

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 389
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30165-MCa-35

Short Title: NCGA/Safe Workplace Policy.

(Public)

Sponsors: Representative Prather.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A CONFIDENTIAL PROCESS FOR REPORTING AND RESOLVING
3 INCIDENTS OF SEXUAL HARASSMENT AND OTHER IMPROPER WORKPLACE
4 BEHAVIOR IN THE GENERAL ASSEMBLY, TO REQUIRE TRAINING TO PREVENT
5 WORKPLACE HARASSMENT AND OTHER IMPROPER WORKPLACE BEHAVIOR
6 IN THE GENERAL ASSEMBLY, TO ADOPT CLEAR SANCTIONS, AND TO
7 APPROPRIATE FUNDS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Chapter 120 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 7E.

12 "Safe Workplace Act.

13 **"§ 120-36.25. Legislative findings; scope; definitions.**

14 (a) The General Assembly finds that early reporting and intervention are most effective
15 in resolving actual or perceived incidents of improper workplace behavior, and the General
16 Assembly encourages the prompt reporting of incidents or concerns so that rapid and constructive
17 action can be taken before relationships become irreparably strained and before offensive conduct
18 continues or escalates. The General Assembly encourages good-faith reporting of all perceived
19 incidents of improper workplace behavior, regardless of the offender's identity or position.

20 (b) This Article applies to legislators, regular, full-time, part-time, temporary, and
21 contractual employees of the General Assembly, as well as unpaid volunteers and pages. In
22 addition, this Article applies to the interaction of these individuals away from the legislative
23 complex at legislature-sponsored events, professional meetings and seminars, and all activities
24 that involve legislative business.

25 (c) As used in this Article, sexual harassment means unwelcome sexual advances,
26 requests for sexual favors, and other verbal, nonverbal, or physical contact of a sexual nature and
27 exists when:

28 (1) Submission to such conduct is made either explicitly or implicitly a term or
29 condition of an individual's employment.

30 (2) Submission to or rejection of such conduct by an individual is used as a basis
31 for employment decisions affecting such individual.

32 (3) Exposure to such conduct has the purpose or effect of unreasonably interfering
33 with an individual's work performance or creating an intimidating, hostile, or
34 offensive working environment, which is perceived by the victim to be
35 abusive or hostile.

36 **"§ 120-36.26. Mandatory workplace harassment prevention policies and education.**



* D R H 3 0 1 6 5 - M C A - 3 5 *

1 (a) No later than December 31, 2023, the Legislative Services Commission (LSC) and
2 the Legislative Ethics Committee (LEC) shall jointly develop, adopt, and implement "zero
3 tolerance" policies regarding sexual harassment, abuse, misconduct, gender discrimination, and
4 all other forms of improper workplace behaviors. The policies developed under this section shall
5 be incorporated by reference into each chamber's permanent rules.

6 (b) The policies required under this section shall include all of the following:

7 (1) Mandatory annual ethics training for all legislators, legislative officers, and
8 legislative employees of the General Assembly. The training will focus on the
9 identification and prevention of sexual harassment, abuse, misconduct, gender
10 discrimination, and all other forms of discrimination in the workplace.

11 (2) Effective and clear sanctions for incidents of sexual harassment, abuse,
12 misconduct, gender discrimination, and all other forms of discrimination in
13 the workplace. The sanctions shall be applicable to all legislators, legislative
14 officers, and legislative employees.

15 (3) A complaint and investigation process as provided in G.S. 120-36.27.

16 **"§ 120-36.27. Reporting and investigation.**

17 (a) An individual who believes the individual has been the subject of or has witnessed
18 improper workplace behavior should discuss the individual's concerns with any one of the
19 following: the head of the Human Resources Office, the independent third party retained pursuant
20 to G.S. 120-36.28, or the person designated by the majority and minority leaders of each
21 chamber. The person who receives the report shall take steps to resolve the problem informally.

22 (b) If the problem is not resolved informally to the satisfaction of the individual who
23 made the report, the person who received the report will promptly refer the matter to the
24 independent third party retained pursuant to G.S. 120-36.28 to conduct an investigation of the
25 complaint. All information will be maintained on a confidential basis to the greatest extent
26 possible. Only those who need to know in order to accomplish the purpose of the investigation
27 shall be provided with the identity of the complainant and the allegations. All parties, including
28 the complainant and the alleged harasser, contacted in the course of an investigation shall be
29 advised of the necessity of confidentiality and that any breach of confidentiality shall be treated
30 as misconduct subject to disciplinary action.

31 (c) Adverse actions taken in retaliation against an individual for reporting sexual
32 harassment or other unlawful discrimination or for participating in an investigation of a claim of
33 harassment or discrimination constitute a serious violation of the Article and will be subject to
34 disciplinary action.

35 **"§ 120-36.28. Independent third party.**

36 The LSC shall contract with an independent third party to provide the following services
37 related to implementation of this Article:

38 (1) Confidential information and advice to individuals who report improper
39 workplace behavior under G.S. 120-36.27(a).

40 (2) Investigative support and advice to the designated employee receiving and
41 investigating reports of misconduct.

42 (3) Investigative actions under G.S. 120-36.27(b).

43 **"§ 120-36.29. Resolution.**

44 (a) In order to facilitate an appropriate resolution, any report involving a legislator or
45 staff to a legislator will be brought to the attention of the relevant presiding officer as well as the
46 relevant minority leader. Any report involving an employee of the LSC will be promptly brought
47 to the attention of the Legislative Services Officer. If the investigation supports a finding of a
48 violation of this Article, prompt and effective remedial action will be taken. Responsive action
49 may include training, referral to counseling, or disciplinary action as determined to be appropriate
50 under the circumstances, including referral to the LEC. Disciplinary action for a non-legislator
51 may include warning, reprimand, withholding of a promotion or pay increase, reassignment,

1 temporary suspension without pay, termination, or other punishment. Disciplinary action for a
2 legislator may include warning, reprimand, reassignment, expulsion, or other punishment in
3 accordance with Section 20 of Article II of the North Carolina Constitution.

4 (b) If the investigation does not support a finding that this policy has been violated, the
5 individual making the report and the individual against whom the allegation was made shall be
6 so advised. Both will be advised that retaliation for making the report is prohibited.

7 **"§ 120-36.30. Appeal.**

8 If a party involved in the reported incident does not agree with its resolution, that party may
9 appeal to the appropriate presiding officer within 10 days of receiving notice about resolution of
10 the complaint. Within 45 days, the presiding officer or designee will render a decision on the
11 appeal."

12 **SECTION 2.** There is appropriated from the General Fund to the General Assembly,
13 Legislative Services Commission, the sum of two hundred fifty thousand dollars (\$250,000) for
14 the 2023-2024 and 2024-2025 fiscal years to be used to implement this act. The funds shall be
15 allocated as follows:

- 16 (1) Fifty thousand dollars (\$50,000) for literature, documents, and training
17 materials required for developing an infrastructure for a mandatory yearly
18 ethics training program that focuses on the identification and prevention of
19 sexual harassment, abuse, misconduct, gender discrimination, and other forms
20 of workplace discrimination.
21 (2) Two hundred thousand dollars (\$200,000) for contractual services required
22 under Section 1 of this act.

23 **SECTION 3.** This act becomes effective July 1, 2023.