

COMMITTED TO
EXCELLENT CLIENT SERVICE



HANCOCK
ESTABROOK, LLP
COUNSELORS AT LAW

August 2018
www.hancocklaw.com

LABOR & EMPLOYMENT LAW ALERT

New York State Issues Draft Model Sexual Harassment Policy and Training

The New York State Department of Labor (“NYSDOL”) and the New York State Division of Human Rights (“NYSDHR”) have issued their [proposed sexual harassment training](#) and [proposed sexual harassment policy](#). Any member of the public, including employers, may submit comments to the NYSDOL regarding proposed changes through September 12, 2018. The NYSDOL will consider all public comments in deciding whether to make any changes before publishing a final version.

As explained in our previous [alert](#), changes to New York’s sexual harassment laws will require employers to conduct annual sexual harassment training of all employees starting October 9, 2018. The proposed guidance clarifies what constitutes “interactive” training, stating that it should be web-based, ask employees questions and accommodate their questions, include a live trainer during the session to answer questions and require feedback from employees about the training and the materials presented. Perhaps recognizing that not all employers can provide this level of web-based training, the NYSDOL’s guidance acknowledges that these are not absolute requirements and contemplates meaningful in-person training as an acceptable alternative.

Also, the NYSDOL’s guidance would impose deadlines and requirements not found in the laws scheduled to take effect. For example, the guidance states that all employees should receive sexual harassment training no later than January 1, 2019. It also states that all new employees must receive such training within 30 calendar days of their start date. But the laws taking effect on October 9, 2018 do not impose these obligations, and only require the employer to complete sexual harassment training of all employees annually.

This topic will be covered in more detail at our annual symposium on September 20, 2018. Please see our invitation <https://conta.cc/2BGqR0h> for more information or to register.

If you have any questions or would like more information on the issues discussed in this communication, please contact any of the following Labor & Employment attorneys:

John F. Corcoran	315.565.4515	jcorcoran@hancocklaw.com
Lindsey H. Hazelton	315.565.4527	lhazelton@hancocklaw.com
Renee L. James	315.565.4507	rjames@hancocklaw.com
Whitney M. Kummerow	315.565.4517	wkummerow@hancocklaw.com
John T. McCann	315.565.4540	jmccann@hancocklaw.com
Emily A. Middlebrook	315.565.4525	emiddlebrook@hancocklaw.com
Robert C. Whitaker, Jr.	315.565.4557	rwhitaker@hancocklaw.com

www.hancocklaw.com

This communication is for informational purposes and is not intended as legal advice.