

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 817

Short Title: Gen. Assembly/Safe Workplace Policies. (Public)

Sponsors: Representatives Dahle, Everitt, and Butler (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE A CONFIDENTIAL PROCESS FOR REPORTING AND RESOLVING INCIDENTS OF SEXUAL HARASSMENT AND OTHER IMPROPER WORKPLACE BEHAVIOR IN THE GENERAL ASSEMBLY, TO REQUIRE TRAINING TO PREVENT WORKPLACE HARASSMENT AND OTHER IMPROPER WORKPLACE BEHAVIOR IN THE GENERAL ASSEMBLY, TO ADOPT CLEAR SANCTIONS, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 120 of the General Statutes is amended by adding a Article to read:

"Article 7E.

"Safe Workplace Act.

**"§ 120-36.25. Legislative findings; scope; definitions.**

(a) The General Assembly finds that early reporting and intervention are most effective in resolving actual or perceived incidents of improper workplace behavior and the General Assembly encourages the prompt reporting of incidents or concerns so that rapid and constructive action can be taken before relationships become irreparably strained and before offensive conduct continues or escalates. The General Assembly encourages good-faith reporting of all perceived incidents of improper workplace behavior, regardless of the offender's identity or position.

(b) This Article applies to legislators, regular, full-time, part-time, temporary, and contractual employees of the General Assembly, as well as unpaid volunteers and pages. In addition, this Article applies to the interaction of these individuals away from the legislative complex at legislature-sponsored events, professional meetings and seminars, and all activities that involve legislative business.

(c) As used in this Article, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical contact of a sexual nature and exists when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
- (3) Exposure to such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or



1 offensive working environment, which is perceived by the victim to be  
2 abusive or hostile.

3 **"§ 120-36.26. Mandatory workplace harassment prevention policies and education.**

4 (a) No later than December 31, 2019, the Legislative Services Commission (LSC) and  
5 the Legislative Ethics Committee (LEC) shall jointly develop, adopt, and implement "zero  
6 tolerance" policies regarding sexual harassment, abuse, misconduct, gender bias, and all other  
7 forms of improper workplace behaviors. The policies developed under this section shall be  
8 incorporated by reference into each chamber's permanent rules.

9 (b) The policies required under this section shall include all of the following:

10 (1) Mandatory annual ethics training for all legislators, legislative officers, and  
11 legislative employees of the General Assembly. The training will focus on the  
12 identification and prevention of sexual harassment, abuse, misconduct, gender  
13 bias, and all other forms of discrimination in the workplace.

14 (2) Effective and clear sanctions for incidents of sexual harassment, abuse,  
15 misconduct, gender bias, and all other forms of discrimination in the  
16 workplace. The sanctions shall be applicable to all legislators, legislative  
17 officers, and legislative employees.

18 (3) A complaint and investigation process as provided in G.S. 120-36.27.

19 **"§ 120-36.27. Reporting and investigation.**

20 (a) An individual who believes the individual has been the subject of or has witnessed  
21 improper workplace behavior should discuss the individual's concerns with any one of the  
22 following: the head of the Human Resources Office, the independent third party retained pursuant  
23 to G.S. 120-36.28, or the person designated by the majority and minority leaders of each  
24 chamber. The person who receives the report shall take steps to resolve the problem informally.

25 (b) If the problem is not resolved informally to the satisfaction of the individual who  
26 made the report, the person who received the report will promptly refer the matter to the  
27 independent third party retained pursuant to G.S. 120-36.28 to conduct an investigation of the  
28 complaint. All information will be maintained on a confidential basis to the greatest extent  
29 possible. Only those who need to know in order to accomplish the purpose of the investigation  
30 shall be provided with the identity of the complainant and the allegations. All parties, including  
31 the complainant and the alleged harasser, contacted in the course of an investigation shall be  
32 advised of the necessity of confidentiality and that any breach of confidentiality shall be treated  
33 as misconduct subject to disciplinary action.

34 (c) Adverse actions taken in retaliation against an individual for reporting sexual  
35 harassment or other unlawful discrimination or for participating in an investigation of a claim of  
36 harassment or discrimination constitute a serious violation of the Article and will be subject to  
37 disciplinary action.

38 **"§ 120-36.28. Independent third party.**

39 The LSC shall contract with an independent third party to provide the following services  
40 related to implementation of this Article:

41 (1) Confidential information and advice to individuals who report improper  
42 workplace behavior under G.S. 120-36.27(a).

43 (2) Investigative support and advice to the designated employee receiving and  
44 investigating reports of misconduct.

45 (3) Investigative actions under G.S. 120-36.27(b).

46 **"§ 120-36.29. Resolution.**

47 (a) In order to facilitate an appropriate resolution, any report involving a legislator or  
48 staff to a legislator will be brought to the attention of the relevant presiding officer as well as the  
49 relevant minority leader. Any report involving an employee of the LSC will be promptly brought  
50 to the attention of the Legislative Services Officer. If the investigation supports a finding of a  
51 violation of this Article, prompt and effective remedial action will be taken. Responsive action

1 may include training, referral to counseling, or disciplinary action as determined to be appropriate  
2 under the circumstances, including referral to the LEC. Disciplinary action for a non-legislator  
3 may include warning, reprimand, withholding of a promotion or pay increase, reassignment,  
4 temporary suspension without pay, termination, or other punishment. Disciplinary action for a  
5 legislator may include warning, reprimand, reassignment, expulsion, or other punishment in  
6 accordance with Section 20 of Article II of the North Carolina Constitution.

7 (b) If the investigation does not support a finding that this policy has been violated, the  
8 individual making the report and the individual against whom the allegation was made shall be  
9 so advised. Both will be advised that retaliation for making the report is prohibited.

10 **"§ 120-36.30. Appeal.**

11 If a party involved in the reported incident does not agree with its resolution, that party may  
12 appeal to the appropriate Presiding Officer within 10 days of receiving notice about resolution of  
13 the complaint. Within 45 days, the presiding officer or designee will render a decision on the  
14 appeal."

15 **SECTION 2.** There is appropriated from the General Fund to the General Assembly,  
16 Legislative Services Commission, the sum of two hundred fifty thousand dollars (\$250,000) for  
17 the 2019-2020 and 2020-2021 fiscal years to be used to implement this act. The funds shall be  
18 allocated as follows:

- 19 (1) Fifty thousand dollars (\$50,000) for literature, documents, and training  
20 materials required for developing an infrastructure for a mandatory yearly  
21 ethics training program that focuses on the identification and prevention of  
22 sexual harassment, abuse, misconduct, gender bias, and other forms of  
23 workplace discrimination.
- 24 (2) Two hundred thousand dollars (\$200,000) for contractual services required  
25 under Section 1 of this act.

26 **SECTION 3.** This act becomes effective July 1, 2019.