

Meltzer Lippe

LABOR & EMPLOYMENT WATCH



April 23, 2019

LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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Sexual Harassment Prevention Legislation Update for NYC Employers

Further to our prior alerts regarding legislation prohibiting sexual harassment, employers in New York City should be aware that the required employee anti-harassment training provision set forth in the “New York City Stop Sexual Harassment Act” went into effect on April 1, 2019. This marks that last phase of implementation relative to New York State and City sexual harassment prevention legislation which began in April 2018.

Similar to the 2018 New York State enactments, the New York City Stop Sexual Harassment Act requires employers to, *inter alia*, provide an annual training to prevent gender-based harassment in the workplace. Pursuant to guidance provided by the New York City Commission on Human Rights (“NYCCHR”), employers should note the following:

- Employers with 15 or more employees in the last calendar year must provide training to their staff. This is in contrast to the New York State based training requirements which indicates that all employers must provide annual harassment prevention training irrespective of the number of individuals employed. We note there are slightly different training components set forth by the City and the State regulations.
- Interns, part-time, and short-term employees must also be trained if they worked more than 80 hours in a calendar year and for at least 90 days.
- Employees of New York City-based employers, who work outside of New York City, must be trained if they work a portion of their time in the City or if they interact with New York City employees.
- Employers must keep a record of all trainings for a three (3) year period and such records must be made available for inspection by the NYCCHR.
- The NYCCHR is partnered with the New York State Division of Human Rights and the New York State Department of Labor. Therefore, New York City-based employers can meet compliance with both the New York State and New York City training requirements by providing training that meets the requirements set forth by either the State or City.
- All training must be completed by December 31, 2019.

Finally and as set forth in our prior alerts, NYC employers must distribute to all employees a factsheet and conspicuously display a statutory required notice, both of which can be found at https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Factsheet.pdf https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice-8.5x11.pdf

Meltzer Lippe is versed in the legislative developments pertaining to sexual harassment prevention. We have developed and conduct dynamic interactive training programs which meet both the State and City training requirements. Employers with questions relative to the foregoing are encouraged to contact Jonathan D. Farrell and Larry R. Martinez, co-chairs of the Labor & Employment group at Meltzer, Lippe, Goldstein & Breitstone, LLP. jfarrell@meltzerlippe.com lmartinez@meltzerlippe.com

PREVIOUS SEXUAL HARASSMENT PREVENTION ALERTS CAN BE FOUND HERE:

[Expanded Anti-Harassment Requirements for Employers in NYS and NYC July 2018](#)

[Expanded Anti-Harassment Requirements for Employers in NYS and NYC September 2018](#)