



ACCUSATIONS OF SEXUAL IMPROPRIETY ON CAPITOL HILL



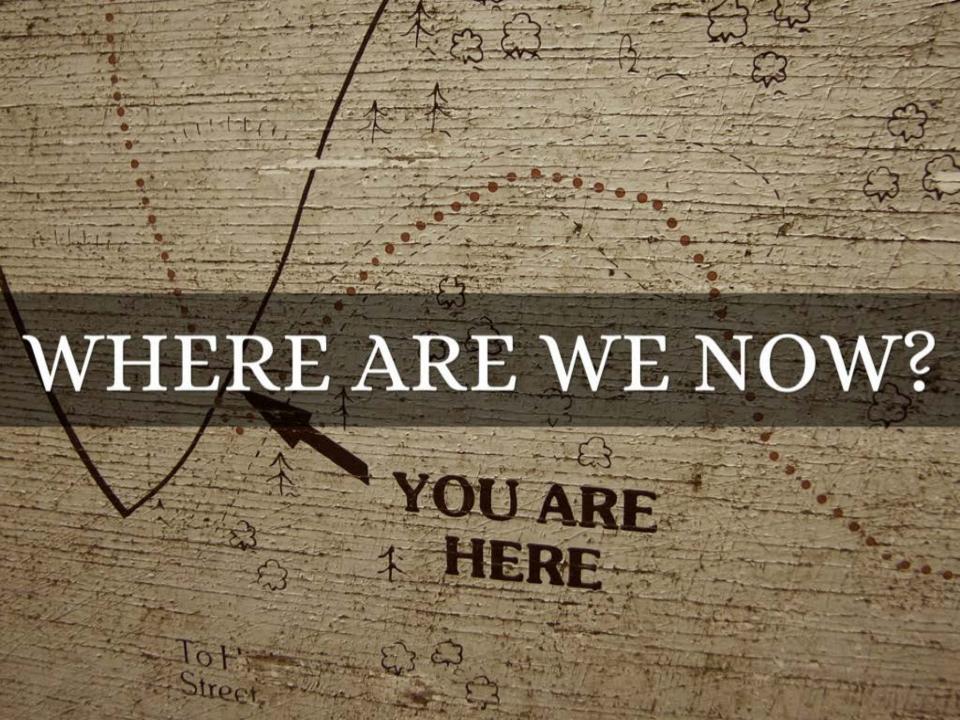
#STATEOFAMERICA

SEVERAL LAWMAKERS ACCUSED OF SEXUAL HARASSMENT

Weigh in on Twitter: #StateOfAmerica







Tax and Jobs Act- (26 U.S.C. 162(q)),

DENIAL OF DEDUCTION FOR SETTLEMENTS SUBJECT TO NONDISCLOSURE AGREEMENTS PAID IN CONNECTION WITH SEXUAL HARASSMENT OR SEXUAL ABUSE.

- (q) PAYMENTS RELATED TO SEXUAL HARASSMENT AND SEXUAL ABUSE.—No deduction shall be allowed under this chapter for—
 - any settlement or payment related to sexual harassment or sexual abuse if such settlement or payment is subject to a nondisclosure agreement, or
 - attorney's fees related to such a settlement or payment.

Several Concerns: Release of all claims? RIFs? Allocation in multiple claim cases? Tax deductibility of fees for victims?

 The <u>Senate Anti-Harassment Training</u> <u>Resolution of 2017</u> (S. Res. 330)

The <u>Member and Employee Training and</u>
 Oversight On (ME TOO) Congress
 Act (H.R. 4396 and S. 2159)

 The <u>Congressional Sexual Harassment</u> <u>Training Act</u> (H.R. 4155) would require training every two years.

State Legislatures have passed or have pending legislation ending confidentiality agreements and/or forced arbitration in sexual harassment/sexual abuse cases

States So Far: Arizona, California, Illinois, New York, New Jersey, Pennsylvania, Tennessee- (and counting)

States are eliminating or extending Statutes of Limitations for sexual assault cases

- In 2014, 8 states had no statute of limitations
- As of today, 17 States have no statute of limitations (with a few more with pending legislation), several have at least doubled the time period.



\$6.7 Million Per Year

Workplace Romance by the Numbers

Workplace Romance by the Numbers

- 99% of Employers have Restrictions on Supervisor/subordinate relationship
- 45% of Employers have restrictions on relationships of different levels of employees (non-reporting)
- 42% of Employers have policies that attempt to regulate workplace romances.
- 38% of Employees report having had a romantic relationship with a co-worker and
- 21% of Employees have had at least two.

Workplace Romance by the Numbers (by Industry)

- Leisure and Hospitality (57%)
- Utilities (51%)
- Information Technology (46%)
- Transportation (42%)
- Financial Services (38%)
- Retail (35%)
- Manufacturing (35%)
- Healthcare (32%)
- Business Services (26%)

Workplace Violence



Workplace Violence

- From 2003 2009 there were 572,000 nonfatal violent crimes committed against people at work. There were 521 victims of homicide at work.
- Victims of violence per 1,000 workers
 - Females 4.1 per 1,000 workers
 - Males 5.9 per 1,000 workers
- Marital status
 - Never Married 6.2 per 1,000 workers
 - Married 4.3 per 1,000 workers
 - Widowed 5.1 per 1,000 workers
 - Divorced/separated 6.4 per 1,000 workers

Economic Costsof Domestic Violence

 The health-related costs of rape, physical assault, stalking, and homicide by intimate partners exceed \$5.8 billion each year.

 Of this total nearly \$1.8 billion is from lost productivity

Costs of Intimate Partner Violence Against Women in the United States
US Centers for Disease Control. Report released April 28, 2003

Employment Costs Related to Domestic Violence

- The annual cost of lost productivity due to domestic violence is estimated as \$727.8 million with over 7.9 million paid workdays lost per year.
- 64% of victims of domestic violence indicated that their ability to work was affected by the violence.



Changes to the Legal Landscape







Changes in the Courts?

- Sprint/United Management Co. v. Mendelsohn,
 552 U.S. 379 (2008)
- Adams v. Austal, USA, LLC, No. 12-11507 (11th Cir. June 17, 2014),
- Wyvill v. United Companies Life Co.,
 212 F.3d 296 (5th Cir. 2000), cert. denied, 531
 U.S. 1145 (2001)
- FRE 401 and 403

