

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R24-1021.01 Christy Chase x2008

SJR24-009

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SENATE JOINT RESOLUTION 24-009

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

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1 *Be It Resolved by the Senate of the Seventy-fourth 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, **amend** Joint Rule No. 38 as follows:

6 **38. Workplace Harassment POLICY and**  
7 **WORKPLACE Expectations Policy**

8 (a) ***Declaration.*** The General Assembly is committed to maintaining

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

1 a workplace that encourages mutual respect, and THAT promotes  
2 respectful, professional, and congenial relationships, and that is  
3 free from harassment from or toward legislators, legislative  
4 employees, or third parties. The citizens of the State of Colorado  
5 expect their elected officials to behave in a manner befitting the  
6 honor and privilege they hold as representatives of the citizens of  
7 Colorado. The General Assembly holds the members of its  
8 community and, IN PARTICULAR, legislators ~~in particular~~, to a  
9 higher standard of conduct than simply avoiding unlawful  
10 harassment. When disrespectful behavior and harassment persist,  
11 even when not unlawful or directed at an individual because that  
12 person is a member of a protected class, it diminishes the dignity  
13 and stature of the institution of the General Assembly and can lead  
14 to unlawful harassment.

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

16 (1) The Office of Legislative Workplace Relations in the  
17 Office of Legislative Legal Services, in consultation with  
18 the secretary of the Senate, the chief clerk of the House of  
19 Representatives, the State Auditor, and the directors of the  
20 nonpartisan staff agencies of the General Assembly, shall  
21 develop a Workplace Harassment Policy. The ~~Workplace~~  
22 ~~Harassment~~ Policy is applicable to all legislators,  
23 legislative employees, ~~except to such legislative employees~~  
24 ~~who are subject to the state personnel system~~; and third  
25 parties. The Policy and any amendment to the Policy ~~is~~ ARE  
26 subject to the approval of the Executive Committee of the  
27 Legislative Council.

28 (2) The Workplace Harassment Policy must include:

29 (A) Both a formal and informal complaint resolution  
30 process;

31 (B) A PROVISION SPECIFYING that, except as necessary to  
32 complete an investigation and provide any  
33 accommodations, the identity of a complainant must  
34 not be disclosed to anyone, including members of a  
35 Workplace Harassment Committee and leadership;

36 (C) A PROVISION SPECIFYING that the information

1 obtained during the informal complaint process or  
2 the formal complaint process remains confidential,  
3 except as ~~authorized~~ OTHERWISE PROVIDED IN  
4 SECTION 24-72-204 (9), COLORADO REVISED  
5 STATUTES, OR in the Workplace Harassment Policy;

6 (D) A PROVISION SPECIFYING that, except as specifically  
7 allowed under the Workplace Harassment Policy OR  
8 AS OTHERWISE PROVIDED IN SECTION 24-72-204 (9),  
9 COLORADO REVISED STATUTES, legislators and  
10 legislative employees shall keep all matters relating  
11 to an alleged violation of the Policy confidential and  
12 third parties shall keep such matters confidential to  
13 the extent permitted by law;

14 (E) A PROVISION SPECIFYING that both complainants and  
15 respondents be given equal access to information  
16 and services;

17 (F) A PROVISION SPECIFYING that a violation under the  
18 WORKPLACE HARASSMENT Policy must be founded  
19 on a claim of harassment, based on an individual's  
20 disability, race, creed, color, sex (INCLUDING  
21 PREGNANCY, CHILDBIRTH, AND RELATED MEDICAL  
22 CONDITIONS), sexual orientation, religion, age forty  
23 and older, national origin, military status, genetic  
24 information, ~~or~~ ancestry, ~~or~~ CITIZENSHIP STATUS,  
25 MARITAL STATUS, GENDER IDENTITY OR EXPRESSION,  
26 TRANSGENDER STATUS, OR MEMBERSHIP IN any other  
27 class protected by state or federal law (REFERRED TO  
28 IN THIS JOINT RULE 38 AS "PROTECTED CLASS") or  
29 ~~or~~ THAT A VIOLATION MUST BE FOUNDED ON A  
30 CLAIM OF an act of retaliation under the Policy;

31 (G) A PROVISION SPECIFYING that factual determinations  
32 MUST be found by a preponderance of the evidence  
33 standard and that violations OF THE WORKPLACE  
34 HARASSMENT POLICY FOR A CLAIM OF HARASSMENT  
35 MUST be based on both a subjective standard that  
36 the complainant found the action or actions to be  
37 offensive and an objective standard that a  
38 reasonable person in the complainant's position WHO

1 IS A MEMBER OF THE SAME PROTECTED CLASS would  
2 have found the action or actions to be offensive; and

3 (H) A PROVISION SPECIFYING THAT if, following a  
4 formal investigation, it is found that a lobbyist has  
5 violated the Workplace Harassment Policy, an  
6 executive summary of the findings of any  
7 investigation must be forwarded to the Executive  
8 Committee of the Legislative Council, ~~who shall~~  
9 WHICH MUST treat the summary as a complaint under  
10 Joint Rule 36.

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

12 (1) The Office of Legislative Workplace Relations in the  
13 Office of Legislative Legal Services, in consultation with  
14 the secretary of the Senate, the chief clerk of the House of  
15 Representatives, the State Auditor, and the directors of the  
16 nonpartisan staff agencies of the General Assembly, shall  
17 develop a Workplace Expectations Policy. The ~~Workplace~~  
18 ~~Expectations~~ Policy is applicable to all legislators,  
19 legislative employees, ~~except such legislative employees~~  
20 ~~who are subject to the state personnel system;~~ and third  
21 parties. The Policy and any amendment to the Policy is ARE  
22 subject to the approval of the Executive Committee of the  
23 Legislative Council.

24 (2) The Workplace Expectations Policy must include  
25 BEHAVIORAL EXPECTATIONS FOR LEGISLATORS,  
26 LEGISLATIVE EMPLOYEES, AND THIRD PARTIES THAT FOSTER  
27 A CIVIL AND PROFESSIONAL WORK ENVIRONMENT IN WHICH  
28 ALL INDIVIDUALS ARE TREATED WITH DIGNITY AND  
29 RESPECT. THE POLICY MUST SPECIFY THE INDIVIDUALS OR  
30 OFFICES TO WHOM CONCERNS REGARDING BEHAVIOR THAT  
31 FAILS TO COMPORT WITH THE EXPECTATIONS UNDER THE  
32 POLICY SHOULD BE DIRECTED AND THE EXTENT TO WHICH  
33 ATTEMPTS AT RESOLVING ANY CONCERNS ARE  
34 CONFIDENTIAL.

35 (A) ~~An informal complaint resolution process;~~

36 (B) ~~That, except as necessary to complete the informal~~

1 complaint resolution process and provide any  
2 accommodations, the identity of a complainant must  
3 not be disclosed to anyone, including members of a  
4 Workplace Harassment Committee and leadership;

5 ~~(C) That the information obtained during the informal~~  
6 ~~complaint process remains confidential, except as~~  
7 ~~authorized in the Workplace Harassment Policy; and~~

8 ~~(D) Except as specifically allowed under the Workplace~~  
9 ~~Expectations Policy, legislators and legislative~~  
10 ~~employees shall keep all matters relating to an~~  
11 ~~alleged violation of the Policy confidential and third~~  
12 ~~parties shall keep such matters confidential to the~~  
13 ~~extent permitted by law.~~

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

15 (1) Following approval by the Executive Committee of the  
16 Legislative Council, the Workplace Harassment Policy and  
17 the Workplace Expectations Policy must be included in  
18 each agency's or house's personnel manual or equivalent  
19 document and posted prominently on the General  
20 Assembly's home page on the internet.

21 (2) The Office of Legislative Workplace Relations shall  
22 annually review the ~~Policies~~ WORKPLACE HARASSMENT  
23 POLICY AND THE WORKPLACE EXPECTATIONS POLICY and,  
24 after consultation with the secretary of the Senate, the chief  
25 clerk of the House of Representatives, the State Auditor,  
26 and the directors of the nonpartisan staff agencies of the  
27 General Assembly, may recommend changes to the Policies  
28 to the Executive Committee.

29 (e) ***Confidentiality.***

30 (1) Except as permitted under the Workplace Harassment  
31 Policy or the Workplace Expectations Policy OR AS  
32 OTHERWISE PROVIDED IN SECTION 24-72-204 (9),  
33 COLORADO REVISED STATUTES, all documents related to  
34 any inquiry or complaint under either of the Policies are  
35 confidential and are not subject to public inspection under

1 part 2 of article 72 of title 24, Colorado Revised Statutes.

2 (2) Meetings of a Workplace Harassment Committee at which  
3 a complaint, investigation, or remedial action is discussed  
4 may be conducted in executive session as described in  
5 section 24-6-402 (3)(a)(III), Colorado Revised Statutes.

6 (f) **Training.**

7 (1) Prior to the commencement of each regular session of the  
8 General Assembly, the Office of Legislative Workplace  
9 Relations shall provide training on the Workplace  
10 Expectations Policy and the Workplace Harassment Policy  
11 to newly elected members. The Office shall provide annual  
12 training on the Policies to returning members of the  
13 General Assembly. THE OFFICE SHALL MAKE a list of any  
14 members who do not attend the annual training ~~shall be~~  
15 publicly available.

16 (2) Prior to or soon after the commencement of each regular  
17 session of the General Assembly, the Office OF  
18 LEGISLATIVE WORKPLACE RELATIONS shall provide  
19 mandatory training on the ~~Policies~~ WORKPLACE  
20 HARASSMENT POLICY AND THE WORKPLACE  
21 EXPECTATIONS POLICY to all newly employed legislative  
22 employees. The Office shall provide annual, mandatory  
23 training on the Policies to employees of the General  
24 Assembly.

25 (3) Prior to or soon after the commencement of each regular  
26 session of the General Assembly, the Office OF  
27 LEGISLATIVE WORKPLACE RELATIONS shall provide  
28 voluntary training on the ~~Policies~~ WORKPLACE  
29 HARASSMENT POLICY AND THE WORKPLACE  
30 EXPECTATIONS POLICY to third parties, who are encouraged  
31 to attend such training.

32 (g) **Definitions.** As used in this Joint Rule 38:

33 (1) "Legislative employee" means:

34 (A) An employee of: The Legislative Council staff, the

1 Office of Legislative Legal Services, the Joint  
2 Budget Committee staff, the Office of the State  
3 Auditor WHO IS NOT SUBJECT TO THE STATE  
4 PERSONNEL SYSTEM, the Senate, or the House of  
5 Representatives; or

6 (B) ~~Any~~ A legislative aide to a member, A legislative  
7 intern, or A volunteer staff person.

8 (2) "Third ~~parties~~ PARTY" means ~~lobbyists, members~~ A  
9 LOBBYIST, MEMBER of the media, ~~and members~~ OR MEMBER  
10 of the general public who ~~have~~ HAS business at the state  
11 capitol or who ~~are~~ IS doing business with A legislative  
12 service ~~agencies~~ AGENCY, the Senate, or the House of  
13 Representatives.