

A-Engrossed
House Resolution 1

Ordered by the House February 11
Including House Amendments dated February 11

Sponsored by Representatives NOBLE, FAHEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Legislative Equity Officer to study Legislative Branch Personnel Rule 27 procedures and make recommendations on procedure improvements to House Committee on Conduct.]

Resolves that House of Representatives finds that Representative Diego Hernandez engaged in disorderly behavior. Further resolves that, with concurrence of two-thirds of members of House of Representatives, Representative Hernandez be expelled from House of Representatives.

HOUSE RESOLUTION

1
2 Whereas Article IV, sections 11 and 15, of the Oregon Constitution, direct the House of Repre-
3 sentatives to determine its own rules of proceeding and to discipline its members; and

4 Whereas the House of Representatives adopted rules of proceeding when it convened in organ-
5 izational session on January 11, 2021; and

6 Whereas Legislative Branch Personnel Rule 27 is among the rules adopted by the House of
7 Representatives during its organizational session; and

8 Whereas Rule 27 memorializes the commitment of the House of Representatives to promoting a
9 respectful and inclusive environment in the State Capitol and in any setting in which conduct has
10 the ability to create a Capitol environment that is intimidating, hostile or offensive; and

11 Whereas Rule 27 similarly memorializes the commitment of the House of Representatives to
12 providing a safe and respectful workplace and to taking proactive steps to improve the culture of
13 the State Capitol so that behavior from any source that has a negative impact on the workplace
14 may be effectively addressed and resolved; and

15 Whereas Rule 27 establishes standards of conduct applicable to the House of Representatives
16 that prohibit conduct that constitutes harassment or sexual harassment and that creates a hostile
17 work environment, and prohibits conduct that is retaliation; and

18 Whereas legislative branch personnel received reports regarding the conduct of Representative
19 Diego Hernandez; and

20 Whereas Rule 27 requires an independent investigator unaffiliated with the legislative branch
21 to be appointed to conduct an investigation and determine findings of fact relevant to the allegations
22 when a report is made concerning the conduct of a member of the House of Representatives and the
23 reported conduct, on its face, could violate Rule 27; and

24 Whereas an independent investigator was appointed to investigate the allegations against Rep-
25 resentative Hernandez, and the investigator interviewed impacted parties and witnesses, interviewed
26 Representative Hernandez twice and examined written records; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 Whereas the investigator prepared and submitted to the House Committee on Conduct a report
2 setting forth the investigator's findings of fact concerning Representative Hernandez's interactions
3 with five individuals; and

4 Whereas the House Committee on Conduct conducted four days of hearings from February 1 to
5 4, 2021, at which the investigator presented the investigator's findings, at which Representative
6 Hernandez, through counsel, presented for the committee's consideration his views on the
7 allegations and on investigation and committee procedures, and at which impacted parties who
8 elected to testify were able to do so; and

9 Whereas the House Committee on Conduct had opportunity to and asked clarifying questions
10 of the investigator; and

11 Whereas after due deliberation, the House Committee on Conduct determined that Represent-
12 ative Hernandez's conduct constituted 18 violations of the standards of conduct established for
13 members of the House of Representatives related to sexual harassment and workplace harassment,
14 involving three separate individuals; and

15 Whereas the House Committee on Conduct held an additional hearing on February 5, 2021, to
16 deliberate on and recommend to the House of Representatives appropriate discipline of Represent-
17 ative Hernandez; now, therefore,

18 **Be It Resolved by the House of Representatives of the State of Oregon:**

19 That we, the members of the House of Representatives of the Eighty-first Legislative Assembly,
20 find that Representative Diego Hernandez has engaged in disorderly behavior within the meaning
21 of Article IV, section 15, of the Oregon Constitution; and be it further

22 Resolved, That with the concurrence of two-thirds of the members of the House of Represent-
23 atives, Representative Hernandez be expelled from the House of Representatives and that Represent-
24 ative Hernandez's seat be considered vacant.

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