



## **e-Alert: New York State Issues Final Guidance on Sexual Harassment**

### **Training deadline delayed**

New York State has released its final Sexual Harassment Guidelines for employers. Most importantly, the deadline for providing anti-sexual harassment training has been moved from January 1 to October 9, 2019, giving employers a more realistic timeline to comply with the state law. The annual mandatory training is for all employees, including all exempt and non-exempt full-time and part-time, seasonal, and temporary workers.

### **Model training program and policy released**

The state has released finalized versions of its model sexual harassment prevention training program and model sexual harassment prevention policy. The final guidance also makes clear that employers must provide sexual harassment training in the language their employees speak. Employers can offer the training internally or use an outside HR consultant, but the training must comply with the requirements of the new law. Manager training must focus on the specific requirements for managers in preventing sexual harassment. New York employers must also have a sexual harassment policy compliant with the new law, the deadline for which remains October 9, 2018.

### **Clarification on “interactive”**

The final guidance makes clear that the training must be interactive, which means that simply watching a video or reading a document is not sufficient. Interactivity requires some form of employee participation, as in the following examples:

- If the training is web-based, it has questions at the end of a section and the employee must select the right answer.
- If the training is web-based, the employees have an option to submit a question online and receive an answer immediately or in a timely manner.
- If the training is in-person or live webinar, the presenter asks the employees questions or gives them time throughout the presentation to ask questions.
- If the training is web-based or in-person, the employer must provide a feedback survey for employees to turn in after completing the training.

### **Employer next steps**

Even though employers now have additional time to provide this anti-sexual harassment training, they should not delay. It is imperative that all New York employers provide this training and meet all the requirements.

1. Employers should review their sexual harassment prevention policies to ensure they are consistent with the new law.
2. Employers subject to the training requirements should consider revisiting and updating any existing training protocols, or if none exist, identifying a training program that satisfies all of the statute's requirements.
3. HR Knowledge has a “New York Sexual Harassment Prevention Program.” Please [\*email us\*](#) to learn more.

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