

STATE OF NEW YORK

7241

IN SENATE

January 5, 2018

Introduced by Sen. HAMILTON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law and the legislative law, in relation to requiring the division of human rights to develop and implement a uniform sexual harassment policy for all state agencies, offices and departments, the executive department, and the legislature

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

1 Section 1. Section 295 of the executive law is amended by adding a new
2 subdivision 17 to read as follows:

3 17. To develop and implement a uniform sexual harassment policy for
4 all employees of state agencies, offices, departments, including the
5 executive department, and officials, members and employees of the legis-
6 lature. Such policy shall define the conduct which is prohibited, estab-
7 lish a process for the resolution of complaints of such conduct, and
8 provide for appropriate training for all employees of state agencies,
9 offices, departments, including the executive department, and officials,
10 members and employees of the legislature. Copies of the sexual harass-
11 ment policy promulgated pursuant to this subdivision shall be distrib-
12 uted to all employees of state agencies, offices, departments, including
13 the executive department, and officials, members and employees of the
14 legislature and shall be available to the public. Such policy shall
15 include, but not be limited to: a standard reporting requirement,
16 requiring an investigation which takes no more than ninety days from the
17 commencement of the complaint and a determination by the division no
18 more than thirty days after the completion of such investigation; and
19 providing that any confidentiality agreement in or in connection with,
20 or collateral to, a settlement agreement involving a claim of sexual
21 harassment or sexual misconduct is against public policy and is void and
22 unenforceable.

23 § 2. The legislative law is amended by adding a new section 33-a to
24 read as follows:

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

LBD13876-02-7

1 § 33-a. Sexual harassment policy. Every member, officer and employee
2 of the legislature shall be subject to the uniform sexual harassment
3 policy developed and implemented by the division of human rights pursu-
4 ant to subdivision seventeen of section two hundred ninety-five of the
5 executive law.

6 § 3. This act shall take effect immediately. Effective immediately,
7 the addition, amendment and/or repeal of any rule or regulation neces-
8 sary for the implementation of this act on its effective date are
9 authorized to be made and completed on or before such effective date.