

# STATE OF NEW YORK

10466

## IN ASSEMBLY

April 24, 2018

Introduced by M. of A. SEAWRIGHT -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to prohibiting  
sexual harassment by certain individuals

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 3 of section 74 of the public officers law is  
2 amended by adding a new paragraph j to read as follows:

3 j. No officer or employee of a state agency, member of the legislature  
4 or legislative employee shall commit an act of sexual harassment while  
5 serving in his or her official capacity. For purposes of this section,  
6 "sexual harassment" shall mean making unwelcome or unwanted sexual  
7 advances, requesting sexual favors in exchange for favorable treatment  
8 or continued employment, engaging in verbal or physical conduct of a  
9 sexual nature which is made a term or condition of employment, or using  
10 the refusal or acceptance of such advances as the basis for employment  
11 decisions. "Sexual harassment" shall also include any type of sexually  
12 oriented conduct that is unwelcome and has the purpose or effect of  
13 unreasonably interfering with an employee's work performance or creating  
14 a work environment that is intimidating, hostile, offensive or coercive  
15 to a reasonable person.

16 § 2. Subdivision 4 of section 74 of the public officers law, as  
17 amended by chapter 14 of the laws of 2007, is amended to read as  
18 follows:

19 4. Violations. In addition to any penalty contained in any other  
20 provision of law any such officer, member or employee who shall knowing-  
21 ly and intentionally violate any of the provisions of this section may  
22 be fined, suspended or removed from office or employment in the manner  
23 provided by law. Any such individual who knowingly and intentionally  
24 violates the provisions of paragraph b, c, d ~~[ex]~~, i or j of subdivision  
25 three of this section shall be subject to a civil penalty in an amount  
26 not to exceed ten thousand dollars and the value of any gift, compen-  
27 sation or benefit received as a result of such violation. Any such indi-  
28 vidual who knowingly and intentionally violates the provisions of para-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 graph a, e or g of subdivision three of this section shall be subject to  
2 a civil penalty in an amount not to exceed the value of any gift,  
3 compensation or benefit received as a result of such violation.  
4 § 3. This act shall take effect immediately and shall apply to conduct  
5 that occurs on and after such effective date.