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:

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

(x) The term "sexual harassment" shall include unwelcome advances, requesting sexual favors, or other verbal or physical conduct of a sexual nature if such conduct is made either explicitly or implicitly a term or condition of employment, or submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.