STATE OF NEW YORK

4618

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sen. BIAGGI -- 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, 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 statue 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:

Section 1. This act shall be known and may be cited as the "no right time act".

§ 2. Subdivision 1 of section 296 of the executive law is amended by adding a new paragraph (i) to read as follows:

(i) For any employer, labor organization or employment agency to restrict the timeframe during which an employee may bring a sexual harassment claim, unless such restriction is in accordance with the statute of limitations currently provided for in state law or to discharge, expel or otherwise discriminate against any person because he or she has delayed in reporting or filing a complaint regarding sexual harassment in the workplace. As used in this paragraph "sexual harassment" means an unlawful discriminatory practice on the basis of sex that is based on unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

§ 3. Subdivision 5 of section 297 of the executive law, as amended by chapter 160 of the laws of 2019, is amended to read as follows:

5. Any complaint filed pursuant to this section must be so filed within one year after the alleged unlawful discriminatory practice. In cases of sexual harassment in employment, any complaint filed pursuant to this

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

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section must be so filed within three years after the alleged unlawful discriminatory practices**; provided that in cases of sexual harassment, the complaint must be so filed within the later of:**

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

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

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

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

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

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