

STATE OF NEW YORK

8426

IN SENATE

May 7, 2018

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the legislative law, in relation to sexual harassment training and penalties for lobbyists

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

1 Section 1. Section 1-c of the legislative law is amended by adding a
2 new subdivision (x) to read as follows:

3 (x) The term "sexual harassment" shall include unwelcome advances,
4 requesting sexual favors, or other verbal or physical conduct of a sexual
5 nature if such conduct is made either explicitly or implicitly a term
6 or condition of employment, or submission to or rejection of such
7 conduct is used as the basis for employment decisions affecting an indi-
8 vidual's employment, or such conduct has the purpose or effect of unrea-
9 sonably interfering with an individual's work performance or creating an
10 intimidating, hostile, or offensive work environment, even if the
11 complaining individual is not the intended target of the sexual harass-
12 ment.

13 § 2. Section 1-o of the legislative law is amended by adding a new
14 subdivision (e) to read as follows:

15 (e)(i) Any lobbyist who is found guilty of sexual harassment shall be
16 subjected to a civil penalty not to exceed twenty-five thousand dollars.

17 (ii) Any lobbyist who is found guilty of sexual harassment, after
18 having been found guilty for sexual harassment by the commission may be
19 subject to a determination that the lobbyist is prohibited from engaging
20 in lobbying or lobbying activities, as that term is defined in paragraph
21 (v) of subdivision (c) of section one-c of this article, for a period of
22 one year.

23 (iii) All monies recovered by the attorney general or received by the
24 commission from the assessment of civil penalties authorized by this
25 section shall be deposited to the general fund.

26 § 3. Section 1-r of the legislative law, as added by chapter 2 of the
27 laws of 1999 and as relettered by chapter 1 of the laws of 2005, is
28 amended to read as follows:

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

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1 § 1-r. Publication of statement on lobbying regulations. The commis-
2 sion shall publish a statement on lobbying regulations setting forth the
3 requirements of this article in a clear and brief manner. Such statement
4 shall contain an explanation of the registration and filing requirements
5 and the penalties for violation thereof, along with the statement about
6 the impermissibility of sexual harassment, together with such other
7 information as the commission shall determine, and copies thereof shall
8 be made available to the public at convenient locations throughout the
9 state.

10 § 4. Sections 1-u and 1-v of the legislative law, section 1-v as
11 relettered by chapter 1 of the laws of 2005, are relettered sections 1-w
12 and 1-x and two new sections 1-u and 1-v are added to read as follows:

13 § 1-u. Sexual harassment. No lobbyist shall commit an an act of sexual
14 harassment while engaging in lobbying or lobbying activities.

15 § 1-v. Prevention of sexual harassment by lobbyists. (a) For purposes
16 of this section, "lobbyist" shall mean every person or organization
17 retained, employed, or designated by any client to engage in lobbying.

18 (b) Every organization which employs a lobbyist shall have in place an
19 anti-sexual harassment policy consistent with current state and federal
20 statutory provisions. Such sexual harassment policy shall be widely
21 distributed and be made available to every employee and shall be
22 included in every new employee orientation.

23 (c) Every organization which employs a lobbyist shall conduct appro-
24 priate yearly anti-sexual harassment training. Such training shall be no
25 less than two hours in length, shall be interactive and shall: (i)
26 define sexual harassment; (ii) provide examples of conduct that would be
27 defined as unlawful sexual harassment; (iii) include but not be limited
28 to information concerning the federal and state statutory provisions
29 concerning sexual harassment and remedies available to victims of sexual
30 harassment; and (iv) inform employees of their rights to redress and the
31 availability and forms of complaint resolution assistance.

32 (d) A clause shall be inserted in the statement of registration
33 required by section one-e of this article, certifying: (i) the organiza-
34 tion employing such lobbyist has adopted an anti-sexual harassment poli-
35 cy; (ii) such policy has been delivered to each new employee of such
36 organization; (iii) such policy has been widely distributed and made
37 available to all employees; and (iv) anti-sexual harassment training has
38 been conducted.

39 (e) If any lobbyist fails to certify pursuant to subdivision (d) of
40 this section, such lobbyist shall have sixty days to cure such defect.
41 If after sixty days the defect has not been cured, the lobbyist shall be
42 prohibited from appearing before the legislature until the defect is
43 cured. The joint commission on public ethics shall prepare and deliver
44 to the governor, the temporary president of the senate and the speaker
45 of the assembly an annual report in September of each year which identi-
46 fies the number of lobbyists who, as of September of each year, have
47 failed to comply with subdivision (d) of this section and are prohibited
48 from appearing before the legislature until the defect is cured. The
49 joint commission on public ethics shall prepare and deliver to the
50 governor, the temporary president of the senate and the speaker of the
51 assembly an annual report in September of each year which identifies the
52 number of lobbyists who, as of September of each year, have failed to
53 comply with subdivision four of this section and are prohibited from
54 appearing before the legislature.

55 § 5. This act shall take effect immediately.