

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 532

Representatives Galonski, Fedor

**Cosponsors: Representatives Boggs, Kent, Smith, K., Boccieri, Miller, O'Brien,
Kelly, Rogers, Sheehy, West**

A BILL

To enact sections 109.67, 124.75, and 125.113 of 1
the Revised Code to require all state officials 2
and employees and all employees of state 3
contractors and vendors to complete training on 4
the prevention and elimination of sexual 5
harassment and to establish a Commission on 6
Sexual Harassment within the office of the 7
Attorney General to study and make 8
recommendations to eliminate workplace sexual 9
harassment. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.67, 124.75, and 125.113 of 11
the Revised Code be enacted to read as follows: 12

Sec. 109.67. (A) There is hereby created in the office of 13
the attorney general a commission on sexual harassment, the 14
purpose of which is to study the scope of, and to establish 15
strategies to prevent and eliminate, workplace sexual 16
harassment. 17

The attorney general shall appoint those members of the 18
commission as are necessary to exercise the commission's duties. 19
In addition to the appointed members, any organization, person, 20
or other governmental agency with an interest and expertise in 21
preventing and eliminating workplace sexual harassment may 22
provide assistance to the commission in carrying out its duties 23
through such means as conducting research, providing information 24
or materials, and making recommendations regarding the 25
prevention and elimination of workplace sexual harassment. 26
Members of the commission shall receive no compensation or 27
reimbursement for expenses incurred in the performance of their 28
duties. 29

(B) (1) The commission shall publish a report that includes 30
all of the following: 31

(a) Statistical data on workplace sexual harassment in 32
this state, including, to the extent available, information on 33
the number and types of complaints filed, the number of lawsuits 34
filed or concluded, and the manner in which complaints and 35
lawsuits were resolved; 36

(b) Best practices for state agencies and other employers 37
to prevent or eliminate workplace sexual harassment, including 38
recommendations on information to be included in workplace 39
sexual harassment policies; 40

(c) Recommendations for statutory or administrative rule 41
changes to assist in the prevention or elimination of workplace 42
sexual harassment, including recommended changes to the 43
complaint and resolution process. 44

(2) Each state agency shall cooperate with the commission 45
in providing statistical information required to be included in 46

the commission's report under division (B) (1) (a) of this 47
section. 48

(3) The commission shall publish its first report not 49
later than the thirty-first day of January that immediately 50
follows the date that is one year after the effective date of 51
this section. Thereafter, the commission shall publish the 52
report not later than January thirty-first of each year. 53

(C) Sections 101.82 to 101.87 of the Revised Code do not 54
apply to the commission. 55

Sec. 124.75. (A) As used in this section: 56

(1) "Public official" means any elected or appointed 57
officer, employee, or agent of the state, whether in a temporary 58
or permanent capacity, and includes, but is not limited to, 59
legislators and justices of the supreme court. "Public official" 60
does not include an employee, officer, or governor-appointed 61
member of the board of directors of the nonprofit corporation 62
formed under section 187.01 of the Revised Code. 63

(2) "Sexual harassment," "gender-based harassment," and 64
"hostile work environment" have the same meanings as used by the 65
United States equal employment opportunity commission or its 66
successor in providing policy guidance and enforcement under 67
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et 68
seq. 69

(B) Beginning one year after the effective date of this 70
section, each state agency shall require all public officials to 71
complete interactive training according to the schedule set 72
forth in division (C) of this section that includes information 73
on all of the following topics: 74

(1) Activities and behaviors that constitute workplace 75

sexual harassment or gender-based harassment or that create a 76
hostile work environment; 77

(2) Ways to prevent or eliminate workplace sexual 78
harassment, gender-based harassment, and hostile work 79
environments; 80

(3) The process by which employees may file a complaint 81
alleging sexual harassment, gender-based harassment, or a 82
hostile work environment, and the steps for investigating and 83
resolving such a complaint. 84

(C) (1) Public officials shall first complete the training 85
described in division (B) of this section by not later than one 86
of the following dates: 87

(a) For an elected or appointed official in office on the 88
date that is one year after the effective date of this section 89
or an employee employed on that date, sixty days after that 90
date; 91

(b) For an elected or appointed official who takes office 92
or an employee who commences employment with a state agency on 93
any date that is after the date described in division (C) (1) (a) 94
of this section, sixty days after the date the official takes 95
office or the state employee commences employment. 96

(2) After completing initial training, a public official 97
shall complete the training at least once per year during the 98
elected or appointed official's term of office or at least once 99
per year while the person is a state employee. 100

(D) The director of administrative services shall develop 101
an interactive training module that meets the requirements of 102
division (B) of this section and make that module available to 103
all state agencies. The director shall include in the training 104

module a process by which each state agency can track and 105
determine whether each public official employed by that agency 106
has properly completed the training. The director may make any 107
training module developed under this division available for use 108
by state contractors as provided under section 125.113 of the 109
Revised Code. 110

Sec. 125.113. (A) As used in this section, "sexual 111
harassment," "gender-based harassment," and "hostile work 112
environment" have the same meanings as used by the United States 113
equal employment opportunity commission or its successor in 114
providing policy guidance and enforcement under Title VII of the 115
Civil Rights Act of 1964, 42 U.S.C. 2000e et seq. 116

(B) Beginning one year after the effective date of this 117
section, every contract for or on behalf of the state for 118
services or for any purchase shall contain provisions by which 119
the contractor agrees that each of the contractor's employees 120
will complete, according to the schedule established in division 121
(C) of this section, interactive training that includes 122
information on all of the following topics: 123

(1) Activities and behaviors that constitute workplace 124
sexual harassment or gender-based harassment or that create a 125
hostile work environment; 126

(2) Ways to prevent or eliminate workplace sexual 127
harassment, gender-based harassment, and hostile work 128
environments; 129

(3) The process by which employees may file a complaint 130
alleging sexual harassment, gender-based harassment, or a 131
hostile work environment, and the steps for investigating and 132
resolving such a complaint. 133

(C) (1) Except as otherwise provided in division (C) (2) of 134
this section, the contract shall require each of the 135
contractor's employees to complete the training described in 136
division (A) of this section according to the following 137
schedule: 138

(a) Not later than sixty days after the date the contract 139
is entered into, for any employee who is employed on that date; 140

(b) Not later than sixty days after hiring, for any 141
employee hired after the date on which the contract is entered 142
into and before the completion of the contract; 143

(c) At least once per year during the term of the 144
contract. 145

(2) An employee who has completed training meeting the 146
requirements of division (B) of this section within one calendar 147
year before the date the contract is entered into is exempt from 148
the requirement of division (C) (1) (a) of this section. 149

(D) A contractor may do any of the following to meet the 150
requirements of this section: 151

(1) Develop its own employee training that meets the 152
requirements of this section; 153

(2) Contract with a public or private entity to provide 154
that training; 155

(3) Use the training module developed for state employees 156
under section 124.75 of the Revised Code. 157