

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

ENGROSSED

LLS NO. R19-1124.01 Jerry Barry x4341

SJR19-010

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SENATE JOINT RESOLUTION 19-010

101 CONCERNING CHANGES TO THE JOINT RULES OF THE SENATE AND
102 HOUSE OF REPRESENTATIVES TO IMPLEMENT CHANGES IN
103 WORKPLACE POLICIES.

1 *Be It Resolved by the Senate of the Seventy-second General*
2 *Assembly of the State of Colorado, the House of Representatives*
3 *concurring herein:*

4 That in the Joint Rules of the Senate and House of
5 Representatives, Joint Rule No. 36, **amend** (d)(4); and **add** (b)(11) as
6 follows:

7 **36. LOBBYING PRACTICES**

8 (b) ***Prohibited practices.*** No person engaging in lobbying shall:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended Final Rdg
May 2, 2019

1 (11) VIOLATE THE WORKPLACE HARASSMENT POLICY OF THE
2 GENERAL ASSEMBLY OR THE WORKPLACE EXPECTATIONS
3 POLICY OF THE GENERAL ASSEMBLY ADOPTED PURSUANT
4 TO JOINT RULE NO. 38.

5 (d) *Violation - complaint.*

6 (4) (A) EXCEPT AS PROVIDED IN SUBSECTION (d)(4)(B) OF
7 THIS JOINT RULE, all proceedings of the committee
8 shall be public. The accused shall be entitled to be
9 present during the proceedings. The committee
10 members shall submit a report to the Executive
11 Committee.

12 (B) IF THE COMPLAINT IS BASED ON SUBSECTION (b)(11)
13 OF THIS JOINT RULE, THE COMMITTEE SHALL HOLD
14 ALL MEETINGS IN EXECUTIVE SESSION, AND THE
15 COMMITTEE MEMBERS SHALL NOT RELEASE ANY
16 INFORMATION ABOUT THE MEETINGS OR THE
17 TESTIMONY RECEIVED EXCEPT AS PERMITTED UNDER
18 THE GENERAL ASSEMBLY'S WORKPLACE
19 HARASSMENT POLICY ADOPTED PURSUANT TO JOINT
20 RULE 38.

21 That in the Joint Rules of the Senate and the House of
22 Representatives, **repeal and reenact** Joint Rule No. 38 as follows:

23
24
25

**38. WORKPLACE HARRASSMENT
AND EXPECTATIONS POLICIES**

26 (a) *Declaration.* THE GENERAL ASSEMBLY IS COMMITTED TO
27 MAINTAINING A WORKPLACE THAT ENCOURAGES MUTUAL RESPECT
28 AND PROMOTES RESPECTFUL, PROFESSIONAL, AND CONGENIAL
29 RELATIONSHIPS AND THAT IS FREE FROM HARASSMENT FROM OR
30 TOWARD LEGISLATORS, LEGISLATIVE EMPLOYEES, OR THIRD
31 PARTIES. THE CITIZENS OF THE STATE OF COLORADO EXPECT THEIR
32 ELECTED OFFICIALS TO BEHAVE IN A MANNER BEFITTING THE
33 HONOR AND PRIVILEGE THEY HOLD AS REPRESENTATIVES OF THE
34 CITIZENS OF COLORADO. THE GENERAL ASSEMBLY HOLDS THE
35 MEMBERS OF ITS COMMUNITY AND LEGISLATORS, IN PARTICULAR,

1 TO A HIGHER STANDARD OF CONDUCT THAN SIMPLY AVOIDING
2 UNLAWFUL HARASSMENT. WHEN DISRESPECTFUL BEHAVIOR AND
3 HARASSMENT PERSIST, EVEN WHEN NOT UNLAWFUL OR DIRECTED
4 AT AN INDIVIDUAL BECAUSE THAT PERSON IS A MEMBER OF A
5 PROTECTED CLASS, IT DIMINISHES THE DIGNITY AND STATURE OF
6 THE INSTITUTION OF THE GENERAL ASSEMBLY AND CAN LEAD TO
7 UNLAWFUL HARASSMENT.

8 (b) ***Workplace Harassment Policy.***

9 (1) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS IN
10 THE OFFICE OF LEGISLATIVE LEGAL SERVICES, IN
11 CONSULTATION WITH THE SECRETARY OF THE SENATE, THE
12 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
13 STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN
14 STAFF AGENCIES OF THE GENERAL ASSEMBLY, SHALL
15 DEVELOP A WORKPLACE HARASSMENT POLICY. THE
16 WORKPLACE HARASSMENT POLICY IS APPLICABLE TO ALL
17 LEGISLATORS; LEGISLATIVE EMPLOYEES, EXCEPT TO SUCH
18 LEGISLATIVE EMPLOYEES WHO ARE SUBJECT TO THE STATE
19 PERSONNEL SYSTEM; AND THIRD PARTIES. THE POLICY, AND
20 ANY AMENDMENT TO THE POLICY, IS SUBJECT TO THE
21 APPROVAL OF THE EXECUTIVE COMMITTEE OF THE
22 LEGISLATIVE COUNCIL.

23 (2) THE WORKPLACE HARASSMENT POLICY MUST INCLUDE:

24 (A) BOTH A FORMAL AND INFORMAL COMPLAINT
25 RESOLUTION PROCESS;

26 (B) THAT, EXCEPT AS NECESSARY TO COMPLETE AN
27 INVESTIGATION AND PROVIDE ANY
28 ACCOMMODATIONS, THE IDENTITY OF A
29 COMPLAINANT MUST NOT BE DISCLOSED TO ANYONE,
30 INCLUDING MEMBERS OF A WORKPLACE
31 HARASSMENT COMMITTEE AND LEADERSHIP;

32 (C) THAT THE INFORMATION OBTAINED DURING THE
33 INFORMAL COMPLAINT PROCESS OR THE FORMAL
34 COMPLAINT PROCESS REMAINS CONFIDENTIAL,
35 EXCEPT AS AUTHORIZED IN THE WORKPLACE
36 HARASSMENT POLICY;

1 (D) THAT, EXCEPT AS SPECIFICALLY ALLOWED UNDER
2 THE WORKPLACE HARASSMENT POLICY,
3 LEGISLATORS AND LEGISLATIVE EMPLOYEES SHALL
4 KEEP ALL MATTERS RELATING TO AN ALLEGED
5 VIOLATION OF THE POLICY CONFIDENTIAL AND THIRD
6 PARTIES SHALL KEEP SUCH MATTERS CONFIDENTIAL
7 TO THE EXTENT PERMITTED BY LAW;

8 (E) THAT BOTH COMPLAINANTS AND RESPONDENTS BE
9 GIVEN EQUAL ACCESS TO INFORMATION AND
10 SERVICES;

11 (F) THAT A VIOLATION UNDER THE POLICY MUST BE
12 FOUNDED ON A CLAIM OF HARASSMENT BASED ON AN
13 INDIVIDUAL'S DISABILITY, RACE, CREED, COLOR, SEX,
14 SEXUAL ORIENTATION, RELIGION, AGE FORTY AND
15 OLDER, NATIONAL ORIGIN, MILITARY STATUS,
16 GENETIC INFORMATION OR ANCESTRY, OR ANY
17 OTHER CLASS PROTECTED BY STATE OR FEDERAL
18 LAW OR ON AN ACT OF RETALIATION UNDER THE
19 POLICY;

20 (G) THAT FACTUAL DETERMINATIONS BE FOUND BY A
21 PREPONDERANCE OF THE EVIDENCE STANDARD AND
22 THAT VIOLATIONS BE BASED ON BOTH A SUBJECTIVE
23 STANDARD THAT THE COMPLAINANT FOUND THE
24 ACTION OR ACTIONS TO BE OFFENSIVE AND AN
25 OBJECTIVE STANDARD THAT A REASONABLE PERSON
26 IN THE COMPLAINANT'S POSITION WOULD HAVE
27 FOUND THE ACTION OR ACTIONS TO BE OFFENSIVE;
28 AND

29 (H) IF, FOLLOWING A FORMAL INVESTIGATION, IT IS
30 FOUND THAT A LOBBYIST HAS VIOLATED THE
31 WORKPLACE HARASSMENT POLICY, AN EXECUTIVE
32 SUMMARY OF THE FINDINGS OF ANY INVESTIGATION
33 MUST BE FORWARDED TO THE EXECUTIVE
34 COMMITTEE OF THE LEGISLATIVE COUNCIL, WHO
35 SHALL TREAT THE SUMMARY AS A COMPLAINT
36 UNDER JOINT RULE 36.

37 (c) ***Workplace Expectations Policy.***

1 (1) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS IN
2 THE OFFICE OF LEGISLATIVE LEGAL SERVICES, IN
3 CONSULTATION WITH THE SECRETARY OF THE SENATE, THE
4 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
5 STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN
6 STAFF AGENCIES OF THE GENERAL ASSEMBLY, SHALL
7 DEVELOP A WORKPLACE EXPECTATIONS POLICY. THE
8 WORKPLACE EXPECTATIONS POLICY IS APPLICABLE TO ALL
9 LEGISLATORS; LEGISLATIVE EMPLOYEES, EXCEPT SUCH
10 LEGISLATIVE EMPLOYEES WHO ARE SUBJECT TO THE STATE
11 PERSONNEL SYSTEM; AND THIRD PARTIES. THE POLICY, AND
12 ANY AMENDMENT TO THE POLICY, IS SUBJECT TO THE
13 APPROVAL OF THE EXECUTIVE COMMITTEE OF THE
14 LEGISLATIVE COUNCIL.

15 (2) THE WORKPLACE EXPECTATIONS POLICY MUST INCLUDE:

16 (A) AN INFORMAL COMPLAINT RESOLUTION PROCESS;

17 (B) THAT, EXCEPT AS NECESSARY TO COMPLETE THE
18 INFORMAL COMPLAINT RESOLUTION PROCESS AND
19 PROVIDE ANY ACCOMMODATIONS, THE IDENTITY OF
20 A COMPLAINANT MUST NOT BE DISCLOSED TO
21 ANYONE, INCLUDING MEMBERS OF A WORKPLACE
22 HARASSMENT COMMITTEE AND LEADERSHIP;

23 (C) THAT THE INFORMATION OBTAINED DURING THE
24 INFORMAL COMPLAINT PROCESS REMAINS
25 CONFIDENTIAL, EXCEPT AS AUTHORIZED IN THE
26 WORKPLACE HARASSMENT POLICY; AND

27 (D) EXCEPT AS SPECIFICALLY ALLOWED UNDER THE
28 WORKPLACE EXPECTATIONS POLICY, LEGISLATORS
29 AND LEGISLATIVE EMPLOYEES SHALL KEEP ALL
30 MATTERS RELATING TO AN ALLEGED VIOLATION OF
31 THE POLICY CONFIDENTIAL AND THIRD PARTIES
32 SHALL KEEP SUCH MATTERS CONFIDENTIAL TO THE
33 EXTENT PERMITTED BY LAW.

34 (d) ***Personnel Manuals and Review.***

35 (1) FOLLOWING APPROVAL BY THE EXECUTIVE COMMITTEE OF

1 THE LEGISLATIVE COUNCIL, THE WORKPLACE HARASSMENT
2 POLICY AND THE WORKPLACE EXPECTATIONS POLICY MUST
3 BE INCLUDED IN EACH AGENCY'S OR HOUSE'S PERSONNEL
4 MANUAL OR EQUIVALENT DOCUMENT AND POSTED
5 PROMINENTLY ON THE GENERAL ASSEMBLY'S HOME PAGE
6 ON THE INTERNET.

7 (2) THE OFFICE OF LEGISLATIVE WORKPLACE RELATIONS
8 SHALL ANNUALLY REVIEW THE POLICIES AND, AFTER
9 CONSULTATION WITH THE SECRETARY OF THE SENATE, THE
10 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
11 STATE AUDITOR, AND THE DIRECTORS OF THE NONPARTISAN
12 STAFF AGENCIES OF THE GENERAL ASSEMBLY, MAY
13 RECOMMEND CHANGES TO THE POLICIES TO THE EXECUTIVE
14 COMMITTEE.

15 (e) ***Confidentiality.***

16 (1) EXCEPT AS PERMITTED UNDER THE WORKPLACE
17 HARASSMENT POLICY OR THE WORKPLACE EXPECTATIONS
18 POLICY, ALL DOCUMENTS RELATED TO ANY INQUIRY OR
19 COMPLAINT UNDER EITHER OF THE POLICIES ARE
20 CONFIDENTIAL AND ARE NOT SUBJECT TO PUBLIC
21 INSPECTION UNDER PART 2 OF ARTICLE 72 OF TITLE 24,
22 COLORADO REVISED STATUTES.

23 (2) MEETINGS OF A WORKPLACE HARASSMENT COMMITTEE AT
24 WHICH A COMPLAINT, INVESTIGATION, OR REMEDIAL ACTION
25 IS DISCUSSED MAY BE CONDUCTED IN EXECUTIVE SESSION
26 AS DESCRIBED IN SECTION 24-6-402 (3)(a)(III), COLORADO
27 REVISED STATUTES.

28 (f) ***Training.***

29 (1) PRIOR TO THE COMMENCEMENT OF EACH REGULAR SESSION
30 OF THE GENERAL ASSEMBLY, THE OFFICE OF LEGISLATIVE
31 WORKPLACE RELATIONS SHALL PROVIDE TRAINING ON THE
32 WORKPLACE EXPECTATIONS POLICY AND THE WORKPLACE
33 HARASSMENT POLICY TO NEWLY ELECTED MEMBERS. THE
34 OFFICE SHALL PROVIDE ANNUAL TRAINING ON THE POLICIES
35 TO RETURNING MEMBERS OF THE GENERAL ASSEMBLY. A
36 LIST OF ANY MEMBERS WHO DO NOT ATTEND THE ANNUAL

1 TRAINING SHALL BE PUBLICLY AVAILABLE.

2 (2) PRIOR TO OR SOON AFTER THE COMMENCEMENT OF EACH
3 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE OFFICE
4 SHALL PROVIDE MANDATORY TRAINING ON THE POLICIES TO
5 ALL NEWLY EMPLOYED LEGISLATIVE EMPLOYEES. THE
6 OFFICE SHALL PROVIDE ANNUAL, MANDATORY TRAINING ON
7 THE POLICIES TO EMPLOYEES OF THE GENERAL ASSEMBLY.

8 (3) PRIOR TO OR SOON AFTER THE COMMENCEMENT OF EACH
9 REGULAR SESSION OF THE GENERAL ASSEMBLY, THE OFFICE
10 SHALL PROVIDE VOLUNTARY TRAINING ON THE POLICIES TO
11 THIRD PARTIES, WHO ARE ENCOURAGED TO ATTEND SUCH
12 TRAINING.

13 (g) *Definitions.* AS USED IN THIS JOINT RULE 38:

14 (1) "LEGISLATIVE EMPLOYEE" MEANS AN EMPLOYEE OF THE
15 LEGISLATIVE COUNCIL STAFF, THE OFFICE OF LEGISLATIVE
16 LEGAL SERVICES, THE JOINT BUDGET COMMITTEE STAFF,
17 THE OFFICE OF THE STATE AUDITOR, THE SENATE, OR THE
18 HOUSE OF REPRESENTATIVES, OR ANY LEGISLATIVE AIDE TO
19 A MEMBER, LEGISLATIVE INTERN, OR VOLUNTEER STAFF
20 PERSON.

21 (2) "THIRD PARTIES" MEANS LOBBYISTS, MEMBERS OF THE
22 MEDIA, AND MEMBERS OF THE GENERAL PUBLIC WHO HAVE
23 BUSINESS AT THE STATE CAPITOL OR WHO ARE DOING
24 BUSINESS WITH LEGISLATIVE SERVICE AGENCIES, THE
25 SENATE, OR THE HOUSE OF REPRESENTATIVES.