced sexual harassment, as described  
15 by local law or a violation of the EEO policy, including but not limited to unwelcome sexual  
16 advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature,  
17 at their current place of employment or at an employer sanctioned event;

18           (8) Whether employees feel that their workplace is safe and free from violations of the  
19 EEO policy, including but not limited to sexual harassment or retaliation;

20           (9) Whether employees believe that the agency they are employed by or assigned to  
21 protects the rights of its employees to pursue their duties in a respectful workplace;

1           (10) Whether employees believe that the agency they are employed by or assigned to  
2 ensures that all employees are protected from workplace harassment and ensures that all  
3 employees are treated equally and fairly;

4           (11) Whether employees believe that the agency they are employed by or assigned to  
5 takes steps to prevent violations of the EEO policy, including but not limited to incidents of  
6 sexual harassment or retaliation;

7           (12) Whether employees believe that the agency they are employed by or assigned to  
8 takes seriously and investigates violations of the EEO policy, including but not limited to claims  
9 of sexual harassment; and

10          (13) Whether employees believe that the agency they are employed by or assigned to  
11 adequately responds to those who claim to have experienced violations of the EEO policy,  
12 including those who may be victims of sexual harassment, and ensures that appropriate resources  
13 are made available to those individuals.

14          c. The department shall make the climate survey available to all agencies for  
15 dissemination to agency employees on or before September 31, 2018. Agencies shall ensure that  
16 each employee receives such climate survey and are advised that such climate survey is not  
17 mandatory or required as part of such employee's job. Agencies shall take steps to ensure that  
18 the assessment remains anonymous and that no individual employee is personally identified.

19          d. No later than February 28, 2019, the department shall prepare and submit to the mayor  
20 and the speaker a report with the results of the climate survey prepared pursuant to subdivision b  
21 of this section. Any agency may provide additional information to the department in preparation  
22 of each such report. Such additional information may include prior relevant reports or underlying

1 data that can provide context to the results of such agency's climate assessment, including an  
2 assessment of risk factors associated with sexual harassment within such agency.

3 e. No later than December 31, 2019, the department shall work with each agency to  
4 develop an action plan, to be incorporated into each agency's annual EEO plan, and to be  
5 reported to the mayor and the speaker on or before March 31, 2020. Such action plan shall  
6 address the results of each agency's climate survey including but not limited to:

7 (1) Identifying any issues at such agency identified by the climate survey required by  
8 subdivision a and outlining what steps such agency will take to address and cure those issues;  
9 and

10 (2) Incorporating the recommendations of the report issued pursuant to subdivision d of  
11 this section.

12 f. After each agency develops and implements an action plan pursuant to subdivision e,  
13 and no later than July 31, 2020, each agency shall redistribute the climate survey required by  
14 subdivision b to each agency employee. The department shall produce a report to the mayor and  
15 the speaker on or before December 31, 2021 with the results of the climate survey prepared  
16 pursuant to this subdivision. No later than December 31, 2022, the department shall work with  
17 each agency to update their action plans, to be incorporated into each agency's annual EEO plan,  
18 and to be reported to the mayor and the speaker on or before December 31, 2022, which shall  
19 address the results of each agency's climate survey redistributed pursuant to this subdivision.

20 g. On or before July 31, 2024 and on or before July 31 every four years thereafter, each  
21 agency shall redistribute the climate survey required by subdivision b to each agency employee.  
22 The department shall produce a report to the mayor and the speaker on or before December 31,  
23 2025 and on or before December 31 every four years thereafter with the results of the climate



1 survey prepared pursuant to this subdivision.

2 § 2. This local law takes effect 90 days after it becomes law.

ACK/MMB  
LS # 5323  
4/3/2018 9:49pm



Int. No. 693

By Council Members Van Bramer, Rose, Rosenthal, Chin, Powers and Constantinides

A LOCAL LAW

To amend the New York city charter, in relation to division of labor services employment reports

Be it enacted by the Council as follows:

1           Section 1. Paragraph 2 of subdivision e of section 1305 of chapter 56 of the New York  
2 city charter is amended to read as follows:

3           e. 2. An employment report shall include, but not be limited to, employment practices,  
4 policies[,] and procedures, including those related to preventing and addressing sexual  
5 harassment, statistics and collective bargaining agreements. The contracting agency shall  
6 transmit the employment report to the commissioner after the selection of a proposed contractor  
7 or subcontractor. The commissioner shall review all employment reports to determine whether  
8 such contractors and subcontractors are in compliance with the equal employment opportunity  
9 requirement of local, state and federal law and executive orders.

10           § 2. This local law takes effect 60 days after it becomes law; provided, however that the  
11 commissioner shall take all action necessary for its implementation, including the promulgation  
12 of rules, before such date.

MMB / ACK  
LS # 4931  
3/13/18; 4:22 p.m.