

HOUSE COMMITTEE ON RULES AND REORGANIZATION

May 5, 1993                      Hearing Room E 1:30 p.m.                      Tapes 54 - 55 MEMBERS  
PRESENT:Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair Rep.  
Dave McTeague Rep. Cedric Hayden Rep. Michael Payne Rep. Eldon Johnson  
Rep. Fred Girod Rep. Avel Gordly Rep. Delna Jones STAFF  
PRESENT:Adrienne Sexton, Committee Administrator Kenneth Brady,  
Committee Clerk MEASURES CONSIDERED:     HR1- Proposed amendment to House  
Rules - Sexual Harrassment Policy WITNESSES:     Johnston Mitchell,  
Legislative Counsel, HR1

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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.

TAPE 54, SIDE A

003 REPRESENTATIVE JOHN WATT! COMMITTEE CHAIR: Convenes meeting at 1:37  
p.m. Opens work session on HR1.

WORK SESSION - HR1

008 ADRIENNE SEXTON! COMMITTEE ADMINISTRATOR: Answers previously asked  
questions from the last meeting on HR1. -Submits charts from Legislative  
Counsel (EXHIBIT A).

017 REPRESENTATIVE LONNIE ROBERTS. VICE-CHAIR: Questions why the time  
limit is one year. 020 SEXTON: That follows existing law -Reads notes  
from Rep. Edmunson 074 WATT: The statute could be kept according to  
Oregon Statute as one year from the date of the House Committee on Rules  
and Reorgan~zation May 5, 1993 - Page 2

alleged incident. 090 ROBERTS: That would be good to stay with statute.

095 REPRESENTATIVE AVEL GORDLY: So a complaint must be filed within  
that one year?

100 WATT: Yes.

103 GIROD: Could it go before the period in section 2?

105 WATT: Just add a sub 3.

107 SEXTON: Gives exact language. -"Formal and informal procedures  
provided for in this section would be used for complaints filed no later  
than one year from the date of the alleged event." 131 JOHNSTON  
MITCHELL. LEGISLATIVE COUNSEL: Discusses language.

154 JONES: Section 2, line 1 should read "sexual harrassment includes  
all unwelcomed conduct of a sexual nature." -or remove "of a sexual  
nature" because it's repetitious.

185 SEXTON: If we qualify the language with "unwelcome conduct of a  
sexual nature" have we eliminated anything in federal law?

213 MITCHELL: Rep. Jones is correct. 246 GIROD: Suggests language:  
"Sexual harrassment includes all conduct prohibited by federal and state

laws. Sexual harrasment also includes the unwelcomes behaviors such as . . ." 270 MITCHELL: Or you could say: ". . . and the following unwelcomed conduct: ", and then list them. 299 WATT: At the end of sub 2, after the word and, insert "the following unwelcome conduct: sub A" and list the behaviors by subletters. 307 MOTION: Rep. JONES moves to add "the following unwelcome conduct: sub A" and list the behaviors by subletters. 312 WATT: Hearing no objections, so ordered. 328 MOTION: Rep. JONES moves adoption of the amendment to HR20.01.

338 HAYDEN: In sub 2, what's a sexually subjective object or picture?

348 WATT: We've discussed that in the subcommittee.

375 HAYDEN: This may not work as a law.

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389 JONES: This is not a law, just an amendment to the House Rules and is only for the House of Representatives. 410 VOTE: In a ROLL CALL VOTE, all members present vote AYE. Vice-Chair Roberts is EXCUSED.

420 WATT: Declares amendments adopted. -Reads Rep. Edmunson's questions. -Asks Legislative Counsel for recommendation for language. TAPE55, SIDEA 025 MITCHELL: Specifies language changes in section 2, new sub 3. 040 MOTION: Rep. GIROD moves that the language "a person claiming to be aggrieved shall file a complaint to initiate the formal or informal procedures pursuant to House Rules and HR 1 no later than one year after the sexual harrasment ocured" be added to HR1.

051 PAYNE: After a year, that's as far as they can file a complaint?

053 WATT: Yes. 055 JONES: Is that the same as federal law?

057 WATT: Federal is 180 days, but state is 1 year.

062 HAYDEN: Asks Rep. Girod if he is against passing rules that are more stringent than the federal rules.

070 GIROD: We're talking about federal and state laws that are different.

078 PAYNE: I don't believe we should cut it off at a year.

085 VOTE: In a ROLL CALL VOTE, voting AYE: Rep. Girod, Gordly, Johnson, Jones, Hayden, McTeague, Chair Watt. NAY: Rep. Payne EXCUSED: Vice-Chair Roberts. 090 WATT: Declares amendments adopted to HR1. -In section 3, what language do you suggest for this amendment?

095 MCTEAGUE: Why do we need both a resolution and a rule?

100 GORDLY: The sexual harassment committee thought it necessary.

107 HAYDEN: On one hand it's a rule, the other a state law.

114 MITCHELL: A resolution is not a state law, because it is not signed by the governor.

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120 HAYDEN: Does it have the force of law?

122 MITCHELL: No.

125 HAYDEN: If it's not a law, could there be legal sanctions if it doesn't have the ability to be law?

140 MITCHELL: The rule refers to a resolution, so the power is there.

148 HAYDEN: Could we pass a rule that says there will be no raises?

165 WATT: In section 7, sub 1, explains sanctions and penalties.

180 HAYDEN: It is subject to grievance procedures.

190 JONES: Staff are hired and fired at our discretion.

195 HAYDEN: What if there's a problem between staff members and the representatives don't agree about the incident?

200 WATT: The supervisor would take care of it.

213 ROBERTS: Incidents should be taken care of even before this process is used if at all possible.

226 WATT: That is a good point and is common sense.

265 HAYDEN: Gives an example of sexual harrassment. What if I don't believe one of my staff is guilty?

285 JOHNSON: Nothing says the person must be fired, but just that the action stop.

293 HAYDEN: Line 36, section 7 speaks of termination.

296 WATT: Nothing says you have to, it's recommended only.

308 HAYDEN: It says "shall be imposed."

320 WATT: Do you view that as discretionary?

322 MITCHELL: I believe it is voluntary. Discretionary, yes.

330 HAYDEN: Isn't the "may" in the previous sentence relating to the type of penalty imposed.

333 MITCHELL: Yes.

336 HAYDEN: And then you "shall" do that, according to the next sentence.

362 MITCHELL: The language could be clearer, but my interpretation is that it is discretionary. 377 WATT: Asks Rep. Gordly what her interpretation is.

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395 GORDLY: I think it is not discretionary. It wasn't discussed extensively.

411 HAYDEN: That follows with my argument, so in line 36, change from 'shall' to 'may'.

427 JONES: Proposes language change: "If the sanction is to be imposed, it must be imposed by the supervising house member."

TAPE S4, SIDE B

040 ROBERTS: We should accept the responsibility for our own staff.

070 WATT: In section 3, we want lists of intermediaries to be available in each legislative office.

081 SEXTON: They should be given to each member and house office, not all legislative offices.

091 WATT: Do you have proposed language?

093 SEXTON: Add subsection 1, "Intermediaries will be contained in a listing distributed with a notice. "

101 GORDLY: What the committee envisioned was that all house members would see a list of what constitutes sexual harrassment, and who were intermediaries. 111 WATT: Add in section 4, 1b. "made available to each house office. " 119 ROBERTS: Who would print those lists?

125 WATT: The Chief Clerk.

133 SEXTON: Language, sub b, page 2 as an additional sentence: "designated intermediaries will be identified by name, phone number and location. Such lists will be available to each house member's office."

141 MOTION: Rep. JONES moves that the aforementioned language be added to HR 1.

147 WATT: Hearing no objections, so ordered. Reads Rep. Edmunson's letter.

158 GORDLY: Explains what the formal/informal processes do.

168 JONES: Page 3, line 12, should the language be "disciplinary" or "remedial" action?

176 SEXTON: On that same page it was remedial, so it was intended to stay the same.

182 MOTION: Rep. JONES replace "disciplinary" with "remedial."

186 PAYNE: Any legal difference?

190 JONES: We're trying to deal with this as an informal procedure.

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200 HAYDEN: Could you take remedial action while not advising the person who is the subject of the complaint?

207 JOHNSON: The person has to be advised.

219 WATT: Hearing no objections to the language change, so ordered.

222 GORDLY: Discipline is a stronger word.

235 WATT: We're adding this in the informal section. Just trying to match the language.

256 HAYDEN: The other amendment is in section 8, and deals with remedial versus coercive. Submits amendment (EXHIBIT B). -Deletes compulsory attendance at a course in sexual harrasment as a condition of employment.

285 JONES: This education is not an unreasonable request. Language doesn't need to change.

294 GIROD: I can see how some people don't have the need for the education.

305 PAYNE: Such as a volunteer, would they all have to go to education?

325 WATT: We want to set high standards.

350 GORDLY: This is an important issue and sexual harrasment is against the law. This is an opportunity to inform employees.

358 JOHNSON: It shouldn't count for volunteers.

362 WATT: Good point, but there will be personnel discretion.

378 ROBERTS: Repeat employees should only have to go to training once.

399 HAYDEN: The member could excuse employees from the training?

403 WATT: I would think so.

415 JONES: This is a chance to protect ourselves by offering these classes and to safeguard against sexual harrasment.

445 WATT: The first question that will be asked is did you attend the education, if an incident occurs.

469 MOTION: Rep. HAYDEN moves the language "A member may excuse staff, interns, volunteers and themselves from such attendance." be added.

TAPE 55, SIDE B 050 VOTE: In a ROLL CALL VOTE, voting AYE: Rep. Hayden, Payne NAY: Rep. Girod, Gordly, Johnson, Jones?

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McTeague, Vice-Chair Roberts, Chair Watt

056 WATT: Motion fails.

059 MOTION: Rep. PAYNE moves -8 amendments be adopted.

062 WATT: Recesses for five minutes. Reconvenes at 3:15 p.m. Reiterates Payne's motion.

066 HAYDEN: Would be appropriate in a remedial situation.

072 JONES: What did the committee envision about training?

078 GORDLY: High standard, availability of information, informing of options. 090 VOTE: In a ROLL CALL VOTE, voting AYE: Rep. Girod, Hayden, Payne, Vice-Chair Roberts NAY: Rep. Gordly, Johnson, Jones EXCUSED: Rep. McTeague 095 PAYNE: Changes vote to NAY and serves notice of possible minority report. 111 MOTION: Rep. ROBERTS moves HR1 to the floor with a DO PASS recommendation.

125 PAYNE: How long do we have to reconsider?

128 WATT: 24 hours. 136 MOTION: Rep. PAYNE moves for a possible reconsideration because Rep. McTeague was not present to vote.

140 JONES: The rules don't require a lapse of time to consider an amendment. 145 VOTE: (Rep. ROBERTS' motion) In a ROLL CALL VOTE, all members present vote AYE. EXCUSED: Rep. McTeague. 150 PAYNE: Serves notice of a possible reconsideration. 155 WATT: Closes work session on HR1. -Adjourns at 3:20 p.m.

Submitted by: Reviewed by: Kenneth Brady Adrienne Sexton  
Clerk Administrator \_ 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. House Committee on Rules and Reorganization May 5, 1993 - Page 8

EXHIBIT LOG:

A - Charts on House Rules - Staff - 2 pages B - Proposed  
amendments to House Rules - Cedric Hayden - 1 page C - Proposed  
amendments to House Rules - Beverly Clarno - 1 page

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