

CLIENT ALERT

**NEW YORK EMPLOYERS SHOULD BE PREPARED TO MEET A 10/9/18 POLICY DEADLINE AND
A 1/1/19 TRAINING DEADLINE**

As you may have seen from our prior [alert](#), earlier this year, both New York State and New York City passed laws intended to combat workplace sexual harassment.

On August 23, 2018, New York State released a draft of its (i) model sexual harassment policy, (ii) model complaint form for employees to report sexual harassment, (iii) FAQs regarding the new law, (iv) minimum standard guidelines, and (v) model training. All drafts were in proposed form and open for public comment until September 12, 2018. While the New York State model policies and guidelines have not yet been released in their final form, and New York City has yet to release any particulars, **employers must be prepared to meet an October 9, 2018 compliance deadline and a January 1, 2019 sexual harassment training deadline.**

1. Written Sexual Harassment Policy Requirements

Effective October 9, 2018, New York State law requires that all employers either adopt New York State's model policy or a policy that meets or exceeds the State's model policy and minimum standards. New York City has not yet released similar guidance or model policies. Nonetheless, in an effort to satisfy both laws and avoid having to issue a revised policy in 2019, employers should keep New York City law in mind when adopting or revising their anti-harassment policies. The recent New York City [information sheet](#) that is required to be distributed provides significant guidance.

Employers must provide the policy in writing, but may do so electronically so long as employees are able to print and access the policy on a computer provided by the employer during work time.

2. Mandatory Annual Interactive Training Requirements and Deadlines

By January 1, 2019, New York State requires that all employers provide their employees with interactive training, comprised of either the State's model training or a comparable training that meets or exceeds the State's model policy and minimum standards.

All employees must be trained at least once per year. After January 1, 2019, the training date may be based on the calendar year, the anniversary of each employee's start date, or any other date the employer chooses. New employees must be trained within 30 calendar days following the commencement of employment. All employees, including part-time and temporary employees, must be provided the training. In addition, the State's proposed guidance states that the trainings should be provided in the language spoken by the employees.

Effective April 1, 2019, the New York City law similarly requires an annual anti-sexual harassment training for all employees, but limits the requirement to employers with 15 or more employees. All new employees, whether part-time or full-time, who work 80 hours or more per year must receive the training 90 days after their initial hire, unless the employee receives the training within the same annual cycle from a prior employer. New York City is expected to develop and share an online interactive training model with employers. While the model training has not yet been released, many of New York City's minimum standards strongly correlate with those of the State, and employers undertaking the New York State required training, who are cognizant of the New York City minimum standards that will likely exceed those of the State (e.g., required education on "bystander intervention"), should be able to satisfy both laws with one training program.

It is possible that the state will push back the January 1, 2019 deadline, but employers should prepare to comply now.

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If you have questions or would like additional information, please contact EGS's Employment Law Practice Group Leader, Amanda M. Fugazy at afugazy@egsllp.com or the primary EGS attorney with whom you work.

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