

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require District government agencies to collect data regarding the volumes of sexual harassment complaints that their employees raise and regarding the outcomes of such complaints, and to require the Office of Human Rights to compile and submit an annual report to the Council and Office of the Attorney General regarding the data collected.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sexual Harassment Data Collection and Reporting Act of 2022”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Sexual harassment” shall have the same meaning as applied pursuant to section 211 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11).

(2) “Sexual Harassment Officer” means, for each agency of the District government, the agency’s equal employment opportunity officer, human resources manager, or individual competent in equal employment opportunity laws who has been designated by the agency to accept sexual harassment complaints and to review and investigate claims and who has been registered with the Office of Human Rights for that purpose.

Sec. 3. Tracking sexual harassment complaints.

(a) For each fiscal year, each agency shall track how many sexual harassment complaints by the agency’s employees:

- (1) Have been reported;
- (2) Have been resolved by mediation;
- (3) Have been investigated;
- (4) Have been substantiated through investigation;
- (5) Have been deemed unsubstantiated through investigation;
- (6) Have resulted in administrative or disciplinary action against one or more individuals determined to have sexually harassed the complainant;
- (7) Have resulted in legal action;
- (8) Have resulted in a financial settlement; and

(9) Are pending.

(b) Each agency shall also track the amounts of all financial settlements resulting from sexual harassment complaints involving the agency during each fiscal year.

(c) Each agency shall facilitate compliance with subsections (a) and (b) of this section by ensuring that either its Sexual Harassment Officer or an alternative agency designee, as identified in writing to the Office of Human Rights, are notified within 30 days any time an employee of the agency complains of sexual harassment, and by ensuring that the Sexual Harassment Officer or an alternative agency designee has continuous access to all information necessary to comply with subsections (a) and (b); provided, that if an employee's complaint is against an agency's Sexual Harassment Officer or alternative agency designee, the agency shall ensure that all information that would be tracked by the Sexual Harassment Officer or alternative agency designee under subsections (a) and (b) regarding the complaint is reported directly to the Office of Human Rights within 30 days of each occurrence.

Sec. 4. Reporting.

(a) By November 12, 2023, and annually thereafter, each agency shall transmit all data collected pursuant to section 3 of this act regarding the preceding fiscal year to the Office of Human Rights.

(b) By December 3, 2023, and annually thereafter, the Office of Human Rights shall submit a report to the Council and the Office of the Attorney General including the data described in section 3 of this act for each agency. For agencies with fewer than 50 employees, the Office of Human Rights may elect to report some of the information listed in section 3(a) in aggregate format across clusters of up to 5 agencies if the Director of the Office of Human Rights, in consultation with the Director of the Department of Human Resources, determines doing so is necessary to safeguard the confidentiality of individual employees.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia