

NYC Issues FAQs on New Sexual Harassment Training Requirements

Friday, November 2, 2018

Pursuant to its mandate to implement the new anti-sexual harassment [training requirements](#) under the [Stop Sexual Harassment Act](#) (the “Act”), the New York City Commission on Human Rights (“Commission”) just released [FAQs](#) clarifying various aspects of the Act’s training mandates. Most notably, the FAQs address how an employer should determine whether it is covered by the training requirement, as well as a covered employer’s obligations with regard to training independent contractors. The training mandate becomes effective on April 1, 2019.

The Act requires employers with 15 or more employees to provide annual, interactive training to all employees who work more than 80 hours in a calendar year and work for at least 90 days. In determining whether it meets the 15-employee threshold, the FAQs instruct employers to determine the number of employees they employed “at any point within the prior calendar year.” In making this assessment, employers must count independent contractors as “employees,” regardless of how many hours or days they worked in the prior year.

Additionally, the FAQs state that employers will be required to provide training to independent contractors who have performed work in the furtherance of the business for more than 90 days and more than 80 hours in a calendar year.

Employers are not required to train independent contractors who reach the 90-day/80-hour threshold if they already received the mandated annual training elsewhere.

Additionally, the FAQs:

- Reiterate the specific topics that the training must cover, including the Commission’s complaint process;
- Clarify that employees must receive training every calendar year (rather than by the anniversary date of their last training);
- Stress that employers must maintain records of all training for three years, including a signed acknowledgment by each employee (which may be done electronically);
- Confirm the notice posting requirements and instruct as to when electronic posting is acceptable; and
- Clarify when and how newly hired employees must receive the City-issued Fact Sheet, i.e., in print or electronically and by the end of the employee’s first week of work.

The City will be providing additional information in the next few months about harassment training obligations.

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Article By

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