



NEW YORK STATE SENATOR

Alessandra Biaggi

SENATOR BIAGGI AND THE SENATE MAJORITY PASS LEGISLATION TO IMPROVE STATE ETHICS AND INTEGRITY

ALESSANDRA BIAGGI May 26, 2021

ALBANY, NY – Yesterday, Senator Alessandra Biaggi and the Senate Democratic Majority advanced legislation to strengthen ethics reforms in New York State. The legislative package will modernize the process of appointing JCOPE members, update requirements in JCOPE Executive Director voting, remove partisan voting requirements for ethical investigations and findings of violations, and require JCOPE to develop anti-harassment training for registered lobbyists. These bills will also enact regulations on campaign funds and prevent campaign funds from being used for personal legal fees. In addition, this legislative package enacts a ban on “no rehire” clauses in settlement agreements, extends the statute of limitations on workplace harassment and discrimination claims, protects public and private employees under the Human Rights Law, and enacts the Let Survivors Speak Act.

State Senator Alessandra Biaggi (D-Bronx/Westchester) issued the following statement:

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"New Yorkers deserve a government that works for everyone — not just those in powerful positions. But without meaningful transparency and accountability, New York State will never end the cycle of corruption and abuse that has long plagued Albany. Since its creation, JCOPE has fallen short of its responsibility to ensure the integrity of our government. This

legislation takes several key steps to improve the functioning of JCOPE and advance the goals of ethics and accountability in Albany.

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“Non-disclosure agreements have long been used to silence the voices of survivors of sexual harassment. While some survivors may want to sign an NDA to protect their privacy, liquidated damages clauses are often used to financially deter survivors from changing their minds. The Let Survivors Speak Act is a critical step to empower survivors who choose to enter into settlement agreements, and remove any financial punishment if they decide to later speak about their experience.”

The legislation passed by Senator Biaggi and the Senate Majority, includes

- **Omnibus JCOPE Reform:** This bill S.6964-A sponsored by Senator Alessandra Biaggi makes the following reforms to JCOPE:
 - **Updated JCOPE Member Appointments:** Removes the partisan advantages built into the JCOPE appointment process whereby the majority of legislative appointees to JCOPE were given to the party in control of the chamber in 2011. Instead, the legislative leader of each conference will make two appointments.
 - **Voting Requirements for Investigations and Findings of Ethical Violations:** Removes the requirement that legislators, state employees, and statewide officials can be investigated or found guilty of ethical violations by JCOPE only with the votes of at least two members of their own political party. Therefore, a vote of any eight members of the commission will be sufficient to initiate an ethics investigation or make a finding of a violation.

- **Modifying Executive Director Voting:** Removes the onerous voting requirements for appointing or removing an Executive Director for JCOPE and allows a simple majority of JCOPE members to vote in favor of appointing or removing an Executive Director.
- **Anti-Sexual Harassment Requirements for Lobbyists:** This bill, S.1059A, sponsored by Senator John C. Liu and co-sponsored by Senator Biaggi, would require that JCOPE develop anti-sexual harassment training for registered lobbyists, and it will prohibit lobbyists who fail to complete the training from engaging in state lobbying. This training will add to other sexual harassment prevention policies to ensure that employees of lobbyists, clients, legislators and legislative employees are all better protected.

The Ethics Reforms legislation passed by Senator Biaggi and the Senate Majority, include:

- **Protecting Taxpayer Reimbursements:** This bill, S.164, sponsored by Senator Michael Gianaris and co-sponsored by Senator Biaggi, would prohibit taxpayer reimbursement of campaign or legal defense funds in an effort to prevent the use of such funds being used by public figures to pay off personal legal fees.

The Anti-Harassment legislation passed by the Senate Majority, include:

- **Let Survivors Speak Act:** This bill, S.738, sponsored by Senator Alessandra Biaggi, would reform current Non-Disclosure Agreement laws that financially penalize survivors who speak out about their abuse by prohibiting settlements that require plaintiffs to pay liquidated damages for violating their NDA.
- **“No Rehire” Ban:** This bill S.766 sponsored by Senator Andrew Gounardes and co-sponsored by Senator Biaggi, will ban "no rehire" clauses in settlement agreements for employees or independent contractors that have filed a claim against their employer.

- **Extended Statute of Limitations for Harassment:** This bill S.849 Sponsored by Senator Andrew Gounardes and co-sponsored by Senator Biaggi, will extend the statute of limitations for employment discrimination, including sexual harassment, from three years to six years
- **Extending Time Frame for Reporting Complaints:** This bill, S.566A, sponsored by Senator Brad Hoylman and co-sponsored by Senator Biaggi, would raise the statute of limitations to three years for all unlawful discriminatory complaints to be brought to the Division of Human Rights, recognizing that victims need sufficient time to come forward.
- **Extending Human Rights to All Employees:** This bill, S.3395A, sponsored by Senator Andrew Gounardes and co-sponsored by Senator Biaggi, would clarify who is to be considered an employee of public employers covered under the anti-discrimination provisions laid out by the Human Rights Law . Previous interpretations of “employer” excluded the personal staff of elected officials and judges. This bill would rectify that.

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