

HOUSE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION 20

By JOINT COMMITTEE ON CAPITOL CULTURE

May 6

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

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3 lative Assembly, is repealed and the following Legislative Branch Personnel Rule 27 is adopted in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

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

8 “Further resolved that a new Legislative Branch Personnel Rule 33 be adopted as a rule of
9 proceeding of the Senate and the House of Representatives and a joint rule of proceeding applicable
10 to the Legislative Branch, as follows:”.

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

12 “**Legislative Branch Personnel Rule 27: Safe, Respectful and Inclusive Workplace.**

13 “**(1) Policy.**

14 “**(a) The Legislative Branch is committed to promoting a respectful and inclusive envi-
15 ronment in the State Capitol and in any setting in which conduct has the ability to create a
16 Capitol environment that is intimidating, hostile or offensive, or may constitute conduct that
17 amounts to retaliation for the making of a good-faith complaint under this rule or for par-
18 ticipation in an investigation under this rule.**

19 “**(b) The Legislative Branch is committed to providing a safe and respectful workplace
20 and to taking proactive steps to improve its culture so that behavior from any source that
21 has a negative impact on the workplace may be effectively reported and promptly addressed
22 and resolved.**

23 “**(c) The Legislative Branch is equally committed to protecting freedom of speech and
24 expression, as guaranteed to all persons through the free expression protections of Article
25 I, section 8, of the Oregon Constitution, and through the First Amendment to the United
26 States Constitution, and the Legislative Branch recognizes that the constitutional pro-
27 tections guaranteeing freedom of speech and expression must be taken into account in de-
28 termining the rights afforded to individuals in the State Capitol under this rule.**

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

32 “**(e) Members of the Legislative Assembly and all Legislative Branch employees are ex-
33 pected to conduct themselves in a manner that is free of harassment and to discourage all
34 harassment in the workplace and at professional meetings, seminars or at any event at
35 which legislative business is conducted.**

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

5 “(A) Enhancing options available to victims who seek to remain anonymous; and

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

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

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

16 “(2) Application.

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

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

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

30 “(A) Members of the Legislative Assembly;

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

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

33 “(D) Contractors or employees of contractors who engage in business with the Legislative
34 Branch;

35 “(E) Employees of the State of Oregon who are not employees of the Legislative Branch;
36 and

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

38 “(3) Definitions.

39 “(a) ‘Agency head’ means the Legislative Administrator, the Legislative Counsel, the
40 Legislative Equity Officer, the Legislative Fiscal Officer, the Legislative Policy and Research
41 Director, the Legislative Revenue Officer and the Executive Director of the Commission on
42 Indian Services.

43 “(b) ‘Appointing authority’ means the person who has authority in the interest of the
44 employer to hire, transfer, suspend, lay off, promote, terminate or discipline an employee.

45 “(c) ‘Caucus leader’ means the Democratic or Republican leader of the Senate or the

1 Democratic or Republican leader of the House of Representatives.

2 “(d) ‘Caucus office’ means the office of the Democratic or Republican leader of the Sen-
3 ate or the office of the Democratic or Republican leader of the House of Representatives.

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

5 “(f) ‘Employee’ means an employee who is performing services on behalf of the Legisla-
6 tive Branch. ‘Employee’ includes any intern, extern or volunteer who is affiliated with a
7 Legislative Branch office.

8 “(g) ‘Employee Services’ means the division of Legislative Administration charged with
9 employment and human resources administration for the Legislative Branch.

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

11 “(i) ‘Independent investigator’ or ‘investigator’ means an investigator under contract
12 pursuant to section 6, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as
13 amended by HB 3377-9 amendments), who is available to perform or is performing an inves-
14 tigation under this rule.

15 “(j) ‘Legislative Branch’ means members and employees of the Legislative Assembly, the
16 parliamentary offices, Legislative Administration, the Legislative Counsel Office, the Legis-
17 lative Equity Office, the Legislative Fiscal Office, the Legislative Policy and Research Office,
18 the Legislative Revenue Office and the Commission on Indian Services.

19 “(k) ‘Legislative Equity Officer’ means the Legislative Equity Officer appointed under
20 section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB
21 3377-9 amendments) or an acting equity officer serving under section 3 or 4, chapter
22 _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amend-
23 ments).

24 “(L) ‘Member of the Legislative Assembly’ or ‘member’ means a Senator or a Represen-
25 tative.

26 “(m) ‘Nonpartisan staff’ means an employee of the parliamentary offices, Legislative
27 Administration, the Legislative Counsel Office, the Legislative Equity Office, the Legislative
28 Fiscal Office, the Legislative Policy and Research Office, the Legislative Revenue Office or
29 the Commission on Indian Services.

30 “(n) ‘Offsite process counselor’ means a person unaffiliated with the Legislative Branch
31 who has entered into a contract with the Legislative Equity Officer under section 14, chapter
32 _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amend-
33 ments), to provide services described in subsection (10) of this rule.

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

36 “(p) ‘Parliamentary office’ means the Office of the Secretary of the Senate or the Office
37 of the Chief Clerk of the House of Representatives.

38 “(q) ‘Partisan staff’ means an employee working directly for a member of the Legislative
39 Assembly, an employee of a caucus office or an employee of the office of the Senate Presi-
40 dent or the office of the Speaker of the House of Representatives.

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

43 “(A) Sex;

44 “(B) Race;

45 “(C) Ethnicity;

1 “(D) National origin;
2 “(E) Age;
3 “(F) Religion;
4 “(G) Marital status;
5 “(H) Sexual orientation;
6 “(I) Gender identity or expression;
7 “(J) Engaging in whistleblowing activity;
8 “(K) Opposing an employer’s actions when the employee reasonably believes the actions
9 to be unlawful;
10 “(L) Taking leave from work for purposes protected by law, including but not limited to
11 leave under the Oregon Family Leave Act, the federal Family and Medical Leave Act or
12 disability-related leave;
13 “(M) Injured worker status;
14 “(N) Disability; or
15 “(O) Veteran status.
16 “(s) ‘Respondent’ means a person named in a conduct complaint made under subsection
17 (12) of this rule as engaging in behavior that is prohibited by this rule or a person who is the
18 subject of an investigation under subsection (14) of this rule to determine whether the person
19 engaged in behavior that is prohibited by this rule.
20 “(t) ‘Supervisor’ means an employee of the Legislative Branch who manages or directs
21 the work of another employee of the Legislative Branch.
22 “(4) Harassment and hostile work environment.
23 “(a) An individual engages in harassment by engaging in verbal or physical conduct, in-
24 cluding making a visual display or causing a visual display to be shown, that denigrates or
25 shows hostility toward a protected class or toward an individual because of the individual’s
26 status as a member of a protected class. Examples of harassment may include, but are not
27 limited to:
28 “(A) Name-calling, slurs or stereotyping;
29 “(B) Threatening, intimidating or hostile acts that relate to a protected class;
30 “(C) Belittling, demeaning or humiliating a person or group of persons because of a pro-
31 tected class; or
32 “(D) Displaying written or graphic material that is described in subparagraphs (A) to (C)
33 of this paragraph.
34 “(b) Harassment does not include every minor annoyance or disappointment that an
35 employee may encounter in the course of performing the employee’s job.
36 “(c) An individual creates a hostile work environment by engaging in behavior that is
37 unwelcome and is so severe or pervasive that it either affects a person’s ability to function
38 in the workplace or denies a person the benefits of the workplace.
39 “(5) Sexual harassment.
40 “(a) An individual engages in sexual harassment when the individual engages in unwel-
41 come conduct of a sexual nature, including but not limited to sexual advances, requests for
42 sexual favors, sexual comment, unwanted or offensive touching or physical contact, un-
43 wanted closeness, impeding or blocking movement, sexual gesture, sexual innuendo, sexual
44 joke, sexually charged language, intimate inquiry, persistent unwanted courting, sexist in-
45 sult, gender stereotype, or other verbal or physical conduct of a sexual nature, if:

1 “(A) Submission to the conduct is made either explicitly or implicitly a term or condition
2 of a person’s employment;

3 “(B) A person expressly or by implication conveys that declining to submit to the conduct
4 will affect an individual’s job, leave request, benefits, business before the Legislative As-
5 sembly, influence or opportunity of the individual to engage professionally with the Legisla-
6 tive Assembly, its members or staff; or

7 “(C) The unwelcome conduct has the purpose or effect of unreasonably interfering with
8 a person’s job performance, or creates a work environment that a reasonable person would
9 find intimidating, hostile or offensive. For purposes of this rule, ‘unwelcome conduct’ means
10 conduct that an individual does not incite or solicit and that the individual regards as unde-
11 sirable or offensive. An individual may withdraw consent to conduct that was previously
12 welcomed, though a withdrawal of consent must be communicated to the person for whom
13 consent is being withdrawn.

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

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

16 “(B) Demands for sexual favors in exchange for favorable treatment or continued em-
17 ployment.

18 “(C) Sexual jokes.

19 “(D) Verbal abuse of a sexual nature.

20 “(E) Verbal commentary about the body, sexual prowess or sexual deficiency of an indi-
21 vidual.

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

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

24 “(H) Displaying sexually suggestive objects or pictures.

25 “(I) Sending or forwarding electronic mail or other communications of an offensive or
26 graphic sexual nature.

27 “(J) Discriminatory treatment based on sex.

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

30 “(6) Retaliation.

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

34 “(b) A person engages in retaliation if the person treats another individual less favorably
35 because that individual engaged in a process described in this rule or implemented one or
36 more provisions of this rule.

37 “(c) A person engages in retaliation if the person treats another individual less favorably
38 because the individual made a good-faith complaint or took other action to address conduct
39 prohibited in any respectful workplace policy adopted by the Joint Committee on Conduct
40 under section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended
41 by HB 3377-9 amendments), or this rule.

42 “(7) Examples.

43 “(a) The Legislative Equity Officer shall develop and propose to the Joint Committee on
44 Conduct examples of what constitutes harassment, a hostile work environment, sexual
45 harassment and retaliation under this rule. The committee shall approve, modify or reject

1 proposed examples presented to the committee.

2 “(b) The Legislative Equity Officer shall maintain and publish examples of what consti-
3 tutes harassment, a hostile work environment, sexual harassment and retaliation that have
4 been approved by the committee under this subsection.

5 “(8) Prohibitions.

6 “The Legislative Branch prohibits conduct that:

7 “(a) Constitutes harassment and creates a hostile work environment;

8 “(b) Constitutes sexual harassment and creates a hostile work environment;

9 “(c) Constitutes an unlawful practice that aids or abets discrimination in a place of public
10 accommodation under the laws of the state; or

11 “(d) Is retaliation.

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

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

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

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

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

18 “(b) In each case of a disclosure, report or complaint made under this rule, the Legisla-
19 tive Equity Officer or the independent investigator, whichever is appropriate, shall follow up
20 with the individual who experienced, or believes they experienced, conduct prohibited by this
21 rule, at least once every three months for the year following the disclosure, report or com-
22 plaint, to determine whether the alleged prohibited conduct has stopped and to determine
23 whether the individual has experienced retaliation. The officer or investigator shall give the
24 individual written notice at the outset of the follow-up period that follow-up described in this
25 paragraph will occur unless the individual requests in writing that the officer or investigator
26 not follow up.

27 “(10) Confidential disclosure process.

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

31 “(b) Information reported to the Legislative Equity Officer or offsite process counselor,
32 records created by the officer or counselor and the identity of the individual making a dis-
33 closure under this subsection are confidential and may not be disclosed by the officer or
34 counselor, except that the officer or counselor:

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

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

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

41 “(D) May disclose nonpersonally identifiable information to an individual who has made
42 a confidential disclosure under this subsection for the purpose of encouraging the individual
43 to make a conduct report under subsection (11) of this rule or a conduct complaint under
44 subsection (12) of this rule.

45 “(c) Notwithstanding paragraph (b) of this subsection:

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

4 “(B) The Legislative Equity Officer or offsite process counselor may not disclose infor-
5 mation or records to an independent investigator, except that nonpersonally identifiable in-
6 formation may be disclosed 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 States Constitution.

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

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

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

16 “(e) When an individual makes a confidential disclosure under this subsection, the Leg-
17 islative Equity Officer or offsite process counselor:

18 “(A) Shall advise the individual making the disclosure of other options that are available
19 to address the conduct, including conduct reports under subsection (11) of this rule, conduct
20 complaints under subsection (12) of this rule, interim safety measures under subsection (13)
21 of this rule, state and federal administrative options with the Bureau of Labor and Industries
22 and the Equal Employment Opportunity Commission of the United States, law enforcement
23 or the civil judicial process;

24 “(B) In the case of an individual making the disclosure being affiliated with an institution
25 that is subject to Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 to 1688,
26 as amended, shall advise the individual of the Title IX reporting process and provide appli-
27 cable institution contact information and information on the resources available at the in-
28 stitution;

29 “(C) Shall explain the availability of employee assistance program counselors and other
30 available service providers and may refer the individual making a disclosure under this sub-
31 section to a counselor or other provider, as appropriate; and

32 “(D) Shall explain the actions that the officer or counselor may take following a disclo-
33 sure made under this subsection and due process and other rights that limit the scope of
34 actions that may be taken following a disclosure under this subsection, including possible
35 limitations on the availability of safety measures.

36 “(f) If requested by an individual making a disclosure under this subsection, the Legisla-
37 tive Equity Officer or offsite process counselor shall refrain from making a confidential re-
38 cord of the identity of the individual making the disclosure. The officer or counselor shall
39 explain the availability of this option to any individual making a disclosure under this sub-
40 section.

41 “(g)(A) The Legislative Equity Officer, on or before July 1, 2020, shall establish a means
42 for individuals to make disclosures under this subsection that are entirely anonymous, so
43 that the Legislative Equity Officer or offsite process counselor cannot determine the identity
44 of the individual making a disclosure using means described in this paragraph.

45 “(B) In the event of an anonymous disclosure made under this paragraph, paragraphs (d),

1 (e) and (f) of this subsection do not apply.

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

7 “(11) Conduct reports.

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

12 “(b) An appointing authority, including any member of the Legislative Assembly, shall
13 promptly make a conduct report under this subsection if they have received information that
14 they reasonably believe describes behavior that may be prohibited by this rule, have observed
15 behavior that they reasonably believe may be prohibited by this rule or in any way have
16 knowledge of behavior that they reasonably believe may be prohibited by this rule.

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

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

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

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

32 “(A) An independent investigator;

33 “(B) The Legislative Equity Officer;

34 “(C) The Human Resources Director; or

35 “(D) Staff of Employee Services who have been designated by the Human Resources Di-
36 rector to receive conduct reports made under this subsection.

37 “(g) A reporter may make a conduct report in any form and using any means. However,
38 the Joint Committee on Conduct established under section 1, chapter _____, Oregon Laws
39 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), shall establish uni-
40 form recordkeeping processes applicable to the Legislative Equity Officer and Employee
41 Services to ensure that conduct reports made under this subsection are adequately docu-
42 mented.

43 “(h) A conduct report made under this subsection that is received by the Legislative
44 Equity Officer, Employee Services or the Human Resources Director shall be forwarded to
45 the independent investigator.

1 “(i) The independent investigator shall review all conduct reports that the investigator
2 receives under this subsection to determine whether the reported conduct, when taken on
3 its face, could be prohibited by this rule. If the investigator determines that an investigation
4 is warranted, an investigation as described in subsection (14) of this rule shall be undertaken
5 and the investigator or the Legislative Equity Officer shall provide the person who is re-
6 ported to be experiencing the conduct with information on available resources, including re-
7 sources described in subsection (10)(e)(B) and (C) of this rule. If the investigator determines
8 that the reported conduct, on its face, is not conduct prohibited by this rule, the investigator
9 may:

10 “(A) Engage in specific coaching of individuals to eliminate any uncertainty over appro-
11 priate workplace behavior;

12 “(B) Confer with and recommend that the Legislative Equity Officer provide additional
13 training to address reported circumstances;

14 “(C) Confer with and make recommendations to the appropriate appointing authority or
15 legislative leader to facilitate training or guidance being given to address reported circum-
16 stances; or

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

19 “(12) Conduct complaints.

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

24 “(b) A conduct complaint must:

25 “(A) Be in writing;

26 “(B) Identify the complainant and the person being accused of engaging in conduct pro-
27 hibited by this rule;

28 “(C) Set forth the facts and circumstances that the complainant believes describe con-
29 duct that is prohibited by this rule; and

30 “(D) Be made in a declaration under penalty of perjury that is satisfied when the
31 declarant signs the complaint immediately under a sentence that states, ‘I hereby declare
32 that the above statement is true to the best of my knowledge and belief, and that I under-
33 stand it is made for use as evidence in proceedings under Legislative Branch Personnel Rule
34 27 and is subject to penalty for perjury.’

35 “(c) A conduct complaint shall be delivered to the Legislative Equity Officer, who shall
36 convey the complaint to an independent investigator, except that a conduct complaint may
37 be delivered by the complainant directly to the independent investigator.

38 “(d) The independent investigator shall promptly examine the conduct complaint and de-
39 termine if the complaint meets the requirements of paragraph (b) of this subsection. If the
40 complaint does not meet the requirements of paragraph (b) of this subsection, the investi-
41 gator shall request the complainant to supplement the complaint. A complaint that does not
42 meet the requirements of paragraph (b) of this subsection may not be the subject of an in-
43 vestigation under subsection (14) of this rule.

44 “(e) The independent investigator shall promptly:

45 “(A) Deliver a copy of the conduct complaint to the person accused of engaging in be-

1 havior prohibited by this rule, who shall thereafter be the respondent; and

2 “(B) If the respondent:

3 “(i) Is a member of the Legislative Assembly, deliver a copy of the complaint to the
4 caucus leader of the caucus in which the member serves;

5 “(ii) Is a caucus leader, deliver a copy of the complaint to the presiding officer of the
6 chamber in which the caucus leader serves and to a member who is in an elected leadership
7 position of the caucus in which the caucus leader serves;

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

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

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

13 “(vi) Is a registered lobbyist, executive or judicial branch employee, employee of a con-
14 tractor or a member of the public, deliver a copy of the complaint to the Legislative Ad-
15 ministrator.

16 “(f) The independent investigator shall promptly provide, or shall ensure that the Legis-
17 lative Equity Officer provides, the complainant with information on available resources, in-
18 cluding resources described in subsection (10)(e)(B) and (C) of this rule.

19 “(g) Upon delivery of the conduct complaint, the independent investigator shall promptly
20 begin the investigation described in subsection (14) of this rule and recommend any neces-
21 sary interim safety measures as described in subsection (13) of this rule.

22 “(13) Interim safety measures.

23 “(a) Upon receipt of a conduct report made under subsection (11) of this rule or a con-
24 duct complaint made under subsection (12) of this rule, or at any time during the course of
25 an investigation, the independent investigator may determine that an interim safety measure
26 needs to be implemented to ensure the safety of the complainant or any other individual who
27 has experienced behavior that is prohibited by this rule or who may reasonably be foreseen
28 as at risk of being subjected to behavior that is prohibited by this rule. The Legislative Eq-
29 uity Officer or an offsite process counselor may also recommend an interim safety measure
30 if interim safety measures are sought by an individual making a confidential disclosure under
31 subsection (10) of this rule. The investigator, officer or counselor may recommend any in-
32 terim safety measure that they determine is appropriate to the situation, including but not
33 limited to:

34 “(A) Temporary reassignment of the respondent;

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

37 “(C) Establishing a no contact order;

38 “(D) Placing the respondent on paid or unpaid leave and prohibiting the respondent from
39 being present in the workplace or the State Capitol;

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

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

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

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

3 “(B) Any interim safety measure that is imposed on a member of the Legislative As-
4 sembly must be narrowly tailored to minimize limitations on the member’s ability to perform
5 core legislative functions and to address immediate safety concerns, and an interim safety
6 measure may not be imposed until after the member is given notice of the proposed interim
7 safety measure and an opportunity to be heard by the applicable chamber committee on
8 conduct.

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

10 “(A) The committee on conduct of the chamber in which the respondent serves is au-
11 thorized to impose an interim safety measure on the respondent that lasts no longer than
12 until the complaint is resolved;

13 “(B) The independent investigator shall report the investigator’s interim safety recom-
14 mendation and the reasons for the recommendation to the respondent, to the committee and
15 to the presiding officer of the chamber; and

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

20 “(e) If the respondent is not a member of the Legislative Assembly, the independent in-
21 vestigator shall make the investigator’s interim safety recommendation:

22 “(A) In the case of a respondent who is a Legislative Branch employee in either a parti-
23 san or nonpartisan staff position, to the employee’s appointing authority.

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

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

28 “(f) The person who receives the independent investigator’s interim safety recommen-
29 dation made under paragraph (e) of this subsection shall act promptly on the recommen-
30 dation.

31 “(g) The Legislative Equity Officer or an offsite process counselor that has received a
32 confidential disclosure under subsection (10) of this rule may recommend interim safety
33 measures under this subsection if requested by the individual making a disclosure under
34 subsection (10) of this rule, except that the interim safety measure may not:

35 “(A) Identify the individual making the confidential disclosure without the consent of the
36 individual; or

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

39 “(14) Investigations.

40 “(a) As soon as is practicable after adoption of this rule and chapter _____, Oregon
41 Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), the Joint
42 Committee on Conduct shall:

43 “(A) Adopt standards and criteria for the selection of an independent investigator unaf-
44 filiated with the Legislative Branch, and the Legislative Equity Officer shall maintain a list
45 of potential independent investigators who meet the standards and criteria established by the

1 committee; and

2 “(B) Direct the Legislative Equity Officer to enter into one or more contracts with indi-
3 viduals who meet the standards and criteria established by the committee, to serve as an
4 independent investigator under this rule.

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

11 “(c) The independent investigator shall keep the complainant and the respondent apprised
12 of the investigation timeline and the status of the investigation at the outset of an investi-
13 gation, on a regular basis thereafter and upon request of the complainant or respondent.

14 “(d)(A) The independent investigator shall use best practices in conducting the investi-
15 gation and shall make findings of fact relevant to the allegations. The investigator shall
16 prepare draft written findings of fact at least eight days before the investigation must be
17 concluded under paragraph (b) of this subsection and shall provide the draft written findings
18 to the complainant and the respondent.

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

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

24 “(D) The independent investigator shall consider responses supplied under subparagraph
25 (C) of this paragraph and shall prepare a final report that sets forth the investigator’s
26 findings of fact. If the respondent is someone other than a member of the Legislative As-
27 sembly, the final report should also include a determination by the investigator of whether
28 the facts constitute a violation of this rule.

29 “(e)(A) If a member of the Legislative Assembly is the respondent, the independent in-
30 vestigator shall deliver the final report to the complainant, the respondent and the commit-
31 tee on conduct for the chamber in which the respondent serves on or before the date
32 established under paragraph (b) of this subsection for the completion of the investigation.

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

37 “(C) The committee on conduct shall conduct a hearing on the allegations made in the
38 complaint and the investigator’s final report within 14 days of receiving the report from the
39 investigator. The committee shall permit the complainant and the respondent to appear,
40 present documents and physical evidence and suggest witnesses. The committee may deter-
41 mine to hear witnesses, but only committee members may question witnesses.

42 “(D) At the hearing or a subsequent hearing, the committee on conduct shall deliberate
43 and:

44 “(i) Make a final determination of facts;

45 “(ii) Make a final determination of whether the facts constitute a violation of this rule;

1 and

2 “(iii) If the determination is that a violation of this rule occurred, prescribe or recom-
3 mend remedies as described in subsection (15) of this rule.

4 “(f) If a member of the Legislative Assembly is the respondent and irrevocably resigns
5 the member’s office at any time after the conduct complaint is made, the investigation de-
6 scribed in this subsection and the committee on conduct hearing and final committee deter-
7 minations described in paragraph (e) of this subsection shall nevertheless take place.

8 “(g)(A) If someone other than a member of the Legislative Assembly is the respondent,
9 the independent investigator shall deliver the final report, including proposed findings of vi-
10 olations, to the complainant, the respondent and:

11 “(i) In the case of a respondent who is a Legislative Branch employee in a nonpartisan
12 staff position, to the respondent’s appointing authority.

13 “(ii) In the case of a respondent who is a Legislative Branch employee in a partisan staff
14 position, to the respondent’s appointing authority and to the committee on conduct of the
15 chamber with which the employee is affiliated.

16 “(iii) In the case of a respondent who is a State of Oregon employee but not a Legislative
17 Branch employee, to the Legislative Administrator and the respondent’s agency director.

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

20 “(B) A nonpartisan staff appointing authority who receives the independent investigator’s
21 final report under subparagraph (A)(i) of this paragraph, or the Legislative Administrator
22 upon receiving the independent investigator’s final report under subparagraph (A)(iii) or (iv)
23 of this paragraph, shall determine remedial measures described in subsection (15) of this rule
24 within 14 days of receiving the investigator’s final report.

25 “(C) The appropriate committee on conduct that receives the independent investigator’s
26 final report under subparagraph (A)(ii) of this paragraph shall make a recommendation on
27 remedial measures described in subsection (15) of this rule to the supervising member of the
28 Legislative Assembly within seven days of receiving the investigator’s final report. The
29 supervising member of the Legislative Assembly shall consider the recommendations and
30 make a final determination on the remedial measures within 14 days of receiving the
31 investigator’s final report.

32 “(15) Remedial measures.

33 “(a) In a case where the respondent is a member of the Legislative Assembly and the
34 appropriate committee on conduct has made a determination under subsection (14)(e) of this
35 rule that a violation of this rule has occurred, the committee shall impose any remedy that
36 is sufficient to reprimand the member and deter future conduct that violates the rule, in-
37 cluding but not limited to a reprimand, monetary fine or other remedy that the committee
38 determines is appropriate under the circumstances, except that:

39 “(A) If the committee recommendation is to expel the member, the committee shall re-
40 port that recommendation to the full chamber, which shall act on that recommendation at
41 its earliest opportunity; and

42 “(B) If the committee recommendation is to remove the member from one or more
43 committees to which the member is assigned, the committee shall report that recommen-
44 dation to the presiding officer of that chamber.

45 “(b)(A) In a case where the respondent is a Legislative Branch employee in a nonpartisan

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

4 “(B) The respondent may appeal the investigator’s final report or any remedial measure
5 imposed under this paragraph after the report has been delivered to the appointing authority
6 but no later than seven days after the imposition of remedial measures under this sub-
7 section, except that any appeal must be based only on:

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

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

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

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

13 “(c)(A) In a case where the respondent is a Legislative Branch employee in a partisan
14 staff position, the committee on conduct of the chamber with which the employee is affiliated
15 shall make a recommendation on an appropriate remedy consistent with the independent
16 investigator’s determination that the respondent violated the requirements of this rule. The
17 committee’s recommendation shall be made to the member of the Legislative Assembly for
18 whom the respondent works.

19 “(B) The member shall determine the appropriate remedy within the time prescribed in
20 subsection (14)(g)(C) of this rule and shall notify the Legislative Equity Officer upon making
21 the determination.

22 “(C) If the Legislative Equity Officer determines that no remedial measures were im-
23 posed under subparagraph (B) of this paragraph or that the remedial measures imposed were
24 substantially different from the remedial measures recommended by the committee, the of-
25 ficer shall notify the committee of the disparity. The committee may hold a hearing and may
26 impose a remedy.

27 “(D) The respondent may appeal the investigator’s final report or the remedial measure
28 imposed under this paragraph to the committee on conduct with which the respondent is
29 associated within seven days after the remedial measure is imposed, except that any appeal
30 must be based only on a claim described in paragraph (b)(B) of this subsection.

31 “(d)(A) In a case where the respondent is a lobbyist, employee of a contractor or other
32 person who is present in the State Capitol for professional or work reasons, or is a member
33 of the public, and the independent investigator’s final report determines that a violation of
34 this rule has occurred, the Legislative Administrator shall determine an appropriate remedy
35 that is consistent with the investigator’s determination. The respondent may appeal the
36 investigator’s final report or the remedy determined by the Legislative Administrator to the
37 co-chairs of the Legislative Administration Committee within seven days of the Legislative
38 Administrator’s determination, except that any appeal must be based only on a claim de-
39 scribed in paragraph (b)(B) of this subsection.

40 “(B) If the respondent is a lobbyist, employee of a contractor or other person who is
41 present in the State Capitol for professional or work reasons, the Legislative Administrator
42 shall provide notice of the proposed remedy under this paragraph to the respondent and the
43 respondent’s employer within 14 days of receiving the final report from the investigator. If
44 the respondent is a lobbyist who is a member of an association of professional lobbyists, the
45 Legislative Administrator shall also provide notice of the proposed remedy to the association.

1 “(C) The Legislative Administrator may modify the proposed remedy at any time until
2 28 days after receipt of the investigator’s final report, but thereafter the proposed remedy
3 is final.

4 “(16) Confidentiality and transparency.

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

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

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

14 “(B) In the case of a respondent who is a member of the Legislative Assembly, the in-
15 vestigator may disclose the fact of the investigation and any relevant details of the investi-
16 gation to the person to whom the conduct complaint was delivered under subsection
17 (12)(e)(B) of this rule.

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

21 “(d) Records and information of the independent investigator and the Legislative Equity
22 Officer shall be exempt from disclosure as prescribed under applicable law, except that, also
23 as prescribed under applicable law:

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

26 “(B) Records relating to a member of the Legislative Assembly following a conduct
27 complaint being made concerning the member are subject to disclosure after the fact-finding
28 investigation has concluded, even if a legislative committee has not yet met or deliberated
29 on the investigation’s findings; and

30 “(C) Records relating to an investigation of allegations of conduct prohibited by legisla-
31 tive branch personnel rules and not described in subparagraph (A) or (B) of this paragraph
32 are subject to disclosure upon a determination being made that the person who was the
33 subject of the investigation is subject to remedial measures or discipline.

34 “(17) Establishment of committees on conduct.

35 “(a)(A) The Senate Committee on Conduct is established, consisting of four Senators and
36 two alternates. Two Senators and one alternate must be from the majority party and two
37 Senators and one alternate must be from the minority party. Each Senator must be approved
38 by majority vote of the Senate to serve on the committee or to serve as an alternate, fol-
39 lowing being nominated by any Senator. The majority and minority caucus leaders shall each
40 nominate at least one Senator to serve as a committee member from their caucus.

41 “(B) The Senate Committee on Conduct shall perform those functions assigned by this
42 rule to carry out the purposes of Article IV, section 15, of the Oregon Constitution, for the
43 Senate.

44 “(C) The Senate shall appoint members of the Senate Committee on Conduct within 15
45 days after the date of the convening of an organizational session of the odd-numbered year

1 regular session of the Legislative Assembly, as soon as practicable after a vacancy occurs
2 or as soon as practicable after this rule takes effect.

3 “(b)(A) The House Committee on Conduct is established, consisting of four Representa-
4 tives and two alternates. Two Representatives and one alternate must be from the major-
5 ity party and two Representatives and one alternate must be from the minority party. Each
6 Representative must be appointed by majority vote of the House of Representatives to serve
7 on the committee or to serve as an alternate, following being nominated by any Representa-
8 tive. The majority and minority caucus leaders shall each nominate at least one Representa-
9 tive to serve as a committee member from their caucus.

10 “(B) The House Committee on Conduct shall perform those functions assigned by this
11 rule to carry out the purposes of Article IV, section 15, of the Oregon Constitution, for the
12 House of Representatives.

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

17 “(c) The members of the Senate Committee on Conduct and the members of the House
18 Committee on Conduct shall together comprise the Joint Committee on Conduct. The Joint
19 Committee on Conduct shall perform the duties assigned to the joint committee under
20 chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9
21 amendments), or this rule.

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

25 “(18) Respectful workplace policies.

26 “(a) The Joint Committee on Conduct shall develop and maintain a respectful workplace
27 policy to address conduct that is inconsistent with the policy direction established for the
28 Legislative Branch as set forth in subsection (1) of this rule but that does not rise to the
29 level of creating a hostile work environment or violating public accommodation law.

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

33 “(c) For Legislative Branch employees, the policy shall also establish procedures for de-
34 termining and imposing proportionate discipline when appropriate.

35 “(d) For members of the Legislative Assembly, the policy shall also establish procedures
36 for making recommendations to the appropriate committee on conduct established in sub-
37 section (17) of this rule for proportionate discipline when appropriate.

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

40 “(19) Recommendation.

41 “The Joint Committee on Conduct shall on or before January 1, 2021, make a recom-
42 mendation to the President of the Senate and the Speaker of the House of Representatives
43 on whether investigation functions described in this rule shall continue to be performed by
44 one or more independent investigators or shall be performed by Legislative Branch personnel
45 affiliated with the Legislative Equity Office.

1 **“(20) Application.**

2 **“The five-year limitation in subsections (11)(a) and (12)(a) of this rule applies to conduct**
3 **occurring before, on or after the effective date of this rule, but does not operate to revive**
4 **a claim barred by a previous iteration of this rule.**

5
6 **“Legislative Branch Personnel Rule 12: Resignation, Retirement or Separation from Ser-**
7 **vice.**

8 **“APPLICABILITY:** This rule applies to all employees of the Legislative Branch **and all interns,**
9 **externs and volunteers performing service in the Legislative Branch.** This rule does not apply
10 to members of the Legislative Assembly.

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

14 **“(2) Notification to Employee Services and Legislative Equity Officer.**

15 **“(a)** Upon notification from an employee of a pending resignation or retirement, the employee’s
16 appointing authority shall notify Employee Services before the effective date of the resignation or
17 retirement.

18 **“(b) The supervisor or appointing authority of each intern, extern or volunteer shall no-**
19 **tify the Legislative Equity Officer appointed under section 1, chapter _____, Oregon Laws**
20 **2019 (Enrolled House Bill 3377) (as amended by HB 3377-9 amendments), or the officer’s**
21 **designee, when an intern, extern or volunteer plans to separate from service in the Legisla-**
22 **tive Branch.**

23 **“(c) The Legislative Equity Officer, or the officer’s designee, shall proactively attempt**
24 **to conduct an exit interview with each employee, intern, extern or volunteer who is resign-**
25 **ing, retiring or otherwise separating from service. If limited by resources, the Legislative**
26 **Equity Officer shall prioritize conducting exit interviews with interns, externs and volun-**
27 **teers.**

28 **“(3) Job abandonment.**

29 **“(a)** An employee who fails to report to work for five or more consecutive work days and fails
30 to contact the employee’s appointing authority, immediate supervisor or a staff member of Employee
31 Services may, at the discretion of the appointing authority, be deemed to have abandoned the
32 employee’s job and will be treated as having voluntarily resigned.

33 **“(b)** If the appointing authority deems that the employee has abandoned the employee’s job, the
34 appointing authority shall notify the employee in writing by mailing notice to the employee’s address
35 on record with Employee Services, and give the employee the opportunity to present extenuating
36 circumstances for not reporting for work or contacting the appointing authority.

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

40
41 **“Rule 32: Employees of Members, Leadership, Caucuses and Nonpartisan Offices.**

42 **“APPLICABILITY:** This rule applies to [*personal staff of members of the Legislative Assembly*
43 *and to caucus office and leadership office staff*] **all employees, interns, externs and volunteers of**
44 **the Legislative Branch.**

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

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

3 “(b) Applicants for personal staff positions shall apply for employment in the manner prescribed
4 by the member of the Legislative Assembly. The application must include, at a minimum, a summary
5 of the applicant’s prior relevant education and experience and a signed legislative application form
6 as required of all applicants for other positions.

7 “(c) **Notwithstanding paragraph (b) of this subsection, a copy of each application received**
8 **under this subsection for which the appointing authority determines to appoint the applicant**
9 **shall be delivered to Employee Services prior to the date of appointment. Employee Services**
10 **shall maintain a database that includes personal contact information, start dates and, if ap-**
11 **licable, end dates for the appointment.**

12 “(2) Leadership office and caucus office staff.

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

15 “(b) Applicants for employment with a leadership office or a caucus office shall apply for em-
16 ployment in the manner prescribed by the appointing authority. The application must include, at a
17 minimum, a summary of the applicant’s prior relevant education and experience and a signed legis-
18 lative application form as required of all applicants for other positions.

19 “(c) **Notwithstanding paragraph (b) of this subsection, a copy of each application received**
20 **under this subsection for which the appointing authority determines to appoint the applicant**
21 **shall be delivered to Employee Services prior to the date of appointment. Employee Services**
22 **shall maintain a database that includes personal contact information, start dates and, if ap-**
23 **licable, end dates for the appointment.**

24 “(3) Nonpartisan staff.

25 “**Employees, interns, externs and volunteers serve at the pleasure of the appointing au-**
26 **thority. A copy of each application received by a nonpartisan office of the Legislative As-**
27 **sembly for which the appointing authority determines to appoint the applicant shall be**
28 **delivered to Employee Services prior to the date of appointment. Employee Services shall**
29 **maintain a database that includes personal contact information, start dates and, if applica-**
30 **ble, end dates for the appointment.**

31 “(4) Employee Services and the Legislative Equity Officer.

32 “(a) Following receipt of an application under this rule, Employee Services must notify
33 the Legislative Equity Officer of the start date of the employee, intern, extern or volunteer.
34 The officer shall ensure that each employee, intern, extern and volunteer, as soon as prac-
35 ticable after their start date, is provided with:

36 “(A) The training described in section 7 (1), chapter_____, Oregon Laws 2019 (Enrolled
37 House Bill 3377) (as amended by HB 3377-9 amendments);

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

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

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

43 “(b) The office shall ensure that each member of the Legislative Assembly and each
44 current employee of the Legislative Branch receives copies of the materials described in
45 paragraph (a)(B) to (D) of this subsection.

1 **“Legislative Branch Personnel Rule 33: Operative date and transition.**

2 **“(1) Subsections (1) to (16) of Legislative Branch Personnel Rule 27, as set forth in this**
3 **concurrent resolution, become operative on the date that the Joint Committee on Conduct,**
4 **as established in section 1, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as**
5 **amended by HB 3377-9 amendments), notifies the presiding officers that the Legislative Eq-**
6 **uity Officer, as established in section 1, chapter _____, Oregon Laws 2019 (Enrolled House**
7 **Bill 3377) (as amended by HB 3377-9 amendments), has been appointed or, pursuant to section**
8 **4, chapter _____, Oregon Laws 2019 (Enrolled House Bill 3377) (as amended by HB 3377-9**
9 **amendments), that an acting Legislative Equity Officer has been appointed.**

10 **“(2) For periods after the adoption of this concurrent resolution and before notice is**
11 **given under subsection (1) of this section, the Legislative Administrator and the Human Re-**
12 **sources Director may impose interim safety measures as described in Legislative Branch**
13 **Personnel Rule 27 (13), to protect any person present in the State Capitol from harassment,**
14 **sexual harassment or retaliation.”.**

15
