

STATE OF NEW YORK

698

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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 sexu-
5 al 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.

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

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

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

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

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

19 § 1-u. Sexual harassment. No lobbyist shall commit an act of sexual
20 harassment while engaging in lobbying or lobbying activities.

21 § 1-v. Prevention of sexual harassment by lobbyists. (a) For purposes
22 of this section, "lobbyist" shall mean every person or organization
23 retained, employed, or designated by any client to engage in lobbying.

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

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

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

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

1 assembly an annual report in September of each year which identifies the
2 number of lobbyists who, as of September of each year, have failed to
3 comply with subdivision four of this section and are prohibited from
4 appearing before the legislature.

5 § 5. This act shall take effect immediately.