ASSEMBLY, No. 1092

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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WITHDRAWN

SYNOPSIS

Requires Legislature to adopt and distribute policy prohibiting sexual harassment; requires members, officers, and employees of Legislature to complete online training on policy once every two years.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the policy of the Legislature regarding sexual harassment and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. Each House of the Legislature and the Office of Legislative Services shall adopt and maintain a policy that: prohibits sexual harassment by members, officers, and employees of the Legislature; requires compliance with the policy; requires that appropriate measures be taken to ensure that prohibited conduct does not occur; and provides procedures for the reporting, investigation, final determination, remediation, and discipline of prohibited conduct. The policy shall include provisions regarding confidentiality, retaliation, and false accusations.

The policy shall be adopted in any manner deemed appropriate by the presiding officer of each House and the executive director of the Office of Legislative Services, as appropriate.

The policy, whether a separate policy adopted independently by each House and the Office of Legislative Services, or as one policy adopted jointly thereby, shall apply to all members of the Legislature, and all officers and employees, including supervisors and managers, of the partisan staff offices, district offices, Office of Legislative Services, Office of Clerk of the General Assembly, and Office of the Secretary of the Senate, as appropriate. The policy adopted by the Office of Legislative Services shall apply to any agency, board, bureau, or commission within or created by the Legislative Branch.

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b. The policy shall be distributed to all members, officers, and employees to whom it applies. Initially, the policy shall be distributed to current members, officers, and employees within 60 calendar days of the effective date of this section, unless a policy that conforms with subsection a. of this section was distributed within 180 days preceding enactment of this act, P.L. , c. (pending before the Legislature as this bill). Thereafter, the policy shall be distributed to a member, officer, or employee within five business days of taking office or commencing employment. Any member, officer, or employee to whom the policy is distributed shall acknowledge receipt thereof in writing to the presiding officer of each House or to the executive director of the Office of Legislative Services, as appropriate, or a designee thereof, within 10 business days of receipt.

c. The policy shall be reviewed at least once every two years. Modifications shall be adopted in the same manner as provided for the adoption of the policy. The policy as modified shall be distributed to all members, officers, and employees to whom it applies within 30 calendar days of modification. Members, officers, and employees shall acknowledge in writing to the presiding officer

of each House or to the executive director of the Office of Legislative Services, as appropriate, or a designee thereof, the receipt of the modified policy within 10 business days of receipt.

d. The director of human resources of the Office of Legislative Services shall prepare and maintain an online training program on any policy adopted. Each member, officer, and employee to whom the policy applies shall complete the online or another approved training program, as determined by the presiding officer of each House and by the executive director of the Office of Legislative Services, as appropriate, no less than once every two years, and shall submit a certification denoting completion thereof. A member of the Legislature shall submit the certification of completion for the member and the member's district office staff to the executive director, or a designee thereof, in the partisan staff office of the member's House and political party. Officers and employees of a partisan staff office shall submit the certification of completion to the executive director of that office, or a designee thereof. Officers and employees of the Secretary of the Senate and of the Clerk of the General Assembly shall submit the certification of completion to the Secretary and Clerk, as appropriate. Officers and employees of the Office of Legislative Services shall submit the certification of completion to the director of human resources of that office. Members, officers, and employees of any agency, board, bureau, or commission within or created by the Legislative Branch for whom a person has not already been designated to receive the certification of completion pursuant to this subsection shall submit the certification to the director of human resources of the Office of Legislative Services.

All certifications of completion shall be public information.

e. The Office of Legislative Services shall publish any adopted policy on the official website of the Legislature, along with the contact information for its human resources office.

2. This act shall take effect on the first day of the third month next following enactment, but such anticipatory administrative action may be taken in advance as shall be necessary for the implementation of this act.

STATEMENT

This bill requires the Legislature to adopt, whether as a separate policy adopted independently by each House and the Office of Legislative Services, or as one policy adopted by all three, and maintain a policy that: prohibits sexual harassment by members, officers, and employees of the Legislature; requires compliance with the policy; requires that appropriate measures be taken to ensure that the prohibited conduct does not occur; and provides the procedures for

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the reporting, investigation, final determination, remediation, and discipline of prohibited conduct. The policy must include provisions regarding confidentiality, retaliation, and false accusations.

The policy is to be adopted in any manner deemed appropriate by the presiding officer of each House, the executive director of the Office of Legislative Services, or all three, as appropriate.

The policy or policies will apply to all members of the Legislature, and all officers and employees, including supervisors and managers, of the legislative partisan staff offices, district offices, Office of Legislative Services, Office of Clerk of the General Assembly, and Office of the Secretary of the Senate. The policy adopted by the Office of Legislative Services, whether separate or joint, will apply to any agency, board, bureau, or commission within or created by the Legislative Branch.

The bill requires the policy to be distributed to all members, officers, and employees to whom it applies, who must acknowledge in writing the receipt of the policy.

The policy is to be reviewed at least once every two years. Any modifications are to be adopted in the same manner as was the original policy. The policy is to be distributed to all members, officers, and employees to whom it applies upon modification.

The bill requires the director of human resources of the Office of Legislative Services to prepare and maintain an online training program on any policy adopted. Members, officers, and employees to whom the policy applies are required to complete either the online training program or another approved training program, as determined by the presiding officer of each House and by the director of the Office of Legislative Services, as appropriate, at least once every two years. Each person who completes the training must submit a certification of completion, which will be public information.

The Office of Legislative Services will publish any adopted policy on the official website of the Legislature, along with the contact information for its human resources office.

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