



COMMITTEE TO
REFORM THE STATE
CONSTITUTION



MEMO OF SUPPORT

S8421 (Biaggi)

Amends State Code of Ethics to Explicitly Prohibit Harassment and Discrimination

May 9, 2022

Title

An act to amend the public officers law, in relation to expanding the ethical duties of public officers and employees.

Summary

Section 1 amends section 74 of the public officers law by adding a new subsection to expand the ethical duties of those individuals subject to the public officers law to prohibit acts of harassment or discrimination, as required under Article 15 of the Executive Law (the state Human Rights Law), and require those in supervisory positions to take action against acts of discrimination and harassment.

Section 2 provides the effective date as 30 days after becoming law.

Statement of Support

Our groups support this legislation as it will improve enforcement of our state's ethics laws and help protect state employees from harassment.

Because sexual harassment is often rooted in abuse of power, which is a clear violation of the state Code of Ethics, JCOPE is one state body that has decided claims of sexual harassment. However, sexual harassment and other forms of discriminatory harassment and workplace discrimination may also be motivated by misogyny, racism, ableism, homophobia or the like. This legislation will ensure that harassment and discrimination are also considered ethical violations.

To assure the New York State government is a safe workplace for all, the new Commission must have full authority to sanction all forms of discriminatory harassment and discrimination. This can be done by including a cross reference to the state's Human Rights Law in the statute. This is the approach taken in the rules of ethics for lawyers, which make discriminatory conduct a ground for disbarment.

Our groups have called on our state's elected officials to [create a truly independent ethics commission](#) and to strengthen the state's code of ethics. We continue to believe that improvements to the state's ethics code must be made in conjunction with the creation of an independent ethics commission if they are to be enforced without fear or favor.