

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) As used in this section, "sexual harassment":*

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

13 *1. Submission to the advances, requests, conduct, or communication is*
14 *an explicit or implicit term or condition of obtaining or retaining*
15 *employment;*

16 *2. Submission to or the rejection of advances, requests, conduct, or*
17 *communication affects decisions concerning a person's employment;*

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

19 *a. Unreasonably interfering with the person's ability to perform his*
20 *or her job functions; or*

21 *b. Creating a hostile work environment; or*

22 *c. The conduct or communication is sexual harassment as defined*
23 *in:*

24 *i. KRS Chapter 344;*

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

26 *iii. State or federal case law;*

27 *iv. A policy or regulation enforced by the federal Equal*

1 Employment Opportunity Commission; or

2 v. A policy or regulation enforced by the Kentucky

3 Commission on Human Rights;

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

5 1. Unwanted sexual contact or conduct of any kind, including sexual

6 flirtations, touching, advances, actions, propositions, intercourse, or

7 assault;

8 2. Unwelcome verbal communication of a sexual nature, including lewd

9 comments or innuendo, sexual jokes or references, or offensive

10 references;

11 3. Demeaning, insulting, intimidating, or sexually suggestive comments

12 or behavior directed at a person or in the presence of any person in a

13 public or private setting;

14 4. The display in the workplace of demeaning, insulting, intimidating, or

15 sexually suggestive objects, pictures, or photographs;

16 5. Demeaning, insulting, intimidating, or sexually suggestive written,

17 recorded, or electronically transmitted messages; or

18 6. Other conduct or communication not specifically described but which

19 is substantially similar to the conduct or communication described in

20 this subsection; and

21 (c) Includes a single incident described in this subsection if it is linked to an

22 employment benefit or is severe.