

**2021 – 2022 Legislative Memorandum**

**Subject: Relates to the definition of “employer” for the purposes of the human rights law  
A.2483-B (Niou) / S.3395-A (Gounardes)**

**Position: SUPPORT**

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In 2017, workers from across virtually every industry came forward with allegations of sexual harassment as the #MeToo movement threw the pervasiveness of workplace sexual harassment into sharp relief.<sup>1</sup> In New York, lawmakers are grappling with rampant – and ongoing – harassment across all employment sectors and within Albany’s halls of power.<sup>2</sup>

As part of these efforts to redress sexual harassment, the NYCLU strongly supports passage of A.2483-B/S.3395-A.

Too frequently, legislative, executive, and judicial staff who experience workplace harassment are unable to receive redress in the courts, because their employers evade responsibility. Indeed, the legislature (or unified court system) argues in court that the state is the employer for the purposes of the state human rights law, and the state argues that the legislature (or unified court system) is the employer. In some cases, both argue that the individual elected official or judge is the employer.<sup>3</sup> Regardless, the result is that an individual’s case often gets tangled in court for years at a time, depriving the individual of justice, redress, and the ability to move on.

A.2483-B/S.3395-A would solve this problem by making clear that, for the purposes of the state human rights law, the state is an employer of elected officials and their employees, as well as judges and their employees. It would also make clear that a city,

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<sup>1</sup> See, e.g., Sanjay Pinto et al., *Stopping Sexual Harassment in the Empire State: Past, Present, and a Possible Future*, 15, n. 57 (2019),

<https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1068&context=reports>.

<sup>2</sup> See generally New York State Joint Legislative Public Hearing on Sexual Harassment in the Workplace (Feb. 13, 2019), <https://www.youtube.com/watch?v=KLRJtlIvn0Q>; Joint Legislative Public Hearing: Sexual Harassment in the Workplace (May 24, 2019), <https://www.youtube.com/watch?v=RZiAY0s4ayk>.

<sup>3</sup> E.g. SEXUAL HARASSMENT WORKING GROUP, 2020 LEGISLATIVE AGENDA (Feb. 27, 2020).

county, town, village, or other political subdivision is an employer of that jurisdiction's local elected officials, their staff, and any local judges and their staff.

If New York is to end the epidemic of workplace harassment, we must create pathways for accountability and redress for survivors. A.2483-B/S.3395-A will clarify accountability and open the courthouse doors to survivors of harassment. The NYCLU supports A.2483-B/S.3395-A and urges its expedient passage.