

## **APPENDIX VIII**

### **SEXUAL HARASSMENT EXECUTIVE ORDER NO. 19**

WHEREAS, sexual harassment in the workplace is not merely offensive but is a form of discrimination in violation of Federal and State law; and

WHEREAS, every State employee is entitled to a working environment free from sexual harassment and its deleterious economic, psychological and physical effects; and

WHEREAS, the cost to the State is considerable in both human and financial terms including the replacement of personnel who leave their jobs, increased use of health benefit plans due to emotional and physical stress, absenteeism, and decline in individual and work group productivity;

NOW, THEREFORE, I, Mario M. Cuomo, Governor of the State of New York by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby establish a New York State Policy Statement on Sexual Harassment in the Workplace.

#### **A. The head of each department, agency, board, commission or other entity under the jurisdiction of the Executive Branch shall:**

1. Issue a strong management policy statement defining and prohibiting sexual harassment in the workplace. The policy statement should inform employees of their rights and redress, and the availability of complaint resolution channels and assistance with incidents of sexual harassment. The policy statement should make clear that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.
2. Widely distribute the policy statement by providing it to all employees, including it in new employee orientation, and publicizing it in internal employee publications.
3. Conduct appropriate training to instruct and sensitize all employees.
4. Develop guidelines to ensure the swift and thorough investigation of allegations and complaints of sexual harassment and enforcement of appropriate sanctions including disciplinary actions. The affirmative action officer shall have responsibility for processing complaints. Because of the sensitivity of the issue, particular efforts should be made to conduct investigations with due regard for confidentiality to ensure protection of the complainant and the accused. Although the intent is to address and resolve these matters at the workplace, victims should be informed of the various administrative and legal remedies available.

The complaint procedure should provide for subsequent review to determine if the sexual harassment has been effectively stopped.

5. Provide the Governor's Office of Employee Relations with a copy of the policy statement and a brief description of the actions taken and planned in regard to preventing and combating sexual harassment in the State workplace, and report all complaints and their resolution to the Governor's Office of Employee Relations.

As used in this Order, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

- a) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment; or
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile, or offensive work environment.

B. The Governor's Office of Employee Relations shall provide information to the entities covered by this Executive Order to assist in the implementation and the operation of the policy established by this Executive Order.

Nothing in this Order shall be construed to enlarge upon nor limit or abridge the rights of any person under the United States or State Constitutions or the Statutes of the United States or the State of New York.

GIVEN under my hand the Privy Seal of the State in the City of Albany on this thirty-first day of May in the year one thousand nine hundred eighty-three.

BY THE GOVERNOR  
/s/Mario M. Cuomo  
/s/Michael J. Del Guidice  
Secretary to the Governor