

STATE OF NEW YORK

3747

2019-2020 Regular Sessions

IN SENATE

February 13, 2019

Introduced by Sens. KENNEDY, BENJAMIN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Ethics and Internal Governance

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 Assembly, 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

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

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1 three of this section shall be subject to a civil penalty in an amount
2 not to exceed ten thousand dollars and the value of any gift, compen-
3 sation or benefit received as a result of such violation. Any such indi-
4 vidual who knowingly and intentionally violates the provisions of para-
5 graph a, e or g of subdivision three of this section shall be subject to
6 a civil penalty in an amount not to exceed the value of any gift,
7 compensation or benefit received as a result of such violation.
8 § 3. This act shall take effect immediately and shall apply to conduct
9 that occurs on and after such effective date.