
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1000 Session of
2019

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RAVENSTAHL, COMITTA, FITZGERALD, SCHWEYER, McCARTER, DEASY,
STEPHENS, SANCHEZ AND ROEBUCK, APRIL 2, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 2, 2019

AN ACT

1 Amending Title 46 (Legislature) of the Pennsylvania Consolidated
2 Statutes, providing for professional conduct.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 46 of the Pennsylvania Consolidated
6 Statutes is amended by adding a part to read:

7 PART III

8 PROFESSIONAL CONDUCT

9 Chapter

10 21. Complaints of Behavior Constituting Sexual Harassment

11 CHAPTER 21

12 COMPLAINTS OF BEHAVIOR CONSTITUTING

13 SEXUAL HARASSMENT

14 Subchapter

- 1 A. General Provisions
- 2 B. Office of Compliance
- 3 C. Administrative Provisions
- 4 D. Prevention and Response Training

5 SUBCHAPTER A

6 GENERAL PROVISIONS

7 Sec.

8 2101. Scope of chapter.

9 2102. Legislative intent.

10 2103. Definitions.

11 2104. Prohibition.

12 2105. Retaliation.

13 § 2101. Scope of chapter.

14 This chapter relates to member and employee training and
15 official oversight (ME TOO) for legislative agencies.

16 § 2102. Legislative intent.

17 This chapter is intended to:

18 (1) Protect employees of legislative agencies from
19 sexual harassment.

20 (2) Provide for the investigation and resolution of
21 complaints involving sexual harassment of employees of
22 legislative agencies.

23 (3) Provide for programs of sexual harassment prevention
24 and response training in employment.

25 § 2103. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Caucus." The Democratic or Republican Caucus of the Senate
30 or House of Representatives.

1 "Complaint." A written report of a violation of section 2104
2 (relating to prohibition) or 2105 (relating to retaliation)
3 filed by an employee under section 2114 (relating to complaint
4 and hearing) and the policies and procedures established by the
5 office.

6 "Director." The director of the office.

7 "Elected official." A member of the Senate or House of
8 Representatives.

9 "Employee." The following:

10 (1) An employee of a legislative agency.

11 (2) An officer of the Senate or House of
12 Representatives.

13 (3) A paid or unpaid intern of a legislative agency.

14 "Legislative agency" or "employer." Any of the following:

15 (1) Subject to paragraph (15), the Senate.

16 (2) Subject to paragraph (15), the House of
17 Representatives.

18 (3) The Capitol Preservation Committee.

19 (4) The Center for Rural Pennsylvania.

20 (5) The Joint Legislative Air and Water Pollution
21 Control and Conservation Committee.

22 (6) The Joint State Government Commission.

23 (7) The Legislative Budget and Finance Committee.

24 (8) The Legislative Data Processing Committee.

25 (9) The Independent Regulatory Review Commission.

26 (10) The Legislative Reference Bureau.

27 (11) The Local Government Commission.

28 (12) The Pennsylvania Commission on Sentencing.

29 (13) The Legislative Reapportionment Commission.

30 (14) The Legislative Audit Advisory Commission.

1 (15) With respect to an employee of the Senate or House
2 of Representatives other than an employee of an officer of
3 the Senate or House of Representatives, the caucus with
4 control or supervision of the employee's job
5 responsibilities.

6 (16) The Office of Compliance established in Subchapter
7 B (relating to Office of Compliance).

8 (17) The office of an officer of the Senate or House of
9 Representatives.

10 (18) Another office, agency, board or commission under
11 the control or supervision of the Senate or House of
12 Representatives.

13 "Office." The Office of Compliance established in Subchapter
14 B.

15 "Party." The employee filing a complaint or the employee or
16 elected official who is the subject of a complaint, as the
17 context shall require.

18 "Selection committee." The selection committee established
19 in section 2111(b) (relating to Office of Compliance).

20 "Sexual harassment." Unwelcome sexual advances, requests for
21 sexual favors and other conduct of a sexual nature.

22 § 2104. Prohibition.

23 The following conduct is prohibited:

24 (1) Using the submission to or rejection by an employee
25 of conduct constituting sexual harassment as a basis for an
26 employment decision affecting the employee.

27 (2) Making submission to conduct constituting sexual
28 harassment, either explicitly or implicitly, a term or
29 condition of an employee's employment.

30 (3) Engaging in conduct constituting sexual harassment

1 that unreasonably alters an individual's terms, conditions or
2 privileges of employment, including conduct that is so
3 frequent or severe that it creates a hostile, offensive or
4 intimidating work environment.

5 § 2105. Retaliation.

6 No adverse action may be taken against an employee, other
7 than an employee who is the subject of a complaint or against
8 whom a civil action has been filed, who does any of the
9 following:

10 (1) files a complaint under section 2114 (relating to
11 complaint and hearing) or a civil action under section 2113
12 (relating to initiation of proceedings);

13 (2) participates in proceedings resulting from the
14 filing of a complaint or civil action;

15 (3) participates in an investigation conducted under
16 section 2114(b); or

17 (4) discloses, reports or opposes sexual harassment that
18 constitutes a violation of section 2104 (relating to
19 prohibition).

20 SUBCHAPTER B

21 OFFICE OF COMPLIANCE

22 Sec.

23 2111. Office of Compliance.

24 2112. Duties.

25 2113. Initiation of proceedings.

26 2114. Complaint and hearing.

27 2115. Judicial review.

28 § 2111. Office of Compliance.

29 (a) Establishment.--The Office of Compliance is established
30 as an independent office within the legislative branch of the

1 Commonwealth. The office shall be charged with receiving,
2 investigating and resolving complaints.

3 (b) Selection committee.--The selection committee is
4 established to appoint a director after conducting a search and
5 interviewing applicants for the position and to exercise other
6 authority provided under this chapter. The selection committee
7 shall consist of one member from each of the four caucuses, to
8 be appointed by:

9 (1) the Majority Leader and the Minority Leader of the
10 Senate; and

11 (2) the Majority Leader and the Minority Leader of the
12 House of Representatives.

13 (c) Director.--

14 (1) The office shall be headed by a director appointed
15 by the selection committee. The appointment shall be made
16 without regard to political affiliation and solely on the
17 basis of fitness to perform the duties of director. The
18 director must have training or experience in the application
19 of rights, protections and remedies relating to sexual
20 harassment that constitutes a violation of section 2104
21 (relating to prohibition).

22 (2) No individual who is registered as a lobbyist under
23 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) or who
24 is an employee at the time of submission of an application
25 for appointment may be eligible for appointment as director.

26 (3) The compensation of the director shall be set by the
27 selection committee.

28 (4) The director may not engage in outside employment
29 while serving as director, unless the outside employment is
30 approved in writing by the selection committee.

1 (d) Term of director.--

2 (1) The term of office of the director shall be six
3 years. An individual appointed as director to fill a vacancy
4 prior to the expiration of a term shall serve only for the
5 unexpired portion of the term.

6 (2) An individual who serves as director at the
7 expiration of a term may continue to serve until a successor
8 is appointed by the selection committee.

9 (3) The director may be removed for cause by a
10 concurrent resolution passed by the Senate and the House of
11 Representatives.

12 (e) Staff.--

13 (1) The director shall hire attorneys, individuals to
14 serve as hearing officers, investigators and other staff as
15 the director deems necessary to carry out the duties of the
16 office. Staff shall be hired without regard to political
17 affiliation. The director shall use best efforts to assure
18 that individuals being considered for hire by the office are
19 not biased and do not have a conflict of interest or
20 potential conflict of interest with any individual covered by
21 this chapter. Individuals hired to serve as hearing officers
22 shall be licensed to practice law in this Commonwealth.

23 (2) Staff of the office shall be compensated at a rate
24 to be determined by the director.

25 (3) Staff who are designated under section 2112(3)
26 (relating to duties) must have training or experience in the
27 application of rights, protections and remedies relating to
28 sexual harassment that constitutes a violation of section
29 2104.

30 § 2112. Duties.

1 The office shall perform the following duties:

2 (1) Establish and implement policies and procedures for
3 reporting, investigating and resolving complaints not
4 inconsistent with this chapter. The policies and procedures
5 shall include a separate process for complaints filed about
6 an employee of the office, including the director, and shall
7 be posted on the office's publicly accessible Internet
8 website.

9 (2) Develop and implement the training programs under
10 Subchapter D (relating to prevention and response training).

11 (3) Prepare and distribute for posting in each
12 legislative agency information regarding how to access the
13 policies and procedures posted under paragraph (1), the
14 availability of the assistance of an attorney or
15 reimbursement for counseling under Subchapter C (relating to
16 administrative provisions) and the names and contact
17 information of the staff in the office with whom employees
18 should be in contact under section 2113(a) (relating to
19 initiation of proceedings) or with whom employees should file
20 a complaint.

21 (4) Develop and maintain a master list of individuals
22 licensed to practice law in this Commonwealth who are
23 experienced in adjudicating or arbitrating complaints of
24 sexual harassment that constitute a violation of section 2104
25 (relating to prohibition) to serve as hearing officers under
26 section 2114. The individuals on the list developed and
27 maintained under this paragraph shall supplement individuals
28 hired under section 2111(e)(1) (relating to Office of
29 Compliance) to serve as hearing officers.

30 § 2113. Initiation of proceedings.

1 (a) Initial contact.--An employee may contact an individual
2 designated under 2112(3) (relating to duties) for assistance in
3 determining the employee's rights under this chapter and other
4 Federal, State or local law.

5 (b) Privacy protections.--The individual who is contacted by
6 an employee under subsection (a) may not disclose or acknowledge
7 to any other person any information relating to the initial
8 contact, except when the disclosure or acknowledgment pertains
9 to any of the following:

10 (1) communicating with staff of the office for purposes
11 of assistance in determining the employee's rights;

12 (2) consulting with a law enforcement official or agency
13 for the purpose of initiating with the consent of the
14 employee, participating in or responding to an investigation
15 or prosecution by the law enforcement official or agency; or

16 (3) such other exceptions as the office by regulation
17 may direct.

18 (c) Filing of complaint or action.--

19 (1) An employee may file a complaint under section 2114
20 (relating to complaint and hearing) or a civil action in
21 Commonwealth Court in its original jurisdiction without
22 exhausting administrative remedies available under this
23 chapter.

24 (2) Nothing in this chapter shall be construed to
25 prohibit an employee from speaking to law enforcement about
26 alleged criminal conduct.

27 § 2114. Complaint and hearing.

28 (a) Filing of complaint.--An employee may file a complaint
29 with the office. The director shall send a letter setting forth
30 each allegation in the complaint to the following:

1 (1) The subject of the complaint.

2 (2) The employer of the subject of the complaint if the
3 subject is an employee.

4 (3) The elected official's caucus if the subject of the
5 complaint is an elected official.

6 (b) Investigation.--Upon receipt of the complaint, the
7 director shall assign an investigator to investigate the
8 allegations in the complaint. The investigator shall be
9 authorized to conduct such interviews and review such materials
10 as the investigator deems appropriate, shall prepare a written
11 report of the investigator's findings, and shall provide a copy
12 of the report to the director.

13 (c) Determination.--Upon review of the report received under
14 subsection (b), the director shall make a determination as to
15 whether or not the findings of the investigator contained in the
16 report support a determination that the complaint states a claim
17 under this chapter. The following shall apply:

18 (1) If the director determines that the complaint does
19 not state a claim under this chapter, the director shall
20 dismiss the complaint and shall notify the parties in writing
21 of the dismissal.

22 (2) If the director determines that the complaint states
23 a claim under this chapter, the director shall appoint a
24 hearing officer to consider the complaint, conduct a hearing
25 and render a decision. Staff of the office not involved in
26 the investigation of the complaint may assist the hearing
27 officer.

28 (d) Hearing.--Unless a complaint is dismissed under
29 subsection (c), a hearing shall be:

30 (1) Commenced no later than 60 days after the completion

1 of the investigation under subsection (b), except that the
2 office may, for good cause, extend the time for conducting
3 the hearing for up to an additional 30 days.

4 (2) Conducted in closed session by the hearing officer.

5 (e) Discovery and attorneys.--

6 (1) Depositions of witnesses may be taken in the manner
7 prescribed by law of this Commonwealth other than this
8 chapter for the taking of a deposition in a civil action.

9 (2) Reasonable prehearing discovery may be permitted at
10 the discretion of the hearing officer. Discovery may include
11 access to the investigator's report.

12 (3) A party may be represented in the hearing by an
13 attorney and may have one additional individual attend the
14 hearing for support.

15 (f) Subpoenas.--

16 (1) At the request of a party, the hearing officer may
17 issue subpoenas for the attendance of witnesses and for the
18 production of books, papers, records, accounts, reports,
19 documents and data and information produced and stored by any
20 electronic data processing system as the hearing officer
21 deems necessary.

22 (2) A person who willfully neglects or refuses to
23 respond to a subpoena issued under this section shall be
24 subject to the penalties provided by law of this Commonwealth
25 other than this chapter in that case.

26 (3) The hearing officer shall have the power to
27 administer oaths and affirmations to witnesses.

28 (4) If a person refuses, on the basis of relevance,
29 privilege or other objection, to testify in response to a
30 question or to produce records in connection with a

1 proceeding before a hearing officer, the hearing officer
2 shall rule on the objection.

3 (g) Burden and standard of proof.--The employee filing the
4 complaint shall have the burden of proving, by a preponderance
5 of the evidence, that a violation of section 2104 (relating to
6 prohibition) or 2105 (relating to retaliation) has occurred.

7 (h) Confidentiality.--

8 (1) Except as otherwise provided in this chapter and as
9 may be required by legal process in connection with an appeal
10 of the hearing officer's decision under section 2115
11 (relating to judicial review):

12 (i) the complaint and the contents of the complaint,
13 filings by the parties and evidence produced, including
14 investigative reports, in connection with a complaint
15 filed or hearing held under this section shall be
16 confidential; and

17 (ii) no evidence or testimony taken in a closed
18 session may be released to any person.

19 (2) The final decision of the hearing officer shall not
20 be confidential, except that at the request of the employee
21 who filed the complaint, the name of the employee and any
22 facts that may lead to the identification of the employee
23 shall be redacted before the decision is issued.

24 (i) Decision.--

25 (1) The hearing officer shall issue a final decision in
26 writing as expeditiously as possible, but in no case more
27 than 90 days after the conclusion of the hearing.

28 (2) The final decision shall be served by the office on
29 the parties and the employer or caucus that received the
30 letter under subsection (a).

1 (j) Procedure.--

2 (1) Except as may be provided under this chapter, the
3 procedures described in this section shall be subject to the
4 practices and procedures contained in 2 Pa.C.S. Ch 5 Subch. A
5 (relating to practice and procedure of Commonwealth
6 agencies), except for 2 Pa.C.S. § 508 (relating to notice to
7 Department of Justice).

8 (2) The office shall promulgate regulations to implement
9 the provisions of this section. In order to facilitate the
10 prompt implementation of this section, the office may
11 promulgate temporary regulations that shall expire not later
12 than two years following the publication of the temporary
13 regulation. The promulgation of temporary regulations under
14 this paragraph shall not be subject to:

15 (i) Sections 201, 202, 203, 204 and 205 of the act
16 of July 31, 1968 (P.L.769, No.240), referred to as the
17 Commonwealth Documents Law.

18 (ii) The act of June 25, 1982 (P.L.633, No.181),
19 known as the Regulatory Review Act.

20 (iii) Sections 204(b) and 301(10) of the act of
21 October 15, 1980 (P.L.950, No.164), known as the
22 Commonwealth Attorneys Act.

23 (3) The office's authority to adopt temporary
24 regulations under paragraph (2) shall expire two years after
25 the effective date of this section. Regulations adopted after
26 this period shall be promulgated as provided by law.

27 § 2115. Judicial review.

28 (a) Appeal.--A party aggrieved by a decision of a hearing
29 officer under section 2114 (relating to complaint and hearing)
30 may file a petition for review of the decision in Commonwealth

1 Court, which shall have appellate jurisdiction over the
2 petition.

3 (b) Standard of review.--The court shall set aside a
4 decision of a hearing officer if the court determines that the
5 decision of the hearing officer was:

6 (1) arbitrary, capricious, an abuse of discretion or
7 otherwise not consistent with law;

8 (2) inconsistent with required procedures; or

9 (3) unsupported by substantial evidence.

10 SUBCHAPTER C

11 ADMINISTRATIVE PROVISIONS

12 Sec.

13 2121. Legal assistance.

14 2122. Counseling.

15 2123. Nondisclosure agreements.

16 2124. Workplace adjustments.

17 2125. Settlements and awards.

18 2126. Right-to-Know Law.

19 2127. Reports.

20 2128. Safe harbor.

21 § 2121. Legal assistance.

22 (a) Option.--

23 (1) Either an employee who files a complaint or the
24 subject of the complaint may engage an attorney of the
25 employee or subject's choosing to provide legal assistance
26 and advice to the employee or subject in connection with
27 proceedings initiated under this chapter.

28 (2) If requested by an individual engaging an attorney
29 under paragraph (1), the office shall pay for the reasonable
30 cost of the attorney.

1 (3) This section shall not apply to an attorney engaged
2 by a party in connection with a civil action filed under
3 section 2113(c) (relating to initiation of proceedings).

4 (b) Approval.--

5 (1) An individual who intends to engage an attorney
6 under subsection (a) to be paid for by the office must
7 provide to the director the name of the attorney to be
8 engaged and the name of the attorney's law firm if
9 applicable, and the proposed hourly rate to be charged. The
10 hourly rate shall be subject to the approval of the director.

11 (2) The director shall approve an hourly rate that is
12 reasonable for the work to be performed and reflects market
13 rates in the location where the attorney practices.

14 (c) Contract.--

15 (1) If approval under subsection (b) (2) has been
16 received, the individual engaging the attorney or law firm
17 must enter into a written contract with the attorney or law
18 firm.

19 (2) Invoices for payment under the contract shall be
20 provided directly to the individual who engaged the attorney
21 or law firm who shall review and approve them for payment by
22 the office. The individual shall provide the office with a
23 written request for payment that only reflects the invoice
24 amount to be paid.

25 § 2122. Counseling.

26 An employee filing a complaint may seek reimbursement from
27 the office for the cost that is not reimbursed by insurance of
28 any counseling sought by the employee from a professional
29 therapist trained in psychological issues arising out of
30 subjection by the employee to sexual harassment constituting a

1 violation of section 2104 (relating to prohibition).

2 § 2123. Nondisclosure agreements.

3 (a) Involuntary agreements.--A nondisclosure agreement or
4 provision may not be imposed on an employee as a condition of
5 the initiation of any of the procedures or assistance available
6 under this chapter.

7 (b) Voluntary agreements.--Nothing in subsection (a) shall
8 be construed to prohibit the parties to any procedure available
9 under this chapter from voluntarily entering into a settlement
10 agreement with a nondisclosure provision agreed to by each party
11 as part of the settlement of a complaint or a civil action.

12 (c) Elected officials.--Notwithstanding the provisions of
13 subsection (b), an elected official who is the subject of a
14 complaint shall not benefit from a nondisclosure agreement or
15 provision under subsection (b) if the settlement agreement
16 requires the payment of money to or for the benefit of the
17 employee who filed the complaint from the funds of an entity
18 described in section 2125(a)(1) (relating to settlements and
19 awards). For a settlement agreement under this subsection, at
20 the request of the employee who filed the complaint, any facts
21 that may lead to the identification of the employee shall be
22 redacted.

23 § 2124. Workplace adjustments.

24 (a) General rule.--The employer of an employee filing a
25 complaint shall, upon the request of the employee filing the
26 complaint, make adjustments to the employee's work hours and
27 location that may be appropriate under the circumstances.

28 (b) Forms of adjustments.--The adjustments may include:

29 (1) removing the employee filing the complaint or the
30 subject of the complaint from the physical work location of

1 the employee filing the complaint; or

2 (2) allowing the employee filing the complaint to be
3 placed on administrative leave with continued pay and
4 benefits, if applicable.

5 § 2125. Settlements and awards.

6 (a) Settlements.--The parties may enter into a settlement
7 agreement at any time during the proceedings authorized under
8 this chapter with terms as may be agreed to by the parties. The
9 following shall apply:

10 (1) If the agreement requires the payment of money to or
11 for the benefit of the employee filing a complaint, the
12 following must be a party to the agreement unless the subject
13 of the complaint has agreed to pay the money from the
14 subject's personal funds:

15 (i) The employer of the subject of the complaint if
16 the subject is an employee.

17 (ii) The elected official's caucus if the subject of
18 the complaint is an elected official.

19 (2) If the agreement requires the payment of money to or
20 for the benefit of the employee who filed the complaint from
21 a source other than the personal funds of the subject of the
22 complaint, the payment shall be made by the party to the
23 agreement under paragraph (1).

24 (b) Awards.--If the decision of a hearing officer under
25 section 2114 (relating to complaint and hearing) includes an
26 order requiring the payment of money to or for the benefit of
27 the employee filing the complaint, the payment shall be made by
28 one of the following unless the subject of the complaint has
29 agreed to pay the money from the subject's personal funds:

30 (1) The employer of the subject of the complaint if the

1 subject is an employee.

2 (2) The elected official's caucus if the subject of the
3 complaint is an elected official.

4 (c) Personal liability of elected official.--If a payment is
5 made by a legislative agency under subsection (a) or (b)
6 resulting from a complaint filed about an elected official, the
7 elected official shall reimburse the legislative agency for the
8 amount of the payment and shall reimburse the office for any
9 legal fees paid by the office on behalf of the elected official
10 under section 2121 (relating to legal assistance) if:

11 (1) the hearing officer's decision finds that a
12 violation of section 2104 (relating to prohibition) or 2105
13 (relating to retaliation) occurred;

14 (2) the subject of the complaint admits that a violation
15 of section 2104 or 2105 occurred; or

16 (3) a civil action filed under section 2113(c) (relating
17 to initiation of proceedings) results in the finding of a
18 violation of section 2104 or 2105.

19 § 2126. Right-to-Know Law.

20 (a) Legislative agency.--For purposes of the act of February
21 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, the
22 office shall be considered a legislative agency as defined under
23 section 102 of the Right-to-Know Law and shall provide
24 legislative records in accordance with the Right-to-Know Law,
25 except as otherwise provided in this section.

26 (b) Final decision.--The final decision of the hearing
27 officer under section 2114 (relating to complaint and hearing)
28 shall be publicly available from the office in response to a
29 request submitted under the Right-to-Know Law. If the decision
30 was redacted under section 2114(h) (2) (relating to complaint and

1 hearing), the redacted version shall be provided to the
2 requester.

3 (c) Redaction.--At the request of the employee who filed a
4 complaint, the office shall redact the name of the employee and
5 any facts that may lead to the identification of the employee
6 from a record provided in accordance with the Right-to-Know Law.
7 § 2127. Reports.

8 (a) Legislative agencies.--Not later than 60 days after the
9 end of each calendar year, each legislative agency shall publish
10 on its publicly accessible Internet website a report identifying
11 the amount of each award or settlement paid by the legislative
12 agency during the previous year under section 2125 (relating to
13 settlements and awards).

14 (b) Office.--Not later than 180 days after the effective
15 date of this section and every two years thereafter, the office
16 shall submit a report to the General Assembly that includes the
17 following information for the reporting period:

18 (1) The number of complaints filed by employees with the
19 office and the type of behavior reported.

20 (2) Whether the complaints were filed about employees or
21 elected officials.

22 (3) The average length of time to resolve a complaint.

23 (4) The number of settlement agreements entered into by
24 the parties.

25 (5) The number of settlement agreements with
26 nondisclosure provisions.

27 (6) The total amount of awards or settlements paid to or
28 for the benefit of employees.

29 (7) The number and types of remedial actions taken as a
30 result of the filing of complaints.

1 principles of effective prevention and best practices in
2 consultation with a Statewide rape crisis center or other
3 organization with experience in counseling, training and
4 addressing issues of sexual harassment that constitute a
5 violation of section 2104.

6 (2) The training program for employees and elected
7 officials shall include at least the following elements:

8 (i) Bystander intervention and other strategies that
9 are found to be effective in workplace prevention.

10 (ii) The elements of the conduct prohibited under
11 sections 2104 and 2105 and examples of the conduct.

12 (iii) The effects of sexual harassment constituting
13 a violation of section 2104 on victims and the workplace
14 at large.

15 (iv) Examples of barriers to reporting incidences of
16 violations of sections 2104 and 2105.

17 (v) The consequences of being found to be in
18 violation of section 2104 or 2105 or found to be in
19 violation of Federal law prohibiting sexual harassment or
20 retaliation.

21 (vi) A description of the policies and procedures
22 developed by the office under section 2112(1) (relating
23 to duties), the procedures for contacting the office and
24 filing a complaint and the option for filing a civil
25 action.

26 (vii) Referrals and resources, including rape crisis
27 centers and other counseling services, attorneys, the
28 United States Equal Employment Opportunity Commission and
29 other similar Federal and State agencies.

30 (3) The additional training program for employees of the

1 office shall include at least the following elements:

2 (i) The receipt of disclosure of incidences of
3 sexual harassment, including confidentiality and privacy
4 considerations.

5 (ii) The provision of referrals and resources to
6 complaining employees and individuals who are the subject
7 of complaints, including to appropriate law enforcement.

8 (iii) The policies and procedures developed by the
9 office under section 2112(1).

10 (iv) Trauma-informed systems of response,
11 investigation and resolution.

12 (v) The anticipated roles of employees and elected
13 officials in the complaint, investigation, hearing and
14 resolution process.

15 § 2132. Schedule.

16 The office shall conduct the training programs developed
17 under section 2131 (relating to development of training
18 programs) as follows:

19 (1) For an elected official, within 30 days following
20 the election of the elected official and annually thereafter
21 at such dates and times as the director shall determine. It
22 shall be a condition of being sworn in and seated that the
23 elected official shall have completed the training program
24 required by this paragraph.

25 (2) For employees, annually at such dates and times as
26 the director shall determine. The office shall conduct
27 training for an employee hired after the effective date of
28 this section within 30 days following the commencement of
29 employment by the employee. It shall be a condition of
30 continued employment that an employee complete the training

1 program required under this paragraph.

2 (3) For employees of the office, prior to being assigned
3 any work related to a complaint filed under this chapter.

4 Section 2. The addition of 46 Pa.C.S. Ch. 21 shall apply to
5 conduct constituting a violation of 46 Pa.C.S. § 2104 or 2105
6 which occurs or is alleged to occur on or after the effective
7 date of this section.

8 Section 3. This act shall take effect in 60 days.