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**Testimony of Sexual Harassment Working Group to Senate Standing Committee on Ethics and Internal Governance**

Good morning/afternoon. My name is Erica Vladimer and I am a co-founder of the Sexual Harassment Working Group- a worker collective of former state and city legislative staffers turning their lived experiences of sexual harassment, assault, and retaliation at the hands of elected and appointed officials into advocacy for a harassment-free Albany and New York.

Thank you Chairperson Senator Biaggi and members of the Ethics Committee for holding this public hearing. It is the Working Group’s belief that, in order for policy reform to be truly effective, it must start with public input. We know how impactful public hearings can be: the 2019 joint legislative public hearings on sexual harassment in the workplace were instrumental in passing the harassment-free NY legislative bill package. This hearing, and any future hearings examining our state’s ethics oversight system, is the first step in creating a truly effective and independent accountability system.

At the outset, I want to emphasize the need to dismantle, reevaluate, and recreate the *entire* existing ethics system. So much of the recent public conversation has, rightfully so, focused on the Joint Commission on Public Ethics (JCOPE). Yet JCOPE is just one entity empowered to investigate and hold elected and appointed officials accountable. The Governor’s Office of Employee Relations (GOER), Inspector General’s office (IG), Legislative Ethics Commission (LEC), Senate and Assembly Ethics committees, personnel offices, even state statutes – all of these play a role in maintaining the integrity of our state government.

For example, after joining numerous women in speaking out about Bob Freeman, former Executive Director of the New York Committee on Open Government, the Inspector General’s office called me and asked if I’d come in to be interviewed. I told them how exhausting it is to be interviewed about such experiences; I already shared the multiple instances of grooming with JCOPE more than once while being interviewed for a different experience with former Senator Jeff Klein and the interviews left me emotionally, mentally, and physically exhausted. I asked the IG staffer to request my testimony from JCOPE. She told me it would be impossible: while entities such as the IG’s office can share information with JCOPE, JCOPE cannot share information with other investigative entities. I begged her, even offered to sign a waiver to release my testimony. She said she’d try and call me back later that week, but I never heard from her again.

I also want to emphasize that we cannot continue defining power abuse the same way we have for decades. Power abuse is not just a commissioner leaking confidential information, an elected official using state resources for personal benefit, or a senior advisor rigging RFP processes for major donors. Power abuse is also an elected official shoving their tongue in a staffer’s mouth, a chamber leader failing to hold a member accountable for sexual assault, and an elected pitting young staffers against one another, asking deeply personal and inappropriate questions, sticking his hand up a staffer’s blouse.

Discrimination, harassment, assault, and retaliation are all manifestations of power abuse. Yet they are not explicitly mentioned in the Public Officers Law, leaving too much room for interpretation. I know this first hand, and you can also read about it in Klein v. JCOPE. After JCOPE found my allegations to be substantially credible, a hearing officer determined that it doesn’t matter, because in his view, Public Officers law section 74 does not cover what is alleged and therefore he concluded that JCOPE does not have jurisdiction.

Although JCOPE overturned the hearing officer’s decision, Klein sued in NYS court to have a judge enforce the hearing officer’s dismissal. We are still waiting for the judge’s decision- one that could, in my opinion, set a dangerous precedent for any future harassment case that JCOPE investigates. Without explicit and clear language giving an ethics body jurisdiction over these types of power abuse, staff will continue to be subjected to abuse without any true recourse or justice.

Yet even with a clear, statutory mandate, an ethics system cannot protect staff if the entities do not hire and appoint people with the necessary expertise. And many of us in the Working Group also know from personal experience that the state’s existing ethics entities are completely devoid of the necessary expertise to adequately handle these types of power abuse. To be quite blunt— my first meeting with JCOPE was traumatizing. I’m incredibly lucky that my friend and fellow co-founder Rita worked close by and could meet up after to help me process and vent, but it took over a week to stop rehashing the interview in my head, what I might’ve forgotten or should’ve said differently and wondering why they asked me certain questions - several of the questions focused on my past relationships or past trauma which had no connection to my allegations about Klein forcibly kissing me. It was, like psychological warfare. My follow-up interviews were somewhat better, though I believe that stemmed—at least in part— from the Working Group’s testimony at the February 2019 hearing, where some members who had been interviewed by JCOPE described their experiences. What’s clear is that there is a significant lack of trauma-informed and victim-centered processes, training, and understanding in our ethics entities.

This must change in any new ethics system; it starts with ensuring the system is staffed with experienced personnel and decision-makers who understand the intricacies and nuances of employee harassment, discrimination, and abuse.

Ensuring a new ethics system has the requisite expertise is also one way to rectify perhaps the most pressing issue: independence. We need a truly independent investigative and accountability system, one where decision-makers are not beholden to the very people they are supposed to hold accountable. Much like a company’s HR department is designed to protect the company, not employees, our current ethics system is meant to protect the institution and the power-holders within it – not staffers or the public. New Yorkers can never have trust in such a biased system; it’s a stacked deck, the unfairness of which also tends to add a second layer of trauma to victims.

I’d like to end by providing a few additional recommendations:

* ***The judiciary should not play a role in the appointment process:*** Many of the proposals for a new ethics commission provide too much appointment power to the Chief Justice, even with the involvement of the State Bar. Judges are extremely politically connected and appointed to the bench or supported in elections by political connections, raising questions about the potential bias they’d have in selecting neutral appointees to oversee people subject to Public Officers Law (or at least the appearance of impropriety). It is even more concerning given that the Chief Justice is appointed by the Governor, and those apparent conflicts of interest. Additionally, all Court of Appeals judges play a role in ny impeachment process of state officials, which adds another conflict of interest into placing these judges on any ethics investigative body, and further complicates consolidating this power here.
* ***The new ethics system budget should not rely on backroom political negotiations:*** Without adequate financial resources, any new ethics system will be rendered ineffective.

The Working Group hopes this hearing is the first of many public conversations, and that the Assembly will step up and join the Senate in future hearings; any change will require action in both chambers. Thank you again for the opportunity to testify, I’d be happy to answer any questions you have.