

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*

1                   in:

2                   i.    KRS Chapter 344;

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

4                   iii.   State or federal case law;

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

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

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

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

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

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

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

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

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

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