

1 AN ACT relating to legislative ethics.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 6.601 TO 6.849 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) A legislator or legislative agent shall not engage in discrimination against or*
6 *sexual harassment of any legislator, legislative agent, or employee of the*
7 *legislative branch of state government.*

8 *(2) Violation of this section by a legislator or legislative agent is ethical misconduct.*

9 ➔SECTION 2. A NEW SECTION OF KRS 6.601 TO 6.849 IS CREATED TO
10 READ AS FOLLOWS:

11 *As used in Sections 1 and 2 of this Act:*

12 *(1) "Discrimination" means any direct or indirect act or practice of exclusion,*
13 *distinction, restriction, segregation, limitation, refusal, denial, or any other act or*
14 *practice of differentiation or preference in treatment of any person, or the aiding,*
15 *abetting, inciting, coercing, or compelling that is unlawful under KRS Chapter*
16 *344, Title VII of the Civil Rights Act of 1964, state or federal case law, or*
17 *enforced in policy or regulation by the federal Equal Employment Opportunity*
18 *Commission or the Kentucky Commission on Human Rights; and*

19 *(2) (a) "Sexual harassment" means any sexual advance, request for sexual favors,*
20 *or other verbal or physical conduct or communication of a sexual nature if:*
21 *1. Submission to the advances, requests, conduct, or communication is*
22 *an explicit or implicit term or condition of obtaining or retaining*
23 *employment;*
24 *2. Submission to or rejection of the advances, requests, conduct, or*
25 *communication affects decisions concerning a person's employment;*
26 *3. The conduct or communication has the purpose or effect of*
27 *unreasonably interfering with a person's ability to perform his or her*

1 job functions or of creating a hostile work environment; or
2 4. The conduct or communication is sexual harassment as described in
3 KRS Chapter 344, Title VII of the Civil Rights Act of 1964, state or
4 federal case law, or enforced in policy or regulation by the federal
5 Equal Employment Opportunity Commission or the Kentucky
6 Commission on Human Rights.

7 (b) "Sexual harassment" includes such conduct or communication as:

- 8 1. Unwanted sexual contact or conduct of any kind, including sexual
9 flirtations, touching, advances, actions, propositions, intercourse, or
10 assault;
11 2. Unwelcome verbal communication of a sexual nature, including lewd
12 comments or innuendo, sexual jokes or references, or offensive
13 personal references;
14 3. Sexually demeaning, insulting, intimidating, or suggestive comments
15 or behavior directed at a person or in the presence of any person in a
16 public or private setting;
17 4. The display in the workplace of sexually demeaning, insulting,
18 intimidating, or suggestive objects, pictures, or photographs;
19 5. Sexually demeaning, insulting, intimidating, or suggestive written,
20 recorded, or electronically transmitted messages; or
21 6. Other sexual conduct or communication not specifically described but
22 which is substantially similar to the conduct or communication
23 described in this subsection.

24 (c) A single incident described in this subsection may constitute sexual
25 harassment, if it is linked to an employment benefit or is severe.

26 (d) A copy of the complaint of discrimination or sexual harassment filed by an
27 employee of the legislative branch of state government shall be transmitted

1 *by the executive director of the commission or his or her designee to the*
2 *chief human resources officer of the Legislative Research Commission no*
3 *later than one (1) business day after receipt of the complaint.*