

February 6, 2019

The following are recommendations from two non-elected women: 1 who filed formal complaint, 1 who filed informal complaint under PR 27. They would like to contribute to the discussion about improving the process but want to maintain their confidentiality. They submitted these comments to their attorney who then delivered them to Senator Gelser's attorney with the request that these be read into the record.

- Provide full support for the implementation of all of the OLC Task Force Recommendations, at a minimum, subject to recommended modifications described below.
- To ensure the Equity Office is truly independent and neutral, employees of the Equity Office should not be at-will employees hired by, reporting to, and overseen by the legislature's Joint Committee. Instead, the employees should be hired for fixed term contracts that allow for termination only for good cause.
- Complainants should have an option to make a formal, but anonymous complaint to the Equity Office. In light of the power structure of the legislative branch, an anonymous complaint option is necessary to provide an opportunity for employees, interns, and other individuals to feel safe coming forward with complaints. Complainants should be fully advised of the fact that all reasonable efforts will be made to maintain their confidentiality, but that depending on the nature of their complaint and given the nature of the formal complaint process, information about their identity may be made public through the process.
- Require mandatory training of all legislators on all forms of workplace harassment and discrimination.
- Personnel Rule 27 should be revised, consistent with the OLC Task Force Recommendations, to include no time limitations for making a complaint.
- Personnel Rule 27 should be revised to remove confidentiality requirements for any party related to an informal complaint.
- All support should be pulled from current proposed HB 2859. Complainants should have the right to privacy if they elect it, but that right to privacy should not operate to protect the individuals who have engaged in harassment as this proposed bill does. Instead, privacy rights should have limited and clear exceptions that allow for the collection and reporting of aggregate data and should allow for exception in the event of a legal process.
- The OLC recommends the use of outside hired investigator for legislators and certain pre-identified positions. No legislative committee should have any input into the outside investigators. This should be done by the Equity Office.
- The remedial measures for partisan and nonpartisan legislative employees should be imposed by the Equity Office, in consultation with Human Resources. Nonpartisan and partisan legislative employees should not have an opportunity to respond to proposed remedial measures because they already had an opportunity to respond through the complaint process itself. Allowing additional responses and supervisors to modify remedial measures, creates opportunities for bias and unfairness to enter into the process.
- Create individual liability for legislators who engage in sexual harassment or who knew or should have known that one of their employees engaged in sexual harassment.