



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Abby McMahon

H.B. 532

132nd General Assembly
(As Introduced)

Reps. Galonski and Fedor, Boggs, Kent, K. Smith, Bocchieri, Miller, O'Brien, Kelly, Rogers, Sheehy, West

BILL SUMMARY

- Requires all state agencies to require public officials to complete interactive sexual harassment training.
 - Requires every contract entered into for or on behalf of the state for services or purchases to include a requirement that state contractor employees complete interactive sexual harassment training.
 - Creates a timeline for public officials and state contractor employees to complete the required interactive sexual harassment training.
 - Requires specific topics related to sexual harassment to be included in the interactive sexual harassment training.
 - Requires the Director of Administrative Services to develop an interactive sexual harassment training module to be available to all state agencies.
 - Creates the Commission on Sexual Harassment within the Attorney General's office and requires it to publish an annual report that includes data, best practices, and recommendations.
-

CONTENT AND OPERATION

Sexual harassment training

Beginning one year after the bill's effective date, the bill requires all state agencies to require public officials and all contracts entered into for or on behalf of the state to require contractor employees to complete interactive sexual harassment

training. The bill defines a public official to mean any elected or appointed officer, employee, or agent of the state, whether in a temporary or permanent capacity, including legislators and Justices of the Supreme Court, but excluding an employee, officer, or Governor-appointed member of the Board of Directors of JobsOhio.

Training timeline

An elected or appointed public official who is in office on the date that is one year after the bill's effective date, or a public official who is an employee on that date, must complete the initial sexual harassment training within 60 days of that date. If a public official takes office or is hired after the previously described timeline, the public official must complete the initial training within 60 days after the date the public official takes office or is hired.

Beginning one year after the bill's effective date, a state contractor employee, who is employed when the contract is entered into, must complete the initial sexual harassment training within 60 days after the contractor enters into the contract. If an employee is hired after the contract was entered into, the employee must complete the initial training within 60 days after the date the employee was hired. A state contractor employee who previously completed the sexual harassment training within one year before the date the contract was entered into does not have to complete additional sexual harassment training within 60 days from the date the contractor enters into a state contract.

Any public official or state contractor employee who is required to complete sexual harassment training under the bill must do so at least once every year for the duration of a public official's term in office or employment or for the duration of the contract for a state contractor employee.

Training topics

Under the bill, the required sexual harassment training for any public official or state contractor employee must include the following topics:

--Activities and behaviors that constitute workplace sexual harassment or gender-based harassment or that create a hostile work environment;

--Ways to prevent or eliminate workplace sexual harassment, gender-based harassment, or a hostile work environment;

--The process by which employees may file a complaint alleging sexual harassment, gender-based harassment, or a hostile work environment, and the steps for investigating and resolving the complaint.



Sexual harassment is harassing a person (an applicant or employee) because of that person's sex, and can include unwelcome sexual advances, requests for sexual favors, other verbal or physical harassment of a sexual nature, or offensive remarks about a person's sex. Gender-based (or sex-based) discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex.¹

Training module

The bill requires the Director of Administrative Services to develop an interactive sexual harassment training module that includes the training topics required under the bill. The module must include a process by which compliance with the required training can be tracked. The Director must make the training module available to all state agencies and may make it available for use by state contractors.

Additionally, the bill permits a state contractor to provide sexual harassment training by using the Director's training module, developing its training that includes the training topics required under the bill, or contracting with a public or private entity to provide the training.²

Commission on Sexual Harassment

The bill creates a Commission on Sexual Harassment within the Attorney General's office. The Commission's purpose is to study the scope of workplace sexual harassment and to establish strategies to prevent and eliminate that harassment. The Attorney General must appoint Commission members as are necessary to exercise the Commission's duties. Commission members are not compensated or reimbursed for expenses incurred in the performance of their duties. The bill also allows for any organization, person, or governmental agency with an interest and expertise in preventing and eliminating workplace harassment to provide assistance to the Commission. The Commission is not subject to Ohio's Sunset Review Law.

Additionally, the bill requires the Commission to publish a report by January 31 of every year beginning with the January 31 that follows the date that is one year after the bill's effective date. State agencies must cooperate with the Commission in providing statistical information required for the report. The report must include the following information:

¹ https://www.eeoc.gov/laws/types/sexual_harassment.cfm and <https://www.eeoc.gov/laws/types/sex.cfm> (accessed July 17, 2018).

² R.C. 124.75 and 125.113.



--Statistical data on workplace harassment in Ohio, including information on the number and types of complaints filed, the number of lawsuits filed or concluded, and the manner in which complaints and lawsuits were resolved;

--Best practices for state agencies and other employers to prevent or eliminate workplace sexual harassment, including recommendations on information to be included in workplace sexual harassment policies;

--Recommendations for statutory or administrative rule changes to assist in the prevention or elimination of workplace sexual harassment, including recommended changes to the complaint and resolution process.³

HISTORY

ACTION	DATE
Introduced	02-28-18

H0532-I-132.docx/ec

³ R.C. 109.67.

