

Sills Cummis & Gross P.C.

Alert

New York Issues Model Policy and Guidelines *Effective Tuesday, October 9, 2018*

The New York State Division of Human Rights (“SDHR”) issued this week its final model sexual harassment policy and training guidelines to assist employers in complying with the provisions of the State’s new anti-sexual harassment legislation that will become effective on Tuesday, October 9, 2018. We reported earlier concerning these recently enacted New York State requirements, as well as regarding New York City’s new anti-sexual harassment local laws (which include additional training and other requirements with which New York City employers must also comply), in our [June 2018 Employment and Labor Client Alert](#).

By October 9, all employers in New York State (“NYS”) must have in place a policy against sexual harassment that meets the SDHR’s requirements. Every New York State employer must provide employees with the employer’s Sexual Harassment Prevention Policy in writing or electronically. If a copy of the Policy is made available on a work computer, workers must be able to print a copy for their own records. The SDHR’s guidelines suggest that employers post the Policy in the workplace. However, the guidelines do not mandate such posting because the underlying legislation does not require posting.

New York State employers must also provide to their employees, by October 9, 2019, anti-sexual harassment training that meets the SDHR’s requirements. This is an extension of the January 1, 2019 deadline that the SDHR initially proposed late in the summer. The SDHR also revised its proposed 30-day deadline for training new employees to a final requirement that employers train new workers “as soon as possible” after they commence employment.

New York State’s anti-sexual harassment legislation requires that each employer in the State have a Policy and a Complaint Form. As the Model Policy provides, employers should attach the Complaint Form to the end of the Policy. Employers are not required to use the Model Policy or Model Complaint Form, and can instead draft a Policy and Complaint Form that fulfills the detailed criteria set forth in the State’s new anti-sexual harassment legislation.

- > **Link to NYS Sexual Harassment Prevention Model Policy:**
<https://www.ny.gov/sites/ny.gov/files/atoms/files/SexualHarassmentPreventionModelPolicy.pdf>
- > **Link to SDHR’s Model NYS Combat Sexual Harassment Complaint Form:**
<https://www.ny.gov/sites/ny.gov/files/atoms/files/CombatHarassmentComplaint%20Form.pdf>

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