

HOUSE COMMITTEE ON RULES AND REORGANIZATION

April 28, 1993 Hearing Room E 1:30 p.m. Tapes 52 - 53

MEMBERS PRESENT: Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair
Rep. Dave McTeague Rep. Cedric Hayden Rep. Fred Girod Rep. Avel Gordly
Rep. Delna Jones

MEMBER EXCUSED: Rep. Michael Payne Rep. Eldon Johnson

STAFF PRESENT: Adrienne Sexton, Committee Administrator Kenneth
Brady, Committee Clerk

MEASURES CONSIDERED: HR 1 - Establishes informal and formal
procedures for sexual harrassment complaints

SCR 2 - Celebrates Aurora Centennial

SCR 3 - Celebrates Mt. Angel Centennial

HJR 52 - Designates May 2 as commemoration of
Champoeg State Park

HB 3422 - Requires state agencies to measure success
in meeting Oregon Benchmarks

WITNESSES: Rep. Bev Clarno, HR1 Rep. Margaret Carter, HR1
Rep. Ted Calouri, HR1 Kathleen Beaufait, HR1 Rep. Lisa Naito, HR1 Rep.
Jim Edmunson, HR1 Rep. Patti Milne, SCR 2 & SCR 3

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 38, SIDE A 007 REPRESENTATIVE JOHN WATT, COMMITTEE CHAIR:
Convenes meeting at 1:37 p.m. -Opens public hearing on HR1.

PUBLIC HEARING - HR1

015 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains HR1.

036 REPRESENTATIVE BEVERLY CLARNO: Explains the sexual harrassment committee.

060 REPRESENTATIVE DELNA JONES: Which document is the definition of 'sexual harrassment' in?

063 CLARNO: Responds.

069 WATT: Questions when things would be sexually suggestive.

082 REPRESENTATIVE AVEL GORDLY: Responds.

090 CLARNO: Gives an example in response.

103 WATT: Will we be making decisions based on what the legislature deems objectionable or what the individual deems objectionable?

119 CLARNO: Responds.

133 REPRESENTATIVE MARGARET CARTER: Responds.

160 WATT: Gives an example and asks if that constitutes sexual harrassment.

180 CARTER: Responds.

200 CLARNO: Responds.

225 JONES: Where is the language 'unwanted or unwelcomed'?

235 CLARNO: Federal Civil Rights Act 7.

272 REPRESENTATIVE FRED GIROD: Shouldn't it read 'continued advances'.

299 WATT: Closes public hearing on HR1. -Opens work session on HR1.

WORK SESSION - HR1

303 REPRESENTATIVE LONNIE ROBERTS, VICE-CHAIR: The informal investigation is to see if there's warrant for a formal investigation.

322 CLARNO: Introduces Rep. Calouri to respond.

328 REPRESENTATIVE TED CALOURI: No. The idea is to try to take care of the incident on lower levels before ever having to go to a formal investigation or court.

349 CLARNO: Explains the procedures involved for informal and formal investigations.

375 ROBERTS: I believe there should be no sexual harrassment, but this scares me.

384 CARTER: The point of the informal is so that there's no media event made out of the incident if there's no basis for the charge.

408 WATT: Refers to written testimony. The complainant can skip the informal procedures and jump straight to the formal.

440 GORDLY: Correct.

453 ROBERTS: That just needs to be clearly stated.

465 CLARNO: Continues explaining the process.

TAPE 53, SIDE A

033 CLARNO: Continues explanation. Three main elements: -A strict policy in place. -Process for complaint. -Education (using videos).

047 ROBERTS: The videos, who produced them?

050 CLARNO: Designed for training in Oregon. -Explains section 1 in the resolution.

072 WATT: How about interim staff in places other than the Capitol?

077 CARTER: The same.

082 CLARNO: Explains section 2, 3, 4, 5.

099 ROBERTS: Questions the language 'has reason to suspect'.

104 CARTER: Explains the language.

110 CLARNO: Explains formal process, section 1, 2, 3, 4.

131 ROBERTS: What agency would you go to if you work for the legislature?

136 CLARNO: Administration.

152 GORDLY: The intent of the notice is to inform of options.

156 CLARNO: Explains differences between informal and formal complaints.

170 GORDLY: Continues explanation of section 4. -Discusses the intermediary.

203 CLARNO: Continues explanation of section 4. -Explains sections 5, 6, 7, 8, 9, 10, 11.

305 ROBERTS: These committee meetings would be public? Are these the informal meetings?

317 CLARNO: Only the formal investigations would have hearings.

320 JONES: Asks about the committee being able to follow up on charges even if charges are dropped.

324 CARTER: If someone has many charges against them and they are all dropped, we can still look into it.

347 GIROD: Page 2, line 30, why is the Chief Clerk one of the options

for an intermediary?

370 CLARNO: Explains why there is a broad base of intermediaries.

377 GIROD: How is this tighter legislation than other options?

383 CLARNO: Explains advantages of this legislation.

421 GORDLY: This approach is more outward than the Senate.

434 WATT: How long is the time deadline to file a complaint?

TAPE 52, SIDE B

030 GORDLY: The chart shows that. There will be a formal decision within 60 days.

035 WATT: No, how long do they have to make the complaint?

040 CLARNO: We did not discuss that.

046 WATT: Page 2, line 42, add "as determined by this rule."

060 CARTER: Those five main points I mentioned are: -The politicizing of the issue is played down. -The legislation be dealt with in a fair manner. -Dealt with in a timely manner. -Keep complaints from being media events. -Thoughtful and aware legislation.

090 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL: Answers question. -There is no limitation (similar to a statute of limitation). 113 WATT: This won't apply if the member isn't a member anymore, but would if they came back into the system.

131 JONES: Is there a limitation in the state statute?

134 BEAUFIT: I'm not sure.

137 GIROD: If it's a continual two-year harrassment, what would happen?

144 REPRESENTATIVE LISA NAITO: Submits written testimony (EXHIBIT B). Some of my comments also include Rep. Edmunson's thoughts.

192 WATT: Page 2, line 45, page 1, line 3 . . . if there were a list of options, would that calm your fears? So that the intermediary wouldn't

make approved suggestions?

203 NAITO: That would be better. My fear is that the people who are intermediaries should be attorneys. -Questions procedures. -What can be done after an informal investigation?

222 WATT: The informal process would be a lead-in to the formal process.

246 BEAUFIT: My understanding is that the informal process explores the problem, and the formal process would have to be used for anything more serious.

274 ROBERTS: If you move a complainant to a lower paying job, then that's a loss for the person.

282 BEAUFAIT: That can't be done. They have to keep their pay and career potential.

296 REPRESENTATIVE JIM EDMUNSON: Questions language in section 4, subsection 2.

338 BEAUFAIT: Notes a few technical changes.

346 WATT: The language "disciplinary" should be replaced with "remedial" for the sake of consistency?

365 EDMUNSON: Questions language in section 5.

413 WATT: Could you meet with staff and clear this up?

418 JONES: If the intermediary suggests something and it's not accepted, then that's a problem. How you state that makes the difference.

440 EDMUNSON: I have other concerns that I haven't written down yet. I can just address those to counsel.

453 WATT: Closes work session on HR1. -Opens public hearing on SCR 2.

PUBLIC HEARING - SCR 2

TAPE 53, SIDE B

033 SEXTON: Explains SCR 2.

044 WATT: Closes public hearing on SCR 2. -Opens work session on SCR 2 and SCR 3.

WORK SESSION - SCR 2 and SCR 3

062 REPRESENTATIVE PATTI MILNE: Submits written testimony (EXHIBIT C) in favor of SCR 2 and SCR 3.

116 JONES: I would like to have these at the floor session for Sunday.

120 MOTION: Rep. ROBERTS moves SCR 2 and SCR 3 to the floor with a DO PASS recommendation.

140 VOTE: In a ROLL CALL VOTE, all members present vote AYE.
EXCUSED: Rep. Johnson, Payne

150 WATT: Declares passed. Rep. Milne is the carrier. -Closes work session on SCR 2 and SCR 3. -Opens work session on HJR 52.

WORK SESSION - HJR 52

155 MOTION: Rep. JONES moves HJR 52 to the floor with a DO PASS recommendation.

160 VOTE: In a ROLL CALL VOTE, all members present vote AYE.

EXCUSED: Rep. Johnson, Payne

163 WATT: Declares passed. Rep. Meek is the carrier. -Closes work session on HJR 52. -Opens work session on HB 3422.

WORK SESSION - HB 3422

160 WATT: Explains bill.

171 MOTION: Rep. ROBERTS moves HB 3422 to the floor with a DO PASS recommendation.

175 VOTE: In a ROLL CALL VOTE, voting AYE: Rep. Girod, Gordly, Vice-Chair Roberts, Jones, McTeague, Chair Watt NAY: Rep. Hayden
EXCUSED: Rep. Johnson, Payne

190 WATT: Declares passed. Rep. Watt is the carrier. -Closes work session on HB 3422. -Adjourns at 3:55 p.m.

Submitted by: Reviewed by:

Kenneth Brady
Administrator

Adrienne Sexton Clerk

EXHIBIT LOG:

A - Draft of LC 3914 - Staff - 14 pages B - Testimony on HR1 - Lisa Naito - 3 pages C - Testimony on SCR 2 and SCR 3 - Patti Milne - 2 pages