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NEW YORK STATE PUBLISHES FINAL SEXUAL HARASSMENT PREVENTION POLICY AND TRAINING MATERIALS

As we [previously reported](#) in April 2018, New York State lawmakers recently passed legislation aimed at combating workplace sexual harassment. The changes called for in the legislation include requiring employers to implement sexual harassment prevention policies and training.

More than four months later, on August 23, 2018, New York State released much-awaited guidance materials for employers, including model sexual harassment prevention documents. The materials were published in draft form and followed by a period of public comment that closed on September 12, 2018.

After considering comments from companies and interest groups, New York State issued this week a [final set of employer guidance materials on sexual harassment prevention](#). These policy and training requirements take effect on **October 9, 2018** and impact every company with employees in New York State.

FINAL NEW YORK STATE SEXUAL HARASSMENT PREVENTION DOCUMENTS

The final materials issued by New York State relating to employer policies include [Minimum Standards for Sexual Harassment Prevention Policies](#), [Model Sexual Harassment Prevention Policy](#),

[Model Complaint Form](#), and an optional [Policy Notice/Poster](#).

The final materials relating to mandatory annual employee training include [Minimum Standards for Sexual Harassment Prevention Training](#), [Sexual Harassment Prevention Model Training](#) (along with [Training Presentation Slides](#) and [Sexual Harassment Prevention Training Case Studies](#)).

For employers that prefer to update their existing policies and training programs to comply with New York law, rather than adopting the state's model materials, the state has published an [Employer Toolkit](#). This toolkit contains "minimum standards checklists" to ensure that company policies and training materials meet or exceed minimum legal requirements.

New York State has also issued employer [FAQs](#) that provide additional guidance for implementation of policies and training.

NEXT STEPS FOR EMPLOYERS

By October 9, 2018, all employers are required to distribute to employees in New York State an anti-harassment policy that equals or exceeds minimum legal standards.

Since the model policy issued by the state focuses on sexual harassment prevention and retaliation, employers that currently have a more comprehensive policy prohibiting harassment and discrimination related to other protected characteristics (such as race, national origin, age and disability) are advised to consult with legal counsel on how to integrate new legal standards into their existing policies.

New York State has also clarified that all employees must complete the model training, or a comparable training, by October 9, 2019 – one year after the training requirements take effect. This significantly relaxes the timing requirement from the draft guidance (which would have required

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employers to provide training by January 1, 2019). The final guidance also relaxes the deadline for new hires to receive training. While the draft guidance proposed requiring new hires to be trained within 30 days of their start date, the final guidance simply encourages training as soon as possible.

Employers are advised to begin reviewing options for training providers and preferred timing for conducting annual training. And, as discussed in our recent [Alert](#), employers in New York City should consult with legal counsel to assess the impact of New York City law, which will also mandate annual employee training beginning in April 2019.

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