

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R19-1124.01 Jerry Barry x4341

SJR19-010

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

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Senate Committees

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SENATE JOINT RESOLUTION 19-010

101 **CONCERNING CHANGES TO THE JOINT RULES OF THE SENATE AND**
102 **HOUSE OF REPRESENTATIVES TO IMPLEMENT CHANGES IN**
103 **WORKPLACE POLICIES.**

1 *Be It Resolved by the Senate of the Seventy-second General*
2 *Assembly of the State of Colorado, the House of Representatives*
3 *concurring herein:*

4 That in the Joint Rules of the Senate and House of
5 Representatives, Joint Rule No. 36, **amend** (d)(4); and **add** (b)(11) as
6 follows:

7 **36. LOBBYING PRACTICES**

8 (b) ***Prohibited practices.*** No person engaging in lobbying shall:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (11) VIOLATE THE WORKPLACE HARASSMENT POLICY OF THE
2 GENERAL ASSEMBLY OR THE WORKPLACE EXPECTATIONS
3 POLICY OF THE GENERAL ASSEMBLY ADOPTED PURSUANT
4 TO JOINT RULE NO. 38.

5 (d) *Violation - complaint.*

6 (4) (A) EXCEPT AS PROVIDED IN SUBSECTION (d)(4)(B) OF
7 THIS JOINT RULE, all proceedings of the committee
8 shall be public. The accused shall be entitled to be
9 present during the proceedings. The committee
10 members shall submit a report to the Executive
11 Committee.

12 (B) IF THE COMPLAINT IS BASED ON SUBSECTION (b)(11)
13 OF THIS JOINT RULE, THE COMMITTEE SHALL HOLD
14 ALL MEETINGS IN EXECUTIVE SESSION, AND THE
15 COMMITTEE MEMBERS SHALL NOT RELEASE ANY
16 INFORMATION ABOUT THE MEETINGS OR THE
17 TESTIMONY RECEIVED EXCEPT AS PERMITTED UNDER
18 THE GENERAL ASSEMBLY'S WORKPLACE
19 HARASSMENT POLICY ADOPTED PURSUANT TO JOINT
20 RULE 38.

21 That in the Joint Rules of the Senate and the House of
22 Representatives, **repeal and reenact** Joint Rule No. 38 as follows:

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**38. WORKPLACE HARASSMENT
AND EXPECTATIONS POLICIES**

26 (a) *Declaration.* THE GENERAL ASSEMBLY IS COMMITTED TO
27 MAINTAINING A WORKPLACE THAT ENCOURAGES MUTUAL RESPECT
28 AND PROMOTES RESPECTFUL, PROFESSIONAL, AND CONGENIAL
29 RELATIONSHIPS AND THAT IS FREE FROM HARASSMENT FROM OR
30 TOWARD LEGISLATORS, LEGISLATIVE EMPLOYEES, OR THIRD
31 PARTIES. THE CITIZENS OF THE STATE OF COLORADO EXPECT THEIR
32 ELECTED OFFICIALS TO BEHAVE IN A MANNER BEFITTING THE
33 HONOR AND PRIVILEGE THEY HOLD AS REPRESENTATIVES OF THE
34 CITIZENS OF COLORADO. THE GENERAL ASSEMBLY HOLDS THE
35 MEMBERS OF ITS COMMUNITY AND LEGISLATORS, IN PARTICULAR,

1 TO A HIGHER STANDARD OF CONDUCT THAN SIMPLY AVOIDING
2 UNLAWFUL HARASSMENT. WHEN DISRESPECTFUL BEHAVIOR AND
3 HARASSMENT PERSIST, EVEN WHEN NOT UNLAWFUL OR DIRECTED
4 AT AN INDIVIDUAL BECAUSE THAT PERSON IS A MEMBER OF A
5 PROTECTED CLASS, IT DIMINISHES THE DIGNITY AND STATURE OF
6 THE INSTITUTION OF THE GENERAL ASSEMBLY AND CAN LEAD TO
7 UNLAWFUL HARASSMENT.

8 (b) ***Workplace Harassment Policy.***

9 (1) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS IN
10 THE OFFICE OF LEGISLATIVE LEGAL SERVICES, IN
11 CONSULTATION WITH THE SECRETARY OF THE SENATE, THE
12 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
13 STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN
14 STAFF AGENCIES OF THE GENERAL ASSEMBLY, SHALL
15 DEVELOP A WORKPLACE HARASSMENT POLICY. THE
16 WORKPLACE HARASSMENT POLICY IS APPLICABLE TO ALL
17 LEGISLATORS; LEGISLATIVE EMPLOYEES, EXCEPT TO SUCH
18 LEGISLATIVE EMPLOYEES WHO ARE SUBJECT TO THE STATE
19 PERSONNEL SYSTEM; AND THIRD PARTIES. THE POLICY, AND
20 ANY AMENDMENT TO THE POLICY, IS SUBJECT TO THE
21 APPROVAL OF THE EXECUTIVE COMMITTEE OF THE
22 LEGISLATIVE COUNCIL.

23 (2) THE WORKPLACE HARASSMENT POLICY MUST INCLUDE:

24 (A) BOTH A FORMAL AND INFORMAL COMPLAINT
25 RESOLUTION PROCESS;

26 (B) THAT THE INFORMATION OBTAINED DURING THE
27 INFORMAL COMPLAINT PROCESS OR THE FORMAL
28 COMPLAINT PROCESS REMAINS CONFIDENTIAL,
29 EXCEPT AS AUTHORIZED IN THE WORKPLACE
30 HARASSMENT POLICY;

31 (C) THAT, EXCEPT AS SPECIFICALLY ALLOWED UNDER
32 THE WORKPLACE HARASSMENT POLICY,
33 LEGISLATORS AND LEGISLATIVE EMPLOYEES SHALL
34 KEEP ALL MATTERS RELATING TO AN ALLEGED
35 VIOLATION OF THE POLICY CONFIDENTIAL AND THIRD
36 PARTIES SHALL KEEP SUCH MATTERS CONFIDENTIAL

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TO THE EXTENT PERMITTED BY LAW;

(D) THAT BOTH COMPLAINANTS AND RESPONDENTS BE GIVEN EQUAL ACCESS TO INFORMATION AND SERVICES;

(E) THAT A VIOLATION UNDER THE POLICY MUST BE FOUNDED ON A CLAIM OF HARASSMENT BASED ON AN INDIVIDUAL'S DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE FORTY AND OLDER, NATIONAL ORIGIN, MILITARY STATUS, GENETIC INFORMATION OR ANCESTRY, OR ANY OTHER CLASS PROTECTED BY STATE OR FEDERAL LAW OR ON AN ACT OF RETALIATION UNDER THE POLICY;

(F) THAT FACTUAL DETERMINATIONS BE FOUND BY A PREPONDERANCE OF THE EVIDENCE STANDARD AND THAT VIOLATIONS BE BASED ON BOTH A SUBJECTIVE STANDARD THAT THE COMPLAINANT FOUND THE ACTION OR ACTIONS TO BE OFFENSIVE AND AN OBJECTIVE STANDARD THAT A REASONABLE PERSON IN THE COMPLAINANT'S POSITION WOULD HAVE FOUND THE ACTION OR ACTIONS TO BE OFFENSIVE; AND

(G) IF, FOLLOWING A FORMAL INVESTIGATION, IT IS FOUND THAT A LOBBYIST HAS VIOLATED THE WORKPLACE HARASSMENT POLICY, AN EXECUTIVE SUMMARY OF THE FINDINGS OF ANY INVESTIGATION MUST BE FORWARDED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, WHO SHALL TREAT THE SUMMARY AS A COMPLAINT UNDER JOINT RULE 36.

(c) ***Workplace Expectations Policy.***

(1) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS IN THE OFFICE OF LEGISLATIVE LEGAL SERVICES, IN CONSULTATION WITH THE SECRETARY OF THE SENATE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN

1 STAFF AGENCIES OF THE GENERAL ASSEMBLY, SHALL
2 DEVELOP A WORKPLACE EXPECTATIONS POLICY. THE
3 WORKPLACE EXPECTATIONS POLICY IS APPLICABLE TO ALL
4 LEGISLATORS; LEGISLATIVE EMPLOYEES, EXCEPT SUCH
5 LEGISLATIVE EMPLOYEES WHO ARE SUBJECT TO THE STATE
6 PERSONNEL SYSTEM; AND THIRD PARTIES. THE POLICY, AND
7 ANY AMENDMENT TO THE POLICY, IS SUBJECT TO THE
8 APPROVAL OF THE EXECUTIVE COMMITTEE OF THE
9 LEGISLATIVE COUNCIL.

10 (2) THE WORKPLACE EXPECTATIONS POLICY MUST INCLUDE:

11 (A) AN INFORMAL COMPLAINT RESOLUTION PROCESS;

12 (B) THAT THE INFORMATION OBTAINED DURING THE
13 INFORMAL COMPLAINT PROCESS REMAINS
14 CONFIDENTIAL, EXCEPT AS AUTHORIZED IN THE
15 WORKPLACE HARASSMENT POLICY; AND

16 (C) EXCEPT AS SPECIFICALLY ALLOWED UNDER THE
17 WORKPLACE EXPECTATIONS POLICY, LEGISLATORS
18 AND LEGISLATIVE EMPLOYEES SHALL KEEP ALL
19 MATTERS RELATING TO AN ALLEGED VIOLATION OF
20 THE POLICY CONFIDENTIAL AND THIRD PARTIES
21 SHALL KEEP SUCH MATTERS CONFIDENTIAL TO THE
22 EXTENT PERMITTED BY LAW.

23 (d) ***Personnel Manuals and Review.***

24 (1) FOLLOWING APPROVAL BY THE EXECUTIVE COMMITTEE OF
25 THE LEGISLATIVE COUNCIL, THE WORKPLACE HARASSMENT
26 POLICY AND THE WORKPLACE EXPECTATIONS POLICY MUST
27 BE INCLUDED IN EACH AGENCY'S OR HOUSE'S PERSONNEL
28 MANUAL OR EQUIVALENT DOCUMENT AND POSTED
29 PROMINENTLY ON THE GENERAL ASSEMBLY'S HOME PAGE
30 ON THE INTERNET.

31 (2) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS
32 SHALL ANNUALLY REVIEW THE POLICIES AND, AFTER
33 CONSULTATION WITH THE SECRETARY OF THE SENATE, THE
34 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
35 STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN

1 STAFF AGENCIES OF THE GENERAL ASSEMBLY, MAY
2 RECOMMEND CHANGES TO THE POLICIES TO THE EXECUTIVE
3 COMMITTEE.

4 (e) ***Confidentiality.***

5 (1) EXCEPT AS PERMITTED UNDER THE WORKPLACE
6 HARASSMENT POLICY OR THE WORKPLACE EXPECTATIONS
7 POLICY, ALL DOCUMENTS RELATED TO ANY INQUIRY OR
8 COMPLAINT UNDER EITHER OF THE POLICIES ARE
9 CONFIDENTIAL AND ARE NOT SUBJECT TO PUBLIC
10 INSPECTION UNDER PART 2 OF ARTICLE 72 OF TITLE 24,
11 COLORADO REVISED STATUTES.

12 (2) MEETINGS OF A WORKPLACE HARASSMENT COMMITTEE AT
13 WHICH A COMPLAINT, INVESTIGATION, OR REMEDIAL ACTION
14 IS DISCUSSED MAY BE CONDUCTED IN EXECUTIVE SESSION
15 AS DESCRIBED IN SECTION 24-6-402 (3)(a)(III), COLORADO
16 REVISED STATUTES.

17 (f) ***Training.***

18 (1) PRIOR TO THE COMMENCEMENT OF EACH REGULAR SESSION
19 OF THE GENERAL ASSEMBLY, THE OFFICE OF LEGISLATIVE
20 WORKPLACE RELATIONS SHALL PROVIDE TRAINING ON THE
21 WORKPLACE EXPECTATIONS POLICY AND THE WORKPLACE
22 HARASSMENT POLICY TO NEWLY ELECTED MEMBERS. THE
23 OFFICE SHALL PROVIDE ANNUAL TRAINING ON THE POLICIES
24 TO RETURNING MEMBERS OF THE GENERAL ASSEMBLY. A
25 LIST OF ANY MEMBERS WHO DO NOT ATTEND THE ANNUAL
26 TRAINING SHALL BE PUBLICLY AVAILABLE.

27 (2) PRIOR TO OR SOON AFTER THE COMMENCEMENT OF EACH
28 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE OFFICE
29 SHALL PROVIDE MANDATORY TRAINING ON THE POLICIES TO
30 ALL NEWLY EMPLOYED LEGISLATIVE EMPLOYEES. THE
31 OFFICE SHALL PROVIDE ANNUAL, MANDATORY TRAINING ON
32 THE POLICIES TO EMPLOYEES OF THE GENERAL ASSEMBLY.

33 (3) PRIOR TO OR SOON AFTER THE COMMENCEMENT OF EACH
34 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE OFFICE
35 SHALL PROVIDE VOLUNTARY TRAINING ON THE POLICIES TO

1 THIRD PARTIES, WHO ARE ENCOURAGED TO ATTEND SUCH
2 TRAINING.

3 (g) ***Definitions.*** AS USED IN THIS JOINT RULE 38:

4 (1) "LEGISLATIVE EMPLOYEE" MEANS AN EMPLOYEE OF THE
5 LEGISLATIVE COUNCIL STAFF, THE OFFICE OF LEGISLATIVE
6 LEGAL SERVICES, THE JOINT BUDGET COMMITTEE STAFF,
7 THE OFFICE OF THE STATE AUDITOR, THE SENATE, OR THE
8 HOUSE OF REPRESENTATIVES, OR ANY LEGISLATIVE AIDE TO
9 A MEMBER, LEGISLATIVE INTERN, OR VOLUNTEER STAFF
10 PERSON.

11 (2) "THIRD PARTIES" MEANS LOBBYISTS, MEMBERS OF THE
12 MEDIA, AND MEMBERS OF THE GENERAL PUBLIC WHO HAVE
13 BUSINESS AT THE STATE CAPITOL OR WHO ARE DOING
14 BUSINESS WITH LEGISLATIVE SERVICE AGENCIES, THE
15 SENATE, OR THE HOUSE OF REPRESENTATIVES.