

HCR 20-15  
(LC 3758)  
4/30/19 (DJ/ps)

Requested by JOINT COMMITTEE ON CAPITOL CULTURE

**PROPOSED AMENDMENTS TO  
HOUSE CONCURRENT RESOLUTION 20**

1 On page 1 of the printed concurrent resolution, delete lines 3 through 6  
2 and insert:

3 “That Legislative Branch Personnel Rule 27, as amended and in effect for  
4 the Eightieth Legislative Assembly, is repealed and the following Legislative  
5 Branch Personnel Rule 27 is adopted in lieu thereof as a rule of proceeding  
6 of the Senate and the House of Representatives and a joint rule of proceeding  
7 applicable to the Legislative Branch; and be it

8 “Further resolved that Legislative Branch Personnel Rules 12 and 32, as  
9 amended and in effect for the Eightieth Legislative Assembly be further  
10 amended as follows; and be it

11 “Further resolved that a new Legislative Branch Personnel Rule 33 be  
12 adopted as a rule of proceeding of the Senate and the House of Represen-  
13 tatives and a joint rule of proceeding applicable to the Legislative Branch,  
14 as follows:”.

15 Delete lines 8 through 28 and delete pages 2 through 13 and insert:

16 “**Legislative Branch Personnel Rule 27: Safe, Respectful and Inclu-**  
17 **sive Workplace.**

18 “**(1) Policy.**

19 “**(a) The Legislative Branch is committed to promoting a respectful**  
20 **and inclusive environment in the State Capitol and in any setting in**  
21 **which conduct has the ability to create a Capitol environment that is**

1 **intimidating, hostile or offensive, or may constitute conduct that**  
2 **amounts to retaliation for the making of a good-faith complaint under**  
3 **this rule or for participation in an investigation under this rule.**

4 **“(b) The Legislative Branch is committed to providing a safe and**  
5 **respectful workplace and to taking proactive steps to improve its cul-**  
6 **ture so that behavior from any source that has a negative impact on**  
7 **the workplace may be effectively reported and promptly addressed and**  
8 **resolved.**

9 **“(c) The Legislative Branch is equally committed to protecting**  
10 **freedom of speech and expression, as guaranteed to all persons**  
11 **through the free expression protections of Article I, section 8, of the**  
12 **Oregon Constitution, and through the First Amendment to the United**  
13 **States Constitution, and the Legislative Branch recognizes that the**  
14 **constitutional protections guaranteeing freedom of speech and ex-**  
15 **pression must be taken into account in determining the rights afforded**  
16 **to individuals in the State Capitol under this rule.**

17 **“(d) The Legislative Branch emphasizes the importance of fostering**  
18 **an environment where all viewpoints are welcomed and respected, as**  
19 **disagreement does not equal harassment.**

20 **“(e) Members of the Legislative Assembly and all Legislative**  
21 **Branch employees are expected to conduct themselves in a manner**  
22 **that is free of harassment and to discourage all harassment in the**  
23 **workplace and at professional meetings, seminars or at any event at**  
24 **which legislative business is conducted.**

25 **“(f) This rule is designed to provide options to those who are expe-**  
26 **riencing or observing harassing behavior, discriminatory behavior or**  
27 **other behavior prohibited by subsection (7) of this rule to seek infor-**  
28 **mation, report behaviors or file complaints to address and resolve**  
29 **concerns, while also:**

30 **“(A) Enhancing options available to victims who seek to remain**

1 **anonymous; and**

2 **“(B) Ensuring that fundamental freedoms of speech and expression**  
3 **are protected as core values in the Legislative Branch.**

4 **“(g) This rule is designed to provide options to those who are ex-**  
5 **periencing or observing harassing behavior, discriminatory behavior,**  
6 **retaliation or other behavior prohibited by subsection (8) of this rule**  
7 **to seek information, report behaviors or file complaints to address and**  
8 **resolve concerns, while also enhancing options available to victims**  
9 **who seek to remain anonymous.**

10 **“(h) The Legislative Assembly intends the mandatory reporting ob-**  
11 **ligations established under this rule to be a means by which the Leg-**  
12 **islative Branch will take action to address conduct prohibited by this**  
13 **rule, in the absence of a specific complaint about the conduct.**

14 **“(2) Application.**

15 **“(a) Any individual who experiences behavior prohibited by this rule**  
16 **or observes behavior inconsistent with this rule may use the reporting**  
17 **options described in subsections (10) to (12) of this rule.**

18 **“(b) An appointing authority or a nonpartisan staff supervisor, in-**  
19 **cluding any member of the Legislative Assembly, shall report behavior**  
20 **prohibited by this rule by the means described in subsection (11) of this**  
21 **rule. If the appointing authority or supervisor is making a report be-**  
22 **cause an individual has disclosed to the appointing authority or**  
23 **supervisor that the individual may be experiencing conduct prohibited**  
24 **by this rule, the appointing authority or supervisor, as soon as prac-**  
25 **ticable after receiving the disclosure, shall provide a copy of the ma-**  
26 **terials described in Legislative Branch Personnel Rule 32 (4)(a)(B) to**  
27 **(D) to the individual making the disclosure.**

28 **“(c) Any individual over whom the Legislative Branch may impose**  
29 **a remedy is an individual subject to the requirements of this rule, in-**  
30 **cluding but not limited to:**

- 1       **“(A) Members of the Legislative Assembly;**  
2       **“(B) Legislative staff, interns, externs and volunteers;**  
3       **“(C) Lobbyists required to register under ORS 171.740;**  
4       **“(D) Contractors or employees of contractors who engage in busi-**  
5 **ness with the Legislative Branch;**  
6       **“(E) Employees of the State of Oregon who are not employees of**  
7 **the Legislative Branch; and**

8       **“(F) Members of the public who are present in the State Capitol.**

9       **“(3) Definitions.**

10       **“(a) ‘Agency head’ means the Legislative Administrator, the Legis-**  
11 **lative Counsel, the Legislative Equity Officer, the Legislative Fiscal**  
12 **Officer, the Legislative Policy and Research Director, the Legislative**  
13 **Revenue Officer and the Executive Director of the Commission on In-**  
14 **dian Services.**

15       **“(b) ‘Appointing authority’ means the person who has authority in**  
16 **the interest of the employer to hire, transfer, suspend, lay off, pro-**  
17 **mote, terminate or discipline an employee.**

18       **“(c) ‘Caucus leader’ means the Democratic or Republican leader of**  
19 **the Senate or the Democratic or Republican leader of the House of**  
20 **Representatives.**

21       **“(d) ‘Caucus office’ means the office of the Democratic or Republi-**  
22 **can leader of the Senate or the office of the Democratic or Republican**  
23 **leader of the House of Representatives.**

24       **“(e) ‘Chamber’ means the Senate or the House of Representatives.**

25       **“(f) ‘Employee’ means an employee who is performing services on**  
26 **behalf of the Legislative Branch. ‘Employee’ includes any intern, ex-**  
27 **tern or volunteer who is affiliated with a Legislative Branch office.**

28       **“(g) ‘Employee Services’ means the division of Legislative Admin-**  
29 **istration charged with employment and human resources adminis-**  
30 **tration for the Legislative Branch.**

1       “(h) ‘Human Resources Director’ means the manager of Employee  
2 Services.

3       “(i) ‘Independent investigator’ or ‘investigator’ means an investi-  
4 gator under contract pursuant to section 6, chapter \_\_\_\_\_, Oregon  
5 Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9  
6 amendments), who is available to perform or is performing an inves-  
7 tigation under this rule.

8       “(j) ‘Legislative Branch’ means members and employees of the  
9 Legislative Assembly, the parliamentary offices, Legislative Adminis-  
10 tration, the Legislative Counsel Office, the Legislative Equity Office,  
11 the Legislative Fiscal Office, the Legislative Policy and Research Of-  
12 fice, the Legislative Revenue Office and the Commission on Indian  
13 Services.

14       “(k) ‘Legislative Equity Officer’ means the Legislative Equity Offi-  
15 cer appointed under section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (En-  
16 rolled House Bill 3377) (as amended by HB 3377-9 amendments) or an  
17 acting equity officer serving under section 3 or 4, chapter \_\_\_\_\_,  
18 Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9  
19 amendments).

20       “(L) ‘Member of the Legislative Assembly’ or ‘member’ means a  
21 Senator or a Representative.

22       “(m) ‘Nonpartisan staff’ means an employee of the parliamentary  
23 offices, Legislative Administration, the Legislative Counsel Office, the  
24 Legislative Equity Office, the Legislative Fiscal Office, the Legislative  
25 Policy and Research Office, the Legislative Revenue Office or the  
26 Commission on Indian Services.

27       “(n) ‘Offsite process counselor’ means a person unaffiliated with the  
28 Legislative Branch who has entered into a contract with the Legisla-  
29 tive Equity Officer under section 14, chapter \_\_\_\_\_, Oregon Laws 2019  
30 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), to

1 provide services described in subsection (10) of this rule.

2 “(o) ‘Parliamentarian’ means the Secretary of the Senate or the  
3 Chief Clerk of the House of Representatives.

4 “(p) ‘Parliamentary office’ means the Office of the Secretary of the  
5 Senate or the Office of the Chief Clerk of the House of Represen-  
6 tatives.

7 “(q) ‘Partisan staff’ means an employee working directly for a  
8 member of the Legislative Assembly, an employee of a caucus office  
9 or an employee of the office of the Senate President or the office of  
10 the Speaker of the House of Representatives.

11 “(r) ‘Protected class’ means a classification established by law that  
12 offers protections to members of the classification, including but not  
13 limited to:

14 “(A) Sex;

15 “(B) Race;

16 “(C) Ethnicity;

17 “(D) National origin;

18 “(E) Age;

19 “(F) Religion;

20 “(G) Marital status;

21 “(H) Sexual orientation;

22 “(I) Gender identity or expression;

23 “(J) Engaging in whistleblowing activity;

24 “(K) Opposing an employer’s actions when the employee reasonably  
25 believes the actions to be unlawful;

26 “(L) Taking leave from work for purposes protected by law, includ-  
27 ing but not limited to leave under the Oregon Family Leave Act, the  
28 federal Family and Medical Leave Act or disability-related leave;

29 “(M) Injured worker status;

30 “(N) Disability; or

1       **“(O) Veteran status.**

2       **“(s) ‘Respondent’ means a person named in a conduct complaint**  
3 **made under subsection (12) of this rule as engaging in behavior that**  
4 **is prohibited by this rule or a person who is the subject of an investi-**  
5 **gation under subsection (14) of this rule to determine whether the**  
6 **person engaged in behavior that is prohibited by this rule.**

7       **“(t) ‘Supervisor’ means an employee of the Legislative Branch who**  
8 **manages or directs the work of another employee of the Legislative**  
9 **Branch.**

10       **“(4) Harassment and hostile work environment.**

11       **“(a) An individual engages in harassment by engaging in verbal or**  
12 **physical conduct, including making a visual display or causing a visual**  
13 **display to be shown, that denigrates or shows hostility toward a pro-**  
14 **ected class or toward an individual because of the individual’s status**  
15 **as a member of a protected class. Examples of harassment may in-**  
16 **clude, but are not limited to:**

17       **“(A) Name-calling, slurs or stereotyping;**

18       **“(B) Threatening, intimidating or hostile acts that relate to a pro-**  
19 **ected class;**

20       **“(C) Belittling, demeaning or humiliating a person or group of per-**  
21 **sons because of a protected class; or**

22       **“(D) Displaying written or graphic material that is described in**  
23 **subparagraphs (A) to (C) of this paragraph.**

24       **“(b) Harassment does not include every minor annoyance or disap-**  
25 **pointment that an employee may encounter in the course of perform-**  
26 **ing the employee’s job.**

27       **“(c) An individual creates a hostile work environment by engaging**  
28 **in behavior that is unwelcome and is so severe or pervasive that it**  
29 **either affects a person’s ability to function in the workplace or denies**  
30 **a person the benefits of the workplace.**

1       **“(5) Sexual harassment.**

2       **“(a) An individual engages in sexual harassment when the individ-**  
3 **ual engages in unwelcome conduct of a sexual nature, including but**  
4 **not limited to sexual advances, requests for sexual favors, sexual**  
5 **comment, unwanted or offensive touching or physical contact, un-**  
6 **wanted closeness, impeding or blocking movement, sexual gesture,**  
7 **sexual innuendo, sexual joke, sexually charged language, intimate in-**  
8 **quiry, persistent unwanted courting, sexist insult, gender stereotype,**  
9 **or other verbal or physical conduct of a sexual nature, if:**

10       **“(A) Submission to the conduct is made either explicitly or implic-**  
11 **itly a term or condition of a person’s employment;**

12       **“(B) A person expressly or by implication conveys that declining to**  
13 **submit to the conduct will affect an individual’s job, leave request,**  
14 **benefits, business before the Legislative Assembly, influence or op-**  
15 **portunity of the individual to engage professionally with the Legisla-**  
16 **tive Assembly, its members or staff; or**

17       **“(C) The unwelcome conduct has the purpose or effect of unrea-**  
18 **sonably interfering with a person’s job performance, or creates a work**  
19 **environment that a reasonable person would find intimidating, hostile**  
20 **or offensive. For purposes of this rule, ‘unwelcome conduct’ means**  
21 **conduct that an individual does not incite or solicit and that the in-**  
22 **dividual regards as undesirable or offensive. An individual may with-**  
23 **draw consent to conduct that was previously welcomed, though a**  
24 **withdrawal of consent must be communicated to the person for whom**  
25 **consent is being withdrawn.**

26       **“(b) Sexual harassment includes but is not limited to:**

27       **“(A) Unwanted sexual advances, flirtations or propositions.**

28       **“(B) Demands for sexual favors in exchange for favorable treatment**  
29 **or continued employment.**

30       **“(C) Sexual jokes.**

1       **“(D) Verbal abuse of a sexual nature.**

2       **“(E) Verbal commentary about the body, sexual prowess or sexual**  
3 **deficiency of an individual.**

4       **“(F) Leering, whistling, touching or physical assault.**

5       **“(G) Using sexually suggestive, insulting or obscene comments or**  
6 **gestures.**

7       **“(H) Displaying sexually suggestive objects or pictures.**

8       **“(I) Sending or forwarding electronic mail or other communications**  
9 **of an offensive or graphic sexual nature.**

10       **“(J) Discriminatory treatment based on sex.**

11       **“(c) Sexual harassment includes any conduct described in sub-**  
12 **section (4) of this rule that is based on sex.**

13       **“(6) Retaliation.**

14       **“(a) A person engages in retaliation if the person treats another**  
15 **individual less favorably because the individual made a good-faith**  
16 **complaint about conduct prohibited by this rule or participated in an**  
17 **investigation about conduct that is prohibited by this rule.**

18       **“(b) A person engages in retaliation if the person treats another**  
19 **individual less favorably because that individual engaged in a process**  
20 **described in this rule or implemented one or more provisions of this**  
21 **rule.**

22       **“(c) A person engages in retaliation if the person treats another**  
23 **individual less favorably because the individual made a good-faith**  
24 **complaint or took other action to address conduct prohibited in any**  
25 **respectful workplace policy adopted by the Joint Committee on Con-**  
26 **duct under section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House**  
27 **Bill 3377) (as amended by HB 3377-9 amendments), or this rule.**

28       **“(7) Examples.**

29       **“(a) The Legislative Equity Officer shall develop and propose to the**  
30 **Joint Committee on Conduct examples of what constitutes**

1 harassment, a hostile work environment, sexual harassment and re-  
2 taliation under this rule. The committee shall approve, modify or re-  
3 ject proposed examples presented to the committee.

4 “(b) The Legislative Equity Officer shall maintain and publish ex-  
5 amples of what constitutes harassment, a hostile work environment,  
6 sexual harassment and retaliation that have been approved by the  
7 committee under this subsection.

8 “(8) Prohibitions.

9 “The Legislative Branch prohibits conduct that:

10 “(a) Constitutes harassment and creates a hostile work environ-  
11 ment;

12 “(b) Constitutes sexual harassment and creates a hostile work en-  
13 vironment;

14 “(c) Constitutes an unlawful practice that aids or abets discrimi-  
15 nation in a place of public accommodation under the laws of the state;  
16 or

17 “(d) Is retaliation.

18 “(9) Reporting options and follow-up.

19 “(a) In order to encourage participation and effectiveness, this rule  
20 establishes three options for reporting behavior prohibited by this rule:

21 “(A) A confidential disclosure process described in subsection (10)  
22 of this rule;

23 “(B) A conduct reporting process described in subsection (11) of this  
24 rule; and

25 “(C) A conduct complaint process described in subsection (12) of  
26 this rule.

27 “(b) In each case of a disclosure, report or complaint made under  
28 this rule, the Legislative Equity Officer or the independent investi-  
29 gator, whichever is appropriate, shall follow up with the individual  
30 who experienced, or believes they experienced, conduct prohibited by

1 this rule, at least once every three months for the year following the  
2 disclosure, report or complaint, to determine whether the alleged  
3 prohibited conduct has stopped and to determine whether the individ-  
4 ual has experienced retaliation. The officer or investigator shall give  
5 the individual written notice at the outset of the follow-up period that  
6 follow-up described in this paragraph will occur unless the individual  
7 requests in writing that the officer or investigator not follow up.

8 **“(10) Confidential disclosure process.**

9 **“(a) Any individual who experiences behavior prohibited by this rule  
10 or observes behavior that is inconsistent with this rule may make a  
11 confidential disclosure reporting the behavior to the Legislative Equity  
12 Officer or an offsite process counselor.**

13 **“(b) Information reported to the Legislative Equity Officer or offsite  
14 process counselor, records created by the officer or counselor and the  
15 identity of the individual making a disclosure under this subsection  
16 are confidential and may not be disclosed by the officer or counselor,  
17 except that the officer or counselor:**

18 **“(A) May disclose information if the officer or counselor reasonably  
19 concludes that a threat of immediate physical harm or other harm  
20 described in ORS 40.252 would exist if the disclosure were not made;**

21 **“(B) Shall disclose information if required by law;**

22 **“(C) May disclose nonpersonally identifiable data to facilitate the  
23 Legislative Branch’s identification of training and coaching needs; and**

24 **“(D) May disclose nonpersonally identifiable information to an in-  
25 dividual who has made a confidential disclosure under this subsection  
26 for the purpose of encouraging the individual to make a conduct re-  
27 port under subsection (11) of this rule or a conduct complaint under  
28 subsection (12) of this rule.**

29 **“(c) Notwithstanding paragraph (b) of this subsection:**

30 **“(A) The Legislative Equity Officer may disclose nonpersonally**

1 identifiable information in the course of performing corrective coach-  
2 ing for an individual subject to the requirements of this rule.

3 “(B) The Legislative Equity Officer or offsite process counselor may  
4 not disclose information or records to an independent investigator,  
5 except that nonpersonally identifiable information may be disclosed to  
6 facilitate the taking of any action that is consistent with this rule and  
7 with the principles of the Due Process Clause of the United States  
8 Constitution.

9 “(d) As an initial matter when an individual seeks to make a con-  
10 fidential disclosure under this subsection, the Legislative Equity Offi-  
11 cer or offsite process counselor shall:

12 “(A) Explain the availability or lack of availability of any privilege  
13 that would permit the individual seeking to make a confidential dis-  
14 closure under this subsection to refuse to disclose, and to prevent any  
15 other person from disclosing, confidential communications and re-  
16 cords; and

17 “(B) Ask whether the individual making a confidential disclosure  
18 under this subsection needs one or more safety measures described in  
19 subsection (13) of this rule put in place.

20 “(e) When an individual makes a confidential disclosure under this  
21 subsection, the Legislative Equity Officer or offsite process counselor:

22 “(A) Shall advise the individual making the disclosure of other  
23 options that are available to address the conduct, including conduct  
24 reports under subsection (11) of this rule, conduct complaints under  
25 subsection (12) of this rule, interim safety measures under subsection  
26 (13) of this rule, state and federal administrative options with the  
27 Bureau of Labor and Industries and the Equal Employment Opportu-  
28 nity Commission of the United States, law enforcement or the civil  
29 judicial process;

30 “(B) In the case of an individual making the disclosure being affil-

1 iated with an institution that is subject to Title IX of the Education  
2 Amendments Act of 1972, 20 U.S.C. 1681 to 1688, as amended, shall ad-  
3 vise the individual of the Title IX reporting process and provide ap-  
4 plicable institution contact information and information on the  
5 resources available at the institution;

6 “(C) Shall explain the availability of employee assistance program  
7 counselors and other available service providers and may refer the  
8 individual making a disclosure under this subsection to a counselor  
9 or other provider, as appropriate; and

10 “(D) Shall explain the actions that the officer or counselor may  
11 take following a disclosure made under this subsection and due process  
12 and other rights that limit the scope of actions that may be taken  
13 following a disclosure under this subsection, including possible limi-  
14 tations on the availability of safety measures.

15 “(f) If requested by an individual making a disclosure under this  
16 subsection, the Legislative Equity Officer or offsite process counselor  
17 shall refrain from making a confidential record of the identity of the  
18 individual making the disclosure. The officer or counselor shall explain  
19 the availability of this option to any individual making a disclosure  
20 under this subsection.

21 “(g)(A) The Legislative Equity Officer, on or before July 1, 2020,  
22 shall establish a means for individuals to make disclosures under this  
23 subsection that are entirely anonymous, so that the Legislative Equity  
24 Officer or offsite process counselor cannot determine the identity of  
25 the individual making a disclosure using means described in this par-  
26 agraph.

27 “(B) In the event of an anonymous disclosure made under this  
28 paragraph, paragraphs (d), (e) and (f) of this subsection do not apply.

29 “(h) If the Legislative Equity Officer or offsite process counselor  
30 receives information concerning conduct that is inconsistent with a

1 respectful workplace policy adopted by the Joint Committee on Con-  
2 duct but that does not rise to the level of creating a hostile work en-  
3 vironment or violating public accommodation law, the officer shall  
4 refer the reporter to the Human Resources Director.

5 **“(11) Conduct reports.**

6 **“(a) Any individual who experiences behavior prohibited by this rule  
7 or observes behavior that is inconsistent with this rule may make a  
8 nonconfidential report of the behavior under this subsection within  
9 five years of the date the behavior occurred. A report made under this  
10 subsection shall be referred to as a conduct report.**

11 **“(b) An appointing authority, including any member of the Legis-  
12 lative Assembly, shall promptly make a conduct report under this  
13 subsection if they have received information that they reasonably be-  
14 lieve describes behavior that may be prohibited by this rule, have ob-  
15 served behavior that they reasonably believe may be prohibited by this  
16 rule or in any way have knowledge of behavior that they reasonably  
17 believe may be prohibited by this rule.**

18 **“(c) A nonpartisan staff supervisor shall promptly make a conduct  
19 report under this subsection if they have received information that  
20 they reasonably believe describes behavior that may be prohibited by  
21 this rule, have observed behavior that they reasonably believe may be  
22 prohibited by this rule or in any way have knowledge of behavior that  
23 they reasonably believe may be prohibited by this rule.**

24 **“(d) A Legislative Branch contractor, or an employee of a contrac-  
25 tor, that is contractually obligated to do so, shall promptly make a  
26 conduct report under this subsection if they have information that  
27 they received a report of conduct prohibited by this rule, have ob-  
28 served behavior prohibited by this rule or in any way have knowledge  
29 of behavior prohibited by this rule.**

30 **“(e) Notwithstanding paragraphs (a) to (d) of this subsection, if a**

1 reporter is required to make a conduct report under this subsection  
2 but is also the person experiencing behavior prohibited by this rule,  
3 the person may make a confidential disclosure under subsection (10)  
4 of this rule that satisfies the requirements of reporting under this  
5 subsection.

6 “(f) A conduct report made under this subsection shall be made to:

7 “(A) An independent investigator;

8 “(B) The Legislative Equity Officer;

9 “(C) The Human Resources Director; or

10 “(D) Staff of Employee Services who have been designated by the  
11 Human Resources Director to receive conduct reports made under this  
12 subsection.

13 “(g) A reporter may make a conduct report in any form and using  
14 any means. However, the Joint Committee on Conduct established  
15 under section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill  
16 3377) (as amended by HB 3377-9 amendments), shall establish uniform  
17 recordkeeping processes applicable to the Legislative Equity Officer  
18 and Employee Services to ensure that conduct reports made under this  
19 subsection are adequately documented.

20 “(h) A conduct report made under this subsection that is received  
21 by the Legislative Equity Officer, Employee Services or the Human  
22 Resources Director shall be forwarded to the independent investigator.

23 “(i) The independent investigator shall review all conduct reports  
24 that the investigator receives under this subsection to determine  
25 whether the reported conduct, when taken on its face, could be pro-  
26 hibited by this rule. If the investigator determines that an investi-  
27 gation is warranted, an investigation as described in subsection (14)  
28 of this rule shall be undertaken and the investigator or the Legislative  
29 Equity Officer shall provide the person who is reported to be experi-  
30 encing the conduct with information on available resources, including

1 resources described in subsection (10)(e)(B) and (C) of this rule. If the  
2 investigator determines that the reported conduct, on its face, is not  
3 conduct prohibited by this rule, the investigator may:

4 “(A) Engage in specific coaching of individuals to eliminate any  
5 uncertainty over appropriate workplace behavior;

6 “(B) Confer with and recommend that the Legislative Equity Officer  
7 provide additional training to address reported circumstances;

8 “(C) Confer with and make recommendations to the appropriate  
9 appointing authority or legislative leader to facilitate training or  
10 guidance being given to address reported circumstances; or

11 “(D) Take any other action that is warranted to achieve the policies  
12 established under these rules.

13 “(12) Conduct complaints.

14 “(a) Any person who experiences behavior prohibited by this rule  
15 or observes behavior that is inconsistent with this rule may make a  
16 complaint under this subsection within five years after the date the  
17 behavior occurred. A complaint made under this subsection shall be  
18 referred to as a conduct complaint.

19 “(b) A conduct complaint must:

20 “(A) Be in writing;

21 “(B) Identify the complainant and the person being accused of en-  
22 gaging in conduct prohibited by this rule;

23 “(C) Set forth the facts and circumstances that the complainant  
24 believes describe conduct that is prohibited by this rule; and

25 “(D) Be made in a declaration under penalty of perjury that is sat-  
26 isfied when the declarant signs the complaint immediately under a  
27 sentence that states, ‘I hereby declare that the above statement is true  
28 to the best of my knowledge and belief, and that I understand it is  
29 made for use as evidence in proceedings under Legislative Branch  
30 Personnel Rule 27 and is subject to penalty for perjury.’

1       “(c) A conduct complaint shall be delivered to the Legislative Eq-  
2       uity Officer, who shall convey the complaint to an independent inves-  
3       tigator, except that a conduct complaint may be delivered by the  
4       complainant directly to the independent investigator.

5       “(d) The independent investigator shall promptly examine the con-  
6       duct complaint and determine if the complaint meets the requirements  
7       of paragraph (b) of this subsection. If the complaint does not meet the  
8       requirements of paragraph (b) of this subsection, the investigator shall  
9       request the complainant to supplement the complaint. A complaint  
10      that does not meet the requirements of paragraph (b) of this sub-  
11      section may not be the subject of an investigation under subsection  
12      (14) of this rule.

13      “(e) The independent investigator shall promptly:

14      “(A) Deliver a copy of the conduct complaint to the person accused  
15      of engaging in behavior prohibited by this rule, who shall thereafter  
16      be the respondent; and

17      “(B) If the respondent:

18      “(i) Is a member of the Legislative Assembly, deliver a copy of the  
19      complaint to the caucus leader of the caucus in which the member  
20      serves;

21      “(ii) Is a caucus leader, deliver a copy of the complaint to the pre-  
22      siding officer of the chamber in which the caucus leader serves and  
23      to a member who is in an elected leadership position of the caucus in  
24      which the caucus leader serves;

25      “(iii) Is a Legislative Branch employee in either a partisan or non-  
26      partisan staff position, deliver a copy of the complaint to the ap-  
27      pointing authority for the respondent;

28      “(iv) Is an agency head, deliver a copy of the complaint to the pre-  
29      siding officers;

30      “(v) Is a parliamentarian, deliver a copy of the complaint to the

1 presiding officer of the chamber in which the parliamentarian serves;  
2 and

3 “(vi) Is a registered lobbyist, executive or judicial branch employee,  
4 employee of a contractor or a member of the public, deliver a copy of  
5 the complaint to the Legislative Administrator.

6 “(f) The independent investigator shall promptly provide, or shall  
7 ensure that the Legislative Equity Officer provides, the complainant  
8 with information on available resources, including resources described  
9 in subsection (10)(e)(B) and (C) of this rule.

10 “(g) Upon delivery of the conduct complaint, the independent in-  
11 vestigator shall promptly begin the investigation described in sub-  
12 section (14) of this rule and recommend any necessary interim safety  
13 measures as described in subsection (13) of this rule.

14 “(13) Interim safety measures.

15 “(a) Upon receipt of a conduct report made under subsection (11)  
16 of this rule or a conduct complaint made under subsection (12) of this  
17 rule, or at any time during the course of an investigation, the inde-  
18 pendent investigator may determine that an interim safety measure  
19 needs to be implemented to ensure the safety of the complainant or  
20 any other individual who has experienced behavior that is prohibited  
21 by this rule or who may reasonably be foreseen as at risk of being  
22 subjected to behavior that is prohibited by this rule. The Legislative  
23 Equity Officer or an offsite process counselor may also recommend an  
24 interim safety measure if interim safety measures are sought by an  
25 individual making a confidential disclosure under subsection (10) of  
26 this rule. The investigator, officer or counselor may recommend any  
27 interim safety measure that they determine is appropriate to the sit-  
28 uation, including but not limited to:

29 “(A) Temporary reassignment of the respondent;

30 “(B) Alternative work location for the respondent, including being

1 **duty-stationed at home;**  
2 **“(C) Establishing a no contact order;**  
3 **“(D) Placing the respondent on paid or unpaid leave and prohibiting**  
4 **the respondent from being present in the workplace or the State Cap-**  
5 **itol;**  
6 **“(E) Directing the respondent to be absent from the State Capitol**  
7 **until the investigation is complete; or**  
8 **“(F) In severe situations, involving law enforcement.**  
9 **“(b) Any interim safety measure that is recommended or that is**  
10 **implemented may not prejudice a complainant or put a complainant**  
11 **in a worse position than the complainant was in before the complaint**  
12 **was made.**  
13 **“(c)(A) Any interim safety measure that is imposed may not un-**  
14 **lawfully impair any lawful rights an accused person may exercise.**  
15 **“(B) Any interim safety measure that is imposed on a member of**  
16 **the Legislative Assembly must be narrowly tailored to minimize limi-**  
17 **tations on the member’s ability to perform core legislative functions**  
18 **and to address immediate safety concerns, and an interim safety**  
19 **measure may not be imposed until after the member is given notice**  
20 **of the proposed interim safety measure and an opportunity to be heard**  
21 **by the applicable chamber committee on conduct.**  
22 **“(d) If the respondent is a member of the Legislative Assembly:**  
23 **“(A) The committee on conduct of the chamber in which the re-**  
24 **spondent serves is authorized to impose an interim safety measure on**  
25 **the respondent that lasts no longer than until the complaint is re-**  
26 **solved;**  
27 **“(B) The independent investigator shall report the investigator’s**  
28 **interim safety recommendation and the reasons for the recommen-**  
29 **dation to the respondent, to the committee and to the presiding officer**  
30 **of the chamber; and**

1       **“(C) The committee shall promptly deliberate on the recommen-**  
2 **dation and shall adopt such interim safety measures that the com-**  
3 **mittee determines are appropriate. For purposes of conducting a**  
4 **hearing to deliberate on interim safety measures under this paragraph,**  
5 **the committee hearing need only comply with one-hour notice re-**  
6 **quirements.**

7       **“(e) If the respondent is not a member of the Legislative Assembly,**  
8 **the independent investigator shall make the investigator’s interim**  
9 **safety recommendation:**

10       **“(A) In the case of a respondent who is a Legislative Branch em-**  
11 **ployee in either a partisan or nonpartisan staff position, to the**  
12 **employee’s appointing authority.**

13       **“(B) In the case of a respondent who is a State of Oregon employee**  
14 **but not a Legislative Branch employee, to the employee’s agency di-**  
15 **rector and the Legislative Administrator.**

16       **“(C) In the case of a respondent who is a lobbyist, employee of a**  
17 **contractor or member of the public, to the Legislative Administrator.**

18       **“(f) The person who receives the independent investigator’s interim**  
19 **safety recommendation made under paragraph (e) of this subsection**  
20 **shall act promptly on the recommendation.**

21       **“(g) The Legislative Equity Officer or an offsite process counselor**  
22 **that has received a confidential disclosure under subsection (10) of this**  
23 **rule may recommend interim safety measures under this subsection**  
24 **if requested by the individual making a disclosure under subsection**  
25 **(10) of this rule, except that the interim safety measure may not:**

26       **“(A) Identify the individual making the confidential disclosure**  
27 **without the consent of the individual; or**

28       **“(B) Penalize or place the person who is the subject of the disclo-**  
29 **sure in a worse position than before the disclosure was made.**

30       **“(14) Investigations.**

1       “(a) As soon as is practicable after adoption of this rule and chapter  
2       \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by  
3       HB 3377-9 amendments), the Joint Committee on Conduct shall:

4       “(A) Adopt standards and criteria for the selection of an independ-  
5       ent investigator unaffiliated with the Legislative Branch, and the  
6       Legislative Equity Officer shall maintain a list of potential independ-  
7       ent investigators who meet the standards and criteria established by  
8       the committee; and

9       “(B) Direct the Legislative Equity Officer to enter into one or more  
10       contracts with individuals who meet the standards and criteria estab-  
11       lished by the committee, to serve as an independent investigator under  
12       this rule.

13       “(b) An investigation that is to be conducted under this subsection  
14       shall be conducted promptly and shall be completed as soon as is  
15       practicable. The investigation must be completed within 84 days from  
16       the date the complaint is made, except that the Legislative Equity  
17       Officer may extend the time by which the investigation must be com-  
18       pleted if the independent investigator provides advance notice to the  
19       complainant and the respondent of the extension and an explanation  
20       justifying the extension.

21       “(c) The independent investigator shall keep the complainant and  
22       the respondent apprised of the investigation timeline and the status  
23       of the investigation at the outset of an investigation, on a regular  
24       basis thereafter and upon request of the complainant or respondent.

25       “(d)(A) The independent investigator shall use best practices in  
26       conducting the investigation and shall make findings of fact relevant  
27       to the allegations. The investigator shall prepare draft written findings  
28       of fact at least eight days before the investigation must be concluded  
29       under paragraph (b) of this subsection and shall provide the draft  
30       written findings to the complainant and the respondent.

1       **“(B) If the respondent is someone other than a member of the**  
2 **Legislative Assembly, the draft written findings shall also contain a**  
3 **proposed finding of whether one or more violations of this rule oc-**  
4 **curred.**

5       **“(C) The complainant and the respondent may give responses to the**  
6 **draft written findings to the investigator within seven days of receiv-**  
7 **ing the draft.**

8       **“(D) The independent investigator shall consider responses supplied**  
9 **under subparagraph (C) of this paragraph and shall prepare a final**  
10 **report that sets forth the investigator’s findings of fact. If the re-**  
11 **spondent is someone other than a member of the Legislative Assem-**  
12 **bly, the final report should also include a determination by the**  
13 **investigator of whether the facts constitute a violation of this rule.**

14       **“(e)(A) If a member of the Legislative Assembly is the respondent,**  
15 **the independent investigator shall deliver the final report to the**  
16 **complainant, the respondent and the committee on conduct for the**  
17 **chamber in which the respondent serves on or before the date estab-**  
18 **lished under paragraph (b) of this subsection for the completion of the**  
19 **investigation.**

20       **“(B) The complainant and the respondent may each submit to the**  
21 **appropriate committee on conduct a written challenge to the factual**  
22 **findings set forth in the final report within seven days of receipt of the**  
23 **report. A challenge must identify the factual findings that are the**  
24 **subject of the challenge and articulate the reason those findings are**  
25 **in error.**

26       **“(C) The committee on conduct shall conduct a hearing on the**  
27 **allegations made in the complaint and the investigator’s final report**  
28 **within 14 days of receiving the report from the investigator. The**  
29 **committee shall permit the complainant and the respondent to appear,**  
30 **present documents and physical evidence and suggest witnesses. The**

1 committee may determine to hear witnesses, but only committee  
2 members may question witnesses.

3 **“(D) At the hearing or a subsequent hearing, the committee on  
4 conduct shall deliberate and:**

5 **“(i) Make a final determination of facts;**

6 **“(ii) Make a final determination of whether the facts constitute a  
7 violation of this rule; and**

8 **“(iii) If the determination is that a violation of this rule occurred,  
9 prescribe or recommend remedies as described in subsection (15) of  
10 this rule.**

11 **“(f) If a member of the Legislative Assembly is the respondent and  
12 irrevocably resigns the member’s office at any time after the conduct  
13 complaint is made, the investigation described in this subsection and  
14 the committee on conduct hearing and final committee determinations  
15 described in paragraph (e) of this subsection shall nevertheless take  
16 place.**

17 **“(g)(A) If someone other than a member of the Legislative Assem-  
18 bly is the respondent, the independent investigator shall deliver the  
19 final report, including proposed findings of violations, to the  
20 complainant, the respondent and:**

21 **“(i) In the case of a respondent who is a Legislative Branch em-  
22 ployee in a nonpartisan staff position, to the respondent’s appointing  
23 authority.**

24 **“(ii) In the case of a respondent who is a Legislative Branch em-  
25 ployee in a partisan staff position, to the respondent’s appointing au-  
26 thority and to the committee on conduct of the chamber with which  
27 the employee is affiliated.**

28 **“(iii) In the case of a respondent who is a State of Oregon employee  
29 but not a Legislative Branch employee, to the Legislative Adminis-  
30 trator and the respondent’s agency director.**

1       “(iv) In the case of a respondent who is a lobbyist, employee of a  
2 contractor or member of the public, to the Legislative Administrator.

3       “(B) A nonpartisan staff appointing authority who receives the in-  
4 dependent investigator’s final report under subparagraph (A)(i) of this  
5 paragraph, or the Legislative Administrator upon receiving the inde-  
6 pendent investigator’s final report under subparagraph (A)(iii) or (iv)  
7 of this paragraph, shall determine remedial measures described in  
8 subsection (15) of this rule within 14 days of receiving the  
9 investigator’s final report.

10       “(C) The appropriate committee on conduct that receives the inde-  
11 pendent investigator’s final report under subparagraph (A)(ii) of this  
12 paragraph shall make a recommendation on remedial measures de-  
13 scribed in subsection (15) of this rule to the supervising member of the  
14 Legislative Assembly within seven days of receiving the investigator’s  
15 final report. The supervising member of the Legislative Assembly shall  
16 consider the recommendations and make a final determination on the  
17 remedial measures within 14 days of receiving the investigator’s final  
18 report.

19       “(15) Remedial measures.

20       “(a) In a case where the respondent is a member of the Legislative  
21 Assembly and the appropriate committee on conduct has made a de-  
22 termination under subsection (14)(e) of this rule that a violation of  
23 this rule has occurred, the committee shall impose any remedy that  
24 is sufficient to reprimand the member and deter future conduct that  
25 violates the rule, including but not limited to a reprimand, monetary  
26 fine or other remedy that the committee determines is appropriate  
27 under the circumstances, except that:

28       “(A) If the committee recommendation is to expel the member, the  
29 committee shall report that recommendation to the full chamber,  
30 which shall act on that recommendation at its earliest opportunity;

1 and

2 “(B) If the committee recommendation is to remove the member  
3 from one or more committees to which the member is assigned, the  
4 committee shall report that recommendation to the presiding officer  
5 of that chamber.

6 “(b)(A) In a case where the respondent is a Legislative Branch em-  
7 ployee in a nonpartisan staff position, the appointing authority, in  
8 consultation with the Human Resources Director, shall determine an  
9 appropriate remedy that is consistent with the independent  
10 investigator’s determination that the respondent violated the require-  
11 ments of this rule.

12 “(B) The respondent may appeal the investigator’s final report or  
13 any remedial measure imposed under this paragraph after the report  
14 has been delivered to the appointing authority but no later than seven  
15 days after the imposition of remedial measures under this subsection,  
16 except that any appeal must be based only on:

17 “(i) Newly discovered evidence that was not taken into account by  
18 the investigator;

19 “(ii) A claim of process error that is being asserted by the appellant;  
20 or

21 “(iii) A claim that the investigator or the person or committee that  
22 imposed a remedy acted with bias.

23 “(C) The appeal may be made to the Joint Committee on Conduct.

24 “(c)(A) In a case where the respondent is a Legislative Branch em-  
25 ployee in a partisan staff position, the committee on conduct of the  
26 chamber with which the employee is affiliated shall make a recom-  
27 mendation on an appropriate remedy consistent with the independent  
28 investigator’s determination that the respondent violated the require-  
29 ments of this rule. The committee’s recommendation shall be made  
30 to the member of the Legislative Assembly for whom the respondent

1 **works.**

2 **“(B) The member shall determine the appropriate remedy within**  
3 **the time prescribed in subsection (14)(g)(C) of this rule and shall notify**  
4 **the Legislative Equity Officer upon making the determination.**

5 **“(C) If the Legislative Equity Officer determines that no remedial**  
6 **measures were imposed under subparagraph (B) of this paragraph or**  
7 **that the remedial measures imposed were substantially different from**  
8 **the remedial measures recommended by the committee, the officer**  
9 **shall notify the committee of the disparity. The committee may hold**  
10 **a hearing and may impose a remedy.**

11 **“(D) The respondent may appeal the investigator’s final report or**  
12 **the remedial measure imposed under this paragraph to the committee**  
13 **on conduct with which the respondent is associated within seven days**  
14 **after the remedial measure is imposed, except that any appeal must**  
15 **be based only on a claim described in paragraph (b)(B) of this sub-**  
16 **section.**

17 **“(d)(A) In a case where the respondent is a lobbyist, employee of a**  
18 **contractor or other person who is present in the State Capitol for**  
19 **professional or work reasons, or is a member of the public, and the**  
20 **independent investigator’s final report determines that a violation of**  
21 **this rule has occurred, the Legislative Administrator shall determine**  
22 **an appropriate remedy that is consistent with the investigator’s de-**  
23 **termination. The respondent may appeal the investigator’s final report**  
24 **or the remedy determined by the Legislative Administrator to the co-**  
25 **chairs of the Legislative Administration Committee within seven days**  
26 **of the Legislative Administrator’s determination, except that any ap-**  
27 **peal must be based only on a claim described in paragraph (b)(B) of**  
28 **this subsection.**

29 **“(B) If the respondent is a lobbyist, employee of a contractor or**  
30 **other person who is present in the State Capitol for professional or**

1 work reasons, the Legislative Administrator shall provide notice of the  
2 proposed remedy under this paragraph to the respondent and the  
3 respondent's employer within 14 days of receiving the final report from  
4 the investigator. If the respondent is a lobbyist who is a member of  
5 an association of professional lobbyists, the Legislative Administrator  
6 shall also provide notice of the proposed remedy to the association.

7 “(C) The Legislative Administrator may modify the proposed rem-  
8 edy at any time until 28 days after receipt of the investigator's final  
9 report, but thereafter the proposed remedy is final.

10 “(16) Confidentiality and transparency.

11 “(a) The independent investigator undertaking an investigation un-  
12 der subsection (14) of this rule and the Legislative Equity Officer shall  
13 provide as much privacy as possible during the course of an investi-  
14 gation.

15 “(b) The independent investigator and the Legislative Equity Officer  
16 shall maintain all records and information about an investigation  
17 confidentially, except that:

18 “(A) The investigator may disclose the fact of the investigation and  
19 any relevant details of the investigation to the appointing authority  
20 of the complainant and the respondent and the Joint Committee on  
21 Conduct, if the investigator determines there is a legitimate need to  
22 disclose the information; and

23 “(B) In the case of a respondent who is a member of the Legislative  
24 Assembly, the investigator may disclose the fact of the investigation  
25 and any relevant details of the investigation to the person to whom  
26 the conduct complaint was delivered under subsection (12)(e)(B) of this  
27 rule.

28 “(c) A conduct complaint made under subsection (12) of this rule is  
29 disclosable upon being made under subsection (12) of this rule, but all  
30 records relating to an ongoing investigation under subsection (14) of

1 **this rule shall be maintained in confidence.**

2 **“(d) Records and information of the independent investigator and**  
3 **the Legislative Equity Officer shall be exempt from disclosure as pre-**  
4 **scribed under applicable law, except that, also as prescribed under**  
5 **applicable law:**

6 **“(A) A conduct complaint made under subsection (12) of this rule**  
7 **is disclosable when requested;**

8 **“(B) Records relating to a member of the Legislative Assembly fol-**  
9 **lowing a conduct complaint being made concerning the member are**  
10 **subject to disclosure after the fact-finding investigation has concluded,**  
11 **even if a legislative committee has not yet met or deliberated on the**  
12 **investigation’s findings; and**

13 **“(C) Records relating to an investigation of allegations of conduct**  
14 **prohibited by legislative branch personnel rules and not described in**  
15 **subparagraph (A) or (B) of this paragraph are subject to disclosure**  
16 **upon a determination being made that the person who was the subject**  
17 **of the investigation is subject to remedial measures or discipline.**

18 **“(17) Establishment of committees on conduct.**

19 **“(a)(A) The Senate Committee on Conduct is established, consisting**  
20 **of four Senators and two alternates. Two Senators and one alternate**  
21 **must be from the majority party and two Senators and one alternate**  
22 **must be from the minority party. Each Senator must be approved by**  
23 **majority vote of the Senate to serve on the committee or to serve as**  
24 **an alternate, following being nominated by any Senator. The majority**  
25 **and minority caucus leaders shall each nominate at least one Senator**  
26 **to serve as a committee member from their caucus.**

27 **“(B) The Senate Committee on Conduct shall perform those func-**  
28 **tions assigned by this rule to carry out the purposes of Article IV,**  
29 **section 15, of the Oregon Constitution, for the Senate.**

30 **“(C) The Senate shall appoint members of the Senate Committee**

1 on Conduct within 15 days after the date of the convening of an or-  
2 ganizational session of the odd-numbered year regular session of the  
3 Legislative Assembly, as soon as practicable after a vacancy occurs  
4 or as soon as practicable after this rule takes effect.

5 “(b)(A) The House Committee on Conduct is established, consisting  
6 of four Representatives and two alternates. Two Representatives and  
7 one alternate must be from the majority party and two Represen-  
8 tatives and one alternate must be from the minority party. Each  
9 Representative must be appointed by majority vote of the House of  
10 Representatives to serve on the committee or to serve as an alternate,  
11 following being nominated by any Representative. The majority and  
12 minority caucus leaders shall each nominate at least one Represen-  
13 tative to serve as a committee member from their caucus.

14 “(B) The House Committee on Conduct shall perform those func-  
15 tions assigned by this rule to carry out the purposes of Article IV,  
16 section 15, of the Oregon Constitution, for the House of Represen-  
17 tatives.

18 “(C) The House of Representatives shall appoint members of the  
19 House Committee on Conduct within 15 days after the date of the  
20 convening of an organizational session of the odd-numbered year reg-  
21 ular session of the Legislative Assembly, as soon as practicable after  
22 a vacancy occurs or as soon as practicable after this rule takes effect.

23 “(c) The members of the Senate Committee on Conduct and the  
24 members of the House Committee on Conduct shall together comprise  
25 the Joint Committee on Conduct. The Joint Committee on Conduct  
26 shall perform the duties assigned to the joint committee under chapter  
27 \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by  
28 HB 3377-9 amendments), or this rule.

29 “(d) When a member of a committee on conduct is named as a re-  
30 spondent under this rule, the member may not serve as a member of

1 the committee or as a member of the joint committee until the matter  
2 is resolved.

3 **“(18) Respectful workplace policies.**

4 **“(a) The Joint Committee on Conduct shall develop and maintain**  
5 **a respectful workplace policy to address conduct that is inconsistent**  
6 **with the policy direction established for the Legislative Branch as set**  
7 **forth in subsection (1) of this rule but that does not rise to the level**  
8 **of creating a hostile work environment or violating public accommo-**  
9 **dation law.**

10 **“(b) In addition to establishing standards of conduct and giving**  
11 **examples of conduct that violates those standards, the policy shall**  
12 **establish procedures for determining and imposing remedial measures,**  
13 **including but not limited to training, coaching and counselling.**

14 **“(c) For Legislative Branch employees, the policy shall also estab-**  
15 **lish procedures for determining and imposing proportionate discipline**  
16 **when appropriate.**

17 **“(d) For members of the Legislative Assembly, the policy shall also**  
18 **establish procedures for making recommendations to the appropriate**  
19 **committee on conduct established in subsection (17) of this rule for**  
20 **proportionate discipline when appropriate.**

21 **“(e) The Human Resources Director shall administer the respectful**  
22 **workplace policy. The director may delegate specific tasks under the**  
23 **policy to other Employee Services employees.**

24 **“(19) Recommendation.**

25 **“The Joint Committee on Conduct shall on or before January 1,**  
26 **2021, make a recommendation to the President of the Senate and the**  
27 **Speaker of the House of Representatives on whether investigation**  
28 **functions described in this rule shall continue to be performed by one**  
29 **or more independent investigators or shall be performed by Legislative**  
30 **Branch personnel affiliated with the Legislative Equity Office.**

1       **“(20) Application.**

2       **“The five-year limitation in subsections (11)(a) and (12)(a) of this**  
3 **rule applies to conduct occurring before, on or after the effective date**  
4 **of this rule, but does not operate to revive a claim barred by a previ-**  
5 **ous iteration of this rule.**

6  
7       **“Legislative Branch Personnel Rule 12: Resignation, Retirement or**  
8 **Separation from Service.**

9       **“APPLICABILITY: This rule applies to all employees of the Legislative**  
10 **Branch and all interns, externs and volunteers performing service in**  
11 **the Legislative Branch.** This rule does not apply to members of the Legis-  
12 lative Assembly.

13       **“(1) Notice of resignation or retirement.** An employee who is resigning  
14 or retiring shall file written notice with the employee’s appointing authority  
15 stating the effective date and time of the resignation or retirement.

16       **“(2) Notification to Employee Services and Legislative Equity Officer.**

17       **“(a)** Upon notification from an employee of a pending resignation or re-  
18 tirement, the employee’s appointing authority shall notify Employee Services  
19 before the effective date of the resignation or retirement.

20       **“(b) The supervisor or appointing authority of each intern, extern**  
21 **or volunteer shall notify the Legislative Equity Officer appointed un-**  
22 **der section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill**  
23 **3377) (as amended by HB 3377-9 amendments), or the officer’s designee,**  
24 **when an intern, extern or volunteer plans to separate from service in**  
25 **the Legislative Branch.**

26       **“(c) The Legislative Equity Officer, or the officer’s designee, shall**  
27 **proactively attempt to conduct an exit interview with each employee,**  
28 **intern, extern or volunteer who is resigning, retiring or otherwise**  
29 **separating from service. If limited by resources, the Legislative Equity**  
30 **Officer shall prioritize conducting exit interviews with interns, externs**

1 **and volunteers.**

2 “(3) Job abandonment.

3 “(a) An employee who fails to report to work for five or more consecutive  
4 work days and fails to contact the employee’s appointing authority, immedi-  
5 ate supervisor or a staff member of Employee Services may, at the discretion  
6 of the appointing authority, be deemed to have abandoned the employee’s job  
7 and will be treated as having voluntarily resigned.

8 “(b) If the appointing authority deems that the employee has abandoned  
9 the employee’s job, the appointing authority shall notify the employee in  
10 writing by mailing notice to the employee’s address on record with Employee  
11 Services, and give the employee the opportunity to present extenuating cir-  
12 cumstances for not reporting for work or contacting the appointing author-  
13 ity.

14 “(c) If the appointing authority determines that sufficient extenuating  
15 circumstances exist to excuse the employee’s absence, the absence may be  
16 covered by a subsequent grant of accrued leave or leave without pay.

17

18 **“Rule 32: Employees of Members, Leadership, Caucuses and Non-**  
19 **partisan Offices.**

20 “APPLICABILITY: This rule applies to [*personal staff of members of the*  
21 *Legislative Assembly and to caucus office and leadership office staff*] **all em-**  
22 **ployees, interns, externs and volunteers of the Legislative Branch.**

23 “(1) Personal staff of members of the Legislative Assembly.

24 “(a) Employees, **interns, externs and volunteers** appointed as personal  
25 staff serving a member of the Legislative Assembly directly serve at the  
26 pleasure of the member.

27 “(b) Applicants for personal staff positions shall apply for employment in  
28 the manner prescribed by the member of the Legislative Assembly. The ap-  
29 plication must include, at a minimum, a summary of the applicant’s prior  
30 relevant education and experience and a signed legislative application form

1 as required of all applicants for other positions.

2 **“(c) Notwithstanding paragraph (b) of this subsection, a copy of**  
3 **each application received under this subsection for which the ap-**  
4 **pointing authority determines to appoint the applicant shall be deliv-**  
5 **ered to Employee Services prior to the date of appointment. Employee**  
6 **Services shall maintain a database that includes personal contact in-**  
7 **formation, start dates and, if applicable, end dates for the appoint-**  
8 **ment.**

9 **“(2) Leadership office and caucus office staff.**

10 **“(a) Employees, interns, externs and volunteers** appointed to work for  
11 a leadership office or a caucus office serve at the pleasure of the appointing  
12 authority.

13 **“(b) Applicants for employment with a leadership office or a caucus office**  
14 **shall apply for employment in the manner prescribed by the appointing au-**  
15 **thority. The application must include, at a minimum, a summary of the**  
16 **applicant’s prior relevant education and experience and a signed legislative**  
17 **application form as required of all applicants for other positions.**

18 **“(c) Notwithstanding paragraph (b) of this subsection, a copy of**  
19 **each application received under this subsection for which the ap-**  
20 **pointing authority determines to appoint the applicant shall be deliv-**  
21 **ered to Employee Services prior to the date of appointment. Employee**  
22 **Services shall maintain a database that includes personal contact in-**  
23 **formation, start dates and, if applicable, end dates for the appoint-**  
24 **ment.**

25 **“(3) Nonpartisan staff.**

26 **“Employees, interns, externs and volunteers serve at the pleasure**  
27 **of the appointing authority. A copy of each application received by a**  
28 **nonpartisan office of the Legislative Assembly for which the appoint-**  
29 **ing authority determines to appoint the applicant shall be delivered to**  
30 **Employee Services prior to the date of appointment. Employee Ser-**

1 vices shall maintain a database that includes personal contact infor-  
2 mation, start dates and, if applicable, end dates for the appointment.

3 **“(4) Employee Services and the Legislative Equity Officer.**

4 **“(a) Following receipt of an application under this rule, Employee**  
5 **Services must notify the Legislative Equity Officer of the start date**  
6 **of the employee, intern, extern or volunteer. The officer shall ensure**  
7 **that each employee, intern, extern and volunteer, as soon as practi-**  
8 **cable after their start date, is provided with:**

9 **“(A) The training described in section 7 (1), chapter\_\_\_\_\_, Oregon**  
10 **Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9**  
11 **amendments);**

12 **“(B) A copy of legislative branch harassment avoidance policies and**  
13 **rules;**

14 **“(C) A copy of legislative branch procedures and rules for reporting**  
15 **or filing complaints to address instances of harassment; and**

16 **“(D) A copy of any respectful workplace policies that are adopted**  
17 **and in effect under Legislative Branch Personnel Rule 27 (18).**

18 **“(b) The office shall ensure that each member of the Legislative**  
19 **Assembly and each current employee of the Legislative Branch re-**  
20 **ceives copies of the materials described in paragraph (a)(B) to (D) of**  
21 **this subsection.**

22  
23 **“Legislative Branch Personnel Rule 33: Operative date and transi-**  
24 **tion.**

25 **“(1) Subsections (1) to (16) of Legislative Branch Personnel Rule 27,**  
26 **as set forth in this concurrent resolution, become operative on the**  
27 **date that the Joint Committee on Conduct, as established in section**  
28 **1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as**  
29 **amended by HB 3377-9 amendments), notifies the presiding officers**  
30 **that the Legislative Equity Officer, as established in section 1, chapter**

1 \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by  
2 HB 3377-9 amendments), has been appointed or, pursuant to section 4,  
3 chapter\_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as  
4 amended by HB 3377-9 amendments), that an acting Legislative Equity  
5 Officer has been appointed.

6 “(2) For periods after the adoption of this concurrent resolution and  
7 before notice is given under subsection (1) of this section, the Legis-  
8 lative Administrator and the Human Resources Director may impose  
9 interim safety measures as described in Legislative Branch Personnel  
10 Rule 27 (13), to protect any person present in the State Capitol from  
11 harassment, sexual harassment or retaliation.”.

12

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