



NEW YORK STATE SENATOR

Julia Salazar

Senator Julia Salazar and the Senate Majority Pass Legislation to Improve State Ethics and Integrity

JULIA SALAZAR June 1, 2021

| ISSUE: **ETHICS REFORM**



(Albany, NY) Senator Julia Salazar and the Senate Democratic Majority advanced legislation that will strengthen ethics reforms in New York State. This 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.

Senator Salazar stated that "New Yorkers deserve a government that they can trust. This legislative package levels the playing field and takes steps to ensure that the people of New York are represented by a legislature that prioritizes integrity. In addition to the very necessary JCOPE and ethics reforms that need to occur, it is also important to acknowledge the need for us to protect survivors by passing legislation that allows for their voices to be heard without retaliation. Extending the time frame for reporting complaints, and the statute of limitations for harassment is an important and crucial part of the survivor-centered approach we must take to as we continue to fight against any form of harassment in the workplace."

The JCOPE legislation passed by 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 : It will remove 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: It will remove 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: It will remove the onerous voting requirements for appointing or removing an Executive Director for JCOPE and allow 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, 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 the Senate Majority, include:

Protecting Taxpayer Reimbursements: This bill, S.164, sponsored by Senator Michael Gianaris, 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:

"No Rehire" Ban: This bill S.766 sponsored by Senator Andrew Gounardes 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 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, 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, 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.

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.

RELATED LEGISLATION

2021-S6964A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the joint commission on public ethics

May 20, 2021

Stricken

Sponsored by [Alessandra Biaggi](#)

Do you support this bill?

2021-S1059A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

-

Authorizes the joint commission on public integrity to provide a training course concerning anti-sexual harassment training for lobbyists and requiring lobbyists to complete the course annually

January 06, 2021

In Senate Committee [Rules](#)

Sponsored by [John C. Liu](#)

Do you support this bill?

2021-S164

- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
 - ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Prohibits state reimbursement of campaign and political committees, legal defense fund for payments made on behalf of the criminal defense of a state employee

December 21, 2020

In Assembly Committee

Sponsored by **Michael Gianaris**

Do you support this bill?

2021-S766

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the resolution of certain claims by certain employees

January 04, 2021

In Assembly Committee

Sponsored by [Andrew Gounardes](#)

Do you support this bill?

2021-S849

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the statute of limitations for actions based on employment discrimination

January 05, 2021

Assembly Floor Calendar

Sponsored by [Andrew Gounardes](#)

Do you support this bill?

2021-S566A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Extends the statute of limitations for claims resulting from unlawful discriminatory practices to three years

January 04, 2021

In Assembly Committee

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?

2021-S3395A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to including the state and all public employers as subject to the human rights law

January 29, 2021

Senate Floor Calendar

Sponsored by [Andrew Gounardes](#)

Do you support this bill?

2021-S738

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to violations of nondisclosure agreements in certain settlement agreements

January 04, 2021

In Assembly Committee

Sponsored by **Alessandra Biaggi**

Do you support this bill?