

LABOR AND EMPLOYMENT LAW INFORMATION MEMO

MAY 5, 2021

New NYC Sexual Harassment Reporting Requirement for Human Services Contracts

On March 3, 2021, New York City Mayor Bill de Blasio signed [Executive Order No. 64](#) that requires outside entities that contract with New York City agencies for “human services” to report information related to sexual harassment complaints.

“Human services” is defined as services provided to third parties, including social services such as day care, foster care, home care, homeless assistance, housing and shelter assistance, preventive services, youth services, and senior centers; health or medical services; legal services; employment assistance services, vocational and educational programs; and recreation programs. N.Y.C. Admin. Code § 6-129(c) (21).

City agencies must amend their contracts with outside entities to impose a requirement to provide information on sexual harassment complaints. The updated contract must require outside entities to make the following available to the Department of Investigation:

- A copy of their sexual harassment policies, including complaint procedures;
- A redacted copy of any complaint or allegation of sexual harassment or retaliation on the basis of a complaint of sexual harassment;
- A redacted copy of the final determination or judgment to any complaint as provided above; and
- Any additional information that the Department of Investigation requests.

The amended contract must provide that the outside entities will annually certify that they have made all required reports (or that they had no information to report) and upload a certification of same to PASSPort.¹

After receiving the required information, the Department of Investigation will review and provide its findings to all New York City agencies that contract with the outside entity. The agency can consider any findings (or the entity’s failure to provide information) to determine whether to continue, modify, amend, or renew a contract.

If you have any questions about the information presented in this memo, please contact [Mallory Campbell](#), any attorney in Bond’s [Labor and Employment practice](#) or the Bond attorney with whom you are regularly in contact.

¹ PASSPort is New York City’s digital Procurement and Sourcing Solutions Portal.

