



DEBORAH BUYER LAW
FOR THE BETTER

NYC Stop Sexual Harassment in NYC Act (“NYC Act”) May 2018

The NYC Act amends the New York City Human Rights Law (“NYC Human Rights Law”), the New York City Charter, and the New York City Commission on Human Rights (the “NYC Commission”) policies to explicitly include sexual harassment and imposes certain specific requirements regarding sexual harassment on private employers, as described below. The Act was passed by the NYC Council on April 11, 2018, and signed into law by the Mayor on May 9, 2018.

Sexual Harassment Training

<p>Does the NYC Act now require private employers to conduct sexual harassment training?</p>	<p>Yes, all private employers with 15 or more employees (including interns) must conduct an annual anti-sexual harassment training for all employees, including supervisors and managerial employees, employed within New York City.</p> <p>Additionally, such training is required 90 days after an employee is hired who works more than 80 hours in a year (full time or part time).</p> <p>An employee who has received anti-sexual harassment training at one employer within the “required training cycle” is not required to receive additional anti-sexual harassment training at another employer until the next cycle.</p> <p><i>This law will take effect April 1, 2019.</i></p>
<p>What does the NYC Act require for sexual harassment training?</p>	<p>The training should include:</p> <ul style="list-style-type: none">• An explanation of sexual harassment as a form of unlawful discrimination,• A statement that sexual harassment is also a form of unlawful discrimination by law,• Examples of sexual harassment,• Complaint processes available (including the employer’s internal complaint process, and the complaint process available through the NYC Commission, the NYS Division of Human Rights and the US Equal Employment Opportunity Commission, including contact information),• A prohibition on retaliation and examples, and• Information on how to engage in bystander intervention.



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	The training should also include the specific responsibilities of supervisory and managerial employees and measures that such employees may take to address sexual harassment complaints.
Will there be additional guidance regarding the NYC Act’s sexual harassment training requirements?	Yes, the NYC Commission is responsible for creating an online, interactive training module to be posted on their website for access by employers. Even if an employer uses the NYC Commission’s training module, the employer must supplement the module to include any internal complaint process available to employees through their employer to address sexual harassment claims.
What record-keeping requirements apply to sexual harassment training under the NYC Act?	Employers must keep a record of all trainings, including a signed employee acknowledgement (which may be electronic and will be included in the NYC Commission’s training module).

Small Employers

How does the NYC Act affect small employers?	<p>While the sexual harassment training requirements described above do not apply to private employers with less than 15 employees, other aspects of the NYC Act will apply to all employers, regardless of size.</p> <p>Prior to the NYC Act, the provisions of the NYC Human Rights Law generally applied only to employers with four or more employees. Now, the NYC Human Rights Law, with regard to “an action for unlawful discriminatory practice based on a claim of gender-based harassment”, will apply to all employers regardless of the number of employees.</p> <p><i>This law takes effect immediately.</i></p>
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Employee Notice Requirements

Does the NYC require employers post a sexual harassment poster in the workplace?	<p>Yes, every employer must display an anti-sexual harassment rights and responsibilities poster designed by the NYC Commission in employee breakrooms or another common area.</p> <p>Every employer must display such poster in English and in Spanish, at</p>
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	<p>minimum.</p> <p>The poster includes an explanation of sexual harassment as a form of unlawful discrimination under local, state and federal law, examples of sexual harassment, complaint processes available through the NYC Commission, the NYS Division of Human Rights, and the US Equal Employment Opportunity Commission, and the prohibition against retaliation.</p> <p>The poster will be available on the NYC Commission’s website to download.</p> <p><i>This law will take effect September 6, 2018.</i></p>
What other employee notices are required by the NYC Act?	<p>The NYC Commission will develop an information sheet on sexual harassment that employers must distribute to employees at the time of hire and may be included in an employee handbook. The information sheet will include similar elements as the poster, described above.</p> <p><i>This law will take effect September 6, 2018.</i></p>

Lawsuits

How long does an employee have to file a claim of sexual harassment with the NYC Commission?	<p>The statute of limitations for filing a claim of gender-based harassment with the NYC Commission is extended to three years (from one year) after the alleged harassing conduct occurred.</p> <p><i>This law takes effect immediately.</i></p>
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NYC Contractors and Subcontractors

How does the NYC Act affect NYC contractors and subcontractors?	<p>Contractors and subcontractors that apply for City contracts which require Division of Labor Service employment reports will need to include in their employment report any policies and procedures “related to preventing and addressing sexual harassment”.</p> <p><i>This law will take effect July 8, 2018.</i></p>
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Additional Guidance

<p>What other guidance will the NYC Commission provide?</p>	<p>The NYC Commission will post on its website online resources about sexual harassment, including an explanation that sexual harassment is a form of unlawful discrimination, specific descriptions and examples of sexual harassment, a description of the NYC Commission’s complaint process and contact information, a list of other government agencies for filing complaints about sexual harassment and their websites, and the prohibition against retaliation for complaints concerning allegations of sexual harassment and examples.</p> <p>The NYC Commission website will also post bystander intervention education and the importance of taking action to prevent workplace sexual harassment, as well as an interactive tool describing each step of the NYC Commission’s complaint process.</p> <p><i>This law will take effect August 7, 2018.</i></p>
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This alert is for general information purposes and should not be construed as legal advice. If you would like information about this alert, please contact one of the firm’s attorneys:

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