

# D R A F T

## SUMMARY

Modifies obligation to make conduct reports under rule. Directs Legislative Equity Officer to perform facial review on conduct reports and conduct complaints prior to investigation being undertaken. Provides exception. Provides that committee on conduct is to make recommendations on remedial measures to be imposed on partisan staff only if independent investigator has determined that rule violation has occurred. Extends time period committees on conduct have to conduct hearings, and to recommend and impose remedial measures on partisan staff. Expands numbers of alternates who serve on committees on conduct. Directs that complainants and identified impacted parties in matter be recused from service on committees on conduct when committee considers matter.

## 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 on June 29, 2019, is further amended 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

1 workplace and to taking proactive steps to improve its culture so that be-  
2 havior from any source that has a negative impact on the workplace may be  
3 effectively reported and promptly addressed and resolved.

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

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

14 (e) Members of the Legislative Assembly and all Legislative Branch em-  
15 ployees are expected to conduct themselves in a manner that is free of  
16 harassment and to discourage all harassment in the workplace and at pro-  
17 fessional meetings, seminars or at any event at which legislative business is  
18 conducted.

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

23 (A) Enhancing options available to victims who seek to remain any-  
24 mous; and

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

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

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

5 (2) Application.

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

9 (b) An appointing authority or a nonpartisan staff supervisor, including  
10 any member of the Legislative Assembly, shall report behavior prohibited by  
11 this rule by the means described in subsection (11) of this rule. If the ap-  
12 pointing authority or supervisor is making a report because an individual  
13 has disclosed to the appointing authority or supervisor that the individual  
14 may be experiencing conduct prohibited by this rule, the appointing author-  
15 ity or supervisor, as soon as practicable after receiving the disclosure, shall  
16 provide a copy of the materials described in Legislative Branch Personnel  
17 Rule 32 (4)(a)(B) to (D) to the individual making the disclosure.

18 (c) Any individual over whom the Legislative Branch may impose a reme-  
19 medy is an individual subject to the requirements of this rule, including but  
20 not limited to:

21 (A) Members of the Legislative Assembly;

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

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

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

26 (E) Employees of the State of Oregon who are not employees of the Leg-  
27 islative Branch; and

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

29 (3) Definitions.

30 (a) "Agency head" means the Legislative Administrator, the Legislative  
31 Counsel, the Legislative Equity Officer, the Legislative Fiscal Officer, the

1 Legislative Policy and Research Director, the Legislative Revenue Officer  
2 and the Executive Director of the Commission on Indian Services.

3 (b) “Appointing authority” means the person who has authority in the  
4 interest of the employer to hire, transfer, suspend, lay off, promote, terminate  
5 or discipline an employee.

6 (c) “Caucus leader” means the Democratic or Republican leader of the  
7 Senate or the Democratic or Republican leader of the House of Represen-  
8 tatives.

9 (d) “Caucus office” means the office of the Democratic or Republican  
10 leader of the Senate or the office of the Democratic or Republican leader of  
11 the House of Representatives.

12 (e) “Chamber” means the Senate or the House of Representatives.

13 (f) **“Complainant” means a person who has filed a conduct com-  
14 plaint under subsection (12) of this rule.**

15 [(f)] (g) “Employee” means an employee who is performing services on  
16 behalf of the Legislative Branch. “Employee” includes any intern, extern or  
17 volunteer who is affiliated with a Legislative Branch office.

18 [(g)] (h) “Employee Services” means the division of Legislative Adminis-  
19 tration charged with employment and human resources administration for  
20 the Legislative Branch.

21 [(h)] (i) “Human Resources Director” means the manager of Employee  
22 Services.

23 (j) **“Impacted party” means a person who is described in a conduct  
24 report made under subsection (11) of this rule as one who has experi-  
25 enced behavior prohibited by this rule.**

26 [(i)] (k) “Independent investigator” or “investigator” means an investi-  
27 gator under contract pursuant to [section 6, chapter \_\_\_\_\_, Oregon Laws 2019  
28 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments)] **ORS**  
29 **173.912**, who is available to perform or is performing an investigation under  
30 this rule.

31 [(j)] (L) “Legislative Branch” means members and employees of the Leg-

1 islative Assembly, the parliamentary offices, Legislative Administration, the  
2 Legislative Counsel Office, the Legislative Equity Office, the Legislative  
3 Fiscal Office, the Legislative Policy and Research Office, the Legislative  
4 Revenue Office and the Commission on Indian Services.

5 [(k)] (m) “Legislative Equity Officer” means the Legislative Equity Offi-  
6 cer appointed under [section 1, chapter\_\_\_\_\_, Oregon Laws 2019 (Enrolled  
7 House Bill 3377) (as amended by HB 3377-9 amendments)] **ORS 173.900** or an  
8 acting equity officer serving under **ORS 173.906 or** section [3 or] 4, chapter  
9 [\_\_\_\_\_] **604**, Oregon Laws 2019 [(Enrolled House Bill 3377) (as amended by  
10 HB 3377-9 amendments)].

11 [(L)] (n) “Member of the Legislative Assembly” or “member” means a  
12 Senator or a Representative.

13 [(m)] (o) “Nonpartisan staff” means an employee of the parliamentary of-  
14 fices, Legislative Administration, the Legislative Counsel Office, the Legis-  
15 lative Equity Office, the Legislative Fiscal Office, the Legislative Policy and  
16 Research Office, the Legislative Revenue Office or the Commission on Indian  
17 Services.

18 [(n)] (p) “Offsite process counselor” means a person unaffiliated with the  
19 Legislative Branch who has entered into a contract with the Legislative  
20 Equity Officer under [section 14, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled  
21 House Bill 3377) (as amended by HB 3377-9 amendments)] **ORS 173.930**, to  
22 provide services described in subsection (10) of this rule.

23 [(o)] (q) “Parliamentarian” means the Secretary of the Senate or the Chief  
24 Clerk of the House of Representatives.

25 [(p)] (r) “Parliamentary office” means the Office of the Secretary of the  
26 Senate or the Office of the Chief Clerk of the House of Representatives.

27 [(q)] (s) “Partisan staff” means an employee working directly for a mem-  
28 ber of the Legislative Assembly, an employee of a caucus office or an em-  
29 ployee of the office of the Senate President or the office of the Speaker of  
30 the House of Representatives.

31 [(r)] (t) “Protected class” means a classification established by law that

1 offers protections to members of the classification, including but not limited  
2 to:

3 (A) Sex;

4 (B) Race;

5 (C) Ethnicity;

6 (D) National origin;

7 (E) Age;

8 (F) Religion;

9 (G) Marital status;

10 (H) Sexual orientation;

11 (I) Gender identity or expression;

12 (J) Engaging in whistleblowing activity;

13 (K) Opposing an employer's actions when the employee reasonably be-  
14 lieves the actions to be unlawful;

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

18 (M) Injured worker status;

19 (N) Disability; or

20 (O) Veteran status.

21 [(s)] (u) "Respondent" means a person named in a conduct complaint made  
22 under subsection (12) of this rule as engaging in behavior that is prohibited  
23 by this rule or a person who is the subject of an investigation under sub-  
24 section (14) of this rule to determine whether the person engaged in behavior  
25 that is prohibited by this rule.

26 [(t)] (v) "Supervisor" means an employee of the Legislative Branch who  
27 manages or directs the work of another employee of the Legislative Branch.

28 (4) Harassment and hostile work environment.

29 (a) An individual engages in harassment by engaging in verbal or physical  
30 conduct, including making a visual display or causing a visual display to be  
31 shown, that denigrates or shows hostility toward a protected class or toward

1 an individual because of the individual's status as a member of a protected  
2 class. Examples of harassment may include, but are not limited to:

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

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

6 (C) Belittling, demeaning or humiliating a person or group of persons  
7 because of a protected class; or

8 (D) Displaying written or graphic material that is described in subpara-  
9 graphs (A) to (C) of this paragraph.

10 (b) Harassment does not include every minor annoyance or disappoint-  
11 ment that an employee may encounter in the course of performing the  
12 employee's job.

13 (c) An individual creates a hostile work environment by engaging in be-  
14 havior that is unwelcome and is so severe or pervasive that it either affects  
15 a person's ability to function in the workplace or denies a person the benefits  
16 of the workplace.

17 (5) Sexual harassment.

18 (a) An individual engages in sexual harassment when the individual en-  
19 gages in unwelcome conduct of a sexual nature, including but not limited to  
20 sexual advances, requests for sexual favors, sexual comment, unwanted or  
21 offensive touching or physical contact, unwanted closeness, impeding or  
22 blocking movement, sexual gesture, sexual innuendo, sexual joke, sexually  
23 charged language, intimate inquiry, persistent unwanted courting, sexist in-  
24 sult, gender stereotype, or other verbal or physical conduct of a sexual na-  
25 ture, if:

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

28 (B) A person expressly or by implication conveys that declining to submit  
29 to the conduct will affect an individual's job, leave request, benefits, business  
30 before the Legislative Assembly, influence or opportunity of the individual  
31 to engage professionally with the Legislative Assembly, its members or staff;

1 or

2 (C) The unwelcome conduct has the purpose or effect of unreasonably  
3 interfering with a person's job performance, or creates a work environment  
4 that a reasonable person would find intimidating, hostile or offensive. For  
5 purposes of this rule, "unwelcome conduct" means conduct that an individual  
6 does not incite or solicit and that the individual regards as undesirable or  
7 offensive. An individual may withdraw consent to conduct that was previ-  
8 ously welcomed, though a withdrawal of consent must be communicated to  
9 the person for whom consent is being withdrawn.

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

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

12 (B) Demands for sexual favors in exchange for favorable treatment or  
13 continued employment.

14 (C) Sexual jokes.

15 (D) Verbal abuse of a sexual nature.

16 (E) Verbal commentary about the body, sexual prowess or sexual defi-  
17 ciency of an individual.

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

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

20 (H) Displaying sexually suggestive objects or pictures.

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

23 (J) Discriminatory treatment based on sex.

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

26 (6) Retaliation.

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

31 (b) A person engages in retaliation if the person treats another individual

1 less favorably because that individual engaged in a process described in this  
2 rule or implemented one or more provisions of this rule.

3 (c) A person engages in retaliation if the person treats another individual  
4 less favorably because the individual made a good-faith complaint or took  
5 other action to address conduct prohibited in any respectful workplace policy  
6 adopted by the Joint Committee on Conduct under [section 1, chapter  
7 \_\_\_\_\_, *Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB*  
8 *3377-9 amendments)*] **ORS 173.900**, or this rule.

9 (7) Examples.

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

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

19 (8) Prohibitions.

20 The Legislative Branch prohibits conduct that:

- 21 (a) Constitutes harassment and creates a hostile work environment;  
22 (b) Constitutes sexual harassment and creates a hostile work environ-  
23 ment;  
24 (c) Constitutes an unlawful practice that aids or abets discrimination in  
25 a place of public 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 estab-  
29 lishes three options for reporting behavior prohibited by this rule:

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

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

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

4 (b) In each case of a disclosure, report or complaint made under this rule,  
5 the Legislative Equity Officer or the independent investigator, whichever is  
6 appropriate, shall follow up with the individual who experienced, or believes  
7 they experienced, conduct prohibited by this rule, at least once every three  
8 months for the year following the disclosure, report or complaint, to deter-  
9 mine whether the alleged prohibited conduct has stopped and to determine  
10 whether the individual has experienced retaliation. The officer or investi-  
11 gator shall give the individual written notice at the outset of the follow-up  
12 period that follow-up described in this paragraph will occur unless the indi-  
13 vidual requests in writing that the officer or investigator not follow up.

14 (10) Confidential disclosure process.

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

19 (b) Information reported to the Legislative Equity Officer or offsite pro-  
20 cess counselor, records created by the officer or counselor and the identity  
21 of the individual making a disclosure under this subsection are confidential  
22 and may not be disclosed by the officer or counselor, except that the officer  
23 or counselor:

24 (A) May disclose information if the officer or counselor reasonably con-  
25 cludes that a threat of immediate physical harm or other harm described in  
26 ORS 40.252 would exist if the disclosure were not made;

27 (B) Shall disclose information if required by law;

28 (C) May disclose nonpersonally identifiable data to facilitate the Legis-  
29 lative Branch's identification of training and coaching needs; and

30 (D) May disclose nonpersonally identifiable information to an individual  
31 who has made a confidential disclosure under this subsection for the purpose

1 of encouraging the individual to make a conduct report under subsection (11)  
2 of this rule or a conduct complaint under subsection (12) of this rule.

3 (c) Notwithstanding paragraph (b) of this subsection:

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

7 (B) The Legislative Equity Officer or offsite process counselor may not  
8 disclose information or records to an independent investigator, except that  
9 nonpersonally identifiable information may be disclosed to facilitate the  
10 taking of any action that is consistent with this rule and with the principles  
11 of the Due Process Clause of the United States Constitution.

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

15 (A) Explain the availability or lack of availability of any privilege that  
16 would permit the individual seeking to make a confidential disclosure under  
17 this subsection to refuse to disclose, and to prevent any other person from  
18 disclosing, confidential communications and records; and

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

22 (e) When an individual makes a confidential disclosure under this sub-  
23 section, the Legislative Equity Officer or offsite process counselor:

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

31 (B) In the case of an individual making the disclosure being affiliated

1 with an institution that is subject to Title IX of the Education Amendments  
2 Act of 1972, 20 U.S.C. 1681 to 1688, as amended, shall advise the individual  
3 of the Title IX reporting process and provide applicable institution contact  
4 information and information on the resources available at the institution;

5 (C) Shall explain the availability of employee assistance program coun-  
6 selors and other available service providers and may refer the individual  
7 making a disclosure under this subsection to a counselor or other provider,  
8 as appropriate; and

9 (D) Shall explain the actions that the officer or counselor may take fol-  
10 lowing a disclosure made under this subsection and due process and other  
11 rights that limit the scope of actions that may be taken following a disclo-  
12 sure under this subsection, including possible limitations on the availability  
13 of safety measures.

14 (f) If requested by an individual making a disclosure under this sub-  
15 section, the Legislative Equity Officer or offsite process counselor shall re-  
16 frain from making a confidential record of the identity of the individual  
17 making the disclosure. The officer or counselor shall explain the availability  
18 of this option to any individual making a disclosure under this subsection.

19 (g)(A) The Legislative Equity Officer, on or before July 1, 2020, shall es-  
20 tablish a means for individuals to make disclosures under this subsection  
21 that are entirely anonymous, so that the Legislative Equity Officer or offsite  
22 process counselor cannot determine the identity of the individual making a  
23 disclosure using means described in this paragraph.

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

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

1 (11) Conduct reports.

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

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

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

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

24 (e) Notwithstanding paragraphs (a) to (d) of this subsection[,]:

25 (A) If a reporter is required to make a conduct report under this sub-  
26 section but is also the person experiencing behavior prohibited by this rule,  
27 the person may make a confidential disclosure under subsection (10) of this  
28 rule that satisfies the requirements of reporting under this subsection.

29 **(B) An individual is not required to make a conduct report under**  
30 **this subsection if the individual would be the subject of the report.**

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

- 1 (A) An independent investigator;
- 2 (B) The Legislative Equity Officer;
- 3 (C) The Human Resources Director; or
- 4 (D) Staff of Employee Services who have been designated by the Human  
5 Resources Director to receive conduct reports made under this subsection.

6 (g) A reporter may make a conduct report in any form and using any  
7 means. However, the Joint Committee on Conduct established under [*section*  
8 *1, chapter \_\_\_\_\_, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended*  
9 *by HB 3377-9 amendments)*] **ORS 173.900**, shall establish uniform  
10 recordkeeping processes applicable to the Legislative Equity Officer and  
11 Employee Services to ensure that conduct reports made under this subsection  
12 are adequately documented.

13 (h) A conduct report made under this subsection that is received by [*the*  
14 *Legislative Equity Officer*] **an independent investigator**, Employee Services  
15 or the Human Resources Director shall be forwarded to [*the independent in-*  
16 *vestigator*] **the Legislative Equity Officer**.

17 (i) The [*independent investigator*] **Legislative Equity Officer** shall review  
18 all conduct reports [*that the investigator receives*] **received** under this sub-  
19 section to determine whether the reported conduct, when taken on its face,  
20 could be prohibited by this rule. If the [*investigator*] **officer** determines that  
21 an investigation is warranted, an investigation as described in subsection  
22 (14) of this rule shall be undertaken. **The officer may, in the officer's**  
23 **discretion, ask the independent investigator to determine whether the**  
24 **reported conduct, when taken on its face, could be prohibited by this**  
25 **rule. The** [*and the investigator or the Legislative Equity*] officer shall provide  
26 the [*person who is reported to be experiencing the conduct*] **impacted party**  
27 with information on available resources, including resources described in  
28 subsection (10)(e)(B) and (C) of this rule. If the **officer or** investigator de-  
29 termines that the reported conduct, on its face, is not conduct prohibited by  
30 this rule, the [*investigator*] **officer** may:

- 31 (A) Engage in specific coaching of individuals to eliminate any uncer-

1 tainty over appropriate workplace behavior;

2 [(B) Confer with and recommend that the Legislative Equity Officer provide  
3 additional training to address reported circumstances;]

4 [(C)] (B) Confer with and make recommendations to the appropriate ap-  
5 pointing authority or legislative leader to facilitate training or guidance  
6 being given to address reported circumstances; or

7 [(D)] (C) Take any other action that is warranted to achieve the policies  
8 established under these rules.

9 (12) Conduct complaints.

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

15 (b) A conduct complaint must:

16 (A) Be in writing;

17 (B) Identify the complainant and the person being accused of engaging in  
18 conduct prohibited by this rule;

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

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

27 (c) A conduct complaint shall be delivered to the Legislative Equity  
28 Officer[, *who shall convey the complaint to*] **or** an independent investigator[,  
29 *except that a conduct complaint may be delivered by the complainant directly*  
30 *to the independent investigator*]. **If the complaint is delivered to an inde-**  
31 **pendent investigator, the investigator shall deliver a copy of the com-**

1 **plaint to the officer.**

2 (d) The [*independent investigator*] **Legislative Equity Officer** shall  
3 promptly examine the conduct complaint and determine if the complaint  
4 meets the requirements of paragraph (b) of this subsection. If the complaint  
5 does not meet the requirements of paragraph (b) of this subsection, the in-  
6 vestigator shall request the complainant to supplement the complaint. A  
7 complaint that does not meet the requirements of paragraph (b) of this sub-  
8 section may not be the subject of an investigation under subsection (14) of  
9 this rule.

10 (e) **The Legislative Equity Officer shall review all conduct com-  
11 plaints received under this subsection to determine whether the re-  
12 ported conduct, when taken on its face, could be prohibited by this  
13 rule. If the officer determines that an investigation is warranted, an  
14 investigation as described in subsection (14) of this rule shall be  
15 undertaken. The officer may, in the officer's discretion, ask the inde-  
16 pendent investigator to determine whether the reported conduct, when  
17 taken on its face, could be prohibited by this rule. The officer shall  
18 provide the complainant with information on available resources, in-  
19 cluding resources described in subsection (10)(e)(B) and (C) of this  
20 rule. If the officer or investigator determines that the reported con-  
21 duct, on its face, is not conduct prohibited by this rule, the officer  
22 may:**

23 (A) **Engage in specific coaching of individuals to eliminate any un-  
24 certainty over appropriate workplace behavior;**

25 (B) **Confer with and make recommendations to the appropriate ap-  
26 pointing authority or legislative leader to facilitate training or guid-  
27 ance being given to address reported circumstances; or**

28 (C) **Take any other action that is warranted to achieve the policies  
29 established under these rules.**

30 [(e)] (f) **After a determination under paragraphs (d) and (e) of this  
31 subsection that an investigation is warranted, the independent investi-**

1 gator shall promptly:

2 (A) Deliver a copy of the conduct complaint to the person accused of en-  
3 gaging in behavior prohibited by this rule, who shall thereafter be the re-  
4 spondent; and

5 (B) If the respondent:

6 (i) Is a member of the Legislative Assembly, deliver a copy of the com-  
7 plaint to the caucus leader of the caucus in which the member serves;

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

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

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

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

19 (vi) Is a registered lobbyist, executive or judicial branch employee, em-  
20 ployee of a contractor or a member of the public, deliver a copy of the  
21 complaint to the Legislative Administrator.

22 [(f)] **(g)** The [*independent investigator shall promptly provide, or shall en-*  
23 *sure that the*] Legislative Equity Officer [*provides,*] **shall provide** the  
24 complainant with information on available resources, including resources  
25 described in subsection (10)(e)(B) and (C) of this rule.

26 [(g)] **(h)** Upon delivery of the conduct complaint **as prescribed in para-**  
27 **graph (f) of this subsection**, the independent investigator shall promptly  
28 begin the investigation described in subsection (14) of this rule and recom-  
29 mend any necessary interim safety measures as described in subsection (13)  
30 of this rule.

31 (13) Interim safety measures.

1 (a) Upon receipt of a conduct report made under subsection (11) of this  
2 rule or a conduct complaint made under subsection (12) of this rule, or at  
3 any time during the course of an investigation, the independent investigator  
4 may determine that an interim safety measure needs to be implemented to  
5 ensure the safety of the complainant or any other individual who has experi-  
6 enced behavior that is prohibited by this rule or who may reasonably be  
7 foreseen as at risk of being subjected to behavior that is prohibited by this  
8 rule. The Legislative Equity Officer or an offsite process counselor may also  
9 recommend an interim safety measure if interim safety measures are sought  
10 by an individual making a confidential disclosure under subsection (10) of  
11 this rule. The investigator, officer or counselor may recommend any interim  
12 safety measure that they determine is appropriate to the situation, including  
13 but not limited to:

- 14 (A) Temporary reassignment of the respondent;
- 15 (B) Alternative work location for the respondent, including being duty-  
16 stationed at home;
- 17 (C) Establishing a no contact order;
- 18 (D) Placing the respondent on paid or unpaid leave and prohibiting the  
19 respondent from being present in the workplace or the State Capitol;
- 20 (E) Directing the respondent to be absent from the State Capitol until the  
21 investigation is complete; or
- 22 (F) In severe situations, involving law enforcement.

23 (b) Any interim safety measure that is recommended or that is imple-  
24 mented may not prejudice a complainant or put a complainant in a worse  
25 position than the complainant was in before the complaint was made.

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

28 (B) Any interim safety measure that is imposed on a member of the Leg-  
29 islative Assembly must be narrowly tailored to minimize limitations on the  
30 member's ability to perform core legislative functions and to address imme-  
31 diate safety concerns, and an interim safety measure may not be imposed

1 until after the member is given notice of the proposed interim safety measure  
2 and an opportunity to be heard by the applicable chamber committee on  
3 conduct.

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

5 (A) The committee on conduct of the chamber in which the respondent  
6 serves is authorized to impose an interim safety measure on the respondent  
7 that lasts no longer than until the complaint is resolved;

8 (B) The independent investigator shall report the investigator's interim  
9 safety recommendation and the reasons for the recommendation to the re-  
10 spondent, to the committee and to the presiding officer of the chamber; and

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

16 (e) If the respondent is not a member of the Legislative Assembly, the  
17 independent investigator shall make the investigator's interim safety recom-  
18 mendation:

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

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

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

27 (f) The person who receives the independent investigator's interim safety  
28 recommendation made under paragraph (e) of this subsection shall act  
29 promptly on the recommendation.

30 (g) The Legislative Equity Officer or an offsite process counselor that has  
31 received a confidential disclosure under subsection (10) of this rule may re-

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

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

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

8 (14) Investigations.

9 (a) As soon as is practicable after [*adoption of this rule and chapter*  
10 *———, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB*  
11 *3377-9 amendments)*] **July 23, 2019**, the Joint Committee on Conduct shall:

12 (A) Adopt standards and criteria for the selection of an independent in-  
13 vestigator unaffiliated with the Legislative Branch, and the Legislative Eq-  
14 uity Officer shall maintain a list of potential independent investigators who  
15 meet the standards and criteria established by the committee; and

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

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

26 (c) The independent investigator shall keep the complainant and the re-  
27 spondent apprised of the investigation timeline and the status of the inves-  
28 tigation at the outset of an investigation, on a regular basis thereafter and  
29 upon request of the complainant or respondent.

30 (d)(A) The independent investigator shall use best practices in conducting  
31 the investigation and shall make findings of fact relevant to the allegations.

1 The investigator shall prepare draft written findings of fact at least eight  
2 days before the investigation must be concluded under paragraph (b) of this  
3 subsection and shall provide the draft written findings to the complainant  
4 and the respondent.

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

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

10 (D) The independent investigator shall consider responses supplied under  
11 subparagraph (C) of this paragraph and shall prepare a final report that sets  
12 forth the investigator's findings of fact. If the respondent is someone other  
13 than a member of the Legislative Assembly, the final report should also in-  
14 clude a determination by the investigator of whether the facts constitute a  
15 violation of this rule.

16 (e)(A) If a member of the Legislative Assembly is the respondent, the in-  
17 dependent investigator shall deliver the final report to the complainant, the  
18 respondent, **the Legislative Equity Officer** and the committee on conduct  
19 for the chamber in which the respondent serves on or before the date estab-  
20 lished under paragraph (b) of this subsection for the completion of the in-  
21 vestigation.

22 (B) The complainant and the respondent may each submit to the appro-  
23 priate committee on conduct a written challenge to the factual findings set  
24 forth in the final report within seven days of receipt of the report. A chal-  
25 lenge must identify the factual findings that are the subject of the challenge  
26 and articulate the reason those findings are in error.

27 (C) The committee on conduct shall conduct a hearing on the allegations  
28 made in the complaint and the investigator's final report within [14] **21** days  
29 of receiving the report from the investigator. The committee shall permit the  
30 complainant and the respondent to appear, present documents and physical  
31 evidence and suggest witnesses. The committee may determine to hear wit-

1 nesses, but only committee members may question witnesses.

2 (D) At the hearing or a subsequent hearing, the committee on conduct  
3 shall deliberate and:

4 (i) Make a final determination of facts;

5 (ii) Make a final determination of whether the facts constitute a violation  
6 of this rule; and

7 (iii) If the determination is that a violation of this rule occurred, pre-  
8 scribe or recommend remedies as described in subsection (15) of this rule.

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

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

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

20 (ii) In the case of a respondent who is a Legislative Branch employee in  
21 a partisan staff position **and if the investigator determined that a vio-**  
22 **lation of the rule had occurred**, to the respondent's appointing authority  
23 and to the committee on conduct of the chamber with which the employee  
24 is affiliated.

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

28 (iv) In the case of a respondent who is a lobbyist, employee of a con-  
29 tractor or member of the public, to the Legislative Administrator.

30 **(v) In all instances, to the Legislative Equity Officer.**

31 (B) A nonpartisan staff appointing authority who receives the independ-

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

6 (C) The appropriate committee on conduct that receives the independent  
7 investigator's final report under subparagraph (A)(ii) of this paragraph  
8 shall, **if the investigator determined that a violation of the rule had**  
9 **occurred**, make a recommendation on remedial measures described in sub-  
10 section (15) of this rule to the supervising member of the Legislative As-  
11 sembly within *[seven]* **14** days of receiving the investigator's final report. The  
12 supervising member of the Legislative Assembly shall consider the recom-  
13 mendations and make a final determination on the remedial measures within  
14 *[14]* **21** days of receiving the investigator's final report.

15 (15) Remedial measures.

16 (a) In a case where the respondent is a member of the Legislative As-  
17 sembly and the appropriate committee on conduct has made a determination  
18 under subsection (14)(e) of this rule that a violation of this rule has oc-  
19 curred, the committee shall impose any remedy that is sufficient to  
20 reprimand the member and deter future conduct that violates the rule, in-  
21 cluding but not limited to a reprimand, monetary fine or other remedy that  
22 the committee determines is appropriate under the circumstances, except  
23 that:

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

27 (B) If the committee recommendation is to remove the member from one  
28 or more committees to which the member is assigned, the committee shall  
29 report that recommendation to the presiding officer of that chamber.

30 (b)(A) In a case where the respondent is a Legislative Branch employee  
31 in a nonpartisan staff position, the appointing authority, in consultation

1 with the Human Resources Director, shall determine an appropriate remedy  
2 that is consistent with the independent investigator's determination that the  
3 respondent violated the requirements of this rule.

4 (B) The respondent may appeal the investigator's final report or any re-  
5 medial measure imposed under this paragraph after the report has been de-  
6 livered to the appointing authority but no later than seven days after the  
7 imposition of remedial measures under this subsection, except that any ap-  
8 peal must be based only on:

9 (i) Newly discovered evidence that was not taken into account by the in-  
10 vestigator;

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

12 (iii) A claim that the investigator or the person or committee that im-  
13 posed a remedy acted with bias.

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

15 (c)(A) In a case where the respondent is a Legislative Branch employee  
16 in a partisan staff position, the committee on conduct of the chamber with  
17 which the employee is affiliated shall, **if the investigator determined that**  
18 **a violation of the rule had occurred**, make a recommendation on an ap-  
19 propriate remedy consistent with the independent investigator's determi-  
20 nation that the respondent violated the requirements of this rule. The  
21 committee's recommendation shall be made to the member of the Legislative  
22 Assembly for whom the respondent works.

23 (B) The member shall determine the appropriate remedy within the time  
24 prescribed in subsection (14)(g)(C) of this rule and shall notify the Legisla-  
25 tive Equity Officer upon making the determination.

26 (C) If the Legislative Equity Officer determines that no remedial measures  
27 were imposed under subparagraph (B) of this paragraph or that the remedial  
28 measures imposed were substantially different from the remedial measures  
29 recommended by the committee, the officer shall notify the committee of the  
30 disparity. The committee may hold a hearing and may impose a remedy.

31 (D) The respondent may appeal the investigator's final report or the re-

1 medial measure imposed under this paragraph to the committee on conduct  
2 with which the respondent is associated within seven days after the remedial  
3 measure is imposed, except that any appeal must be based only on a claim  
4 described in paragraph (b)(B) of this subsection.

5 (d)(A) In a case where the respondent is a lobbyist, employee of a con-  
6 tractor or other person who is present in the State Capitol for professional  
7 or work reasons, or is a member of the public, and the independent  
8 investigator's final report determines that a violation of this rule has oc-  
9 curred, the Legislative Administrator shall determine an appropriate remedy  
10 that is consistent with the investigator's determination. The respondent may  
11 appeal the investigator's final report or the remedy determined by the Leg-  
12 islative Administrator to the co-chairs of the Legislative Administration  
13 Committee within seven days of the Legislative Administrator's determi-  
14 nation, except that any appeal must be based only on a claim described in  
15 paragraph (b)(B) of this subsection.

16 (B) If the respondent is a lobbyist, employee of a contractor or other  
17 person who is present in the State Capitol for professional or work reasons,  
18 the Legislative Administrator shall provide notice of the proposed remedy  
19 under this paragraph to the respondent and the respondent's employer within  
20 14 days of receiving the final report from the investigator. If the respondent  
21 is a lobbyist who is a member of an association of professional lobbyists, the  
22 Legislative Administrator shall also provide notice of the proposed remedy  
23 to the association.

24 (C) The Legislative Administrator may modify the proposed remedy at any  
25 time until 28 days after receipt of the investigator's final report, but there-  
26 after the proposed remedy is final.

27 **(e) In addition to the follow up described in subsection (9)(b) of this**  
28 **rule, the Legislative Equity Officer shall engage in final process**  
29 **counseling with an impacted party as soon as is practicable after:**

30 **(A) A determination is made under subsection (14) that no violation**  
31 **of this rule occurred; or**

1       **(B) A final determination is made under this subsection concerning**  
2 **the imposition of remedies.**

3       (16) Confidentiality and transparency.

4       (a) The independent investigator undertaking an investigation under sub-  
5 section (14) of this rule and the Legislative Equity Officer shall provide as  
6 much privacy as possible during the course of an investigation.

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

10       (A) The investigator may disclose the fact of the investigation and any  
11 relevant details of the investigation to the appointing authority of the  
12 complainant and the respondent and the Joint Committee on Conduct, if the  
13 investigator determines there is a legitimate need to disclose the informa-  
14 tion; and

15       (B) In the case of a respondent who is a member of the Legislative As-  
16 sembly, the investigator may disclose the fact of the investigation and any  
17 relevant details of the investigation to the person to whom the conduct  
18 complaint was delivered under subsection [(12)(e)(B)] **(12)(f)(B)** of this rule.

19       (c) A conduct complaint made under subsection (12) of this rule is  
20 disclosable upon being made under subsection (12) of this rule, but all re-  
21 cords relating to an ongoing investigation under subsection (14) of this rule  
22 shall be maintained in confidence.

23       (d) Records and information of the independent investigator and the Leg-  
24 islative Equity Officer shall be exempt from disclosure as prescribed under  
25 applicable law, except that, also as prescribed under applicable law:

26       (A) A conduct complaint made under subsection (12) of this rule is  
27 disclosable when requested;

28       (B) Records relating to a member of the Legislative Assembly following  
29 a conduct complaint being made concerning the member are subject to dis-  
30 closure after the fact-finding investigation has concluded, even if a legisla-  
31 tive committee has not yet met or deliberated on the investigation's findings;

1 and

2 (C) Records relating to an investigation of allegations of conduct prohib-  
 3 ited by legislative branch personnel rules and not described in subparagraph  
 4 (A) or (B) of this paragraph are subject to disclosure upon a determination  
 5 being made that the person who was the subject of the investigation is sub-  
 6 ject to remedial measures or discipline.

7 (17) Establishment of committees on conduct.

8 (a)(A) The Senate Committee on Conduct is established, consisting of four  
 9 Senators and [*two*] **six** alternates. Two Senators and [*one alternate*] **three**  
 10 **alternates** must be from the majority party and two Senators and [*one al-*  
 11 *ternate*] **three alternates** must be from the minority party. Each Senator  
 12 must be approved by majority vote of the Senate to serve on the committee  
 13 or to serve as an alternate, following being nominated by any Senator. The  
 14 majority and minority caucus leaders shall each nominate at least one Sen-  
 15 ator to serve as a committee member from their caucus.

16 (B) The Senate Committee on Conduct shall perform those functions as-  
 17 signed by this rule to carry out the purposes of Article IV, section 15, of the  
 18 Oregon Constitution, for the Senate.

19 (C) The Senate shall appoint members of the Senate Committee on Con-  
 20 duct within 15 days after the date of the convening of an organizational  
 21 session of the odd-numbered year regular session of the Legislative Assembly,  
 22 as soon as practicable after a vacancy occurs or as soon as practicable after  
 23 this rule takes effect.

24 (b)(A) The House Committee on Conduct is established, consisting of four  
 25 Representatives and [*two*] **six** alternates. Two Representatives and [*one al-*  
 26 *ternate*] **three alternates** must be from the majority party and two Repre-  
 27 sentatives and [*one alternate*] **three alternates** must be from the minority  
 28 party. Each Representative must be appointed by majority vote of the House  
 29 of Representatives to serve on the committee or to serve as an alternate,  
 30 following being nominated by any Representative. The majority and minority  
 31 caucus leaders shall each nominate at least one Representative to serve as

1 a committee member from their caucus.

2 (B) The House Committee on Conduct shall perform those functions as-  
3 signed by this rule to carry out the purposes of Article IV, section 15, of the  
4 Oregon Constitution, for the House of Representatives.

5 (C) The House of Representatives shall appoint members of the House  
6 Committee on Conduct within 15 days after the date of the convening of an  
7 organizational session of the odd-numbered year regular session of the Leg-  
8 islative Assembly, as soon as practicable after a vacancy occurs or as soon  
9 as practicable after this rule takes effect.

10 (c) The members of the Senate Committee on Conduct and the members  
11 of the House Committee on Conduct shall together comprise the Joint Com-  
12 mittee on Conduct. The Joint Committee on Conduct shall perform the duties  
13 assigned to the joint committee under chapter [\_\_\_\_\_] **604**, Oregon Laws 2019  
14 [*Enrolled House Bill 3377*] (as amended by *HB 3377-9 amendments*), or this  
15 rule.

16 (d)(A) When a member of a committee on conduct is named as a re-  
17 spondent under this rule, the member may not serve as a member of the  
18 committee or as a member of the joint committee until the matter is resolved.

19 **(B) When a member of a committee on conduct is a complainant**  
20 **or is identified as an impacted party in a final report in a matter that**  
21 **is pending before a committee on conduct, the member shall be**  
22 **recused from participating in the matter as a committee member.**

23 **(e) If an alternate is required to serve as a member of a committee**  
24 **on conduct, the specific alternate shall be selected so as to preserve**  
25 **the balance of committee membership between majority party and**  
26 **minority party members and thereafter in the order in which the al-**  
27 **ternate was appointed to be an alternate.**

28 (18) Respectful workplace policies.

29 (a) The Joint Committee on Conduct shall develop and maintain a  
30 respectful workplace policy to address conduct that is inconsistent with the  
31 policy direction established for the Legislative Branch as set forth in sub-

1 section (1) of this rule but that does not rise to the level of creating a hostile  
2 work environment or violating public accommodation law.

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

7 (c) For Legislative Branch employees, the policy shall also establish pro-  
8 cedures for determining and imposing proportionate discipline when appro-  
9 priate.

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

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

17 (19) Recommendation.

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

24 (20) Application.

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

29

\_\_\_\_\_