

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 101

Introduced by Council Members Rosenthal, Rose, Chin, Powers, Constantinides, Lander, Ayala, Miller, Adams, Rivera and Koslowitz.

A LOCAL LAW

In relation to climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies

Be it enacted by the Council as follows:

Section 1. Equal employment opportunity and sexual harassment climate surveys. a. Definitions. For purposes of this local law, the term “agency” has the same meaning as such term is defined in section 1150 of the New York city charter and shall include the offices of the borough presidents, the comptroller and the public advocate.

b. The department of citywide administrative services shall develop a climate survey to assess the general awareness and knowledge of the city’s equal employment opportunity (“EEO”) policy, including but not limited to sexual harassment policies and prevention at city agencies, including employee experience with and knowledge of reporting of prohibited acts. In addition, such survey shall include questions, that may be completed in full or in part, at the discretion of the employee respondent, including race, ethnicity, gender, sexual orientation and age of the employee. The department shall use such survey to assess each agency regarding the following:

(1) The extent that employees of each agency are familiar with the EEO policy of such agency they are employed by or assigned to, including but not limited to sexual harassment;

(2) The extent that employees are knowledgeable about the EEO policy, including but not limited to sexual harassment, and where they can get help if they believe that they were sexually harassed;

(3) The extent that employees are knowledgeable about how and where to file a formal complaint about a violation of the EEO policy, including but not limited to a complaint about sexual harassment or related misconduct or how to initiate a disciplinary procedure;

(4) The extent that employees are knowledgeable about the process that occurs after an employee has filed a complaint about a violation of the EEO policy, including but not limited to a complaint of sexual harassment or related misconduct;

(5) For supervisory and managerial employees, the extent that such employees are knowledgeable about their responsibilities with respect to the prevention of violations of the EEO policy, including but not limited to sexual harassment and retaliation as such conduct is prohibited by the city's human rights law;

(6) For supervisory and managerial employees, the extent that such employees are knowledgeable about measures that such employee may take to appropriately address complaints under the EEO policy, including but not limited to sexual harassment complaints;

(7) Whether employees have witnessed or experienced sexual harassment, as described by local law or a violation of the EEO policy, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, at their current place of employment or at an employer sanctioned event;

(8) Whether employees feel that their workplace is safe and free from violations of the EEO policy, including but not limited to sexual harassment or retaliation;

(9) Whether employees believe that the agency they are employed by or assigned to protects the rights of its employees to pursue their duties in a respectful workplace;

(10) Whether employees believe that the agency they are employed by or assigned to ensures that all employees are protected from workplace harassment and ensures that all employees are treated equally and fairly;

(11) Whether employees believe that the agency they are employed by or assigned to takes steps to prevent violations of the EEO policy, including but not limited to incidents of sexual harassment or retaliation;

(12) Whether employees believe that the agency they are employed by or assigned to takes seriously and investigates violations of the EEO policy, including but not limited to claims of sexual harassment; and

(13) Whether employees believe that the agency they are employed by or assigned to adequately responds to those who claim to have experienced violations of the EEO policy, including those who may be victims of sexual harassment, and ensures that appropriate resources are made available to those individuals.

c. The department shall make the climate survey available to all agencies for dissemination to agency employees on or before September 31, 2018. Agencies shall ensure that each employee receives such climate survey and are advised that such climate survey is not mandatory or required

as part of such employee's job. Agencies shall take steps to ensure that the assessment remains anonymous and that no individual employee is personally identified.

d. No later than February 28, 2019, the department shall prepare and submit to the mayor and the speaker a report with the results of the climate survey prepared pursuant to subdivision b of this section. Any agency may provide additional information to the department in preparation of such report. Such additional information may include prior relevant reports or underlying data that can provide context to the results of such agency's climate assessment, including an assessment of risk factors associated with sexual harassment within such agency.

e. No later than December 31, 2019, the department shall work with each agency to develop an action plan, to be incorporated into each agency's annual EEO plan, and to be reported to the mayor and the speaker on or before March 31, 2020. Such action plan shall address the results of each agency's climate survey including but not limited to:

(1) Identifying any issues at such agency identified by the climate survey required by subdivision b and outlining what steps such agency will take to address and cure those issues; and

(2) Incorporating the recommendations of the report issued pursuant to subdivision d of this section.

f. After each agency develops and implements an action plan pursuant to subdivision e, and no later than July 31, 2020, each agency shall redistribute the climate survey required by subdivision b to each agency employee. The department shall produce a report to the mayor and the speaker on or before December 31, 2021 with the results of the climate survey prepared pursuant to this

subdivision. No later than December 31, 2022, the department shall work with each agency to update their action plans, to be incorporated into each agency's annual EEO plan, and to be reported to the mayor and the speaker on or before December 31, 2022, which shall address the results of each agency's climate survey redistributed pursuant to this subdivision.

g. On or before July 31, 2024 and on or before July 31 every four years thereafter, each agency shall redistribute the climate survey required by subdivision b to each agency employee. The department shall produce a report to the mayor and the speaker on or before December 31, 2025 and on or before December 31 every four years thereafter with the results of the climate survey prepared pursuant to this subdivision.

§ 2. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 11, 2018 and approved by the Mayor on May 9, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 101 of 2018, Council Int. No. 664-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.