

# STATE OF NEW YORK

2096

2019-2020 Regular Sessions

## IN ASSEMBLY

January 22, 2019

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

AN ACT to amend the executive law, in relation to unlawful discriminatory practices based upon delays in reporting workplace sexual harassment, and in relation to extending the statute of limitations in cases before the state division of human rights of sexual harassment in the workplace; and to amend the civil practice law and rules, in relation to extending the statute of limitations in cases of sexual harassment in the workplace

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

- 1 Section 1. This act shall be known and may be cited as the "no right  
2 time act".  
3 § 2. Subdivision 1 of section 296 of the executive law is amended by  
4 adding a new paragraph (h) to read as follows:  
5 (h) For any employer, labor organization or employment agency to  
6 restrict the timeframe during which an employee may bring a sexual  
7 harassment claim, unless such restriction is in accordance with the  
8 statute of limitations currently provided for in state law or to  
9 discharge, expel or otherwise discriminate against any person because he  
10 or she has delayed in reporting or filing a complaint regarding sexual  
11 harassment in the workplace. As used in this paragraph "sexual harass-  
12 ment" means an unlawful discriminatory practice on the basis of sex that  
13 is based on unwelcome sexual advances, request for sexual favors, and  
14 other verbal or physical conduct of a sexual nature.  
15 § 3. Subdivision 5 of section 297 of the executive law, as amended by  
16 chapter 958 of the laws of 1968, is amended to read as follows:  
17 5. Any complaint filed pursuant to this section must be so filed with-  
18 in one year after the alleged unlawful discriminatory practice; provided  
19 that in cases of sexual harassment, the complaint must be so filed with-  
20 in the later of:

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

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1 (a) three years after the aggrieved person files a complaint with his  
2 or her employer; or

3 (b) if the aggrieved person does not file a complaint with his or her  
4 employer, three years after he or she ceases to be employed by that  
5 employer.

6 § 4. The civil practice law and rules is amended by adding a new  
7 section 213-d to read as follows:

8 § 213-d. Action by a victim of sexual harassment in the workplace.  
9 Notwithstanding any other limitation set forth in this article, a civil  
10 claim or cause of action alleging sexual harassment in the workplace  
11 brought by a person to recover damages from his or her employer for  
12 physical, psychological or other injury or condition suffered by such  
13 person as a result of acts by such employer may be brought within the  
14 later of:

15 1. three years after the person files a complaint with his or her  
16 employer; or

17 2. if the person does not file a complaint with his or her employer,  
18 three years after he or she ceases to be employed by that employer.

19 § 5. This act shall take effect on the thirtieth day after it shall  
20 have become a law.