

HB 3377 A STAFF MEASURE SUMMARY

Joint Committee On Capitol Culture

Action Date: 05/01/19

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

House Vote

Yeas: 5 - Boles, Fahey, Sanchez, Williamson, Wilson

Exc: 1 - Sprenger

Senate Vote

Yeas: 5 - Baertschiger Jr, Burdick, Fagan, Knopp, Prozanski

Exc: 1 - Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/20, 3/27, 4/3, 4/10, 4/24, 5/1

WHAT THE MEASURE DOES:

Creates Joint Committee on Conduct as standing legislative committee, comprised of House Committee on Conduct and Senate Committee on Conduct. Permits all Joint Committee members to attend hearings of chamber-specific Conduct Committees, while reserving ability to vote on disciplinary matters for members who serve in relevant chamber. Directs Joint Committee to adopt respectful workplace policy for conduct that is not implicated by Legislative Assembly's harassment, discrimination, and retaliation policy.

Creates Legislative Equity Office and requires Joint Committee to provide policy direction and oversight to Office. Requires Legislative Assembly to select Legislative Equity Officer by concurrent resolution. Provides Officer with four-year term, subject to removal for cause by Joint Committee. Authorizes Joint Committee to appoint acting Officer. Requires Officer to contract with independent investigator to receive complaints violating Legislative Assembly's harassment, discrimination, and retaliation policy, conduct investigations, and make interim safety recommendations. Provides that investigatory records relating to legislator are subject to disclosure at conclusion of investigation and investigatory records relating to all other persons are subject to disclosure when discipline or other remedial measures are imposed.

Directs Officer to provide, and to contract with offsite process counselor to provide, confidential process counseling. Creates evidentiary privilege for communications made to offsite process counselor. Requires Officer to provide annual report to Joint Committee, regularly conduct climate and culture surveys, and establish Capitol Leadership Team. Requires Joint Committee to consult with Leadership Team in conduct of oversight of Equity Office.

Requires Officer to conduct annual training on harassment, retaliation, and discrimination policy and free speech. Requires legislators, legislative staff, and beginning in January 2021, registered lobbyists to attend training. Requires Oregon Government Ethics Commission to track lobbyist certification of training attendance and submit annual report to Legislative Assembly. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Improving Capitol culture
- Preventing harassment, discrimination, and retaliation
- Protecting free expression and due process

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2018, responding to then-unfolding events in the State Capitol, the President of the Senate and the Speaker of the House requested that the Oregon Law Commission assist with legislative efforts to make the State Capitol a model workplace where employees, legislators, lobbyists, and visitors alike can feel safe and participate in the democratic process, without fear of harassment, discrimination, or retaliation. The Commission was requested to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. The Commission appointed 14 members to the Oregon State Capitol Workplace Harassment Work Group, including employment lawyers representing employees and management, former legislators and legislative staff, registered lobbyists, a retired Oregon Supreme Court justice, an academic in the field of implicit bias, and several professionals with extensive experience preventing and responding to harassment in professional and educational settings. After several months of public hearings and soliciting public input, both with attribution and anonymously, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018 and made available to the public on the Oregon Law Commission website.