



No. 17

### EXECUTIVE ORDER

Requiring the Adoption of Gender-Based Violence and the Workplace Policies

**WHEREAS**, gender-based violence is a serious public policy concern for the State of New York, requiring the State's participation in the coordinated community response to support victims and survivors and to hold abusers accountable;

**WHEREAS**, gender-based violence permeates the lives and compromises the safety of thousands of New Yorkers each day, with tragic, destructive, and sometimes fatal results; and

**WHEREAS**, gender-based violence is a widespread community problem that affects thousands of New Yorkers, including in the workplace;

**WHEREAS**, the State of New York, as an employer, is additionally affected by gender-based violence, which compromises the safety of both victims and co-workers, and results in lost productivity, increased health care costs, increased absenteeism and increased employee turn-over;

**WHEREAS**, a proactive response to gender-based violence by the State of New York can also serve as a model for other employers in the state;

**WHEREAS**, in 2008, the Office for the Prevention of Domestic Violence (OPDV) formulated a revised model workplace policy for state agencies to address domestic violence; and

**WHEREAS** New York is committed to strengthening and building on this model policy;

**NOW, THEREFORE, I, KATHY HOCHUL**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. OPDV shall review the Model Domestic Violence and the Workplace Policy and formulate any appropriate revisions to that policy to create a Model Gender-Based Violence and the Workplace Policy, which shall strengthen New York State's procedures for addressing domestic violence and include other forms of gender-based violence, including stalking and sexual assault. OPDV shall also formulate sample written procedures for the implementation of the revised Model Gender-based Violence and the Workplace Policy.
2. OPDV shall distribute the revised Model Gender-based Violence and the Workplace Policy, along with the sample implementation procedures, to each state agency no later than six months from the effective date of this order. For the purposes of this order, "state agency" shall mean: (1) any state agency, department, office, board, commission or other instrumentality of the state; and (2) any public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.
3. Each state agency, no later than January 1, 2023, shall formulate and issue a Gender-based Violence and the Workplace policy for that agency. In formulating such policy, the state agency (a) shall refer to the revised Model Gender-based Violence and the Workplace Policy distributed by OPDV, and adopt its provisions as appropriate; (b) may contact OPDV for assistance; (c) shall designate at least one Domestic Violence Agency Liaison (DVAL) who shall ensure Agency compliance with the domestic violence provisions of the Gender-based Violence in the Workplace policy, be trained to assist victimized employees, and serve as the primary contact for OPDV and (d) should collaborate appropriately with interested parties, including union representatives at the statewide and local levels.
4. Each state agency, in formulating its Gender-based Violence and the Workplace policy, shall give due regard to the importance of increasing awareness of gender-based violence and informing employees of available resources for assistance; clearly specify how to reach to the agency DVAL; ensuring that personnel policies and procedures are fair to domestic and gender-based violence victims and survivors, and responsive to their needs; developing workplace safety response plans; complying with State and federal law including restrictions of possession of firearms by a person convicted of a domestic violence related crime or subject to an order of protection; encouraging and promoting gender-based violence education and training for employees; and holding accountable employees who misuse state resources or authority or violate their job duties in committing an act of gender-based violence.
5. Each state agency, when it issues its Gender-Based Violence and the Workplace policy, shall provide a copy of that policy and the information for its designated Domestic Violence Agency Liaison to OPDV, and shall notify OPDV of any subsequent modifications of the policy or the contact information for the DVAL.
6. Gender-based Violence and the Workplace Training. Every Covered Employee shall participate in a Gender-Based Violence and the Workplace training developed by OPDV and made available on the Statewide Learning Management System annually. The Gender-Based Violence and the Workplace training program will be prepared and available no later than October 1, 2022. "Covered Employee" shall mean all officers and employees working in the Executive Chamber in the Office of the Governor and New York State agencies who supervise other officers and employees, who serve as the DVAL, or who are employed in a human resources position.

"Officers and employees" shall have the meaning given to "state officer or employee" in Section 73 of the Public Officers Law.

7. OPDV shall:

- a. provide consultation and technical assistance to each state agency in the development and implementation of its Gender-Based Violence and the Workplace policy, either upon the agency's request or at the initiative of OPDV;
- b. receive and maintain copies of the Gender-based Violence and the Workplace policies as issued and modified by the various state agencies;
- c. collaborate with supervisory personnel, employee assistance professionals, human resources personnel, law enforcement agencies, unions, and security staff in the design and development of training and materials;
- d. prepare and submit to the Governor, no later than May 1, 2023, a report regarding the implementation of this order; and
- e. notify the executive leadership of each state agency upon learning of any failure of such state agency's DVAL to adequately fulfill the requirements of the DVAL role as outlined in this Executive Order.

8. Every state agency shall cooperate with OPDV and furnish such information, reporting, and assistance as OPDV determines is reasonably necessary to accomplish the purposes of this order.

This Executive Order shall revoke and supersede Executive Order 19 issued on October 22, 2007; provided, however, that until such time as each state agency adopts a Gender-based Violence and the Workplace Policy pursuant to this order the state agency shall maintain its Domestic Violence and the Workplace policy in accordance with Executive Order 19.



GIVEN under my hand and the Privy  
Seal of the State in the City of  
Albany this twenty-eighth day of  
April in the year two thousand  
twenty-two.

*Kathy Hochul*

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "L. P. K.", written over a horizontal line.

Secretary to the Governor