

HCR 20-13  
(LC 3758)  
4/24/19 (DJ/ps)

Requested by Representative SPRENGER

**PROPOSED AMENDMENTS TO  
HOUSE CONCURRENT RESOLUTION 20**

1 On page 1 of the printed concurrent resolution, delete lines 3 through 6  
2 and insert:

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4 the Eightieth Legislative Assembly, is repealed and the following Legislative  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

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

11 “Further resolved that a new Legislative Branch Personnel Rule 33 be  
12 adopted as a rule of proceeding of the Senate and the House of Represen-  
13 tatives and a joint rule of proceeding applicable to the Legislative Branch,  
14 as follows:”.

15 Delete lines 8 through 28 and delete pages 2 through 13 and insert:

16 “**Legislative Branch Personnel Rule 27: Safe, Respectful and Inclu-**  
17 **sive Workplace.**

18 “**(1) Policy.**

19 “**(a) The Legislative Branch is committed to promoting a respectful**  
20 **and inclusive environment in the State Capitol and in any setting in**  
21 **which conduct has the ability to create a Capitol environment that is**

1 **intimidating, hostile or offensive, or may constitute conduct that**  
2 **amounts to retaliation for the making of a good-faith complaint under**  
3 **this rule or for participation in an investigation under this rule.**

4 **“(b) The Legislative Branch is committed to providing a safe and**  
5 **respectful workplace and to taking proactive steps to improve its cul-**  
6 **ture so that behavior from any source that has a negative impact on**  
7 **the workplace may be effectively reported and promptly addressed and**  
8 **resolved.**

9 **“(c) The Legislative Branch is equally committed to protecting**  
10 **freedom of speech and expression, as guaranteed to all persons**  
11 **through the free expression protections of Article I, section 8, of the**  
12 **Oregon Constitution, and through the First Amendment to the United**  
13 **States Constitution, and the Legislative Branch recognizes that the**  
14 **constitutional protections guaranteeing freedom of speech and ex-**  
15 **pression must be taken into account in determining the rights afforded**  
16 **to individuals in the State Capitol under this rule.**

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

20 **“(e) Members of the Legislative Assembly and all Legislative**  
21 **Branch employees are expected to conduct themselves in a manner**  
22 **that is free of harassment and to discourage all harassment in the**  
23 **workplace and at professional meetings, seminars or at any event at**  
24 **which legislative business is conducted.**

25 **“(f) This rule is designed to provide options to those who are expe-**  
26 **riencing or observing harassing behavior, discriminatory behavior or**  
27 **other behavior prohibited by subsection (7) of this rule to seek infor-**  
28 **mation, report behaviors or file complaints to address and resolve**  
29 **concerns, while also:**

30 **“(A) Enhancing options available to victims who seek to remain**

1 **anonymous; and**

2 **“(B) Ensuring that fundamental freedoms of speech and expression**  
3 **are protected as core values in the Legislative Branch.**

4 **“(g) This rule is designed to provide options to those who are ex-**  
5 **periencing or observing harassing behavior, discriminatory behavior,**  
6 **retaliation or other behavior prohibited by subsection (8) of this rule**  
7 **to seek information, report behaviors or file complaints to address and**  
8 **resolve concerns, while also enhancing options available to victims**  
9 **who seek to remain anonymous.**

10 **“(h) The Legislative Assembly intends the mandatory reporting ob-**  
11 **ligations established under this rule to be a means by which the Leg-**  
12 **islative Branch will take action to address conduct prohibited by this**  
13 **rule, in the absence of a specific complaint about the conduct.**

14 **“(2) Application.**

15 **“(a) Any individual who experiences behavior prohibited by this rule**  
16 **or observes behavior inconsistent with this rule may use the reporting**  
17 **options described in subsections (10) to (12) of this rule.**

18 **“(b) An appointing authority or a nonpartisan staff supervisor, in-**  
19 **cluding any member of the Legislative Assembly, shall report behavior**  
20 **prohibited by this rule by the means described in subsection (11) of this**  
21 **rule. If the appointing authority or supervisor is making a report be-**  
22 **cause an individual has disclosed to the appointing authority or**  
23 **supervisor that the individual may be experiencing conduct prohibited**  
24 **by this rule, the appointing authority or supervisor, as soon as prac-**  
25 **ticable after receiving the disclosure, shall provide a copy of the ma-**  
26 **terials described in Legislative Branch Personnel Rule 32 (4)(a)(B) to**  
27 **(D) to the individual making the disclosure.**

28 **“(c) Any individual over whom the Legislative Branch may impose**  
29 **a remedy is an individual subject to the requirements of this rule, in-**  
30 **cluding but not limited to:**

1       **“(A) Members of the Legislative Assembly;**

2       **“(B) Legislative staff, interns, externs and volunteers;**

3       **“(C) Lobbyists required to register under ORS 171.740;**

4       **“(D) Contractors or employees of contractors who engage in busi-**  
5 **ness with the Legislative Branch;**

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

8       **“(F) Members of the public who are present in the State Capitol.**

9       **“(3) Definitions.**

10       **“(a) ‘Agency head’ means the Legislative Administrator, the Legis-**  
11 **lative Counsel, the Legislative Conduct Officer, the Legislative Fiscal**  
12 **Officer, the Legislative Policy and Research Director, the Legislative**  
13 **Revenue Officer and the Executive Director of the Commission on In-**  
14 **dian Services.**

15       **“(b) ‘Appointing authority’ means the person who has authority in**  
16 **the interest of the employer to hire, transfer, suspend, lay off, pro-**  
17 **mote, terminate or discipline an employee.**

18       **“(c) ‘Caucus leader’ means the Democratic or Republican leader of**  
19 **the Senate or the Democratic or Republican leader of the House of**  
20 **Representatives.**

21       **“(d) ‘Caucus office’ means the office of the Democratic or Republi-**  
22 **can leader of the Senate or the office of the Democratic or Republican**  
23 **leader of the House of Representatives.**

24       **“(e) ‘Chamber’ means the Senate or the House of Representatives.**

25       **“(f) ‘Employee’ means an employee who is performing services on**  
26 **behalf of the Legislative Branch. ‘Employee’ includes any intern, ex-**  
27 **tern or volunteer who is affiliated with a Legislative Branch office.**

28       **“(g) ‘Employee Services’ means the division of Legislative Admin-**  
29 **istration charged with employment and human resources adminis-**  
30 **tration for the Legislative Branch.**

1       “(h) ‘Human Resources Director’ means the manager of Employee  
2 Services.

3       “(i) ‘Independent investigator’ or ‘investigator’ means an investi-  
4 gator under contract pursuant to section 6, chapter \_\_\_\_\_, Oregon  
5 Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-8  
6 amendments), who is available to perform or is performing an inves-  
7 tigation under this rule.

8       “(j) ‘Legislative Branch’ means members and employees of the  
9 Legislative Assembly, the parliamentary offices, Legislative Adminis-  
10 tration, the Legislative Counsel Office, the Legislative Conduct Office,  
11 the Legislative Fiscal Office, the Legislative Policy and Research Of-  
12 fice, the Legislative Revenue Office and the Commission on Indian  
13 Services.

14       “(k) ‘Legislative Conduct Officer’ means the Legislative Conduct  
15 Officer appointed under section 1, chapter \_\_\_\_\_, Oregon Laws 2019  
16 (Enrolled House Bill 3377) (as amended by HB 3377-8 amendments) or  
17 an acting conduct officer serving under section 3 or 4, chapter \_\_\_\_\_,  
18 Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-8  
19 amendments).

20       “(L) ‘Member of the Legislative Assembly’ or ‘member’ means a  
21 Senator or a Representative.

22       “(m) ‘Nonpartisan staff’ means an employee of the parliamentary  
23 offices, Legislative Administration, the Legislative Counsel Office, the  
24 Legislative Conduct Office, the Legislative Fiscal Office, the Legisla-  
25 tive Policy and Research Office, the Legislative Revenue Office or the  
26 Commission on Indian Services.

27       “(n) ‘Offsite process counselor’ means a person unaffiliated with the  
28 Legislative Branch who has entered into a contract with the Legisla-  
29 tive Conduct Officer under section 14, chapter \_\_\_\_\_, Oregon Laws 2019  
30 (Enrolled House Bill 3377) (as amended by HB 3377-8 amendments), to

1 provide services described in subsection (10) of this rule.

2 “(o) ‘Parliamentarian’ means the Secretary of the Senate or the  
3 Chief Clerk of the House of Representatives.

4 “(p) ‘Parliamentary office’ means the Office of the Secretary of the  
5 Senate or the Office of the Chief Clerk of the House of Represen-  
6 tatives.

7 “(q) ‘Partisan staff’ means an employee working directly for a  
8 member of the Legislative Assembly, an employee of a caucus office  
9 or an employee of the office of the Senate President or the office of  
10 the Speaker of the House of Representatives.

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

14 “(A) Sex;

15 “(B) Race;

16 “(C) Ethnicity;

17 “(D) National origin;

18 “(E) Age;

19 “(F) Religion;

20 “(G) Marital status;

21 “(H) Sexual orientation;

22 “(I) Gender identity or expression;

23 “(J) Engaging in whistleblowing activity;

24 “(K) Opposing an employer’s actions when the employee reasonably  
25 believes the actions to be unlawful;

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

29 “(M) Injured worker status;

30 “(N) Disability; or

1       **“(O) Veteran status.**

2       **“(s) ‘Respondent’ means a person named in a conduct complaint**  
3 **made under subsection (12) of this rule as engaging in behavior that**  
4 **is prohibited by this rule or a person who is the subject of an investi-**  
5 **gation under subsection (14) of this rule to determine whether the**  
6 **person engaged in behavior that is prohibited by this rule.**

7       **“(t) ‘Supervisor’ means an employee of the Legislative Branch who**  
8 **manages or directs the work of another employee of the Legislative**  
9 **Branch.**

10       **“(4) Harassment and hostile work environment.**

11       **“(a) An individual engages in harassment by engaging in verbal or**  
12 **physical conduct, including making a visual display or causing a visual**  
13 **display to be shown, that denigrates or shows hostility toward a pro-**  
14 **ected class or toward an individual because of the individual’s status**  
15 **as a member of a protected class. Examples of harassment may in-**  
16 **clude, but are not limited to:**

17       **“(A) Name-calling, slurs or stereotyping;**

18       **“(B) Threatening, intimidating or hostile acts that relate to a pro-**  
19 **ected class;**

20       **“(C) Belittling, demeaning or humiliating a person or group of per-**  
21 **sons because of a protected class; or**

22       **“(D) Displaying written or graphic material that is described in**  
23 **subparagraphs (A) to (C) of this paragraph.**

24       **“(b) Harassment does not include every minor annoyance or disap-**  
25 **pointment that an employee may encounter in the course of perform-**  
26 **ing the employee’s job.**

27       **“(c) An individual creates a hostile work environment by engaging**  
28 **in behavior that is unwelcome and is so severe or pervasive that it**  
29 **either affects a person’s ability to function in the workplace or denies**  
30 **a person the benefits of the workplace.**

1       **“(5) Sexual harassment.**

2       **“(a) An individual engages in sexual harassment when the individ-**  
3 **ual engages in unwelcome conduct of a sexual nature, including but**  
4 **not limited to sexual advances, requests for sexual favors, sexual**  
5 **comment, unwanted or offensive touching or physical contact, un-**  
6 **wanted closeness, impeding or blocking movement, sexual gesture,**  
7 **sexual innuendo, sexual joke, sexually charged language, intimate in-**  
8 **quiry, persistent unwanted courting, sexist insult, gender stereotype,**  
9 **or other verbal or physical conduct of a sexual nature, if:**

10       **“(A) Submission to the conduct is made either explicitly or implic-**  
11 **itly a term or condition of a person’s employment;**

12       **“(B) A person expressly or by implication conveys that declining to**  
13 **submit to the conduct will affect an individual’s job, leave request,**  
14 **benefits, business before the Legislative Assembly, influence or op-**  
15 **portunity of the individual to engage professionally with the Legisla-**  
16 **tive Assembly, its members or staff; or**

17       **“(C) The unwelcome conduct has the purpose or effect of unrea-**  
18 **sonably interfering with a person’s job performance, or creates a work**  
19 **environment that a reasonable person would find intimidating, hostile**  
20 **or offensive. For purposes of this rule, ‘unwelcome conduct’ means**  
21 **conduct that an individual does not incite or solicit and that the in-**  
22 **dividual regards as undesirable or offensive. An individual may with-**  
23 **draw consent to conduct that was previously welcomed, though a**  
24 **withdrawal of consent must be communicated to the person for whom**  
25 **consent is being withdrawn.**

26       **“(b) Sexual harassment includes but is not limited to:**

27       **“(A) Unwanted sexual advances, flirtations or propositions.**

28       **“(B) Demands for sexual favors in exchange for favorable treatment**  
29 **or continued employment.**

30       **“(C) Sexual jokes.**



1       **“(D) Verbal abuse of a sexual nature.**

2       **“(E) Verbal commentary about the body, sexual prowess or sexual**  
3 **deficiency of an individual.**

4       **“(F) Leering, whistling, touching or physical assault.**

5       **“(G) Using sexually suggestive, insulting or obscene comments or**  
6 **gestures.**

7       **“(H) Displaying sexually suggestive objects or pictures.**

8       **“(I) Sending or forwarding electronic mail or other communications**  
9 **of an offensive or graphic sexual nature.**

10       **“(J) Discriminatory treatment based on sex.**

11       **“(c) Sexual harassment includes any conduct described in sub-**  
12 **section (4) of this rule that is based on sex.**

13       **“(6) Retaliation.**

14       **“(a) A person engages in retaliation if the person treats another**  
15 **individual less favorably because the individual made a good-faith**  
16 **complaint about conduct prohibited by this rule or participated in an**  
17 **investigation about conduct that is prohibited by this rule.**

18       **“(b) A person engages in retaliation if the person treats another**  
19 **individual less favorably because that individual engaged in a process**  
20 **described in this rule or implemented one or more provisions of this**  
21 **rule.**

22       **“(c) A person engages in retaliation if the person treats another**  
23 **individual less favorably because the individual made a good-faith**  
24 **complaint or took other action to address conduct prohibited in any**  
25 **respectful workplace policy adopted by the Joint Committee on Con-**  
26 **duct under section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House**  
27 **Bill 3377) (as amended by HB 3377-8 amendments), or this rule.**

28       **“(7) Examples.**

29       **“(a) The Legislative Conduct Officer shall develop and propose to**  
30 **the Joint Committee on Conduct examples of what constitutes**

1 harassment, hostile work environment, sexual harassment and retali-  
2 ation under this rule. The committee shall approve, modify or reject  
3 proposed examples presented to the committee.

4 “(b) The Legislative Conduct Officer shall maintain and publish  
5 examples of what constitutes harassment, hostile work environment,  
6 sexual harassment and retaliation that have been approved by the  
7 committee under this subsection.

8 “(8) Prohibitions.

9 “The Legislative Branch prohibits conduct that:

10 “(a) Constitutes harassment and creates a hostile work environ-  
11 ment;

12 “(b) Constitutes sexual harassment and creates a hostile work en-  
13 vironment;

14 “(c) Constitutes an unlawful practice that aids or abets discrimi-  
15 nation in a place of public accommodation under the laws of the state;  
16 or

17 “(d) Is retaliation.

18 “(9) Reporting options and follow-up.

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

21 “(A) A confidential disclosure process described in subsection (10)  
22 of this rule;

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

25 “(C) A conduct complaint process described in subsection (12) of  
26 this rule.

27 “(b) In each case of a disclosure, report or complaint made under  
28 this rule, the Legislative Conduct Officer or the independent investi-  
29 gator, whichever is appropriate, shall follow up with the individual  
30 who experienced, or believes they experienced, conduct prohibited by

1 this rule, at least once every three months for the year following the  
2 disclosure, report or complaint, to determine whether the alleged  
3 prohibited conduct has stopped and to determine whether the individ-  
4 ual has experienced retaliation. The officer or investigator shall give  
5 the individual written notice at the outset of the follow-up period that  
6 follow-up described in this paragraph will occur unless the individual  
7 requests in writing that the officer or investigator not follow up.

8 **“(10) Confidential disclosure process.**

9 **“(a) Any individual who experiences behavior prohibited by this rule  
10 or observes behavior that is inconsistent with this rule may make a  
11 confidential disclosure reporting the behavior to the Legislative Con-  
12 duct Officer or an offsite process counselor.**

13 **“(b) Information reported to the Legislative Conduct Officer or  
14 offsite process counselor, records created by the officer or counselor  
15 and the identity of the individual making a disclosure under this sub-  
16 section are confidential and may not be disclosed by the officer or  
17 counselor, except that the officer or counselor:**

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

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

22 **“(C) May disclose nonpersonally identifiable data to facilitate the  
23 Legislative Branch’s identification of training and coaching needs; and**

24 **“(D) May disclose nonpersonally identifiable information to an in-  
25 dividual who has made a confidential disclosure under this subsection  
26 for the purpose of encouraging the individual to make a conduct re-  
27 port under subsection (11) of this rule or a conduct complaint under  
28 subsection (12) of this rule.**

29 **“(c) Notwithstanding paragraph (b) of this subsection:**

30 **“(A) The Legislative Conduct Officer may disclose nonpersonally**

1 identifiable information in the course of performing corrective coach-  
2 ing for an individual subject to the requirements of this rule.

3 “(B) The Legislative Conduct Officer or offsite process counselor  
4 may not disclose information or records to an independent investi-  
5 gator, except that nonpersonally identifiable information may be dis-  
6 closed to facilitate the taking of any action that is consistent with this  
7 rule and with the principles of the Due Process Clause of the United  
8 States Constitution.

9 “(d) As an initial matter when an individual seeks to make a con-  
10 fidential disclosure under this subsection, the Legislative Conduct Of-  
11 ficer or offsite process counselor shall:

12 “(A) Explain the availability or lack of availability of any privilege  
13 that would permit the individual seeking to make a confidential dis-  
14 closure under this subsection to refuse to disclose, and to prevent any  
15 other person from disclosing, confidential communications and re-  
16 cords; and

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

20 “(e) When an individual makes a confidential disclosure under this  
21 subsection, the Legislative Conduct Officer or offsite process counse-  
22 lor:

23 “(A) Shall advise the individual making the disclosure of other  
24 options that are available to address the conduct, including conduct  
25 reports under subsection (11) of this rule, conduct complaints under  
26 subsection (12) of this rule, interim safety measures under subsection  
27 (13) of this rule, state and federal administrative options with the  
28 Bureau of Labor and Industries and the Equal Employment Opportu-  
29 nity Commission of the United States, law enforcement or the civil  
30 judicial process;

1       **“(B) In the case of an individual making the disclosure being affil-**  
2 **iated with an institution that is subject to Title IX of the Education**  
3 **Amendments Act of 1972, 20 U.S.C. 1681 to 1688, as amended, shall ad-**  
4 **vice the individual of the Title IX reporting process and provide ap-**  
5 **plicable institution contact information and information on the**  
6 **resources available at the institution;**

7       **“(C) Shall explain the availability of employee assistance program**  
8 **counselors and other available service providers and may refer the**  
9 **individual making a disclosure under this subsection to a counselor**  
10 **or other provider, as appropriate; and**

11       **“(D) Shall explain the actions that the officer or counselor may**  
12 **take following a disclosure made under this subsection and due process**  
13 **and other rights that limit the scope of actions that may be taken**  
14 **following a disclosure under this subsection, including possible limi-**  
15 **tations on the availability of safety measures.**

16       **“(f) If requested by an individual making a disclosure under this**  
17 **subsection, the Legislative Conduct Officer or offsite process counselor**  
18 **shall refrain from making a confidential record of the identity of the**  
19 **individual making the disclosure. The officer or counselor shall explain**  
20 **the availability of this option to any individual making a disclosure**  
21 **under this subsection.**

22       **“(g)(A) The Legislative Conduct Officer, on or before July 1, 2020,**  
23 **shall establish a means for individuals to make disclosures under this**  
24 **subsection that are entirely anonymous, so that the Legislative Con-**  
25 **duct Officer or offsite process counselor cannot determine the identity**  
26 **of the individual making a disclosure using means described in this**  
27 **paragraph.**

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

30       **“(11) Conduct reports.**

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

6       “(b) An appointing authority, including any member of the Legis-  
7 lative Assembly, shall promptly make a conduct report under this  
8 subsection if they have received information that they reasonably be-  
9 lieve describes behavior that may be prohibited by this rule, have ob-  
10 served behavior that they reasonably believe may be prohibited by this  
11 rule or in any way have knowledge of behavior that they reasonably  
12 believe may be prohibited by this rule.

13       “(c) A nonpartisan staff supervisor shall promptly make a conduct  
14 report under this subsection if they have received information that  
15 they reasonably believe describes behavior that may be prohibited by  
16 this rule, have observed behavior that they reasonably believe may be  
17 prohibited by this rule or in any way have knowledge of behavior that  
18 they reasonably believe may be prohibited by this rule.

19       “(d) A Legislative Branch contractor, or an employee of a contrac-  
20 tor, that is contractually obligated to do so, shall promptly make a  
21 conduct report under this subsection if they have information that  
22 they received a report of conduct prohibited by this rule, have ob-  
23 served behavior prohibited by this rule or in any way have knowledge  
24 of behavior prohibited by this rule.

25       “(e) Notwithstanding paragraphs (a) to (d) of this subsection, if a  
26 reporter is required to make a conduct report under this subsection  
27 but is also the person experiencing behavior prohibited by this rule,  
28 the person may make a confidential disclosure under subsection (10)  
29 of this rule that satisfies the requirements of reporting under this  
30 subsection.

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

2       **“(A) An independent investigator;**

3       **“(B) The Legislative Conduct Officer;**

4       **“(C) The Human Resources Director; or**

5       **“(D) Staff of Employee Services who have been designated by the**  
6 **Human Resources Director to receive conduct reports made under this**  
7 **subsection.**

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

15       **“(h) A conduct report made under this subsection that is received**  
16 **by the Legislative Conduct Officer, Employee Services or the Human**  
17 **Resources Director shall be forwarded to the independent investigator.**

18       **“(i) The independent investigator shall review all conduct reports**  
19 **that the investigator receives under this subsection to determine**  
20 **whether the reported conduct, when taken on its face, could be pro-**  
21 **hibited by this rule. If the investigator determines that an investi-**  
22 **gation is warranted, an investigation as described in subsection (14)**  
23 **of this rule shall be undertaken and the investigator or the Legislative**  
24 **Conduct Officer shall provide the person who is reported to be experi-**  
25 **encing the conduct with information on available resources, including**  
26 **resources described in subsection (10)(e)(B) and (C) of this rule. If the**  
27 **investigator determines that the reported conduct, on its face, is not**  
28 **conduct prohibited by this rule, the investigator may:**

29       **“(A) Engage in specific coaching of individuals to eliminate any**  
30 **uncertainty over appropriate workplace behavior;**

1       **“(B) Confer with and recommend that the Legislative Conduct Of-**  
2 **ficer provide additional training to address reported circumstances;**

3       **“(C) Confer with and make recommendations to the appropriate**  
4 **appointing authority or legislative leader to facilitate training or**  
5 **guidance being given to address reported circumstances; or**

6       **“(D) Take any other action that is warranted to achieve the policies**  
7 **established under these rules.**

8       **“(12) Conduct complaints.**

9       **“(a) Any person who experiences behavior prohibited by this rule**  
10 **or observes behavior that is inconsistent with this rule may make a**  
11 **complaint under this subsection within five years after the date the**  
12 **behavior occurred. A complaint made under this subsection shall be**  
13 **referred to as a conduct complaint.**

14       **“(b) A conduct complaint must:**

15       **“(A) Be in writing;**

16       **“(B) Identify the complainant and the person being accused of en-**  
17 **gaging in conduct prohibited by this rule;**

18       **“(C) Set forth the facts and circumstances that the complainant**  
19 **believes describe conduct that is prohibited by this rule; and**

20       **“(D) Be made in a declaration under penalty of perjury that is sat-**  
21 **isfied when the declarant signs the complaint immediately under a**  
22 **sentence that states, ‘I hereby declare that the above statement is true**  
23 **to the best of my knowledge and belief, and that I understand it is**  
24 **made for use as evidence in proceedings under Legislative Branch**  
25 **Personnel Rule 27 and is subject to penalty for perjury.’**

26       **“(c) A conduct complaint shall be delivered to the Legislative Con-**  
27 **duct Officer, who shall convey the complaint to an independent in-**  
28 **vestigator, except that a conduct complaint may be delivered by the**  
29 **complainant directly to the independent investigator.**

30       **“(d) The independent investigator shall promptly examine the con-**



1 **duct complaint and determine if the complaint meets the requirements**  
2 **of paragraph (b) of this subsection. If the complaint does not meet the**  
3 **requirements of paragraph (b) of this subsection, the investigator shall**  
4 **request the complainant to supplement the complaint. A complaint**  
5 **that does not meet the requirements of paragraph (b) of this sub-**  
6 **section may not be the subject of an investigation under subsection**  
7 **(14) of this rule.**

8 **“(e) The independent investigator shall promptly:**

9 **“(A) Deliver a copy of the conduct complaint to the person accused**  
10 **of engaging in behavior prohibited by this rule, who shall thereafter**  
11 **be the respondent; and**

12 **“(B) If the respondent:**

13 **“(i) Is a member of the Legislative Assembly, deliver a copy of the**  
14 **complaint to the caucus leader of the caucus in which the member**  
15 **serves;**

16 **“(ii) Is the majority party caucus leader, deliver a copy of the**  
17 **complaint to the presiding officer of the chamber in which the caucus**  
18 **leader serves;**

19 **“(iii) Is the minority party caucus leader, deliver a copy of the**  
20 **complaint to the second-in-command member of the minority party**  
21 **caucus in the chamber in which the caucus leader serves;**

22 **“(iv) Is a Legislative Branch employee in either a partisan or non-**  
23 **partisan staff position, deliver a copy of the complaint to the ap-**  
24 **pointing authority for the respondent;**

25 **“(v) Is an agency head, deliver a copy of the complaint to the pre-**  
26 **siding officers;**

27 **“(vi) Is a parliamentarian, deliver a copy of the complaint to the**  
28 **presiding officer of the chamber in which the parliamentarian serves;**  
29 **and**

30 **“(vii) Is a registered lobbyist, executive or judicial branch employee,**

1 employee of a contractor or a member of the public, deliver a copy of  
2 the complaint to the Legislative Administrator.

3 “(f) The independent investigator shall promptly provide, or shall  
4 ensure that the Legislative Conduct Officer provides, the complainant  
5 with information on available resources, including resources described  
6 in subsection (10)(e)(B) and (C) of this rule.

7 “(g) Upon delivery of the conduct complaint, the independent in-  
8 vestigator shall promptly begin the investigation described in sub-  
9 section (14) of this rule and recommend any necessary interim safety  
10 measures as described in subsection (13) of this rule.

11 “(13) Interim safety measures.

12 “(a) Upon receipt of a conduct report made under subsection (11)  
13 of this rule or a conduct complaint made under subsection (12) of this  
14 rule, or at any time during the course of an investigation, the inde-  
15 pendent investigator may determine that an interim safety measure  
16 needs to be implemented to ensure the safety of the complainant or  
17 any other individual who has experienced behavior that is prohibited  
18 by this rule or who may reasonably be foreseen as at risk of being  
19 subjected to behavior that is prohibited by this rule. The Legislative  
20 Conduct Officer or an offsite process counselor may also recommend  
21 an interim safety measure if interim safety measures are sought by  
22 an individual making a confidential disclosure under subsection (10)  
23 of this rule. The investigator, officer or counselor may recommend any  
24 interim safety measure that they determine is appropriate to the sit-  
25 uation, including but not limited to:

26 “(A) Temporary reassignment of the respondent;

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

29 “(C) Establishing a no contact order;

30 “(D) Placing the respondent on paid or unpaid leave and prohibiting

1 the respondent from being present in the workplace or the State Cap-  
2 itol;

3 “(E) Directing the respondent to be absent from the State Capitol  
4 until the investigation is complete; or

5 “(F) In severe situations, involving law enforcement.

6 “(b) Any interim safety measure that is recommended or that is  
7 implemented may not prejudice a complainant or put a complainant  
8 in a worse position than the complainant was in before the complaint  
9 was made.

10 “(c)(A) Any interim safety measure that is imposed may not un-  
11 lawfully impair any lawful rights an accused person may exercise.

12 “(B) Any interim safety measure that is imposed on a member of  
13 the Legislative Assembly must be narrowly tailored to minimize limi-  
14 tations on the member’s ability to perform core legislative functions  
15 and to address immediate safety concerns, and an interim safety  
16 measure may not be imposed until after the member is given notice  
17 of the proposed interim safety measure and an opportunity to be heard  
18 by the applicable chamber committee on conduct.

19 “(d) If the respondent is a member of the Legislative Assembly:

20 “(A) The committee on conduct of the chamber in which the re-  
21 spondent serves is authorized to impose an interim safety measure on  
22 the respondent that lasts no longer than until the complaint is re-  
23 solved;

24 “(B) The independent investigator shall report the investigator’s  
25 interim safety recommendation and the reasons for the recommen-  
26 dation to the respondent, to the committee and to the presiding officer  
27 of the chamber; and

28 “(C) The committee shall promptly deliberate on the recommen-  
29 dation and shall adopt such interim safety measures that the com-  
30 mittee determines are appropriate. For purposes of conducting a

1 hearing to deliberate on interim safety measures under this paragraph,  
2 the committee hearing need only comply with one-hour notice re-  
3 quirements.

4 “(e) If the respondent is not a member of the Legislative Assembly,  
5 the independent investigator shall make the investigator’s interim  
6 safety recommendation:

7 “(A) In the case of a respondent who is a Legislative Branch em-  
8 ployee in either a partisan or nonpartisan staff position, to the  
9 employee’s appointing authority.

10 “(B) In the case of a respondent who is a State of Oregon employee  
11 but not a Legislative Branch employee, to the employee’s agency di-  
12 rector and the Legislative Administrator.

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

15 “(f) The person who receives the independent investigator’s interim  
16 safety recommendation made under paragraph (e) of this subsection  
17 shall act promptly on the recommendation.

18 “(g) The Legislative Conduct Officer or an offsite process counselor  
19 that has received a confidential disclosure under subsection (10) of this  
20 rule may recommend interim safety measures under this subsection  
21 if requested by the individual making a disclosure under subsection  
22 (10) of this rule, except that the interim safety measure may not:

23 “(A) Identify the individual making the confidential disclosure  
24 without the consent of the individual; or

25 “(B) Penalize or place the person who is the subject of the disclo-  
26 sure in a worse position than before the disclosure was made.

27 “(14) Investigations.

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

1       “(A) Adopt standards and criteria for the selection of an independ-  
2 ent investigator unaffiliated with the Legislative Branch, and the  
3 Legislative Conduct Officer shall maintain a list of potential inde-  
4 pendent investigators who meet the standards and criteria established  
5 by the committee; and

6       “(B) Direct the Legislative Conduct Officer to enter into one or  
7 more contracts with individuals who meet the standards and criteria  
8 established by the committee, to serve as an independent investigator  
9 under this rule.

10       “(b) An investigation that is to be conducted under this subsection  
11 shall be conducted promptly and shall be completed as soon as is  
12 practicable. The investigation must be completed within 84 days from  
13 the date the complaint is made, except that the Legislative Conduct  
14 Officer may extend the time by which the investigation must be com-  
15 pleted if the independent investigator provides advance notice to the  
16 complainant and the respondent of the extension and an explanation  
17 justifying the extension.

18       “(c) The independent investigator shall keep the complainant and  
19 the respondent apprised of the investigation timeline and the status  
20 of the investigation at the outset of an investigation, on a regular  
21 basis thereafter and upon request of the complainant or respondent.

22       “(d)(A) The independent investigator shall use best practices in  
23 conducting the investigation and shall make findings of fact relevant  
24 to the allegations. The investigator shall prepare draft written findings  
25 of fact at least eight days before the investigation must be concluded  
26 under paragraph (b) of this subsection and shall provide the draft  
27 written findings to the complainant and the respondent.

28       “(B) If the respondent is someone other than a member of the  
29 Legislative Assembly, the draft written findings shall also contain a  
30 proposed finding of whether one or more violations of this rule oc-

1 curred.

2 “(C) The complainant and the respondent may give responses to the  
3 draft written findings to the investigator within seven days of receiv-  
4 ing the draft.

5 “(D) The independent investigator shall consider responses supplied  
6 under subparagraph (C) of this paragraph and shall prepare a final  
7 report that sets forth the investigator’s findings of fact. If the re-  
8 spondent is someone other than a member of the Legislative Assem-  
9 bly, the final report should also include a determination by the  
10 investigator of whether the facts constitute a violation of this rule.

11 “(e)(A) If a member of the Legislative Assembly is the respondent,  
12 the independent investigator shall deliver the final report to the  
13 complainant, the respondent and the committee on conduct for the  
14 chamber in which the respondent serves on or before the date estab-  
15 lished under paragraph (b) of this subsection for the completion of the  
16 investigation.

17 “(B) The complainant and the respondent may each submit to the  
18 appropriate committee on conduct a written challenge to the factual  
19 findings set forth in the final report within seven days of receipt of the  
20 report. A challenge must identify the factual findings that are the  
21 subject of the challenge and articulate the reason those findings are  
22 in error.

23 “(C) The committee on conduct shall conduct a hearing on the  
24 allegations made in the complaint and the investigator’s final report  
25 within 14 days of receiving the report from the investigator. The  
26 committee shall permit the complainant and the respondent to appear,  
27 present documents and physical evidence and suggest witnesses. The  
28 committee may determine to hear witnesses, but only committee  
29 members may question witnesses.

30 “(D) At the hearing or a subsequent hearing, the committee on

1 **conduct shall deliberate and:**

2 **“(i) Make a final determination of facts;**

3 **“(ii) Make a final determination of whether the facts constitute a**  
4 **violation of this rule; and**

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

8 **“(f) If a member of the Legislative Assembly is the respondent and**  
9 **irrevocably resigns the member’s office at any time after the conduct**  
10 **complaint is made, the investigation described in this subsection and**  
11 **the committee on conduct hearing and final committee determinations**  
12 **described in paragraph (e) of this subsection shall nevertheless take**  
13 **place.**

14 **“(g)(A) If someone other than a member of the Legislative Assem-**  
15 **bly is the respondent, the independent investigator shall deliver the**  
16 **final report, including proposed findings of violations, to the**  
17 **complainant, the respondent and:**

18 **“(i) In the case of a respondent who is a Legislative Branch em-**  
19 **ployee in a nonpartisan staff position, to the respondent’s appointing**  
20 **authority.**

21 **“(ii) In the case of a respondent who is a Legislative Branch em-**  
22 **ployee in a partisan staff position, to the respondent’s appointing au-**  
23 **thority and to the committee on conduct of the chamber with which**  
24 **the employee is affiliated.**

25 **“(iii) In the case of a respondent who is a State of Oregon employee**  
26 **but not a Legislative Branch employee, to the Legislative Adminis-**  
27 **trator and the respondent’s agency director.**

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

30 **“(B) A nonpartisan staff appointing authority who receives the in-**

1 dependent investigator’s final report under subparagraph (A)(i) of this  
2 paragraph, or the Legislative Administrator upon receiving the inde-  
3 pendent investigator’s final report under subparagraph (A)(iii) or (iv)  
4 of this paragraph, shall determine remedial measures described in  
5 subsection (15) of this rule within 14 days of receiving the  
6 investigator’s final report.

7 “(C) The appropriate committee on conduct that receives the inde-  
8 pendent investigator’s final report under subparagraph (A)(ii) of this  
9 paragraph shall make a recommendation on remedial measures de-  
10 scribed in subsection (15) of this rule to the supervising member of the  
11 Legislative Assembly within seven days of receiving the investigator’s  
12 final report. The supervising member of the Legislative Assembly shall  
13 consider the recommendations and make a final determination on the  
14 remedial measures within 14 days of receiving the investigator’s final  
15 report.

16 “(15) Remedial measures.

17 “(a) In a case where the respondent is a member of the Legislative  
18 Assembly and the appropriate committee on conduct has made a de-  
19 termination under subsection (14)(e) of this rule that a violation of  
20 this rule has occurred, the committee shall impose any remedy that  
21 is sufficient to reprimand the member and deter future conduct that  
22 violates the rule, including but not limited to a reprimand, monetary  
23 fine or other remedy that the committee determines is appropriate  
24 under the circumstances, except that:

25 “(A) If the committee recommendation is to expel the member, the  
26 committee shall report that recommendation to the full chamber,  
27 which shall act on that recommendation at its earliest opportunity;  
28 and

29 “(B) If the committee recommendation is to remove the member  
30 from one or more committees to which the member is assigned, the



1 committee shall report that recommendation to the presiding officer  
2 of that chamber.

3 “(b)(A) In a case where the respondent is a Legislative Branch em-  
4 ployee in a nonpartisan staff position, the appointing authority, in  
5 consultation with the Human Resources Director, shall determine an  
6 appropriate remedy that is consistent with the independent  
7 investigator’s determination that the respondent violated the require-  
8 ments of this rule.

9 “(B) The respondent may appeal the investigator’s final report or  
10 any remedial measure imposed under this paragraph after the report  
11 has been delivered to the appointing authority but no later than seven  
12 days after the imposition of remedial measures under this subsection,  
13 except that any appeal must be based only on:

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

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

18 “(iii) A claim that the investigator or the person or committee that  
19 imposed a remedy acted with bias.

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

21 “(c)(A) In a case where the respondent is a Legislative Branch em-  
22 ployee in a partisan staff position, the committee on conduct of the  
23 chamber with which the employee is affiliated shall make a recom-  
24 mendation on an appropriate remedy consistent with the independent  
25 investigator’s determination that the respondent violated the require-  
26 ments of this rule. The committee’s recommendation shall be made  
27 to the member of the Legislative Assembly for whom the respondent  
28 works.

29 “(B) The member shall determine the appropriate remedy within  
30 the time prescribed in subsection (14)(g)(C) of this rule and shall notify

1 the Legislative Conduct Officer upon making the determination.

2 “(C) If the Legislative Conduct Officer determines that no remedial  
3 measures were imposed under subparagraph (B) of this paragraph or  
4 that the remedial measures imposed were substantially different from  
5 the remedial measures recommended by the committee, the officer  
6 shall notify the committee of the disparity. The committee may hold  
7 a hearing and may impose a remedy.

8 “(D) The respondent may appeal the investigator’s final report or  
9 the remedial measure imposed under this paragraph to the committee  
10 on conduct with which the respondent is associated within seven days  
11 after the remedial measure is imposed, except that any appeal must  
12 be based only on a claim described in paragraph (b)(B) of this sub-  
13 section.

14 “(d)(A) In a case where the respondent is a lobbyist, employee of a  
15 contractor or other person who is present in the State Capitol for  
16 professional or work reasons, or is a member of the public, and the  
17 independent investigator’s final report determines that a violation of  
18 this rule has occurred, the Legislative Administrator shall determine  
19 an appropriate remedy that is consistent with the investigator’s de-  
20 termination. The respondent may appeal the investigator’s final report  
21 or the remedy determined by the Legislative Administrator to the co-  
22 chairs of the Legislative Administration Committee within seven days  
23 of the Legislative Administrator’s determination, except that any ap-  
24 peal must be based only on a claim described in paragraph (b)(B) of  
25 this subsection.

26 “(B) If the respondent is a lobbyist, employee of a contractor or  
27 other person who is present in the State Capitol for professional or  
28 work reasons, the Legislative Administrator shall provide notice of the  
29 proposed remedy under this paragraph to the respondent and the  
30 respondent’s employer within 14 days of receiving the final report from

1 the investigator. If the respondent is a lobbyist who is a member of  
2 an association of professional lobbyists, the Legislative Administrator  
3 shall also provide notice of the proposed remedy to the association.

4 “(C) The Legislative Administrator may modify the proposed rem-  
5 edy at any time until 28 days after receipt of the investigator’s final  
6 report, but thereafter the proposed remedy is final.

7 “(16) Confidentiality and transparency.

8 “(a) The independent investigator undertaking an investigation un-  
9 der subsection (14) of this rule and the Legislative Conduct Officer  
10 shall provide as much privacy as possible during the course of an in-  
11 vestigation.

12 “(b) The independent investigator and the Legislative Conduct Of-  
13 ficer shall maintain all records and information about an investigation  
14 confidentially, except that:

15 “(A) The investigator may disclose the fact of the investigation and  
16 any relevant details of the investigation to the appointing authority  
17 of the complainant and the respondent and the Joint Committee on  
18 Conduct, if the investigator determines there is a legitimate need to  
19 disclose the information; and

20 “(B) In the case of a respondent who is a member of the Legislative  
21 Assembly, the investigator may disclose the fact of the investigation  
22 and any relevant details of the investigation to the person to whom  
23 the conduct complaint was delivered under subsection (12)(e)(B) of this  
24 rule.

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

29 “(d) Records and information of the independent investigator and  
30 the Legislative Conduct Officer shall be exempt from disclosure as

1 prescribed under applicable law, except that, also as prescribed under  
2 applicable law:

3 “(A) A conduct complaint made under subsection (12) of this rule  
4 is disclosable when requested;

5 “(B) Records relating to a member of the Legislative Assembly fol-  
6 lowing a conduct complaint being made concerning the member are  
7 subject to disclosure after the fact-finding investigation has concluded,  
8 even if a legislative committee has not yet met or deliberated on the  
9 investigation’s findings; and

10 “(C) Records relating to an investigation of allegations of conduct  
11 prohibited by legislative branch personnel rules and not described in  
12 subparagraph (A) or (B) of this paragraph are subject to disclosure  
13 upon a determination being made that the person who was the subject  
14 of the investigation is subject to remedial measures or discipline.

15 “(17) Establishment of committees on conduct.

16 “(a)(A) The Senate Committee on Conduct is established, consisting  
17 of four Senators and two alternates. Two Senators and one alternate  
18 must be from the majority party and two Senators and one alternate  
19 must be from the minority party. Each Senator must be approved by  
20 majority vote of the caucus with which the Senator is affiliated to  
21 serve on the committee or to serve as an alternate.

22 “(B) The Senate Committee on Conduct shall perform those func-  
23 tions assigned by this rule to carry out the purposes of Article IV,  
24 section 15, of the Oregon Constitution, for the Senate.

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

30 “(b)(A) The House Committee on Conduct is established, consisting

1 of four Representatives and two alternates. Two Representatives and  
2 one alternate must be from the majority party and two Represen-  
3 tatives and one alternate must be from the minority party. Each  
4 Representative must be approved by majority vote of the caucus of  
5 which the Representative is affiliated to serve on the committee or to  
6 serve as an alternate.

7 “(B) The House Committee on Conduct shall perform those func-  
8 tions assigned by this rule to carry out the purposes of Article IV,  
9 section 15, of the Oregon Constitution, for the House of Represen-  
10 tatives.

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

16 “(c) The members of the Senate Committee on Conduct and the  
17 members of the House Committee on Conduct shall together comprise  
18 the Joint Committee on Conduct. The Joint Committee on Conduct  
19 shall perform the duties assigned to the joint committee under chapter  
20 \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by  
21 HB 3377-8 amendments), or this rule.

22 “(d) When a member of a committee on conduct is named as a re-  
23 spondent under this rule, the member may not serve as a member of  
24 the committee or as a member of the joint committee until the matter  
25 is resolved.

26 “(18) Respectful workplace policies.

27 “(a) The Joint Committee on Conduct shall develop and maintain  
28 a respectful workplace policy to address conduct that is inconsistent  
29 with the policy direction established for the Legislative Branch as set  
30 forth in subsection (1) of this rule but that does not rise to the level

1 of creating a hostile work environment or violating public accommo-  
2 dation law.

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

7 “(c) For Legislative Branch employees, the policy shall also estab-  
8 lish procedures for determining and imposing proportionate discipline  
9 when appropriate.

10 “(d) For members of the Legislative Assembly, the policy shall also  
11 establish procedures for making recommendations to the appropriate  
12 committee on conduct established in subsection (17) of this rule for  
13 proportionate discipline when appropriate.

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

17 “(19) Recommendation.

18 “The Joint Committee on Conduct shall on or before January 1,  
19 2021, make a recommendation to the President of the Senate and the  
20 Speaker of the House of Representatives on whether investigation  
21 functions described in this rule shall continue to be performed by one  
22 or more independent investigators or shall be performed by Legislative  
23 Branch personnel affiliated with the Legislative Conduct Office.

24 “(20) Application.

25 “The five-year limitation in subsections (11)(a) and (12)(a) of this  
26 rule applies to conduct occurring before, on or after the effective date  
27 of this rule, but does not operate to revive a claim barred by a previ-  
28 ous iteration of this rule.

29

30 “Legislative Branch Personnel Rule 12: Resignation, Retirement or

1 **Separation from Service.**

2 “APPLICABILITY: This rule applies to all employees of the Legislative  
3 Branch **and all interns, externs and volunteers performing service in**  
4 **the Legislative Branch.** This rule does not apply to members of the Legis-  
5 lative Assembly.

6 “(1) Notice of resignation or retirement. An employee who is resigning  
7 or retiring shall file written notice with the employee’s appointing authority  
8 stating the effective date and time of the resignation or retirement.

9 “(2) Notification to Employee Services and Legislative Conduct  
10 **Officer.**

11 “(a) Upon notification from an employee of a pending resignation or re-  
12 tirement, the employee’s appointing authority shall notify Employee Services  
13 before the effective date of the resignation or retirement.

14 “(b) **The supervisor or appointing authority of each intern, extern**  
15 **or volunteer shall notify the Legislative Conduct Officer appointed**  
16 **under section 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill**  
17 **3377) (as amended by HB 3377-8 amendments), or the officer’s designee,**  
18 **when an intern, extern or volunteer plans to separate from service in**  
19 **the Legislative Branch.**

20 “(c) **The Legislative Conduct Officer, or the officer’s designee, shall**  
21 **proactively attempt to conduct an exit interview with each employee,**  
22 **intern, extern or volunteer who is resigning, retiring or otherwise**  
23 **separating from service. If limited by resources, the Legislative Con-**  
24 **duct Officer shall prioritize conducting exit interviews with interns,**  
25 **externs and volunteers.**

26 “(3) Job abandonment.

27 “(a) An employee who fails to report to work for five or more consecutive  
28 work days and fails to contact the employee’s appointing authority, immedi-  
29 ate supervisor or a staff member of Employee Services may, at the discretion  
30 of the appointing authority, be deemed to have abandoned the employee’s job

1 and will be treated as having voluntarily resigned.

2 “(b) If the appointing authority deems that the employee has abandoned  
3 the employee’s job, the appointing authority shall notify the employee in  
4 writing by mailing notice to the employee’s address on record with Employee  
5 Services, and give the employee the opportunity to present extenuating cir-  
6 cumstances for not reporting for work or contacting the appointing author-  
7 ity.

8 “(c) If the appointing authority determines that sufficient extenuating  
9 circumstances exist to excuse the employee’s absence, the absence may be  
10 covered by a subsequent grant of accrued leave or leave without pay.

11

12 **“Rule 32: Employees of Members, Leadership, Caucuses and Non-**  
13 **partisan Offices.**

14 “APPLICABILITY: This rule applies to [*personal staff of members of the*  
15 *Legislative Assembly and to caucus office and leadership office staff*] **all em-**  
16 **ployees, interns, externs and volunteers of the Legislative Branch.**

17 “(1) Personal staff of members of the Legislative Assembly.

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

21 “(b) Applicants for personal staff positions shall apply for employment in  
22 the manner prescribed by the member of the Legislative Assembly. The ap-  
23 plication must include, at a minimum, a summary of the applicant’s prior  
24 relevant education and experience and a signed legislative application form  
25 as required of all applicants for other positions.

26 **“(c) Notwithstanding paragraph (b) of this subsection, a copy of**  
27 **each application received under this subsection for which the ap-**  
28 **pointing authority determines to appoint the applicant shall be deliv-**  
29 **ered to Employee Services prior to the date of appointment. Employee**  
30 **Services shall maintain a database that includes personal contact in-**



1 **formation, start dates and, if applicable, end dates for the appoint-**  
2 **ment.**

3 **“(2) Leadership office and caucus office staff.**

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

7 **“(b) Applicants for employment with a leadership office or a caucus office**  
8 **shall apply for employment in the manner prescribed by the appointing au-**  
9 **thority. The application must include, at a minimum, a summary of the**  
10 **applicant’s prior relevant education and experience and a signed legislative**  
11 **application form as required of all applicants for other positions.**

12 **“(c) Notwithstanding paragraph (b) of this subsection, a copy of**  
13 **each application received under this subsection for which the ap-**  
14 **pointing authority determines to appoint the applicant shall be deliv-**  
15 **ered to Employee Services prior to the date of appointment. Employee**  
16 **Services shall maintain a database that includes personal contact in-**  
17 **formation, start dates and, if applicable, end dates for the appoint-**  
18 **ment.**

19 **“(3) Nonpartisan staff.**

20 **“Employees, interns, externs and volunteers serve at the pleasure**  
21 **of the appointing authority. A copy of each application received by a**  
22 **nonpartisan office of the Legislative Assembly for which the appoint-**  
23 **ing authority determines to appoint the applicant shall be delivered to**  
24 **Employee Services prior to the date of appointment. Employee Ser-**  
25 **vices shall maintain a database that includes personal contact infor-**  
26 **mation, start dates and, if applicable, end dates for the appointment.**

27 **“(4) Employee Services and the Legislative Conduct Officer.**

28 **“(a) Following receipt of an application under this rule, Employee**  
29 **Services must notify the Legislative Conduct Officer of the start date**  
30 **of the employee, intern, extern or volunteer. The officer shall ensure**

1 that each employee, intern, extern and volunteer, as soon as practi-  
2 cable after their start date, is provided with:

3 “(A) The training described in section 7 (1), chapter\_\_\_\_\_, Oregon  
4 Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-8  
5 amendments);

6 “(B) A copy of legislative branch harassment avoidance policies and  
7 rules;

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

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

12 “(b) The office shall ensure that each member of the Legislative  
13 Assembly and each current employee of the Legislative Branch re-  
14 ceives copies of the materials described in paragraph (a)(B) to (D) of  
15 this subsection.

16

17 “Legislative Branch Personnel Rule 33: Operative date and transi-  
18 tion.

19 “(1) Subsections (1) to (16) of Legislative Branch Personnel Rule 27,  
20 as set forth in this concurrent resolution, become operative on the  
21 date that the Joint Committee on Conduct, as established in section  
22 1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as  
23 amended by HB 3377-8 amendments), notifies the presiding officers  
24 that the Legislative Conduct Officer, as established in section 1,  
25 chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as  
26 amended by HB 3377-8 amendments), has been appointed or, pursuant  
27 to section 4, chapter\_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377)  
28 (as amended by HB 3377-8 amendments), that an acting Legislative  
29 Conduct Officer has been appointed.

30 “(2) For periods after the adoption of this concurrent resolution and

1 **before notice is given under subsection (1) of this section, the Legis-**  
2 **lative Administrator and the Human Resources Director may impose**  
3 **interim safety measures as described in Legislative Branch Personnel**  
4 **Rule 27 (13), to protect any person present in the State Capitol from**  
5 **harassment, sexual harassment or retaliation.”.**

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