STATE OF NEW YORK

5059

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on Codes

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:

Section 1. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

j. No officer or employee of a state agency, member of the legislature or legislative employee shall commit an act of sexual harassment while serving in his or her official capacity. For purposes of this section, "sexual harassment" shall mean making unwelcome or unwanted sexual advances, requesting sexual favors in exchange for favorable treatment or continued employment, engaging in verbal or physical conduct of a sexual nature which is made a term or condition or employment, or using the refusal or acceptance of such advances as the basis for employment decisions. "Sexual harassment" shall also include any type of sexually oriented conduct that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person.

§ 2. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d [~~or~~], i **or j** of subdivision three of this section shall be subject to a civil penalty in an amount

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

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not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

§ 3. This act shall take effect immediately and shall apply to conduct that occurs on and after such effective date.