

HCR 206-3
(LC 297)
3/3/20 (DJ/ps)

Requested by JOINT COMMITTEE ON CONDUCT

**PROPOSED AMENDMENTS TO
HOUSE CONCURRENT RESOLUTION 206**

1 On page 1 of the printed concurrent resolution, line 4, after “amended”
2 insert “, and Legislative Branch Personnel Rule 27-A is adopted,”.

3 On page 3, line 32, delete the comma.

4 On page 4, line 24, after the first “toward” delete the rest of the line.

5 In line 25, delete “a protected class” and insert “an individual or group
6 of individuals”.

7 On page 5, line 8, delete “incite or”.

8 On page 8, line 28, delete the comma.

9 Delete lines 34 through 45.

10 On page 9, delete lines 1 through 8 and insert:

11 “(i)(A) The Legislative Equity Officer shall review all conduct reports
12 received under this subsection to determine whether the reported conduct,
13 when taken on its face, could be prohibited by this rule. The officer may, in
14 the officer’s discretion, ask an independent investigator to determine whether
15 the reported conduct, when taken on its face, could be prohibited by this
16 rule. If the officer or investigator determines that an investigation is war-
17 ranted, the officer shall confer with each impacted party, provide an expla-
18 nation of the investigation process and inform the impacted party that they
19 may opt out of proceeding with an investigation.

20 “(B) If the impacted party does not opt out of proceeding with the inves-
21 tigation, an investigation as described in subsection (14) of this rule shall

1 be undertaken.

2 “(C) If the impacted party opts out of proceeding with an investigation,
3 the Legislative Equity Officer shall maintain confidential records of the re-
4 port to be used for determining if there is a pattern of conduct that violates
5 this rule or applicable respectful workplace policies. The officer shall provide
6 the impacted party with information on available resources, including re-
7 sources described in subsection (10)(e)(B) and (C) of this rule.

8 “(D) If the Legislative Equity Officer or investigator determines that the
9 reported conduct, on its face, is not conduct prohibited by this rule, the of-
10 ficer may:

11 “(i) Engage in specific coaching of individuals to eliminate any uncer-
12 tainty over appropriate workplace behavior;

13 “(ii) Confer with and make recommendations to the appropriate appoint-
14 ing authority or legislative leader to facilitate training or guidance being
15 given to address reported circumstances; or

16 “(iii) Take any other action that is warranted to achieve the policies es-
17 tablished under these rules.”.

18 On page 12, after line 22, insert:

19 “(C) In all investigations, the independent investigator shall consider
20 whether the conduct that is the subject of the investigation constitutes dis-
21 crimination by denigrating or showing hostility toward a protected class or
22 toward an individual because of the individual’s status as a member of a
23 protected class. The investigator shall report the investigator’s consider-
24 ations under this subparagraph in the investigator’s draft written
25 findings.”.

26 In line 23, delete “(C)” and insert “(D)”.

27 Delete lines 25 through 29 and insert:

28 “(E) The independent investigator shall consider responses supplied under
29 subparagraph (D) of this paragraph and shall prepare a final report that sets
30 forth the investigator’s findings of fact and considerations regarding the

1 presence or absence of discrimination described in subparagraph (C) of this
2 paragraph. If the respondent is someone other than a member of the Legis-
3 lative Assembly, the final report should also include a determination by the
4 investigator of whether the facts constitute a violation of this rule.”.

5 On page 13, delete lines 12 through 15 and insert:

6 “(ii) In the case of a respondent who is a Legislative Branch employee in
7 a partisan staff position, to the respondent’s appointing authority and, if the
8 investigator determined that a violation of the rule had occurred, to the
9 committee on conduct of the chamber with which the employee is
10 affiliated.”.

11 In line 39, delete “, except that”.

12 Delete lines 40 through 45 and insert:

13 “(A) Except that, if the committee recommendation is to expel the mem-
14 ber, the committee shall report that recommendation to the full chamber,
15 which shall act on that recommendation at its earliest opportunity;

16 “(B) Except that, if the committee recommendation is to remove the
17 member from one or more committees to which the member is assigned, un-
18 less subparagraph (C) of this paragraph applies, the committee shall report
19 that recommendation to the presiding officer of that chamber; and

20 “(C) Including the removal of the member from the committee on conduct.
21 If a member is removed from the committee on conduct under this subsection,
22 the member also is removed from the Joint Committee on Conduct.”.

23 On page 14, after line 45, insert:

24 “(e) Each officer or entity charged with imposing a remedial measure
25 under this subsection shall consider and weigh the presence or absence of
26 discrimination as described in subsection (14)(d)(C) of this rule in the con-
27 duct found to be a violation of this rule. Because the Legislative Branch is
28 committed to promoting a safe, respectful and inclusive workplace and envi-
29 ronment in the State Capitol, a finding that discrimination was present in
30 the conduct found to be a violation of this rule justifies enhancing the se-

1 verity of the remedy to be imposed.”.

2 On page 15, line 1, delete “(e)” and insert “(f)” and delete “follow up” and
3 insert “follow-up”.

4 On page 16, line 23, delete “may not serve” and insert “shall be recused
5 from service”.

6 On page 17, after line 11, insert:

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8 **“Legislative Branch Personnel Rule 27-A:**

9 **“(1) The amendments to Legislative Branch Personnel Rule 27 by**
10 **this concurrent resolution apply to conduct reports and conduct com-**
11 **plaints that are made on or after the date this concurrent resolution**
12 **is adopted, and to investigations of those reports and complaints.**

13 **“(2) This rule is repealed on December 31, 2025.”.**

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