

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 479**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete page
2 2 and insert:

3 **“SECTION 1. As used in sections 1 to 3 of this 2019 Act:**

4 **“(1) ‘Public employer’ has the meaning given that term in ORS**
5 **260.432.**

6 **“(2) ‘Workplace harassment’ means conduct that constitutes dis-**
7 **crimination prohibited by ORS 659A.030, including conduct that con-**
8 **stitutes sexual assault, as defined in ORS 181A.323.**

9 **“SECTION 2. (1) A public employer shall establish and adopt a**
10 **written policy that seeks to prevent workplace harassment that occurs**
11 **between employees or between an employer and an employee in the**
12 **workplace or at a work-related event that is off the employment**
13 **premises and coordinated by or through the employer, or between an**
14 **employer and an employee, off the employment premises.**

15 **“(2) The policy must include:**

16 **“(a) A statement prohibiting workplace harassment;**

17 **“(b) Information explaining that a victim of workplace harassment**
18 **has a right to seek redress through the employer’s internal process**
19 **provided under section 3 of this 2019 Act, through the Bureau of Labor**
20 **and Industries’ complaint resolution process under ORS 659A.820 to**
21 **659A.865 or under any other available law, whether civil or criminal,**

1 **including:**

2 **“(A) The timeline under which relief may be sought;**

3 **“(B) Any available administrative or judicial remedies; and**

4 **“(C) The advance notice of claim against a public body that a**
5 **claimant must provide as required under ORS 30.275;**

6 **“(c) A statement that a person who reports workplace harassment**
7 **has the right to be protected from retaliation;**

8 **“(d) A statement of the scope of the policy, including that the policy**
9 **applies to elected public officials, volunteers and interns;**

10 **“(e) An explanation that a victim of workplace harassment may**
11 **voluntarily disclose information regarding an incident of workplace**
12 **harassment that involves the victim; and**

13 **“(f) Information to connect a victim of workplace harassment with**
14 **legal resources and counseling and support services, including any**
15 **available employee assistance services.**

16 **“(3) A public employer shall provide a copy of the policies described**
17 **in this section to each employee and shall include a copy of the poli-**
18 **cies in any orientation materials that are provided to new employees**
19 **at the time of hire.**

20 **“(4) If an employee discloses any concerns about workplace**
21 **harassment to a supervisor of the employer, the supervisor shall, at**
22 **the time of the disclosure, provide to the employee a copy of the poli-**
23 **cies described in this section.**

24 **“SECTION 3. A public employer shall develop written policies and**
25 **procedures for the prompt investigation of a report of workplace**
26 **harassment. The policies and procedures must:**

27 **“(1) Provide instruction for maintaining records of workplace**
28 **harassment.**

29 **“(2) Establish a process for a victim of workplace harassment to file**
30 **a complaint, provided that the process allows a victim to file the**

1 **complaint within five years from the date on which the alleged**
2 **harassment occurred or within the applicable time limitation on the**
3 **commencement of an action under ORS 659A.875, whichever is greater.**

4 **“(3) Subject to subsection (4) of this section, require the employer**
5 **to follow up with the victim of the alleged harassment once every**
6 **three months for the calendar year following the date on which the**
7 **employer received a report of harassment, to determine whether the**
8 **alleged harassment has stopped or if the victim has experienced re-**
9 **taliation.**

10 **“(4) Inform the victim that the employer will follow up in the**
11 **manner described in subsection (3) of this section until and unless the**
12 **victim objects to such action in writing.”.**

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