



# BULLETINS

## **ADDITIONAL INFORMATION: NEW SEXUAL HARASSMENT LAWS**

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June 11, 2018**

**New York City – Stop Sexual Harassment in New York City Act** – signed into law by Mayor de Blasio on May 9, 2018. This new legislation provides, in part, for the following:

- **Admin Code 8-102**
  - a. gender-based harassment prohibited by employers of any size
  - b. also applies to [interns and independent contractors]
  - c. effective immediately
  
- **Admin Code 8-132**
  - a. NYC Commission of Human Rights to post on its website information regarding sexual harassment, no retaliation and bystander intervention
  - b. effective August 7, 2018
  
- **Admin Code 8-107 (subdivision 29)**
  - a. New York City employers to post and display anti-sexual harassment rights and responsibilities poster and NYC Commission to make poster available on its website
  - b. effective September 6, 2018
  
- **Admin Code 3-119.2**
  - a. agencies to report sexual harassment complaints annually and the department of citywide administrative services to compile and provide annual reports and information regarding sexual harassment complaints
  - b. effective November 5, 2018



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- **Admin Code 8-107 (subdivision 30)**
  - a. employers with 15 or more employees to provide annual sexual harassment training with specific training requirements for all employees. New employees must receive training after 90 days of hire and obtain and maintain signed acknowledgements of training from all employees
  - b. effective April 1, 2019
  
- **Admin Code 8-109**
  - a. Statute of limitations under NYC Human Rights Law for gender-based harassment claims extended to 3 years
  - b. effective immediately

**New York State 2018 Budget bills include new anti-sexual harassment provisions** – signed into law by Governor Andrew Cuomo on April 12, 2018. This new legislation provides, in part, for the following:

- **Executive Law 296(d)**
  - a. adds a provision that it is unlawful for employers to permit sexual harassment of non-employees in workplace including contractors, subcontractors, vendors and others who provide services in workplace pursuant to a contract
  - b. employer liability if employer knew or should have known of harassment of nonemployees but did nothing to correct
  - c. effective immediately
  
- **General Obligations Law 5-336**
  - a. no employer shall have the authority to include in any settlement or other agreement a condition to prevent the disclosure of any facts or circumstances which involve sexual harassment
  - b. the individual who was a victim can request confidentiality subject to certain requirements
  - c. effective July 11, 2018



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- **CPLR 5003(b)**
  - a. no employer may include non-disclosure requirements in any settlement agreement with respect to a claim founded upon facts involving sexual harassment unless employee requests it, subject to certain requirements
  - b. effective July 11, 2018
  
- **CPLR 7515**
  - a. no mandatory arbitration agreement of sexual harassment claims for employers in New York except for collective bargaining agreements or if otherwise inconsistent with federal law
  - b. any mandatory predispute arbitration agreements for such claims are null and void
  - c. effective July 11, 2018
  
- **Public Officers Law 17-a**
  - a. state employees personally liable for intentional wrongdoing with respect to sexual harassment claims must reimburse state agency or entity for any award based on a sexual harassment claim resulting in a judgment
  - b. effective immediately
  
- **Labor Law 201(g)**
  - a. mandatory sexual harassment training by all employers of all employees and interns
  - b. specific training requirements
  - c. New York State to provide model training program and model policy
  - d. employers must distribute policy to all employees
  - e. effective October 9, 2018
  
- **State Finance Law 139-1**
  - a. bidders for New York State contracts must provide written certification of anti-sexual harassment policy and training
  - b. effective January 1, 2019



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**Federal Tax Cuts and Jobs Act § 13307, 26 U.S.C. 162(g)**

- a. denial of federal tax deductions for any settlement payments and attorneys' fees involving sexual harassment which are subject to a non-disclosure agreement
- b. effective December 2017

**New Jersey Senate passes bill S-121 by a 34-1 vote** – prohibits nondisclosure agreements in employment contracts or settlement agreements relating to a claim of discrimination, retaliation or harassment.