



Open Government Impact Statement

80th Oregon Legislative Assembly
2019 Regular Session

Measure: HB 3377-B

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 6/13/2019

SUMMARY

Establishes Joint Committee on Conduct as joint committee of Legislative Assembly.
Establishes Legislative Equity Office as independent nonpartisan office of Legislative Assembly and directs Legislative Assembly to, by concurrent resolution, appoint Legislative Equity Officer to serve as executive officer of Legislative Equity Office.

Directs Joint Committee on Conduct to establish standards and criteria for individuals unaffiliated with legislative branch to perform services as independent investigator, and directs Legislative Equity Officer to select independent investigator, to conduct investigations of conduct asserted to violate standards of harassment, discrimination or retaliation prescribed by legislative branch personnel rules.

Requires Legislative Equity Officer to conduct at least two hours of respectful workplace training each calendar quarter. Specifies topics of training. Requires legislators and legislative staff, interns and volunteers to attend training annually. Requires registered lobbyists to attend annual training, beginning in 2021. Directs lobbyists to certify training attendance to Oregon Government Ethics Commission and directs commission to report lobbyist training attendance to officer.

Directs Legislative Equity Officer to regularly conduct culture and climate surveys of legislators, legislative staff, lobbyists and others who regularly interact with legislative branch.

Requires Legislative Equity Officer to receive information from any individual about harassing behavior and to provide confidential process counseling to individuals who believe they have experienced or observed harassment.

Requires Legislative Equity Officer to establish and maintain Capitol Leadership Team to serve as mentors and resources for promoting more respectful workplace or to assist those facing challenges in workplace.

Directs Joint Committee on Conduct to establish minimum qualifications and criteria for offsite process counselors and directs Legislative Equity Officer to contract with offsite process counselors to receive information from individuals concerning harassing behavior and to provide confidential process counseling to individuals who believe they have experienced or observed harassment.

Establishes evidentiary privilege and exemption from public records disclosure for confidential communications and records created or maintained by offsite process counselor concerning harassment in State Capitol. Establishes public records exemption for records of independent investigator conducting harassment investigations, and for records of Legislative Equity Officer that relate to disclosures, reports or allegations made to officer. Limits scope and duration of exemption of independent investigator records.



Declares emergency, effective on passage.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure records and information of the Legislative Equity Office that relate to disclosures, reports or other allegations made to the Legislative Equity Officer or that relate to investigations, reports or counseling undertaken by the Legislative Equity Officer or by an independent investigator or offsite process counselor at the request or direction of the Legislative Equity Officer except under certain circumstances. The measure also exempts from public disclosure communications between a person and an offsite process counselor and records created or maintained by the offsite process counselor in the course of the person receiving process counseling or reporting information that concerns harassment in the State Capitol.

If the public records were instead subject to mandatory disclosure under public records law, the public could receive additional information regarding process counseling, reports of harassment and individuals considering whether to report potentially harassing behavior.