

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 828 Session of 2018

INTRODUCED BY DELOZIER, OBERLANDER, TOEPEL, TOOHL, STEPHENS, CHARLTON, RYAN, B. O'NEILL, GREINER, MILLARD, ENGLISH, MURT, ORTITAY, SAYLOR, KLUNK, WATSON, JOZWIAK, CAUSER, SCHLEGEL CULVER, REED, MARSICO, MENTZER, B. MILLER, GILLEN, M. QUINN, MOUL, WARD AND SIMMONS, APRIL 18, 2018

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 12, 2018

A RESOLUTION

1 Establishing the Task Force on Harassment and Sexual Misconduct
2 in the Workplace.

3 WHEREAS, The General Assembly finds and declares as follows:

4 (1) Recent events require a review of laws and
5 procedures relating to the prevention of and response to
6 harassment and sexual misconduct in the workplace and the
7 policies implemented for the protection and safety of
8 employees.

9 (2) A review of these laws and procedures will help to
10 ensure that employers in this Commonwealth are able to
11 adequately protect their employees.

12 (3) Therefore, the General Assembly shall establish a
13 task force to conduct a thorough and comprehensive review to
14 ascertain inadequacies of the laws, regulations or policies
15 of this Commonwealth relating to the prevention of and
16 response to harassment and sexual misconduct in the

1 workplace;

2 therefore be it

3 RESOLVED, That the Task Force on Harassment and Sexual
4 Misconduct in the Workplace be established; and be it further

5 RESOLVED, That the task force consist of the following
6 members, appointed within 25 days after the adoption of this
7 resolution:

8 (1) Six members knowledgeable and experienced in issues
9 relating to the prevention of and response to harassment and
10 sexual misconduct in the workplace as follows:

11 (i) Three members, who may be members of the Senate,
12 appointed by the President pro tempore of the Senate, in
13 consultation with the Majority Leader and the Minority
14 Leader of the Senate as follows:

15 (A) One member shall be an attorney with
16 significant practice expertise in the area of
17 employment law.

18 (B) One member shall have significant experience
19 in the human resources field.

20 (C) One member shall be an employer.

21 (ii) Three members, who may be members of the House
22 of Representatives shall be appointed by the Speaker of
23 the House of Representatives, in consultation with the
24 Majority Leader and Minority Leader of the House of
25 Representatives as follows:

26 (A) One member shall be an attorney with
27 significant practice expertise in the area of
28 employment law.

29 (B) One member shall have significant experience
30 in the human resources field.

1 (C) One member shall be an employer.

2 (2) Four members appointed by the Governor as follows:

3 (i) One member shall be a member of the general
4 public.

5 (ii) One member shall be a member of a victim
6 organization or a services organization who is directly
7 involved in providing services to victims of harassment
8 and sexual misconduct in the workplace.

9 (iii) One member shall be an attorney with
10 significant experience representing plaintiffs who have
11 been victims of harassment and sexual misconduct in the
12 workplace.

13 (iv) The Secretary of Administration, or a designee
14 who shall be an employee of the Governor's Office of
15 Administration.

16 (3) The Secretary of Labor and Industry, or a designee
17 who shall be an employee of the Department of Labor and
18 Industry appointed in writing with a copy submitted to the
19 chairperson of the task force;

20 and be it further

21 RESOLVED, That the task force select the chairperson from
22 among the members; and be it further

23 RESOLVED, That the task force conduct its business as
24 follows:

25 (1) The physical presence of six members constitutes a
26 quorum of the task force.

27 (2) Action of the task force shall be authorized or
28 ratified by a majority vote of its members.

29 (3) A member not physically present may participate by
30 teleconference or video conference.

1 (4) The following shall apply:

2 (i) The task force shall meet as necessary, but no
3 fewer than five times prior to ~~December 31, 2018~~ MARCH <--
4 31, 2019. Additional meetings may be called by the
5 chairperson as necessary.

6 (ii) The chairperson shall schedule a meeting upon
7 written request of eight members of the task force.

8 (iii) The first meeting shall be convened within 45
9 days.

10 (iv) The task force shall hold public hearings as
11 necessary to obtain the information required to conduct
12 its review.

13 (v) The Department of Labor and Industry, the
14 Pennsylvania Human Relations Commission and the Office of
15 Administration shall cooperate to provide administrative
16 or other assistance to the task force.

17 (vi) Members shall not receive compensation, but
18 shall be reimbursed for reasonable and necessary expenses
19 incurred in service of the task force;

20 and be it further

21 RESOLVED, That the task force have the following powers:

22 (1) To examine and analyze the practices, processes and
23 procedures relating to the prevention of and response to
24 harassment and sexual misconduct in the workplace.

25 (2) To review and analyze law, procedures, practices and
26 rules relating to the prevention of and response to
27 harassment and sexual misconduct in the workplace.

28 (3) To hold public hearings for the taking of testimony
29 and the requesting of documents;

30 and be it further

1 RESOLVED, That the chairperson of the task force have the
2 powers:

3 (1) To administer oaths and affirmations to witnesses
4 appearing before the task force.

5 (2) To grant a one-time extension up to 30 days of the
6 report deadline upon written notification to the Governor,
7 President pro tempore of the Senate and the Speaker of the
8 House of Representatives.

9 (3) To grant a one-time extension of the task force
10 expiration in accordance to the extension of the report
11 deadline;

12 and be it further

13 RESOLVED, That the task force have the following duties:

14 (1) To accept and review written comments from
15 individuals and organizations.

16 (2) To make, by ~~January 31, 2019~~ MAY 31, 2019, a final <--
17 report to the Governor, the Senate and the House of
18 Representatives.

19 (3) Based on the review, the report under paragraph (2)
20 shall include the following recommendations:

21 (i) To improve the reporting of harassment and
22 sexual misconduct in the workplace.

23 (ii) To implement any necessary changes to State
24 statutes and practices, policies or procedures relating
25 to the prevention of and response to harassment and
26 sexual misconduct in the workplace.

27 (iii) To encourage Pennsylvania employers to adopt
28 effective training practices in the workplace for the
29 prevention of and response to harassment and sexual
30 misconduct.

1 (4) To make reports as follows:

2 (i) The task force may file status reports and
3 updates with the Governor, the Senate and the House of
4 Representatives as it deems appropriate.

5 (ii) A report under this paragraph shall be adopted
6 at a public meeting.

7 (iii) A report under this paragraph shall be a
8 public record under the act of February 14, 2008 (P.L.6,
9 No.3), known as the Right-to-Know Law;

10 and be it further

11 RESOLVED, That the task force expire ~~February 28, 2019~~ JUNE <--
12 30, 2019.