

From “April to April”: An Overview of Recently Enacted
New York State and City Employment Laws

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Both New York State and New York City lawmakers have had a busy year so far, enacting a host of employment laws that impose new and significant responsibilities on covered employers. Below is a summary of the major laws enacted since April 2018, many of which are already in effect and others that will become effective later this year or by April 2019.

Note: In addition to linking to the texts of the new statutes, we have provided links to Epstein Becker Green *Act Now* Advisories containing detailed analyses of these laws.

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
State	N.Y. Exec. Law § 296-d New York State Enacts Sweeping Sexual Harassment Laws	Expansion of Covered Workers Permitted to Bring Harassment Claims	Employers may be liable for sexual harassment claims by contractors, subcontractors, vendors, consultants, or other non-employees providing services to the employer.	Consider an anti-harassment policy for non-employees.	April 12, 2018

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
City	Int. 1313 Safe and Sick Time Law: New York City Publishes Revised Notice of Employee Rights	Revised Sick Time Law	Employers must now permit employees to use sick and safe time for various reasons related to the fact that the employee or a family member has been the victim of a sexual offense.	Revise policy to amend the reasons for use and the family members covered. Send updated notice to current employees by June 4; provide new notice to onboarding employees.	May 5, 2018 June 4, 2018
City	Int. 663-A New York City Mandates Sexual Harassment Training and Expands Sexual Harassment Protections Under the Human Rights Law	Statute of Limitations	Individuals now have 3 years (previously 1 year) to file an administrative charge of gender-based harassment with the Commission on Human Rights. <i>Note: The statute of limitations for filing a lawsuit under the New York City Human Rights Law (“NYCHRL”) is still 3 years.</i>	N/A	May 9, 2018
City	Int. 657-A New York City Mandates Sexual Harassment Training and Expands Sexual Harassment Protections Under the Human Rights Law	Expanded Liability	Employers of all sizes are now subject to potential sexual harassment liability under the NYCHRL.	N/A	May 9, 2018
State	N.Y. C.P.L.R. Law § 7515 New York State Enacts Sweeping Sexual Harassment Laws	Mandatory Pre-Dispute Arbitration Clauses	Employers may no longer incorporate pre-dispute arbitration clauses in written employment contracts requiring the final and binding resolution of allegations or claims of an unlawful discrimination practice for sexual harassment.	Review and consider modifying current mandatory arbitration policy.	July 11, 2018

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
State	N.Y. Gen. Oblig. Law § 5-336; N.Y. C.P.L.R. Law § 5003-B New York State Enacts Sweeping Sexual Harassment Laws	Nondisclosure Agreements	Employers may no longer include nondisclosure clauses in settlements, agreements, or other resolutions of sexual harassment claims <i>unless</i> the condition of confidentiality is the complainant's preference.	Review and consider modifying settlement and separation agreements.	July 11, 2018
City	Int. 1399-A New York City Gives Employees the Right to Change Work Schedules Temporarily for "Personal Events"	Temporary Schedule	Employers must provide employees with up to 2 temporary schedule changes (or permission to take unpaid time off) per calendar year due to a "personal event."	Create a policy advising employees of right to time off.	July 18, 2018
City	Int. 630-A New York City Mandates Sexual Harassment Training and Expands Sexual Harassment Protections Under the Human Rights Law	Sexual Harassment Poster	All employers must post a sexual harassment rights and responsibilities poster in English, Spanish, and other languages, as applicable.	Post notice (<i>not yet available from the New York City Commission on Human Rights ("NYCCHR") website</i>).	September 6, 2018
City	Int. 630-A New York City Mandates Sexual Harassment Training and Expands Sexual Harassment Protections Under the Human Rights Law	Sexual Harassment Info Sheet	Employers must provide new hires with an information sheet on sexual harassment.	Provide a copy of the information sheet (<i>not yet available from the NYCCHR website</i>) to new hires.	September 6, 2018

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
State	N.Y. Lab. Law § 201-G New York State Enacts Sweeping Sexual Harassment Laws	Sexual Harassment Training	Employers must provide annual training to employees that meets or exceeds the state's model training program.*	Create a training program that includes: <ul style="list-style-type: none"> • an explanation of what constitutes sexual harassment under New York State law, with examples; • information regarding the federal and state laws concerning sexual harassment and the remedies available to victims of sexual harassment; and • information on employees' legal rights and all available forums in which they can bring complaints. 	October 9, 2018
State	N.Y. Lab. Law § 201-G New York State Enacts Sweeping Sexual Harassment Laws	Sexual Harassment Policy	Employers must maintain a written sexual harassment policy that meets or exceeds the state's model sexual harassment policy.	Create a policy that: <ul style="list-style-type: none"> • states that sexual harassment is prohibited, • provides examples of prohibited conduct that would constitute unlawful sexual harassment, • contains information regarding federal and state law concerning sexual harassment and remedies available to victims of sexual harassment, • informs employees that there may be applicable 	October 9, 2018

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
				<p>local laws on sexual harassment,</p> <ul style="list-style-type: none"> • contains a complaint form, • includes a procedure for investigating complaints, • states that sexual harassment is a form of employee misconduct and that sanctions will be enforced against both individuals who engage in sexual harassment and supervisory personnel who knowingly allow sexual harassment to continue, and • states that retaliation against those who complain of sexual harassment or who testify or assist in any proceeding is unlawful. 	
City	Int. No 804-A New York City Employers Will Be Required to Engage in Reasonable Accommodations Dialogue	Reasonable Accommodations Dialogue	<p>Employers must engage in cooperative dialogue within a reasonable time frame with a reasonable person who has requested accommodation related to:</p> <ul style="list-style-type: none"> • religious needs; • a disability; • pregnancy, childbirth, or a related medical condition; or • such person's needs as a victim of domestic violence, sex offenses, or stalking. 	<p>Revise any current reasonable accommodation policy to ensure that it covers all recognized categories and mentions the interactive process or "cooperative dialogue."</p> <p>Train human resources personnel and managers on required responses to accommodation requests.</p>	October 15, 2018

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
City	Int. 632-A New York City Mandates Sexual Harassment Training and Expands Sexual Harassment Protections Under the Human Rights Law	Sexual Harassment Training	Employers with 15 or more employees must conduct annual, interactive training on sexual harassment for all full-time and part-time employees (including interns) who work more than 80 hours in a calendar year in New York City.	Create an interactive training program that includes: <ul style="list-style-type: none"> • an explanation that sexual harassment is a form of unlawful discrimination under local, state, and federal law; • a description of what sexual harassment is, using practical examples; • a description of the employer’s internal complaint processes available to employees to address sexual harassment claims; • a description of the complaint process available through the NYCCHR, the New York State Division of Human Rights, and the federal Equal Employment Opportunity Commission, including contact information; • examples and information on the prohibition of “retaliation”; • information concerning bystander intervention, including resources that explain how to engage in bystander intervention; and 	April 1, 2019

New York Jurisdiction	Statute	Subject	Summary	Action Item	Effective Date
				<ul style="list-style-type: none"> 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. 	

** New York City imposes additional sexual harassment training requirements, explained separately in the chart above. Employers operating in New York City should ensure that their training and frequency of training adhere to both New York State and City laws.*

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