



NEW YORK STATE SENATOR

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SENATE REPUBLICAN CONFERENCE URGES AG JAMES TO STOP GOVERNOR'S INTERFERENCE WITH HARASSMENT INVESTIGATION

SUSAN SERINO March 24, 2021

| ISSUE: **SEXUAL HARRASSMENT, WORKPLACE CONDUCT**



Members of the Senate Republican Conference today penned a letter to Attorney General Letitia James respectfully asking her office to direct the Executive Chamber to cease any involvement with witnesses that seek to speak with Anne L. Clark and Joon H. Kim -- the two attorneys appointed by AG James to conduct an independent investigation of multiple allegations of sexual harassment against the Governor -- on their own.

Last week the *Wall St. Journal*, the *Times Union* and the *New York Post* reported the Executive Chamber had hired a high-powered law firm to conduct their own “review,” and offered to have their lawyers “sit-in” with staff members on interviews with the appointed independent investigators.

“The Attorney General’s office is rightfully overseeing this investigation, as I and my colleagues first called for. The Governor’s office may refer to their actions as a ‘parallel review,’ but what it really is, is an effort to undermine the AG’s independent investigation. This is yet another reason why the Senate must act on our non-partisan, common-sense bills to protect our state government employees from harassment and intimidation,” said Senator Pam Helming.

“Our ‘Employees in the Workforce Protections Package,’ will help achieve long overdue reforms for the state workforce to prevent terrible acts, like the ones Governor Cuomo is accused of by eight women, from ever happening again. My legislation, Senate Bill [S.5770](#), would protect employees from retaliatory actions by an employer or co-employees by criminalizing the use of confidential employee personnel files for the purposes of harassment, intimidation or embarrassment. Under my legislation, a person would be guilty of illegal employee retaliation when he or she, with intent to harass, intimidate or embarrass an employee, shares confidential information within such employee’s personnel file with a third party and the employee has not affirmatively consented to the sharing of such information. This provision is critically important, timely, and relevant given reports that, back in December, the Governor and some of his closest advisers drafted a letter that made specific references to one of his eight accusers, Lindsey Boylan, and even called former

employees to learn if they had heard from Ms. Boylan in what was characterized by some as an attempt to obtain information about her. These are repugnant acts of reprisal, pure and simple, a shameful attempt to try to silence Ms. Boylan, impugn her character, and intimidate her. Such retaliatory acts are inexcusable. Under my legislation, these types of retaliations that Governor Cuomo and his staff allegedly undertook would be punishable as a class A misdemeanor. This legislative remedy will help stop such abusive behaviors,” said Senator Daphne Jordan.

“There is no room for harassment in the workplace. People need to know that when they head to the office, or other work setting, that they will be able to do their jobs in an environment where they can thrive. Through these measures we can help stop sexual harassment in the workplace and make working in state government safer for everyone,” said Senator Patty Ritchie.

“Sexual harassment in the workplace is not a partisan issue, it’s a power issue. The incredibly disturbing allegations that have come to light in recent weeks speak directly to a culture where power seems to protect and embolden bad actors. Enough is enough. This is a moment to set politics aside and work together to pass these bills and protect the integrity of the Attorney General’s independent investigation to ensure that our state is a place where survivors are heard, perpetrators are held accountable and all New Yorkers feel safe from harassment of any kind,” said Senator Sue Serino.

“Every employee should expect to work in an environment free from harassment, discrimination, and intimidation. It is simply inexcusable for anyone to be subject to inappropriate behavior in the workplace. The Employees in the Workforce Protections

Package advanced by the Senate Republican Conference will protect state employees, and hold those who engage in inappropriate behavior accountable,” said Senator Alexis Weik.

The Republican Senators penned a letter in response to concerns that employees may be fearful to come forward because of their “unloyalty to Andrew.” The tactic the Governor’s office is using is one of intimidation and putting fear into any employees that want to speak to the Attorney General’s office.

On February 24th, the same day Cuomo’s first accuser released an explosive blog post detailing allegations of harassment, the members of the Senate Republican Women’s Caucus were the first to call on the AG to conduct an independent investigation into allegations of abusive, sexist and harassing behavior. Today’s letter reiterates the importance of the AG’s investigation remaining fully independent, without interference by members of the Executive Chamber or their attorneys.

Last week, the Senate Republican Women’s Caucus announced the introduction the “[Employees in the Workforce Protections Package](#),” a comprehensive package to address sexual harassment in the workplace and specifically state government offices.

The package would enact long overdue reforms for the state workforce, including proposals to:

- Allow employees to bring a complaint with regard to an allegation of sexual harassment in employment within one year of their employment termination with such employer ([S.5769](#), **Senator Helming**);

- Establish a truly independent commission aimed at increasing transparency and more effectively combating sexual harassment in state government; expressly requires commission members to have relevant experience in handling these particular kinds of cases in order to restore integrity and credibility to the process. Specifically, the membership would include attorneys with actual experience in the establishment of institutional policies, sexual harassment claims, sex crimes, and reporting requirements ([S.2948A](#), **Senator Serino**);
- Protect employees from retaliatory actions by employer or co-employees by criminalizing the use of confidential employee personnel files for the purposes of harassment, intimidation or embarrassment ([S.5770](#), **Senator Jordan**); and
- Require statewide office holders and members of the state legislature sign a certificate under penalty of perjury attesting to the individual's completion of their sexual harassment training program. The signed certificates shall be posted on the Senate and Assembly websites within 30 days of completion ([S.5765](#), **Senator Weik**).

Today, the Senate Republican Conference, led by the Republican Women's Caucus, renewed their calls for the Senate Majority to join them to advance these important pieces of legislation, which are supported by the entire Republican Conference, to ensure employees are safe and protected while at work.

The letter to Attorney General James is attached.

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