



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Abby McMahon

### **S.B. 270**

132nd General Assembly  
(As Introduced)

**Sens.** Tavares, Schiavoni, Brown, Thomas, O'Brien, Sykes, Skindell, Williams, Yuko

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## **BILL SUMMARY**

### **Sexual harassment complaints within the General Assembly**

- Authorizes the Office of the Legislative Inspector General (OLIG) to investigate any sexual harassment complaint filed by or against a General Assembly member, General Assembly staff, legislative staff, executive agency lobbyist, legislative agent, or retirement system lobbyist.
- Requires OLIG to: investigate the complaint, allow the accused to respond to the complaint, and recommend appropriate disciplinary measures or sanctions, if necessary.
- Requires the Joint Legislative Ethics Committee (JLEC) to employ at least one staff member who is responsible for investigating any sexual harassment complaints.
- Appropriates an additional \$120,000 from the General Revenue Fund to JLEC.
- Exempts from public records law the name or identifying information of a complainant or victim of a sexual harassment complaint.

### **Sexual harassment policy for legislative employers**

- Requires all legislative employers to have a sexual harassment policy on file and available to employees.
- Requires that the sexual harassment policy be filed with JLEC and include certain information.

- Requires a legislative employer to provide yearly sexual harassment training to its employees that includes the information required to be in the sexual harassment policy.

### **General Assembly Sexual Harassment Task Force**

- Creates the General Assembly Sexual Harassment Task Force.
- Requires the Task Force to review the sexual harassment policies of legislative employers every two years and review and recommend best practices for legislative employers for training, discipline, and prevention of sexual harassment.

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## **CONTENT AND OPERATION**

### **Sexual harassment complaints within the General Assembly**

#### **Joint Legislative Ethics Committee**

The bill authorizes the Office of the Legislative Inspector General (OLIG), the Executive Director and staff of the Joint Legislative Ethics Committee (JLEC), to receive and investigate any sexual harassment complaint filed by or against a General Assembly member, General Assembly staff, legislative staff, executive agency lobbyist, legislative agent, or retirement system lobbyist.

Under the bill, upon receiving a sexual harassment complaint, OLIG must obtain information to investigate the complaint, including a statement from any witnesses and the production of relevant documents. OLIG also must allow the accused to submit a response to the complaint and recommend appropriate disciplinary measures or sanctions after completing the investigation, if necessary. Any documents obtained by or in possession of OLIG for purposes of investigating a sexual harassment complaint are confidential.

The bill requires JLEC to employ at least one staff member who is responsible for investigating any sexual harassment complaints filed under this bill. The bill appropriates an additional \$120,000 from the General Revenue Fund to JLEC for the additional duties.

Under continuing law, JLEC is a committee to advise and serve General Assembly members regarding ethics, possible conflicts of interest, and financial

disclosures. JLEC may adopt any rules necessary to implement and clarify Ohio Ethics Laws.<sup>1</sup>

### **Public records exemption**

The bill exempts from public records law the name or identifying information of a complainant or victim of a sexual harassment complaint. Additionally, the complaint and records related to the complaint are exempt from public records law while the investigation is ongoing.<sup>2</sup>

## **Sexual harassment policy requirements for legislative employers**

### **Legislative employer**

The bill requires all legislative employers to have a sexual harassment policy on file and available to employees. A legislative employer is a person or agency that employs a person to engage with or work for the General Assembly for any portion of that person's time while employed. A legislative employer includes the Ohio House of Representatives, the Ohio Senate, the Capitol Square Review and Advisory Board, the State Highway Patrol, and any employer of a legislative agent, retirement system lobbyist, or executive agency lobbyist.

### **Sexual Harassment policy**

The bill requires any sexual harassment policy for legislative employers to be filed with JLEC and include the following:

- A definition of harassing and inappropriate conduct, including what makes certain behavior more or less severe than other behavior by providing examples;
- A detailed complaint process designed to promote early communication of any harassing behavior experienced by an employee;
- A summary of the investigation process, including rights and obligations of the complainant, victim, and the accused;
- An outline of possible disciplinary actions for a substantiated complaint, including the types and severity of conduct that is likely to lead to sexual harassment training, intermediate discipline, or termination.

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<sup>1</sup> R.C. 101.34, 101.341, and Section 3 of the bill.

<sup>2</sup> R.C. 101.34(E) and 149.43(A)(1)(gg).



Under the bill, a copy of the legislative employer's sexual harassment policy must be filed with JLEC no later than 90 days after the bill's effective date, and then every two years thereafter. Both the sexual harassment policy and the copy filed with JLEC are a public record. A legislative employer must review the policy at least every two years and update it as necessary.

### **Sexual harassment training**

The bill requires a legislative employer to provide yearly sexual harassment training to its employees. The training must address at least all of the above requirements of the sexual harassment policy.

### **General Assembly Sexual Harassment Task Force**

#### **Membership**

The bill creates the General Assembly Sexual Harassment Task Force. The Task Force is made up of two members from the Ohio Senate, one being appointed by the Senate President and one being appointed by the Senate Minority Leader, two Senate legislative staff members, with one being appointed by the Senate President and one being appointed by the Senate Minority Leader, two members of the Ohio House of Representatives, with one being appointed by the House Speaker and one being appointed by the House Minority Leader, and two House legislative staff members, with one being appointed by the House Speaker and one being appointed by the House Minority Leader.

The Task Force members must select one member from the majority party and one member from the minority party to serve as co-chairs. A member serves on the Task Force only as long as the member is a member or staff member of the General Assembly. Additionally, upon majority approval of the members, a member may invite any person as a full member, nonvoting member, or consultant to the Task Force.

#### **Duties of the Task Force**

The bill requires the Task Force to do all of the following:

- Review the sexual harassment policies of legislative employers every two years;
- Review and recommend best practices for legislative employers for training, discipline, and prevention of sexual harassment;
- Conduct an annual anonymous survey of employees of legislative employers to determine existing attitudes and experiences regarding



sexual harassment (except for any personally identifying information, the survey results are a public record);

- Recommend necessary legislative or administrative changes to address concerns raised by reviewing sexual harassment policies and anonymous surveys;
- Recommend best practices for prevention, recognition, reporting, training, the role of bystanders, and overall creation of a supportive and safe environment for all engaging with the General Assembly.

The Task Force must meet at least quarterly. All meetings held by the Task Force must comply with the Open Meetings Law, except when a majority of a quorum for the Task Force votes, by roll call, to hold an executive session to consider information necessary to fulfill its duties. Unless holding an executive session, the Open Meetings Law requires the Task Force to hold all meetings open to the public and promptly make the minutes of the meeting available to the public.<sup>3</sup>

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## HISTORY

ACTION	DATE
Introduced	03-07-18

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<sup>3</sup> R.C. 101.67 and 121.22.

