

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 intentionally engage in sexual
6 harassment of any legislator, legislative agent, or employee of the legislative
7 branch of state government.

8 (2) Violation of subsection (1) of this section by a legislator or legislative agent is
9 ethical misconduct.

10 (3) An employee of the legislative branch of state government aggrieved by a
11 violation of subsection (1) of this section may notify and seek protection with the
12 human resources staff of the legislative branch, and may file a claim in
13 accordance with KRS 344.200.

14 (4) As used in this section, "sexual harassment":

15 (a) Means any sexual advance, request for sexual favors, or other verbal or
16 physical conduct or communication of a sexual nature if:

17 1. Submission to the advances, requests, conduct, or communication is
18 an explicit or implicit term or condition of obtaining or retaining
19 employment;

20 2. Submission to or the rejection of advances, requests, conduct, or
21 communication affects decisions concerning a person's employment;
22 and

23 3. The conduct or communication has the purpose or the effect of:

24 a. Unreasonably interfering with the person's ability to perform his
25 or her job functions;

26 b. Creating a hostile work environment; or

27 c. The conduct or communication is sexual harassment as defined

in:

i. *KRS Chapter 344;*

ii. Title VII of the Civil Rights Act of 1964;

iii. State or federal case law;

iv. A policy or administrative regulation enforced by the federal Equal Employment Opportunity Commission; or

v. A policy or administrative regulation enforced by the Kentucky Commission on Human Rights;

(b) Includes but is not limited to the following conduct or communication:

1. Unwanted sexual contact or conduct of any kind, including sexual flirtations, touching, advances, actions, propositions, intercourse, or assault;

2. Unwelcome verbal communication of a sexual nature, including lewd comments or innuendo, sexual jokes or references, or offensive references;

3. Demeaning, insulting, intimidating, or sexually suggestive comments or behavior directed at a person or in the presence of any person in a public or private setting;

4. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;

5. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages; or

6. Other conduct or communication not specifically described in the subsection but that is substantially similar to the conduct or communication described in this subsection; and

(c) Includes a single incident described in this subsection if it is linked to an employment benefit or is severe.