



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number:	LLS 19-0948	Date:	April 22, 2019
Prime Sponsors:	Sen. Winter; Gardner Rep. Lontine	Bill Status:	Senate SVMA
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Bill Topic: MANAGEMENT OF LEGISLATIVE WORKPLACE CONDUCT

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Office of Legislative Workplace Relations within the Office of Legislative Legal Services. The bill increases state expenditures beginning in FY 2019-20.

Appropriation Summary: In FY 2019-20, the bill requires an appropriation of \$221,925 to the Legislative Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 19-244

		FY 2019-20	FY 2020-21
Revenue		-	-
Expenditures	General Fund	\$221,925	\$241,238
	Centrally Appropriated	\$25,787	\$31,759
	Total	\$247,712	\$272,997
	Total FTE	1.8 FTE	2.2 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill creates the Office of Legislative Workplace Relations (OLWR) within the Office of Legislative Legal Services (OLLS). OLWR will provide services related to employee relations, training, workplace culture, and workplace harassment. OWLR's office space may be in the State Capitol or a nearby building and must be situated in order to provide convenient access and confidentiality.

The bill also clarifies what records are subject open records requests and exempts certain records from the definition of public records. Also, the bill allows any workplace harassment committee of the Senate or the House of Representatives to release the executive summary of any investigation regarding any facts found more likely than not to be a violation and the name of violator. The bill specifies factors to be considered when releasing an executive summary, and the release of such a summary may not reveal the name of the complainant or witness. Lastly, the OLWR must publish an annual statistical report including the total number of complaints received under the policy and their resolution.

Background

During the 2018 Regular Session, the General Assembly hired Investigations Law Group (ILG) to study workplace harassment at the General Assembly and to make recommendations on how to improve the workplace culture. After receiving the recommendations, the General Assembly hired a Human Resources Administrator. During the 2018 legislative interim, the Legislative Workplace Interim Study Committee was directed to study the ILG report and make recommendations to the Executive Committee of the Legislative Council. The committee recommended that OLWR be placed in OLLS and staffed with 2.0 FTE.

Assumptions

This fiscal note assumes that workplace harassment committees of the Senate or the House of Representatives discussed in the bill will be created by rule or separate resolution, and any costs associated with those committees will be addressed through the annual budget process. For informational purposes, costs are approximately \$5,000 for legislator per diem and reimbursement for meetings during the interim, assuming one committee for each chamber.

State Expenditures

The bill increases General Fund expenditures by \$247,712 and 1.8 FTE in FY 2019-20 and \$272,997 and 2.2 FTE in FY 2020-21. The impacts are summarized in Table 2 and described below.

**Table 2
 Expenditures Under SB 19-234**

	FY 2019-20	FY 2020-21
Office of Legislative Legal Services		
Personal Services	\$115,572	\$143,911
Operating Expenses and Capital Outlay Costs	\$12,066	\$2,090
Third-Party Investigations	\$30,000	\$30,000
Training Materials	\$5,000	\$5,000
Leased Space	\$60,237	\$60,237
Centrally Appropriated Costs*	\$25,787	\$25,787
FTE – Personal Services	1.8 FTE	2.2 FTE
Total Cost	\$247,712	\$272,997
Total FTE	1.8 FTE	2.2 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Office of Legislative Legal Services. OLLS requires \$273,710 and an additional 1.8 FTE in FY 2019-20. These expenditures are discussed in detail below.

- *Office of Legislative Workplace Relations.* OLWR will hire a full-time Training and Organizational Development Specialist, an Administrative Assistant, and increase the salary of the current Human Resources Administrator to a director level salary. OLWR will also require 0.2 FTE for a Staff Attorney to staff and advise any standing committees. Costs for the new staff are prorated for the General Fund paydate shift in FY 2019-20.
- *Third-party investigations.* Starting in FY 2019-20, expenditures will increase by \$30,000 for the new office to contract for an average of four third-party investigations per year. In FY 2017-18, there were six investigations that costs of total of \$50,158, with investigations ranging in cost from \$2,310 to \$20,825 per investigation. Approximately \$26,000 has been spent on investigations to date in FY 2019-20.
- *Training and policy creation.* Starting in FY 2019-20, the OLWR will have costs of \$5,000 per year to create and purchase harassment training materials, such as videos, and surveys. Workload will also increase for the OLWR to create additional policies, goals, and campaigns based on the recommendations of the Executive Committee.
- *Leased space.* This fiscal note assumes the OLWR will need to lease space for the new office. Leased space costs are estimated to be \$60,237 per year in order to lease 2,619 square feet at a cost of \$23 per square foot.

Legislative service agencies. Starting in FY 2019-20, it is estimated that workload for legislative service agencies that are currently handling harassment complaints will decrease. It is assumed that this decrease in workload will not require a reduction in appropriations for any individual agency.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$25,787 in FY 2019-20 and FY 2020-21.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

In FY 2019-20, the bill requires an appropriation of \$221,925 from the General Fund to the Legislative Department.

State and Local Government Contacts

Joint Budget Committee
Office of Legislative Legal Services

Legislative Council
State Auditor