

New York City Releases Clarification on Anti-Sexual Harassment Training Requirements

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November 16, 2018

New York City employers were given some clarity this week regarding their obligations under the City's Stop Sexual Harassment Act, as the New York City Commission on Human Rights released new FAQs about the law ([found here](#)). These FAQs touch on training and posting requirements that all employers should be aware of.

Training Requirements

The FAQs provide guidance on the types of employees and workers that employers must train. Specifically, the FAQs state that employers must train any employee who works 80 hours or more and works at least 90 days in a calendar year (so the training will cover a large number of part-time and short-term employees). Additionally, employers must also train independent contractors who meet these same working time requirements. However, employers will not have to train independent contractors who have received annual training elsewhere. Regardless, independent contractors will count toward the total number of employees for determining whether the employer has 15 employees, triggering the mandate to provide training.

Beginning in October 2019, New York employers will have to train all covered employees **and independent contractors** (who do not receive training elsewhere) once every calendar year. The City Commission explained that it is working with the New York State Division of Human Rights to release a training module that will meet the requirements of both the City law and the recently enacted State law. The employer will have to maintain proof of training documents for three years, including employee acknowledgments.

Workplace Postings

The FAQs expand on the posting requirements for the City Commission's [Stop Sexual Harassment Act Notice](#) that employers should already have posted in their workplaces. Specifically, the FAQs explain that the notice should be posted in both English and Spanish, and should be posted in breakrooms and common areas. Employers may use electronic posting if there is no feasible physical location for the notice, or if electronic posting is the most effective method of reaching the employees. However, if the employer elects to physically post the notice, it must be posted at **all** of the employer's worksites.

The employer must also issue to new hires a copy of the City Commission's [Stop Sexual Harassment](#)

[Act Factsheet](#) at the time of hire, or no later than the end of the first week of work. The factsheet can be included in onboarding materials or in an employee handbook.

What Employers Should Be Doing

- Begin the process of reviewing and implementing training. The first training deadline is October 9, 2019, for the required State training. New York City employers who want to make sure their training is compliant with both State and City law may elect to wait until the City Commission releases its training module that will comply with both laws – but regardless employers need to begin the process now of either developing their own training or engaging a vendor for training purposes.
- Monitor your outside agencies and any entity which supplies you with contractors, and determine whether you have to train independent contractors
 - Employers **do not** need to train independent contractors who have received annual training elsewhere.
 - Employers **do** need to train certain independent contractors (who don't get training elsewhere), who work for more than 90 days and more than 80 hours in a calendar year.
 - Make sure you are training part time and short term employees. Any employee who works for more than 90 days and more than 80 hours in a calendar year.
- Review your workplace postings to ensure the City's Stop Sexual Harassment Act Notice is included in both English and Spanish. This is also a good time to review all of your mandatory workplace postings, and ensure all required postings are included, such as those for the Family and Medical Leave Act, minimum wage, and others. If your employees have ready access to an employer intranet system, consider posting the notice on the intranet.
- Make sure all onboarding packets or other paperwork for new hires contain the Stop Sexual Harassment Act Factsheet.