

A-Engrossed
House Concurrent Resolution 20

Ordered by the House May 6
Including House Amendments dated May 6

Sponsored by JOINT COMMITTEE ON CAPITOL CULTURE

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.

Establishes standards of conduct applicable to Legislative Branch and other persons present in State Capitol. **Prohibits conduct that constitutes harassment or sexual harassment and creates hostile work environment, that constitutes unlawful practice that aids or abets discrimination in place of public accommodation, or that is retaliation.** Establishes procedures for persons to make confidential disclosures, [*nonconfidential*] **conduct** reports or [*formal*] **conduct** complaints concerning prohibited conduct. Provides authority for interim safety measures to be imposed. Establishes procedures under which investigations of potential violations of rules are performed and remedial measures are imposed. Establishes standards of confidentiality and transparency pertaining to investigations. Establishes Senate and House Committees on Conduct.

Directs Legislative Equity Officer to ensure that each employee, intern, extern or volunteer is provided with copies of branch harassment avoidance policies and rules, procedures and rules to address instances of harassment, and respectful workplace policies. Directs officer to conduct exit interviews with each employee, intern, extern or volunteer who is separating from legislative service.

Provides operative date and transition rules.

CONCURRENT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

That Legislative Branch Personnel Rule 27, as amended and in effect for the Eightieth Legislative Assembly, is repealed and the following Legislative Branch Personnel Rule 27 is adopted in lieu thereof as a rule of proceeding of the Senate and the House of Representatives and a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

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

Further resolved that a new Legislative Branch Personnel Rule 33 be adopted as a rule of proceeding of the Senate and the House of Representatives and a joint rule of proceeding applicable to the Legislative Branch, as follows:

Legislative Branch Personnel Rule 27: Safe, Respectful and Inclusive Workplace.

(1) Policy.

(a) The Legislative Branch is committed to promoting a respectful and inclusive environment in the State Capitol and in any setting in which conduct has the ability to create a Capitol environment that is intimidating, hostile or offensive, or may constitute conduct that amounts to retaliation for the making of a good-faith complaint under this rule or for participation in an investigation under this rule.

(b) The Legislative Branch is committed to providing a safe and respectful workplace 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 to taking proactive steps to improve its culture so that behavior from any source that has
2 a negative impact on the workplace may be effectively reported and promptly addressed and
3 resolved.

4 (c) The Legislative Branch is equally committed to protecting freedom of speech and ex-
5 pression, as guaranteed to all persons through the free expression protections of Article I,
6 section 8, of the Oregon Constitution, and through the First Amendment to the United
7 States Constitution, and the Legislative Branch recognizes that the constitutional pro-
8 tections guaranteeing freedom of speech and expression must be taken into account in de-
9 termining the rights afforded to individuals in the State Capitol under this rule.

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

12 (e) Members of the Legislative Assembly and all Legislative Branch employees are ex-
13 pected to conduct themselves in a manner that is free of harassment and to discourage all
14 harassment in the workplace and at professional meetings, seminars or at any event at
15 which legislative business is conducted.

16 (f) This rule is designed to provide options to those who are experiencing or observing
17 harassing behavior, discriminatory behavior or other behavior prohibited by subsection (7)
18 of this rule to seek information, report behaviors or file complaints to address and resolve
19 concerns, while also:

20 (A) Enhancing options available to victims who seek to remain anonymous; and

21 (B) Ensuring that fundamental freedoms of speech and expression are protected as core
22 values in the Legislative Branch.

23 (g) This rule is designed to provide options to those who are experiencing or observing
24 harassing behavior, discriminatory behavior, retaliation or other behavior prohibited by
25 subsection (8) of this rule to seek information, report behaviors or file complaints to address
26 and resolve concerns, while also enhancing options available to victims who seek to remain
27 anonymous.

28 (h) The Legislative Assembly intends the mandatory reporting obligations established
29 under this rule to be a means by which the Legislative Branch will take action to address
30 conduct prohibited by this rule, in the absence of a specific complaint about the conduct.

31 (2) Application.

32 (a) Any individual who experiences behavior prohibited by this rule or observes behavior
33 inconsistent with this rule may use the reporting options described in subsections (10) to (12)
34 of this rule.

35 (b) An appointing authority or a nonpartisan staff supervisor, including any member of
36 the Legislative Assembly, shall report behavior prohibited by this rule by the means de-
37 scribed in subsection (11) of this rule. If the appointing authority or supervisor is making a
38 report because an individual has disclosed to the appointing authority or supervisor that the
39 individual may be experiencing conduct prohibited by this rule, the appointing authority or
40 supervisor, as soon as practicable after receiving the disclosure, shall provide a copy of the
41 materials described in Legislative Branch Personnel Rule 32 (4)(a)(B) to (D) to the individual
42 making the disclosure.

43 (c) Any individual over whom the Legislative Branch may impose a remedy is an indi-
44 vidual subject to the requirements of this rule, including but not limited to:

45 (A) Members of the Legislative Assembly;

1 (B) Legislative staff, interns, externs and volunteers;

2 (C) Lobbyists required to register under ORS 171.740;

3 (D) Contractors or employees of contractors who engage in business with the Legislative
4 Branch;

5 (E) Employees of the State of Oregon who are not employees of the Legislative Branch;
6 and

7 (F) Members of the public who are present in the State Capitol.

8 (3) Definitions.

9 (a) "Agency head" means the Legislative Administrator, the Legislative Counsel, the
10 Legislative Equity Officer, the Legislative Fiscal Officer, the Legislative Policy and Research
11 Director, the Legislative Revenue Officer and the Executive Director of the Commission on
12 Indian Services.

13 (b) "Appointing authority" means the person who has authority in the interest of the
14 employer to hire, transfer, suspend, lay off, promote, terminate or discipline an employee.

15 (c) "Caucus leader" means the Democratic or Republican leader of the Senate or the
16 Democratic or Republican leader of the House of Representatives.

17 (d) "Caucus office" means the office of the Democratic or Republican leader of the Senate
18 or the office of the Democratic or Republican leader of the House of Representatives.

19 (e) "Chamber" means the Senate or the House of Representatives.

20 (f) "Employee" means an employee who is performing services on behalf of the Legisla-
21 tive Branch. "Employee" includes any intern, extern or volunteer who is affiliated with a
22 Legislative Branch office.

23 (g) "Employee Services" means the division of Legislative Administration charged with
24 employment and human resources administration for the Legislative Branch.

25 (h) "Human Resources Director" means the manager of Employee Services.

26 (i) "Independent investigator" or "investigator" means an investigator under contract
27 pursuant to section 6, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as
28 amended by HB 3377-9 amendments), who is available to perform or is performing an inves-
29 tigation under this rule.

30 (j) "Legislative Branch" means members and employees of the Legislative Assembly, the
31 parliamentary offices, Legislative Administration, the Legislative Counsel Office, the Legis-
32 lative Equity Office, the Legislative Fiscal Office, the Legislative Policy and Research Office,
33 the Legislative Revenue Office and the Commission on Indian Services.

34 (k) "Legislative Equity Officer" means the Legislative Equity Officer appointed under
35 section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB
36 3377-9 amendments) or an acting equity officer serving under section 3 or 4, chapter
37 _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amend-
38 ments).

39 (L) "Member of the Legislative Assembly" or "member" means a Senator or a Repre-
40 sentative.

41 (m) "Nonpartisan staff" means an employee of the parliamentary offices, Legislative
42 Administration, the Legislative Counsel Office, the Legislative Equity Office, the Legislative
43 Fiscal Office, the Legislative Policy and Research Office, the Legislative Revenue Office or
44 the Commission on Indian Services.

45 (n) "Offsite process counselor" means a person unaffiliated with the Legislative Branch

1 who has entered into a contract with the Legislative Equity Officer under section 14, chapter
2 _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amend-
3 ments), to provide services described in subsection (10) of this rule.

4 (o) "Parliamentarian" means the Secretary of the Senate or the Chief Clerk of the House
5 of Representatives.

6 (p) "Parliamentary office" means the Office of the Secretary of the Senate or the Office
7 of the Chief Clerk of the House of Representatives.

8 (q) "Partisan staff" means an employee working directly for a member of the Legislative
9 Assembly, an employee of a caucus office or an employee of the office of the Senate Presi-
10 dent or the office of the Speaker of the House of Representatives.

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

13 (A) Sex;

14 (B) Race;

15 (C) Ethnicity;

16 (D) National origin;

17 (E) Age;

18 (F) Religion;

19 (G) Marital status;

20 (H) Sexual orientation;

21 (I) Gender identity or expression;

22 (J) Engaging in whistleblowing activity;

23 (K) Opposing an employer's actions when the employee reasonably believes the actions
24 to be unlawful;

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

28 (M) Injured worker status;

29 (N) Disability; or

30 (O) Veteran status.

31 (s) "Respondent" means a person named in a conduct complaint made under subsection
32 (12) of this rule as engaging in behavior that is prohibited by this rule or a person who is the
33 subject of an investigation under subsection (14) of this rule to determine whether the person
34 engaged in behavior that is prohibited by this rule.

35 (t) "Supervisor" means an employee of the Legislative Branch who manages or directs
36 the work of another employee of the Legislative Branch.

37 (4) Harassment and hostile work environment.

38 (a) An individual engages in harassment by engaging in verbal or physical conduct, in-
39 cluding making a visual display or causing a visual display to be shown, that denigrates or
40 shows hostility toward a protected class or toward an individual because of the individual's
41 status as a member of a protected class. Examples of harassment may include, but are not
42 limited to:

43 (A) Name-calling, slurs or stereotyping;

44 (B) Threatening, intimidating or hostile acts that relate to a protected class;

45 (C) Belittling, demeaning or humiliating a person or group of persons because of a pro-

1 tected class; or

2 (D) Displaying written or graphic material that is described in subparagraphs (A) to (C)
3 of this paragraph.

4 (b) Harassment does not include every minor annoyance or disappointment that an em-
5 ployee may encounter in the course of performing the employee's job.

6 (c) An individual creates a hostile work environment by engaging in behavior that is
7 unwelcome and is so severe or pervasive that it either affects a person's ability to function
8 in the workplace or denies a person the benefits of the workplace.

9 (5) Sexual harassment.

10 (a) An individual engages in sexual harassment when the individual engages in unwel-
11 come conduct of a sexual nature, including but not limited to sexual advances, requests for
12 sexual favors, sexual comment, unwanted or offensive touching or physical contact, un-
13 wanted closeness, impeding or blocking movement, sexual gesture, sexual innuendo, sexual
14 joke, sexually charged language, intimate inquiry, persistent unwanted courting, sexist in-
15 sult, gender stereotype, or other verbal or physical conduct of a sexual nature, if:

16 (A) Submission to the conduct is made either explicitly or implicitly a term or condition
17 of a person's employment;

18 (B) A person expressly or by implication conveys that declining to submit to the conduct
19 will affect an individual's job, leave request, benefits, business before the Legislative As-
20 sembly, influence or opportunity of the individual to engage professionally with the Legisla-
21 tive Assembly, its members or staff; or

22 (C) The unwelcome conduct has the purpose or effect of unreasonably interfering with a
23 person's job performance, or creates a work environment that a reasonable person would
24 find intimidating, hostile or offensive. For purposes of this rule, "unwelcome conduct" means
25 conduct that an individual does not incite or solicit and that the individual regards as unde-
26 sirable or offensive. An individual may withdraw consent to conduct that was previously
27 welcomed, though a withdrawal of consent must be communicated to the person for whom
28 consent is being withdrawn.

29 (b) Sexual harassment includes but is not limited to:

30 (A) Unwanted sexual advances, flirtations or propositions.

31 (B) Demands for sexual favors in exchange for favorable treatment or continued em-
32 ployment.

33 (C) Sexual jokes.

34 (D) Verbal abuse of a sexual nature.

35 (E) Verbal commentary about the body, sexual prowess or sexual deficiency of an indi-
36 vidual.

37 (F) Leering, whistling, touching or physical assault.

38 (G) Using sexually suggestive, insulting or obscene comments or gestures.

39 (H) Displaying sexually suggestive objects or pictures.

40 (I) Sending or forwarding electronic mail or other communications of an offensive or
41 graphic sexual nature.

42 (J) Discriminatory treatment based on sex.

43 (c) Sexual harassment includes any conduct described in subsection (4) of this rule that
44 is based on sex.

45 (6) Retaliation.

1 (a) A person engages in retaliation if the person treats another individual less favorably
2 because the individual made a good-faith complaint about conduct prohibited by this rule or
3 participated in an investigation about conduct that is prohibited by this rule.

4 (b) A person engages in retaliation if the person treats another individual less favorably
5 because that individual engaged in a process described in this rule or implemented one or
6 more provisions of this rule.

7 (c) A person engages in retaliation if the person treats another individual less favorably
8 because the individual made a good-faith complaint or took other action to address conduct
9 prohibited in any respectful workplace policy adopted by the Joint Committee on Conduct
10 under section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended
11 by HB 3377-9 amendments), or this rule.

12 (7) Examples.

13 (a) The Legislative Equity Officer shall develop and propose to the Joint Committee on
14 Conduct examples of what constitutes harassment, a hostile work environment, sexual
15 harassment and retaliation under this rule. The committee shall approve, modify or reject
16 proposed examples presented to the committee.

17 (b) The Legislative Equity Officer shall maintain and publish examples of what consti-
18 tutes harassment, a hostile work environment, sexual harassment and retaliation that have
19 been approved by the committee under this subsection.

20 (8) Prohibitions.

21 The Legislative Branch prohibits conduct that:

22 (a) Constitutes harassment and creates a hostile work environment;

23 (b) Constitutes sexual harassment and creates a hostile work environment;

24 (c) Constitutes an unlawful practice that aids or abets discrimination in a place of public
25 accommodation under the laws of the state; or

26 (d) Is retaliation.

27 (9) Reporting options and follow-up.

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

30 (A) A confidential disclosure process described in subsection (10) of this rule;

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

32 (C) A conduct complaint process described in subsection (12) of this rule.

33 (b) In each case of a disclosure, report or complaint made under this rule, the Legislative
34 Equity Officer or the independent investigator, whichever is appropriate, shall follow up with
35 the individual who experienced, or believes they experienced, conduct prohibited by this rule,
36 at least once every three months for the year following the disclosure, report or complaint,
37 to determine whether the alleged prohibited conduct has stopped and to determine whether
38 the individual has experienced retaliation. The officer or investigator shall give the individual
39 written notice at the outset of the follow-up period that follow-up described in this paragraph
40 will occur unless the individual requests in writing that the officer or investigator not follow
41 up.

42 (10) Confidential disclosure process.

43 (a) Any individual who experiences behavior prohibited by this rule or observes behavior
44 that is inconsistent with this rule may make a confidential disclosure reporting the behavior
45 to the Legislative Equity Officer or an offsite process counselor.

1 **(b) Information reported to the Legislative Equity Officer or offsite process counselor,**
2 **records created by the officer or counselor and the identity of the individual making a dis-**
3 **closure under this subsection are confidential and may not be disclosed by the officer or**
4 **counselor, except that the officer or counselor:**

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

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

9 **(C) May disclose nonpersonally identifiable data to facilitate the Legislative Branch's**
10 **identification of training and coaching needs; and**

11 **(D) May disclose nonpersonally identifiable information to an individual who has made a**
12 **confidential disclosure under this subsection for the purpose of encouraging the individual**
13 **to make a conduct report under subsection (11) of this rule or a conduct complaint under**
14 **subsection (12) of this rule.**

15 **(c) Notwithstanding paragraph (b) of this subsection:**

16 **(A) The Legislative Equity Officer may disclose nonpersonally identifiable information in**
17 **the course of performing corrective coaching for an individual subject to the requirements**
18 **of this rule.**

19 **(B) The Legislative Equity Officer or offsite process counselor may not disclose infor-**
20 **mation or records to an independent investigator, except that nonpersonally identifiable in-**
21 **formation may be disclosed to facilitate the taking of any action that is consistent with this**
22 **rule and with the principles of the Due Process Clause of the United States Constitution.**

23 **(d) As an initial matter when an individual seeks to make a confidential disclosure under**
24 **this subsection, the Legislative Equity Officer or offsite process counselor shall:**

25 **(A) Explain the availability or lack of availability of any privilege that would permit the**
26 **individual seeking to make a confidential disclosure under this subsection to refuse to dis-**
27 **close, and to prevent any other person from disclosing, confidential communications and re-**
28 **ords; and**

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

31 **(e) When an individual makes a confidential disclosure under this subsection, the Legis-**
32 **lative Equity Officer or offsite process counselor:**

33 **(A) Shall advise the individual making the disclosure of other options that are available**
34 **to address the conduct, including conduct reports under subsection (11) of this rule, conduct**
35 **complaints under subsection (12) of this rule, interim safety measures under subsection (13)**
36 **of this rule, state and federal administrative options with the Bureau of Labor and Industries**
37 **and the Equal Employment Opportunity Commission of the United States, law enforcement**
38 **or the civil judicial process;**

39 **(B) In the case of an individual making the disclosure being affiliated with an institution**
40 **that is subject to Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 to 1688,**
41 **as amended, shall advise the individual of the Title IX reporting process and provide appli-**
42 **cable institution contact information and information on the resources available at the in-**
43 **stitution;**

44 **(C) Shall explain the availability of employee assistance program counselors and other**
45 **available service providers and may refer the individual making a disclosure under this sub-**

1 section to a counselor or other provider, as appropriate; and

2 (D) Shall explain the actions that the officer or counselor may take following a disclosure
3 made under this subsection and due process and other rights that limit the scope of actions
4 that may be taken following a disclosure under this subsection, including possible limitations
5 on the availability of safety measures.

6 (f) If requested by an individual making a disclosure under this subsection, the Legisla-
7 tive Equity Officer or offsite process counselor shall refrain from making a confidential re-
8 cord of the identity of the individual making the disclosure. The officer or counselor shall
9 explain the availability of this option to any individual making a disclosure under this sub-
10 section.

11 (g)(A) The Legislative Equity Officer, on or before July 1, 2020, shall establish a means
12 for individuals to make disclosures under this subsection that are entirely anonymous, so
13 that the Legislative Equity Officer or offsite process counselor cannot determine the identity
14 of the individual making a disclosure using means described in this paragraph.

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

17 (h) If the Legislative Equity Officer or offsite process counselor receives information
18 concerning conduct that is inconsistent with a respectful workplace policy adopted by the
19 Joint Committee on Conduct but that does not rise to the level of creating a hostile work
20 environment or violating public accommodation law, the officer shall refer the reporter to
21 the Human Resources Director.

22 (11) Conduct reports.

23 (a) Any individual who experiences behavior prohibited by this rule or observes behavior
24 that is inconsistent with this rule may make a nonconfidential report of the behavior under
25 this subsection within five years of the date the behavior occurred. A report made under this
26 subsection shall be referred to as a conduct report.

27 (b) An appointing authority, including any member of the Legislative Assembly, shall
28 promptly make a conduct report under this subsection if they have received information that
29 they reasonably believe describes behavior that may be prohibited by this rule, have observed
30 behavior that they reasonably believe may be prohibited by this rule or in any way have
31 knowledge of behavior that they reasonably believe may be prohibited by this rule.

32 (c) A nonpartisan staff supervisor shall promptly make a conduct report under this sub-
33 section if they have received information that they reasonably believe describes behavior
34 that may be prohibited by this rule, have observed behavior that they reasonably believe may
35 be prohibited by this rule or in any way have knowledge of behavior that they reasonably
36 believe may be prohibited by this rule.

37 (d) A Legislative Branch contractor, or an employee of a contractor, that is contractually
38 obligated to do so, shall promptly make a conduct report under this subsection if they have
39 information that they received a report of conduct prohibited by this rule, have observed
40 behavior prohibited by this rule or in any way have knowledge of behavior prohibited by this
41 rule.

42 (e) Notwithstanding paragraphs (a) to (d) of this subsection, if a reporter is required to
43 make a conduct report under this subsection but is also the person experiencing behavior
44 prohibited by this rule, the person may make a confidential disclosure under subsection (10)
45 of this rule that satisfies the requirements of reporting under this subsection.

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

2 (A) An independent investigator;

3 (B) The Legislative Equity Officer;

4 (C) The Human Resources Director; or

5 (D) Staff of Employee Services who have been designated by the Human Resources Di-
6 rector to receive conduct reports made under this subsection.

7 (g) A reporter may make a conduct report in any form and using any means. However,
8 the Joint Committee on Conduct established under section 1, chapter _____, Oregon Laws
9 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), shall establish uni-
10 form recordkeeping processes applicable to the Legislative Equity Officer and Employee
11 Services to ensure that conduct reports made under this subsection are adequately docu-
12 mented.

13 (h) A conduct report made under this subsection that is received by the Legislative Eq-
14 uity Officer, Employee Services or the Human Resources Director shall be forwarded to the
15 independent investigator.

16 (i) The independent investigator shall review all conduct reports that the investigator
17 receives under this subsection to determine whether the reported conduct, when taken on
18 its face, could be prohibited by this rule. If the investigator determines that an investigation
19 is warranted, an investigation as described in subsection (14) of this rule shall be undertaken
20 and the investigator or the Legislative Equity Officer shall provide the person who is re-
21 ported to be experiencing the conduct with information on available resources, including re-
22 sources described in subsection (10)(e)(B) and (C) of this rule. If the investigator determines
23 that the reported conduct, on its face, is not conduct prohibited by this rule, the investigator
24 may:

25 (A) Engage in specific coaching of individuals to eliminate any uncertainty over appro-
26 priate workplace behavior;

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

29 (C) Confer with and make recommendations to the appropriate appointing authority or
30 legislative leader to facilitate training or guidance being given to address reported circum-
31 stances; or

32 (D) Take any other action that is warranted to achieve the policies established under
33 these rules.

34 (12) Conduct complaints.

35 (a) Any person who experiences behavior prohibited by this rule or observes behavior
36 that is inconsistent with this rule may make a complaint under this subsection within five
37 years after the date the behavior occurred. A complaint made under this subsection shall
38 be referred to as a conduct complaint.

39 (b) A conduct complaint must:

40 (A) Be in writing;

41 (B) Identify the complainant and the person being accused of engaging in conduct pro-
42 hibited by this rule;

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

45 (D) Be made in a declaration under penalty of perjury that is satisfied when the declarant

1 signs the complaint immediately under a sentence that states, “I hereby declare that the
2 above statement is true to the best of my knowledge and belief, and that I understand it is
3 made for use as evidence in proceedings under Legislative Branch Personnel Rule 27 and is
4 subject to penalty for perjury.”

5 (c) A conduct complaint shall be delivered to the Legislative Equity Officer, who shall
6 convey the complaint to an independent investigator, except that a conduct complaint may
7 be delivered by the complainant directly to the independent investigator.

8 (d) The independent investigator shall promptly examine the conduct complaint and de-
9 termine if the complaint meets the requirements of paragraph (b) of this subsection. If the
10 complaint does not meet the requirements of paragraph (b) of this subsection, the investi-
11 gator shall request the complainant to supplement the complaint. A complaint that does not
12 meet the requirements of paragraph (b) of this subsection may not be the subject of an in-
13 vestigation under subsection (14) of this rule.

14 (e) The independent investigator shall promptly:

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

17 (B) If the respondent:

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

20 (ii) Is a caucus leader, deliver a copy of the complaint to the presiding officer of the
21 chamber in which the caucus leader serves and to a member who is in an elected leadership
22 position of the caucus in which the caucus leader serves;

23 (iii) Is a Legislative Branch employee in either a partisan or nonpartisan staff position,
24 deliver a copy of the complaint to the appointing authority for the respondent;

25 (iv) Is an agency head, deliver a copy of the complaint to the presiding officers;

26 (v) Is a parliamentarian, deliver a copy of the complaint to the presiding officer of the
27 chamber in which the parliamentarian serves; and

28 (vi) Is a registered lobbyist, executive or judicial branch employee, employee of a con-
29 tractor or a member of the public, deliver a copy of the complaint to the Legislative Ad-
30 ministrator.

31 (f) The independent investigator shall promptly provide, or shall ensure that the Legis-
32 lative Equity Officer provides, the complainant with information on available resources, in-
33 cluding resources described in subsection (10)(e)(B) and (C) of this rule.

34 (g) Upon delivery of the conduct complaint, the independent investigator shall promptly
35 begin the investigation described in subsection (14) of this rule and recommend any neces-
36 sary interim safety measures as described in subsection (13) of this rule.

37 (13) Interim safety measures.

38 (a) Upon receipt of a conduct report made under subsection (11) of this rule or a conduct
39 complaint made under subsection (12) of this rule, or at any time during the course of an
40 investigation, the independent investigator may determine that an interim safety measure
41 needs to be implemented to ensure the safety of the complainant or any other individual who
42 has experienced behavior that is prohibited by this rule or who may reasonably be foreseen
43 as at risk of being subjected to behavior that is prohibited by this rule. The Legislative Eq-
44 uity Officer or an offsite process counselor may also recommend an interim safety measure
45 if interim safety measures are sought by an individual making a confidential disclosure under

1 subsection (10) of this rule. The investigator, officer or counselor may recommend any in-
2 terim safety measure that they determine is appropriate to the situation, including but not
3 limited to:

4 (A) Temporary reassignment of the respondent;

5 (B) Alternative work location for the respondent, including being duty-stationed at home;

6 (C) Establishing a no contact order;

7 (D) Placing the respondent on paid or unpaid leave and prohibiting the respondent from
8 being present in the workplace or the State Capitol;

9 (E) Directing the respondent to be absent from the State Capitol until the investigation
10 is complete; or

11 (F) In severe situations, involving law enforcement.

12 (b) Any interim safety measure that is recommended or that is implemented may not
13 prejudice a complainant or put a complainant in a worse position than the complainant was
14 in before the complaint was made.

15 (c)(A) Any interim safety measure that is imposed may not unlawfully impair any lawful
16 rights an accused person may exercise.

17 (B) Any interim safety measure that is imposed on a member of the Legislative Assembly
18 must be narrowly tailored to minimize limitations on the member's ability to perform core
19 legislative functions and to address immediate safety concerns, and an interim safety meas-
20 ure may not be imposed until after the member is given notice of the proposed interim safety
21 measure and an opportunity to be heard 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 respondent serves is au-
24 thorized to impose an interim safety measure on the respondent that lasts no longer than
25 until the complaint is resolved;

26 (B) The independent investigator shall report the investigator's interim safety recom-
27 mendation and the reasons for the recommendation to the respondent, to the committee and
28 to the presiding officer of the chamber; and

29 (C) The committee shall promptly deliberate on the recommendation and shall adopt such
30 interim safety measures that the committee determines are appropriate. For purposes of
31 conducting a hearing to deliberate on interim safety measures under this paragraph, the
32 committee hearing need only comply with one-hour notice requirements.

33 (e) If the respondent is not a member of the Legislative Assembly, the independent in-
34 vestigator shall make the investigator's interim safety recommendation:

35 (A) In the case of a respondent who is a Legislative Branch employee in either a partisan
36 or nonpartisan staff position, to the employee's appointing authority.

37 (B) In the case of a respondent who is a State of Oregon employee but not a Legislative
38 Branch employee, to the employee's agency director and the Legislative Administrator.

39 (C) In the case of a respondent who is a lobbyist, employee of a contractor or member
40 of the public, to the Legislative Administrator.

41 (f) The person who receives the independent investigator's interim safety recommen-
42 dation made under paragraph (e) of this subsection shall act promptly on the recommen-
43 dation.

44 (g) The Legislative Equity Officer or an offsite process counselor that has received a
45 confidential disclosure under subsection (10) of this rule may recommend interim safety

1 measures under this subsection if requested by the individual making a disclosure under
2 subsection (10) of this rule, except that the interim safety measure may not:

3 (A) Identify the individual making the confidential disclosure without the consent of the
4 individual; or

5 (B) Penalize or place the person who is the subject of the disclosure in a worse position
6 than before the disclosure was made.

7 (14) Investigations.

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

11 (A) Adopt standards and criteria for the selection of an independent investigator unaf-
12 filiated with the Legislative Branch, and the Legislative Equity Officer shall maintain a list
13 of potential independent investigators who meet the standards and criteria established by the
14 committee; and

15 (B) Direct the Legislative Equity Officer to enter into one or more contracts with indi-
16 viduals who meet the standards and criteria established by the committee, to serve as an
17 independent investigator under this rule.

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

24 (c) The independent investigator shall keep the complainant and the respondent apprised
25 of the investigation timeline and the status of the investigation at the outset of an investi-
26 gation, on a regular basis thereafter and upon request of the complainant or respondent.

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

32 (B) If the respondent is someone other than a member of the Legislative Assembly, the
33 draft written findings shall also contain a proposed finding of whether one or more violations
34 of this rule occurred.

35 (C) The complainant and the respondent may give responses to the draft written findings
36 to the investigator within seven days of receiving the draft.

37 (D) The independent investigator shall consider responses supplied under subparagraph
38 (C) of this paragraph and shall prepare a final report that sets forth the investigator's
39 findings of fact. If the respondent is someone other than a member of the Legislative As-
40 sembly, the final report should also include a determination by the investigator of whether
41 the facts constitute a violation of this rule.

42 (e)(A) If a member of the Legislative Assembly is the respondent, the independent in-
43 vestigator shall deliver the final report to the complainant, the respondent and the commit-
44 tee on conduct for the chamber in which the respondent serves on or before the date
45 established under paragraph (b) of this subsection for the completion of the investigation.

1 **(B) The complainant and the respondent may each submit to the appropriate committee**
2 **on conduct a written challenge to the factual findings set forth in the final report within**
3 **seven days of receipt of the report. A challenge must identify the factual findings that are**
4 **the subject of the challenge and articulate the reason those findings are in error.**

5 **(C) The committee on conduct shall conduct a hearing on the allegations made in the**
6 **complaint and the investigator's final report within 14 days of receiving the report from the**
7 **investigator. The committee shall permit the complainant and the respondent to appear,**
8 **present documents and physical evidence and suggest witnesses. The committee may deter-**
9 **mine to hear witnesses, but only committee members may question witnesses.**

10 **(D) At the hearing or a subsequent hearing, the committee on conduct shall deliberate**
11 **and:**

12 **(i) Make a final determination of facts;**

13 **(ii) Make a final determination of whether the facts constitute a violation of this rule;**
14 **and**

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

17 **(f) If a member of the Legislative Assembly is the respondent and irrevocably resigns the**
18 **member's office at any time after the conduct complaint is made, the investigation described**
19 **in this subsection and the committee on conduct hearing and final committee determinations**
20 **described in paragraph (e) of this subsection shall nevertheless take place.**

21 **(g)(A) If someone other than a member of the Legislative Assembly is the respondent,**
22 **the independent investigator shall deliver the final report, including proposed findings of vi-**
23 **olations, to the complainant, the respondent and:**

24 **(i) In the case of a respondent who is a Legislative Branch employee in a nonpartisan**
25 **staff position, to the respondent's appointing authority.**

26 **(ii) In the case of a respondent who is a Legislative Branch employee in a partisan staff**
27 **position, to the respondent's appointing authority and to the committee on conduct of the**
28 **chamber with which the employee is affiliated.**

29 **(iii) In the case of a respondent who is a State of Oregon employee but not a Legislative**
30 **Branch employee, to the Legislative Administrator and the respondent's agency director.**

31 **(iv) In the case of a respondent who is a lobbyist, employee of a contractor or member**
32 **of the public, to the Legislative Administrator.**

33 **(B) A nonpartisan staff appointing authority who receives the independent investigator's**
34 **final report under subparagraph (A)(i) of this paragraph, or the Legislative Administrator**
35 **upon receiving the independent investigator's final report under subparagraph (A)(iii) or (iv)**
36 **of this paragraph, shall determine remedial measures described in subsection (15) of this rule**
37 **within 14 days of receiving the investigator's final report.**

38 **(C) The appropriate committee on conduct that receives the independent investigator's**
39 **final report under subparagraph (A)(ii) of this paragraph shall make a recommendation on**
40 **remedial measures described in subsection (15) of this rule to the supervising member of the**
41 **Legislative Assembly within seven days of receiving the investigator's final report. The**
42 **supervising member of the Legislative Assembly shall consider the recommendations and**
43 **make a final determination on the remedial measures within 14 days of receiving the**
44 **investigator's final report.**

45 **(15) Remedial measures.**

1 (a) In a case where the respondent is a member of the Legislative Assembly and the ap-
2 propriate committee on conduct has made a determination under subsection (14)(e) of this
3 rule that a violation of this rule has occurred, the committee shall impose any remedy that
4 is sufficient to reprimand the member and deter future conduct that violates the rule, in-
5 cluding but not limited to a reprimand, monetary fine or other remedy that the committee
6 determines is appropriate under the circumstances, except that:

7 (A) If the committee recommendation is to expel the member, the committee shall report
8 that recommendation to the full chamber, which shall act on that recommendation at its
9 earliest opportunity; and

10 (B) If the committee recommendation is to remove the member from one or more com-
11 mittees to which the member is assigned, the committee shall report that recommendation
12 to the presiding officer of that chamber.

13 (b)(A) In a case where the respondent is a Legislative Branch employee in a nonpartisan
14 staff position, the appointing authority, in consultation with the Human Resources Director,
15 shall determine an appropriate remedy that is consistent with the independent investigator's
16 determination that the respondent violated the requirements of this rule.

17 (B) The respondent may appeal the investigator's final report or any remedial measure
18 imposed under this paragraph after the report has been delivered to the appointing authority
19 but no later than seven days after the imposition of remedial measures under this sub-
20 section, except that any appeal must be based only on:

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

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

23 (iii) A claim that the investigator or the person or committee that imposed a remedy
24 acted with bias.

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

26 (c)(A) In a case where the respondent is a Legislative Branch employee in a partisan staff
27 position, the committee on conduct of the chamber with which the employee is affiliated
28 shall make a recommendation on an appropriate remedy consistent with the independent
29 investigator's determination that the respondent violated the requirements of this rule. The
30 committee's recommendation shall be made to the member of the Legislative Assembly for
31 whom the respondent works.

32 (B) The member shall determine the appropriate remedy within the time prescribed in
33 subsection (14)(g)(C) of this rule and shall notify the Legislative Equity Officer upon making
34 the determination.

35 (C) If the Legislative Equity Officer determines that no remedial measures were imposed
36 under subparagraph (B) of this paragraph or that the remedial measures imposed were sub-
37 stantially different from the remedial measures recommended by the committee, the officer
38 shall notify the committee of the disparity. The committee may hold a hearing and may im-
39 pose a remedy.

40 (D) The respondent may appeal the investigator's final report or the remedial measure
41 imposed under this paragraph to the committee on conduct with which the respondent is
42 associated within seven days after the remedial measure is imposed, except that any appeal
43 must be based only on a claim described in paragraph (b)(B) of this subsection.

44 (d)(A) In a case where the respondent is a lobbyist, employee of a contractor or other
45 person who is present in the State Capitol for professional or work reasons, or is a member

1 of the public, and the independent investigator's final report determines that a violation of
2 this rule has occurred, the Legislative Administrator shall determine an appropriate remedy
3 that is consistent with the investigator's determination. The respondent may appeal the
4 investigator's final report or the remedy determined by the Legislative Administrator to the
5 co-chairs of the Legislative Administration Committee within seven days of the Legislative
6 Administrator's determination, except that any appeal must be based only on a claim de-
7 scribed in paragraph (b)(B) of this subsection.

8 (B) If the respondent is a lobbyist, employee of a contractor or other person who is
9 present in the State Capitol for professional or work reasons, the Legislative Administrator
10 shall provide notice of the proposed remedy under this paragraph to the respondent and the
11 respondent's employer within 14 days of receiving the final report from the investigator. If
12 the respondent is a lobbyist who is a member of an association of professional lobbyists, the
13 Legislative Administrator shall also provide notice of the proposed remedy to the association.

14 (C) The Legislative Administrator may modify the proposed remedy at any time until 28
15 days after receipt of the investigator's final report, but thereafter the proposed remedy is
16 final.

17 (16) Confidentiality and transparency.

18 (a) The independent investigator undertaking an investigation under subsection (14) of
19 this rule and the Legislative Equity Officer shall provide as much privacy as possible during
20 the course of an investigation.

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

23 (A) The investigator may disclose the fact of the investigation and any relevant details
24 of the investigation to the appointing authority of the complainant and the respondent and
25 the Joint Committee on Conduct, if the investigator determines there is a legitimate need
26 to disclose the information; and

27 (B) In the case of a respondent who is a member of the Legislative Assembly, the in-
28 vestigator may disclose the fact of the investigation and any relevant details of the investi-
29 gation to the person to whom the conduct complaint was delivered under subsection
30 (12)(e)(B) of this rule.

31 (c) A conduct complaint made under subsection (12) of this rule is disclosable upon being
32 made under subsection (12) of this rule, but all records relating to an ongoing investigation
33 under subsection (14) of this rule shall be maintained in confidence.

34 (d) Records and information of the independent investigator and the Legislative Equity
35 Officer shall be exempt from disclosure as prescribed under applicable law, except that, also
36 as prescribed under applicable law:

37 (A) A conduct complaint made under subsection (12) of this rule is disclosable when re-
38 quested;

39 (B) Records relating to a member of the Legislative Assembly following a conduct com-
40 plaint being made concerning the member are subject to disclosure after the fact-finding
41 investigation has concluded, even if a legislative committee has not yet met or deliberated
42 on the investigation's findings; and

43 (C) Records relating to an investigation of allegations of conduct prohibited by legislative
44 branch personnel rules and not described in subparagraph (A) or (B) of this paragraph are
45 subject to disclosure upon a determination being made that the person who was the subject

1 of the investigation is subject to remedial measures or discipline.

2 (17) Establishment of committees on conduct.

3 (a)(A) The Senate Committee on Conduct is established, consisting of four Senators and
4 two alternates. Two Senators and one alternate must be from the majority party and two
5 Senators and one alternate must be from the minority party. Each Senator must be approved
6 by majority vote of the Senate to serve on the committee or to serve as an alternate, fol-
7 lowing being nominated by any Senator. The majority and minority caucus leaders shall each
8 nominate at least one Senator to serve as a committee member from their caucus.

9 (B) The Senate Committee on Conduct shall perform those functions assigned by this rule
10 to carry out the purposes of Article IV, section 15, of the Oregon Constitution, for the Sen-
11 ate.

12 (C) The Senate shall appoint members of the Senate Committee on Conduct within 15
13 days after the date of the convening of an organizational session of the odd-numbered year
14 regular session of the Legislative Assembly, as soon as practicable after a vacancy occurs
15 or as soon as practicable after this rule takes effect.

16 (b)(A) The House Committee on Conduct is established, consisting of four Represent-
17 atives and two alternates. Two Representatives and one alternate must be from the major-
18 ity party and two Representatives and one alternate must be from the minority party. Each
19 Representative must be appointed by majority vote of the House of Representatives to serve
20 on the committee or to serve as an alternate, following being nominated by any Represent-
21 ative. The majority and minority caucus leaders shall each nominate at least one Repre-
22 sentative to serve as a committee member from their caucus.

23 (B) The House Committee on Conduct shall perform those functions assigned by this rule
24 to carry out the purposes of Article IV, section 15, of the Oregon Constitution, for the House
25 of Representatives.

26 (C) The House of Representatives shall appoint members of the House Committee on
27 Conduct within 15 days after the date of the convening of an organizational session of the
28 odd-numbered year regular session of the Legislative Assembly, as soon as practicable after
29 a vacancy occurs or as soon as practicable after this rule takes effect.

30 (c) The members of the Senate Committee on Conduct and the members of the House
31 Committee on Conduct shall together comprise the Joint Committee on Conduct. The Joint
32 Committee on Conduct shall perform the duties assigned to the joint committee under
33 chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9
34 amendments), or this rule.

35 (d) When a member of a committee on conduct is named as a respondent under this rule,
36 the member may not serve as a member of the committee or as a member of the joint
37 committee until the matter is resolved.

38 (18) Respectful workplace policies.

39 (a) The Joint Committee on Conduct shall develop and maintain a respectful workplace
40 policy to address conduct that is inconsistent with the policy direction established for the
41 Legislative Branch as set forth in subsection (1) of this rule but that does not rise to the
42 level of creating a hostile work environment or violating public accommodation law.

43 (b) In addition to establishing standards of conduct and giving examples of conduct that
44 violates those standards, the policy shall establish procedures for determining and imposing
45 remedial measures, including but not limited to training, coaching and counselling.

1 (c) For Legislative Branch employees, the policy shall also establish procedures for de-
2 termining and imposing proportionate discipline when appropriate.

3 (d) For members of the Legislative Assembly, the policy shall also establish procedures
4 for making recommendations to the appropriate committee on conduct established in sub-
5 section (17) of this rule for proportionate discipline when appropriate.

6 (e) The Human Resources Director shall administer the respectful workplace policy. The
7 director may delegate specific tasks under the policy to other Employee Services employees.

8 **(19) Recommendation.**

9 The Joint Committee on Conduct shall on or before January 1, 2021, make a recommen-
10 dation to the President of the Senate and the Speaker of the House of Representatives on
11 whether investigation functions described in this rule shall continue to be performed by one
12 or more independent investigators or shall be performed by Legislative Branch personnel
13 affiliated with the Legislative Equity Office.

14 **(20) Application.**

15 The five-year limitation in subsections (11)(a) and (12)(a) of this rule applies to conduct
16 occurring before, on or after the effective date of this rule, but does not operate to revive
17 a claim barred by a previous iteration of this rule.

18
19 **Legislative Branch Personnel Rule 12: Resignation, Retirement or Separation from Ser-
20 vice.**

21 APPLICABILITY: This rule applies to all employees of the Legislative Branch **and all interns,**
22 **externs and volunteers performing service in the Legislative Branch.** This rule does not apply
23 to members of the Legislative Assembly.

24 (1) Notice of resignation or retirement. An employee who is resigning or retiring shall file
25 written notice with the employee's appointing authority stating the effective date and time of the
26 resignation or retirement.

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

28 (a) Upon notification from an employee of a pending resignation or retirement, the employee's
29 appointing authority shall notify Employee Services before the effective date of the resignation or
30 retirement.

31 (b) The supervisor or appointing authority of each intern, extern or volunteer shall notify
32 the Legislative Equity Officer appointed under section 1, chapter _____, Oregon Laws 2019
33 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), or the officer's designee,
34 when an intern, extern or volunteer plans to separate from service in the Legislative Branch.

35 (c) The Legislative Equity Officer, or the officer's designee, shall proactively attempt to
36 conduct an exit interview with each employee, intern, extern or volunteer who is resigning,
37 retiring or otherwise separating from service. If limited by resources, the Legislative Equity
38 Officer shall prioritize conducting exit interviews with interns, externs and volunteers.

39 **(3) Job abandonment.**

40 (a) An employee who fails to report to work for five or more consecutive work days and fails
41 to contact the employee's appointing authority, immediate supervisor or a staff member of Employee
42 Services may, at the discretion of the appointing authority, be deemed to have abandoned the
43 employee's job and will be treated as having voluntarily resigned.

44 (b) If the appointing authority deems that the employee has abandoned the employee's job, the
45 appointing authority shall notify the employee in writing by mailing notice to the employee's address

1 on record with Employee Services, and give the employee the opportunity to present extenuating
2 circumstances for not reporting for work or contacting the appointing authority.

3 (c) If the appointing authority determines that sufficient extenuating circumstances exist to ex-
4 cuse the employee's absence, the absence may be covered by a subsequent grant of accrued leave
5 or leave without pay.

6
7 **Rule 32: Employees of Members, Leadership, Caucuses and Nonpartisan Offices.**

8 APPLICABILITY: This rule applies to [*personal staff of members of the Legislative Assembly and*
9 *to caucus office and leadership office staff*] **all employees, interns, externs and volunteers of the**
10 **Legislative Branch.**

11 (1) Personal staff of members of the Legislative Assembly.

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

14 (b) Applicants for personal staff positions shall apply for employment in the manner prescribed
15 by the member of the Legislative Assembly. The application must include, at a minimum, a summary
16 of the applicant's prior relevant education and experience and a signed legislative application form
17 as required of all applicants for other positions.

18 (c) **Notwithstanding paragraph (b) of this subsection, a copy of each application received**
19 **under this subsection for which the appointing authority determines to appoint the applicant**
20 **shall be delivered to Employee Services prior to the date of appointment. Employee Services**
21 **shall maintain a database that includes personal contact information, start dates and, if ap-**
22 **licable, end dates for the appointment.**

23 (2) Leadership office and caucus office staff.

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

26 (b) Applicants for employment with a leadership office or a caucus office shall apply for em-
27 ployment in the manner prescribed by the appointing authority. The application must include, at a
28 minimum, a summary of the applicant's prior relevant education and experience and a signed legis-
29 lative application form as required of all applicants for other positions.

30 (c) **Notwithstanding paragraph (b) of this subsection, a copy of each application received**
31 **under this subsection for which the appointing authority determines to appoint the applicant**
32 **shall be delivered to Employee Services prior to the date of appointment. Employee Services**
33 **shall maintain a database that includes personal contact information, start dates and, if ap-**
34 **licable, end dates for the appointment.**

35 (3) Nonpartisan staff.

36 **Employees, interns, externs and volunteers serve at the pleasure of the appointing au-**
37 **thority. A copy of each application received by a nonpartisan office of the Legislative As-**
38 **sembly for which the appointing authority determines to appoint the applicant shall be**
39 **delivered to Employee Services prior to the date of appointment. Employee Services shall**
40 **maintain a database that includes personal contact information, start dates and, if applica-**
41 **ble, end dates for the appointment.**

42 (4) Employee Services and the Legislative Equity Officer.

43 (a) **Following receipt of an application under this rule, Employee Services must notify the**
44 **Legislative Equity Officer of the start date of the employee, intern, extern or volunteer. The**
45 **officer shall ensure that each employee, intern, extern and volunteer, as soon as practicable**

1 after their start date, is provided with:

2 (A) The training described in section 7 (1), chapter _____, Oregon Laws 2019 (Enrolled
3 House Bill 3377) (as amended by HB 3377-9 amendments);

4 (B) A copy of legislative branch harassment avoidance policies and rules;

5 (C) A copy of legislative branch procedures and rules for reporting or filing complaints
6 to address instances of harassment; and

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

9 (b) The office shall ensure that each member of the Legislative Assembly and each cur-
10 rent employee of the Legislative Branch receives copies of the materials described in para-
11 graph (a)(B) to (D) of this subsection.

12
13 **Legislative Branch Personnel Rule 33: Operative date and transition.**

14 (1) Subsections (1) to (16) of Legislative Branch Personnel Rule 27, as set forth in this
15 concurrent resolution, become operative on the date that the Joint Committee on Conduct,
16 as established in section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as
17 amended by HB 3377-9 amendments), notifies the presiding officers that the Legislative Eq-
18 uity Officer, as established in section 1, chapter _____, Oregon Laws 2019 (Enrolled House
19 Bill 3377) (as amended by HB 3377-9 amendments), has been appointed or, pursuant to section
20 4, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9
21 amendments), that an acting Legislative Equity Officer has been appointed.

22 (2) For periods after the adoption of this concurrent resolution and before notice is given
23 under subsection (1) of this section, the Legislative Administrator and the Human Resources
24 Director may impose interim safety measures as described in Legislative Branch Personnel
25 Rule 27 (13), to protect any person present in the State Capitol from harassment, sexual
26 harassment or retaliation.

27 _____